MODESTO CITY COUNCIL
RESOLUTION NO. 2000-1

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD NORTHERN CALIFORNIA INC. FOR REIMBURSEMENT FOR IMPROVEMENTS AND RIGHT-OF-WAY DEDICATIONS ON PRESCOTT ROAD AND PELANDALE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an agreement between the City of Modesto and Kaufman and Broad Northern California Inc. for reimbursement for improvements and right-of-way dedications on Prescott Road and Pelandale Avenue 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 4th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-2

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET ESTIMATING REVENUES AND ESTABLISHING A NEW CIP PROJECT

WHEREAS, StanCOG makes Local Transportation Funds available annual in what is known as a supplemental apportionment. The amount is money unapportioned from the previous fiscal year; and is estimated to be $395,000; and

WHEREAS, LTF funds can only be used for transportation purposes; and

WHEREAS, staff is recommending this additional revenue be used for Modesto Area Express service; purchase of three buses; security patrol service at the Amtrak Station; and street pavement maintenance projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated in Attachment A.

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 4th 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

ATTACHMENT A

BT049 E&T - 3 Transit Buses / Amtrak / Street Maintence
City Council Meeting 01/04/00

Revenues:	Fund	Agy	AU	Org	Obj	Current Budget	Inc/Dec	Revised Budget	Remarks
LTF	6510	510		9510	3204	162,000	177,600	339,600	LTF - 3 Transit Buses - CIP
FTA	6510	510		9510	3604	9,111,351	710,400	9,821,751	FTA - 3 Transit Buses - CIP
						9,273,351	888,000	10,161,351	Sub-total Revenue-3 Buses
Amtrak	6510	510		9510	3158	1,962,143	2,700	1,964,843	Amtrak Station-operating (set-up)
	0510	510		9510	1213		100,000	100,000	LTF - non- Transit non-CIP
	0510	510		9510	1213		77,000	77,000	LTF - non- Transit non-CIP
	0510	510		9510	1213		37,000	37,000	LTF - non- Transit non-CIP
						1,700,000	214,000	1,914,000	sub-total LTF - non- Transit non-CIP
						12,935,494	1,104,700	14,040,194	Total Revenue
Transfers	0700	700		7000	9051	1,963,000	100,000	2,063,000	
	0100	700		7000	9051	700,000	77,000	777,000	
							177,000	177,000	Sub-tot Transfers

Expenses:	Fund	Agy	AU	Org	Obj	Current Budget	Inc/Dec	Revised Budget	Remarks
	6510	160	1672C	1672	0232	3,418,644	26,000	3,444,644	LTF-Supplemental Bus Svc
	6510	480	5612C	5612	0330	371,000	11,000	382,000	LTF-Supplemental Bus Svc
new CIP	6510	160	L127	L127	6040	0	888,000	888,000	3 transit buses
	6510	160	1672C	1675	0235	2,710	2,700	5,410	LTF CHK Lisa F on fund-Amtrak station
	0700	430		L036	6040	200,000	100,000	300,000	LTF-Street Pavement Maint. Project
	0100	480	4800C	4612	0360	196,970	40,000	236,970	LTF-Street Maint.
	0100	480	4800A	4612	0188	0	37,000	37,000	LTF-Street Maint.
							1,104,700		Total Appropriation
Transfer	0510	700	0510G	7000	7070	1,963,000	100,000	2,063,000	
	0510	700	0510G	7000	7010	700,000	77,000	777,000	
						2,663,000	177,000	2,840,000	Sub-tot Transfers

394,300 LTF
710,400 FTA
1,104,700

Normally:
Fund 0510 used for LTF Non-Transit
Fund 6510 used for LTF-Transit

note: worked with f. cavanah and lisa forester

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-3

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE HOLLOW NO. 3 AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Hollow No. 3 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $176,000 and $88,000 Respectively to guarantee improvements in Rose Hollow No. 3 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 Rose Hollow No. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $176,000 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 $17,600 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 4th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-4

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN KENSINGTON PARK UNIT NO. 1 AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Properties, a California Corporation, subdividers of Kensington Park Unit No. 1 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $812,800 and $406,400 respectively to guarantee improvements in Kensington Park Unit No. 1 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 Kensington Park Unit No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $812,800 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 $406,400 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 4th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-5

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN WILDFLOWER SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Kaufman Capital Corporation, a California Corporation, subdividers of Wildflower subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $1,208,311 and $514,155.50 respectively to guarantee improvements in Wildflower 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 Wildflower Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $1,208,311 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 $514,155.50 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 4th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-6

Print

A RESOLUTION APPROVING COOPERATIVE AGREEMENT NO. 10-118 BETWEEN THE CITY OF MODESTO AND CALTRANS FOR INSTALLATION OF TRAFFIC SIGNAL CONTROLLERS AND FOUNDATIONS AT VARIOUS LOCATIONS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Cooperative Agreement No. 10-118 between the City of Modesto and Caltrans for installation of traffic signal controllers and foundations at various locations in the City of 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 4th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-6A

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE FROM THE STATE COST SHARING AGREEMENT

WHEREAS, staff successfully applied for a Congestion management and Air Quality (CMAQ) grant which paid for the purchase of traffic controllers; and

WHEREAS, the City requested that Caltrans share in the direct construction costs for installing 13 controllers that are on State routes; and

WHEREAS, Caltrans has agreed to participate and will contribute $20,000 towards the installation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

#0700-160-K388	$20,000
#0700-510-3138	$20,000

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 4th 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 votes:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-7

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TAI CHI CHUAN TO PROVIDE SELF-DEFENSE CLASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tai Chi Chuan to provide self-defense classes 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 4th 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
JEAN ZAHR, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-8

Print

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH CHRIS RICCI PRESENTS, INC., TO HOST A STREET FESTIVAL, THE "EXCLAMATION FEST," IN DOWNTOWN MODESTO ON SATURDAY, JULY 22, 2000.

WHEREAS, staff has received a request from Chris Ricci Presents, Inc, to host an adult-only street festival, the *Exclamation Fest*, in downtown Modesto on Saturday, July 22, 2000, and

WHEREAS, the promoters are proposing to pay for all costs, including city services, specifically Modesto Police Department coverage (event security), medical emergency coverage, event setup, event cleanup, insurance, and any other services that the City may deem necessary, and

WHEREAS, permits for street closure will be required, and waiver of amplified music and/or noise ordinances may be required, and

WHEREAS, the promoters have met with City staff and have received an endorsement from the Downtown Improvement District, and

WHEREAS, the Human Services Committee met on December 14, 1999, and recommended that staff be authorized to negotiate an agreement for this event, and

WHEREAS, the Council considered this matter at its meeting of January 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to negotiate an agreement, with Chris Ricci Presents, Inc., to host a street festival, the "*Exclamation Fest*," in downtown Modesto on Saturday, July 22, 2000. The agreement shall provide for a letter of credit to secure the covenants made by the promoter in the agreement.

BE IT FURTHER RESOLVED that City staff will return to the City Council for authorization for the City Manager to execute the proposed agreement.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 4th day of January, 2000, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-9

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF 12 WATER WELL SITES REORGANIZATION TO THE CITY OF MODESTO. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the annexation of *Twelve (12) Water Well Sites Reorganization (hereafter referred to as the "territory")* to the City of Modesto, and

WHEREAS, the City is the owner of one hundred (100) percent of the property involved, and is the only agency that will gain territory from the annexation of the territory, and

WHEREAS, State law permits the Local Agency Formation Commission (hereafter referred to as "LAFCO") to make a determination on the proposal without notice and hearing and permits the City to waive the Conducting Authority Proceedings, and

WHEREAS, State annexation law, the Cortese-Knox Local Government Reorganization Act of 1985, Section 56111, permits cities to annex non-contiguous lands (not exceeding 300 acres) as long as they are owned by the city and are being used for municipal purposes, and

WHEREAS, the City of Modesto acquired a number of water well and tank sites at the time the City purchased the Del Este Water Company, and

WHEREAS, these public facility sites are scattered throughout the Modesto General Plan Area including Salida and the unincorporated Del Rio area, and

WHEREAS, there are no Williamson Act contracts within the proposed annexation area, and

WHEREAS, the territory proposed to be annexed is uninhabited, and the *Twelve (12) Water Well Sites* are as shown on the Map of Annexation Proposal which is marked as Exhibit "A", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed ranges from .01 acre to 5 acres, for a total of approximately 8.89 acres, as set forth on Exhibits "B-1" through "B-12", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibits "B-1" through "B-12" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the following Fire Protection Districts:

1. Well Site No. 1 Reorganization - from the Salida Fire Protection District.

2. Well Site No. 2 Reorganization - from the Stanislaus

Consolidated Fire Protection District.

3. Well Site No. 3 Reorganization - from the Stanislaus Consolidated Fire Protection District.

4. Well Site No. 4 Reorganization - from the Stanislaus Consolidated Fire Protection District.

5. Well Site No. 5 Reorganization - from the Stanislaus Consolidated Fire Protection District.

6. Well Site No. 6 Reorganization - from the Stanislaus Consolidated Fire Protection District.

7. Well Site No. 7 Reorganization - from the Stanislaus Consolidated Fire Protection District.

8. Well Site No. 8 Reorganization - from the Stanislaus Consolidated Fire Protection District.

9. Well Site No. 9 Reorganization - from the Woodland Avenue Fire Protection District.

10. Well Site No. 10 Reorganization - from the Burbank-Paradise Fire Protection District.

11. Well Site No. 11 Reorganization - from the Woodland Avenue Fire Protection District.

12. Well Site No. 12 - from the Woodland Avenue Fire Protection District.

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed *Twelve (12) Water Well Sites Reorganization* to the City of Modesto is as follows:

> The *Twelve (12) Water Well Sites* have no potential for further development other than public facilities,

and

WHEREAS, the proposed reorganization is categorically exempt under CEQA Guidelines Section 15319 (a), which section basically provides for the annexation of existing facilities and lots for exempt facilities, public or private, which would not require additional capacity to be served, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "C", attached hereto and by this reference incorporated herein, and

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That pursuant to Cortese-Knox Section 56837, the City consents to LAFCO waiving the Conducting Authority Proceeding, said consent allows the completion of the proceedings without notice, hearing, or election.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the annexation of the *Twelve (12) Water Well Sites* Reorganization, as set forth on Exhibits "B-1" through "B-12", attached hereto,

according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the annexation of *Twelve (12) Water Well Sites Reorganization* to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th 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, Dobbs, Fisher, Friedman, Frohman, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

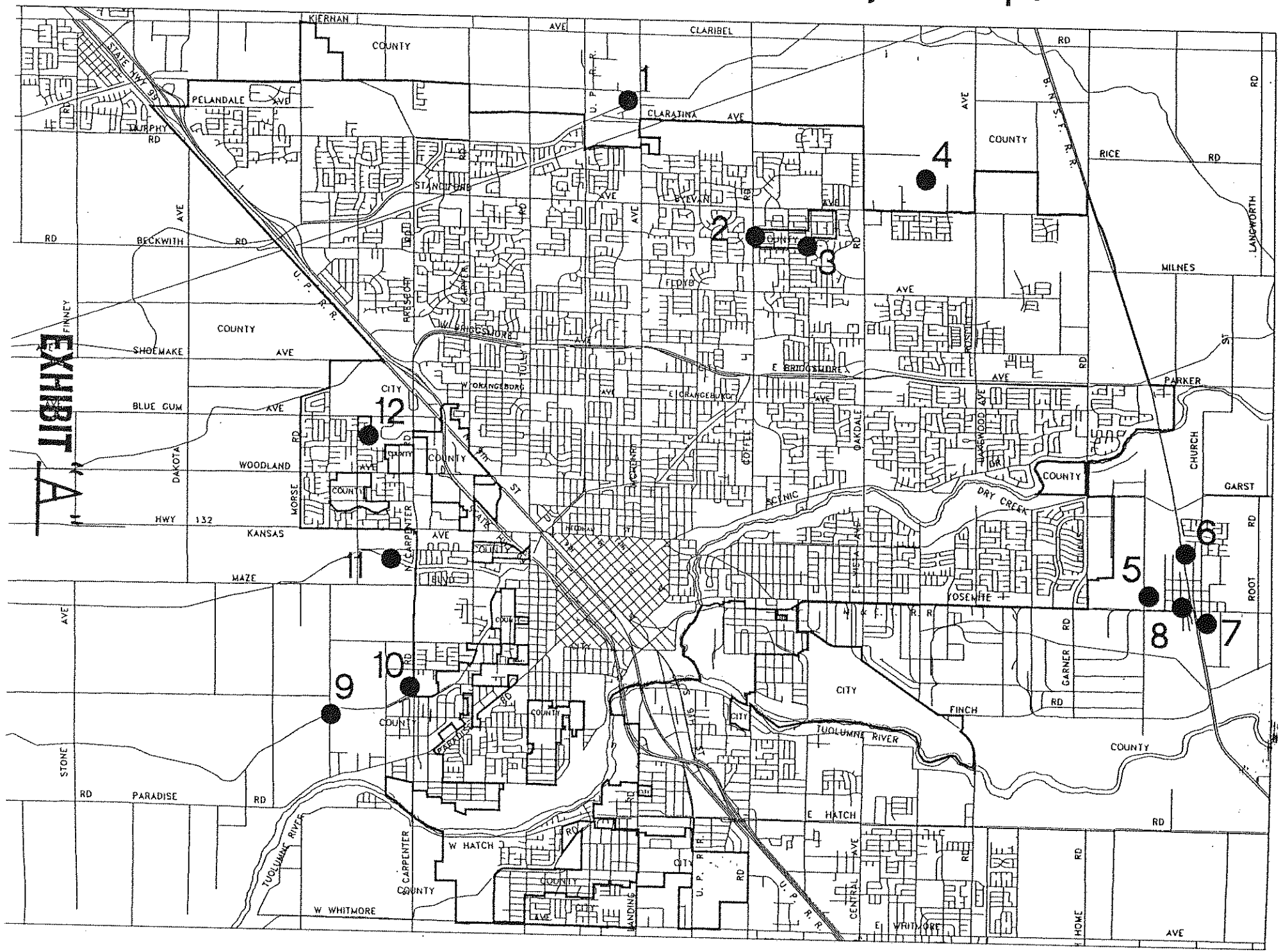
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

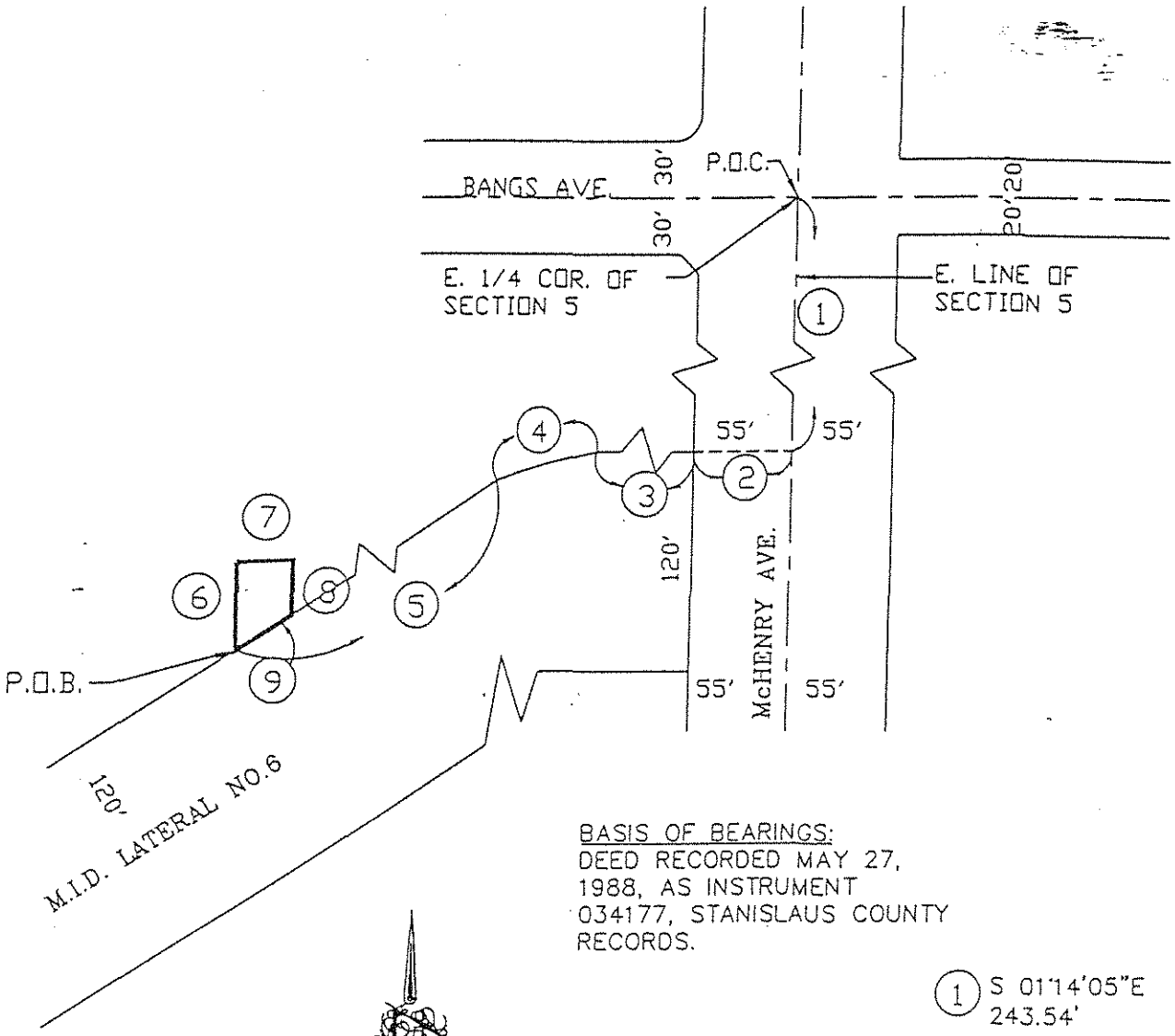
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

12 Water Well Annexation (Key - Map)





BASIS OF BEARINGS:
DEED RECORDED MAY 27, 1988, AS INSTRUMENT 034177, STANISLAUS COUNTY RECORDS.

SCALE: 1"=100'

(1) S 01°14'05"E 243.54'

(2) N 89°32'35"W 25.01'

(3) N 89°32'35"W 98.21'

(4) R=396.70' Δ =33°13'15" Ch=226.80' L=230.01'

(5) S 57°14'10"W 336.84'

(6) N 01°14'10"W 48.40'

(7) N 88°45'50"E 30.00'

(8) S 01°14'10"E 30.00'

(9) S 57°14'10"W 35.20'

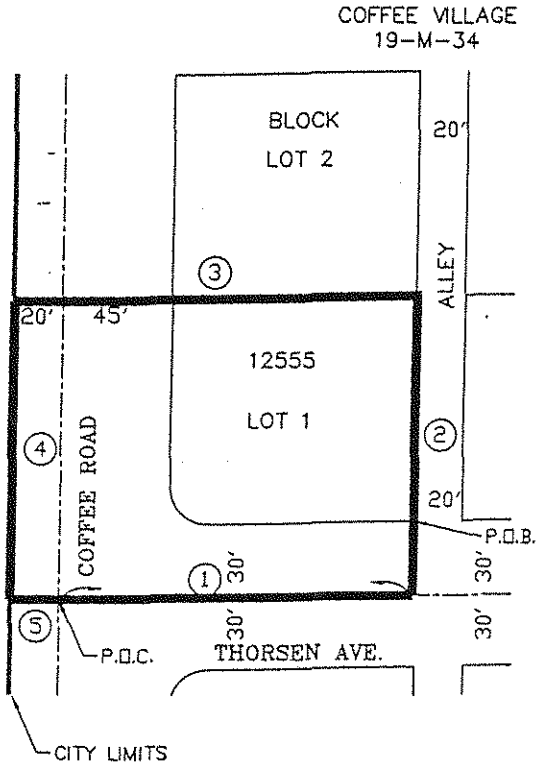
REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT
PREZONED TO C-3, HIGHWAY COMMERCIAL ZONE.

WELL SITE NO.1 REORGANIZATION to the City of Modesto

0.027 ACRES

SEC.5, T.3S., R.9E., MDB&M

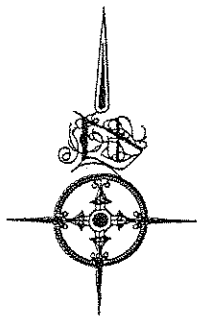
EXHIBIT "B-1"



BASIS OF BEARING

COURSE OF N 89°26'E ON E.W. 1/4 LINE THRU SECTION 10 AS SHOWN ON STANISLAUS SURVEY #529, AND SURVEY OF PORTION OF SW 1/4 OF SEC.10 FILED DEC. 21, 1959 IN BOOK 8 OF SURVEYS AT PAGE 20.

1. N 89°30'E 145.00'
2. N 00°47'20"W 122.00'
3. N 89°12'40"W 165.00'
4. S 00°47'20"E 121.92'
5. N 89°30'E 20.00'



SCALE: 1"=80'

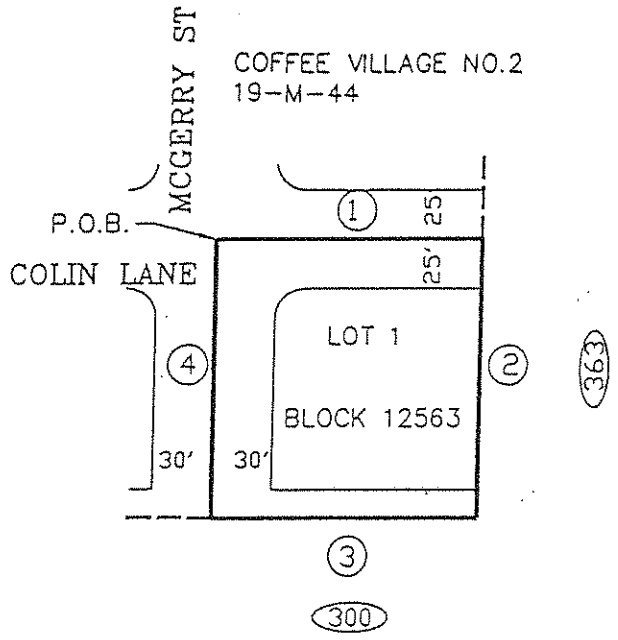
REFERENCES ARE TO STANISLAUS COUNTY RECORDS.
DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT PREZONED TO R-2, MEDIUM DENSITY RESIDENTIAL ZONE.

WELL SITE NO.2 REORGANIZATION to the City of Modesto

0.209 ACRES

SEC.10, T.3S., R.9E., MDB&M

EXHIBIT "B-2"



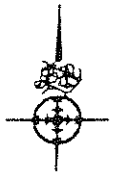
EXISTING CITY LIMITS (PREVIOUS ANNEXATION BOUNDARY) ———————

BASIS OF BEARING
COURSE OF N89°26'E ALONG E.W. 1/4 LINE THRU SECTION 10 AS SHOWN ON STANISLAUS SURVEY #529, AND SURVEY OF A PORTION OF S.W. 1/4 OF SECTION 10, FILED DECEMBER 21, 1959, IN BOOK 8 OF SURVEYS AT PAGE 20.

(300) SYLVAN SCHOOL NO.2 ADDITION FILED 1-19-73 INSTR. 29981

(363) OAKDALE-SYLVAN NO.2 ADDITION FILED 11-8-77 INSTR. 30229

(1) N 89°30'E 137.18'
(2) S 00°53'20"E 140.78'
(3) S 89°33'30"W 137.43'
(4) N 00°47'20"W 140.64'



SCALE 1"=100'

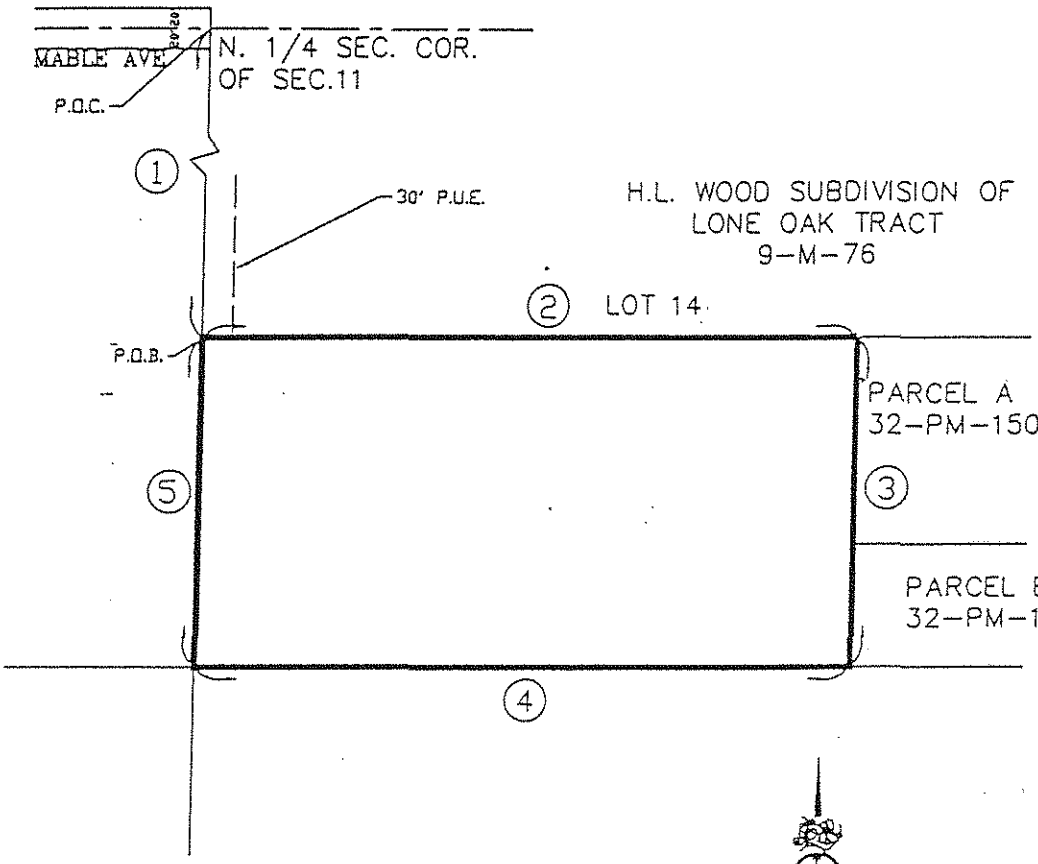
REFERENCES ARE TO STANISLAUS COUNTY RECORDS.
DETACHMENT FROM STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE.

WELL SITE NO.3 REORANIZATION to the City of Modesto

.444 ACRES

SEC.10, T.3S. R.9E., MDB&M

EXHIBIT "B-3"



BASIS OF BEARINGS:
AS PER MAP FILED IN BOOK 32 OF PARCEL MAPS, PAGE 150, STANISLAUS COUNTY RECORDS.

SCALE: 1"=200'

1. S 00°43'51"E 987.65'
2. N 89°16'00"E 656.55'
3. S 2°46'06"E 336.80"
4. S 89°30'47"W 668.53'
5. N 00°43'51"W 333.71'

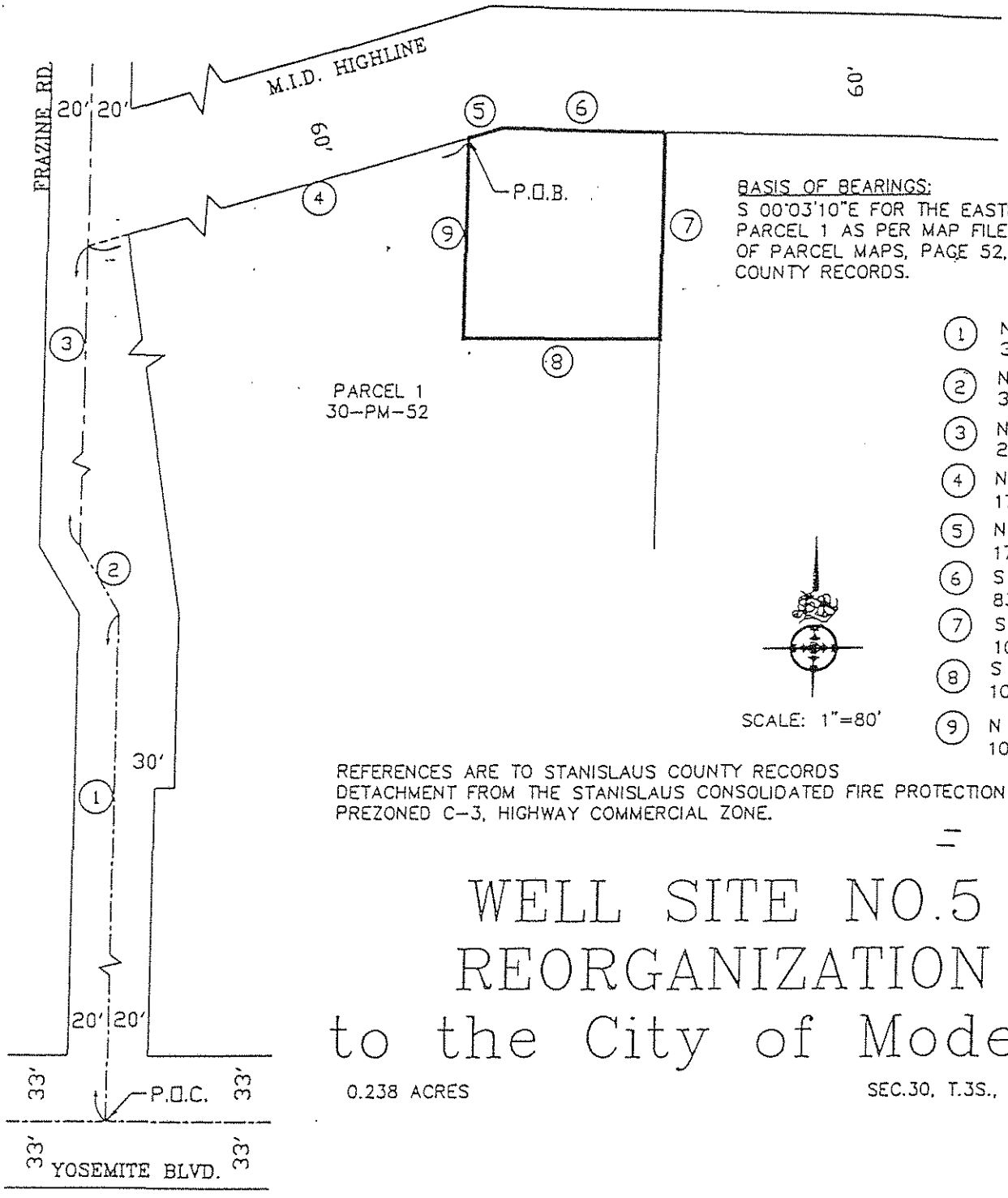
REFERENCES ARE TO STANISLAUS COUNTY RECORDS. DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT PREZONED SP-O, SPECIFIC PLAN OVERLAY ZONE.

WELL SITE NO.4 REORGANIZATION to the City of Modesto

5.10 ACRES

SEC.11, T.3S. R.9E. MDB&M

EXHIBIT "B-4"



BASIS OF BEARINGS:
S 00°03'10"E FOR THE EASTERN LINE OF PARCEL 1 AS PER MAP FILED IN BOOK 30 OF PARCEL MAPS, PAGE 52, STANISLAUS COUNTY RECORDS.

1. N 00°02'23"W 341.82'
2. N 31°57'23"W 39.52'
3. N 00°03'20"E 250.52'
4. N 74°23'20"E 177.13'
5. N 74°23'20"E 17.65'
6. S 88°57'40"E 83.01'
7. S 00°03'10"E 103.15'
8. S 89°56'50"W 100.00'
9. N 00°03'10"W 100.00'

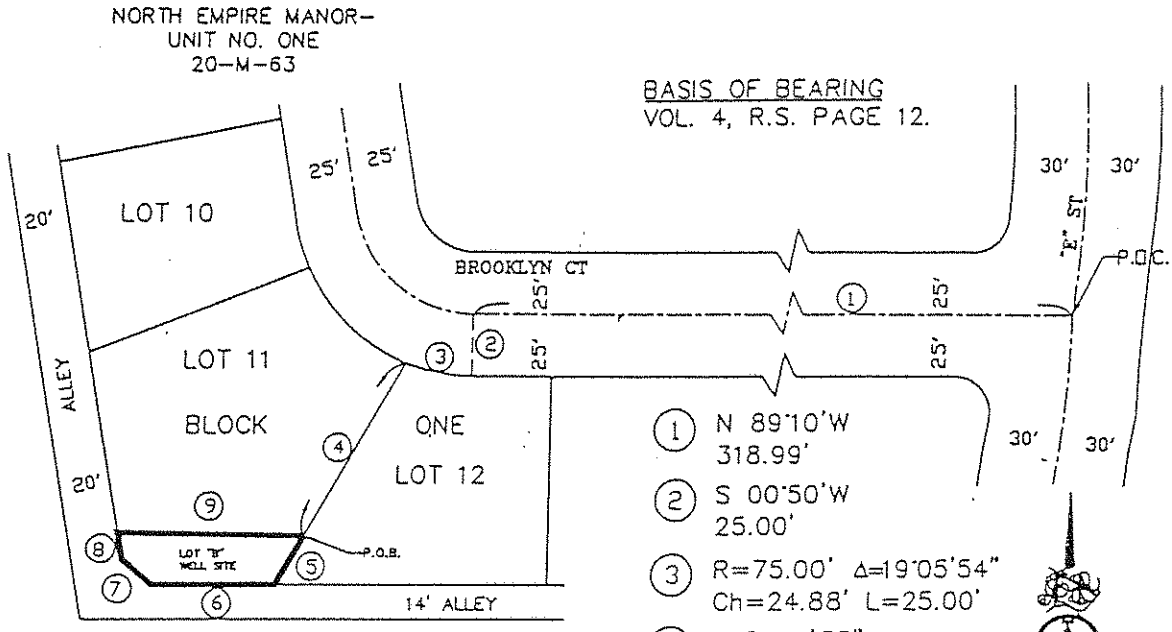
REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
PREZONED C-3, HIGHWAY COMMERCIAL ZONE.

WELL SITE NO.5 REORGANIZATION to the City of Modesto

0.238 ACRES

SEC.30, T.3S., R.10E., MDB&M

EXHIBIT "B-5"



REFERENCES ARE TO STANISLAUS COUNTY RECORDS. DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT PREZONED R–1, LOW DENSITY RESIDENTIAL ZONE.

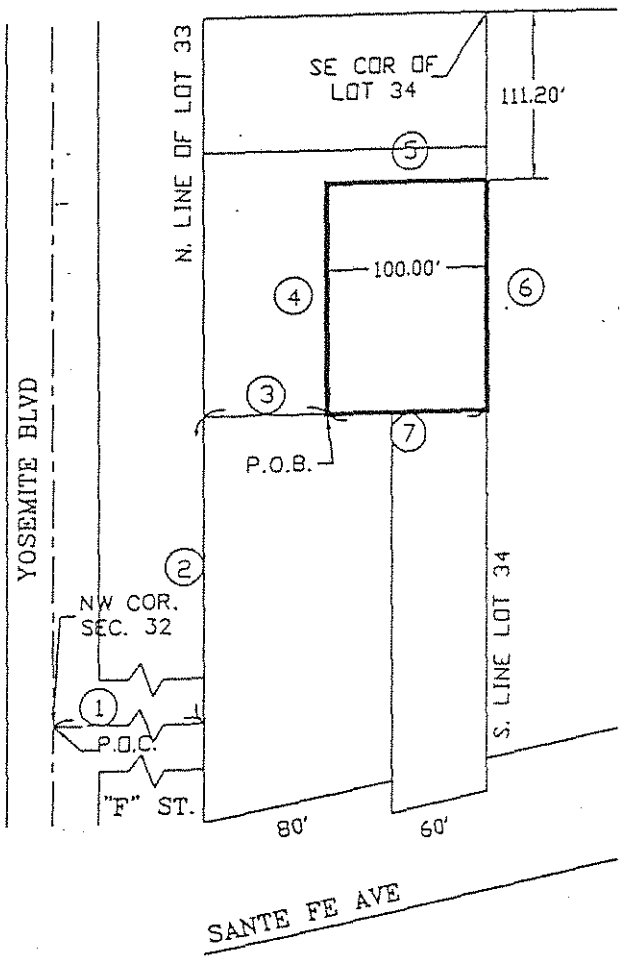
SCALE: 1"=80'

WELL SITE NO.6 REORGANIZATION to the City of Modesto

0.031 ACRES

SEC.30, T.3S., R.10E., MDB&M

EXHIBIT "B-6"



BASIS OF BEARING
THE BEARING OF S 0°00'E FOR THE EAST LINE OF LOTS 33 & 34 IN BLOCK C OF THE DAGGETT ADDITION TO THE TOWN OF EMPIRE AS SHOWN ON THE MAP FILED IN VOL. 6 OF MAPS, PAGE 17, STANISLAUS COUNTY RECORDS.

1. SOUTH 436.00'
2. N 89°51'E 187.00'
3. SOUTH 72.50'
4. N 89°51'E 140.00'
5. SOUTH 100.00'
6. S 89°51'W 140.00'
7. NORTH 100.00'

SCALE 1"=120'

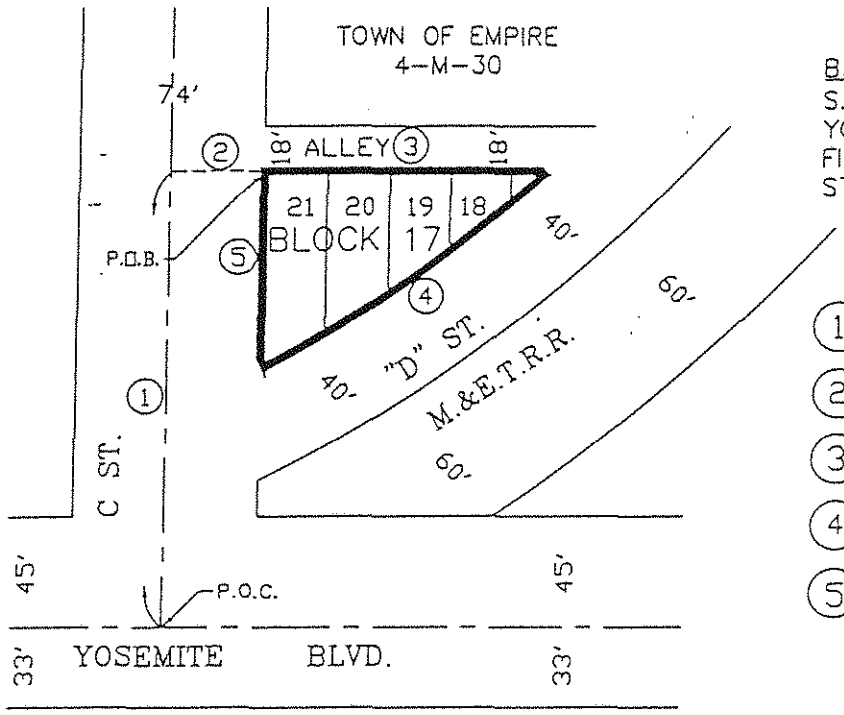
REFERENCES ARE TO STANISLAUS COUNTY RECORDS. DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT PREZONED C-2, GENERAL COMMERCIAL ZONE.

WELL SITE NO.7 REORGANIZATION to the City of Modesto

.321 ACRES

SEC.32, T.3S. R.10E., MDB&M

EXHIBIT "B-7"



BASIS OF BEARING
S.89°22'E. FOR THE NORTH LINE OF YOSEMITE BLVD. AS SHOWN ON MAP FILED IN VOL. 4 OF MAPS, PAGE 30, STANISLAUS COUNTY RECORDS.

1. N 00°03'W 185'
2. S 89°22'E 37.00'
3. S.89°22'E. 115'
4. R=646.76' L=140'
5. N.00°03'W. 80'

SCALE: 1"=80'

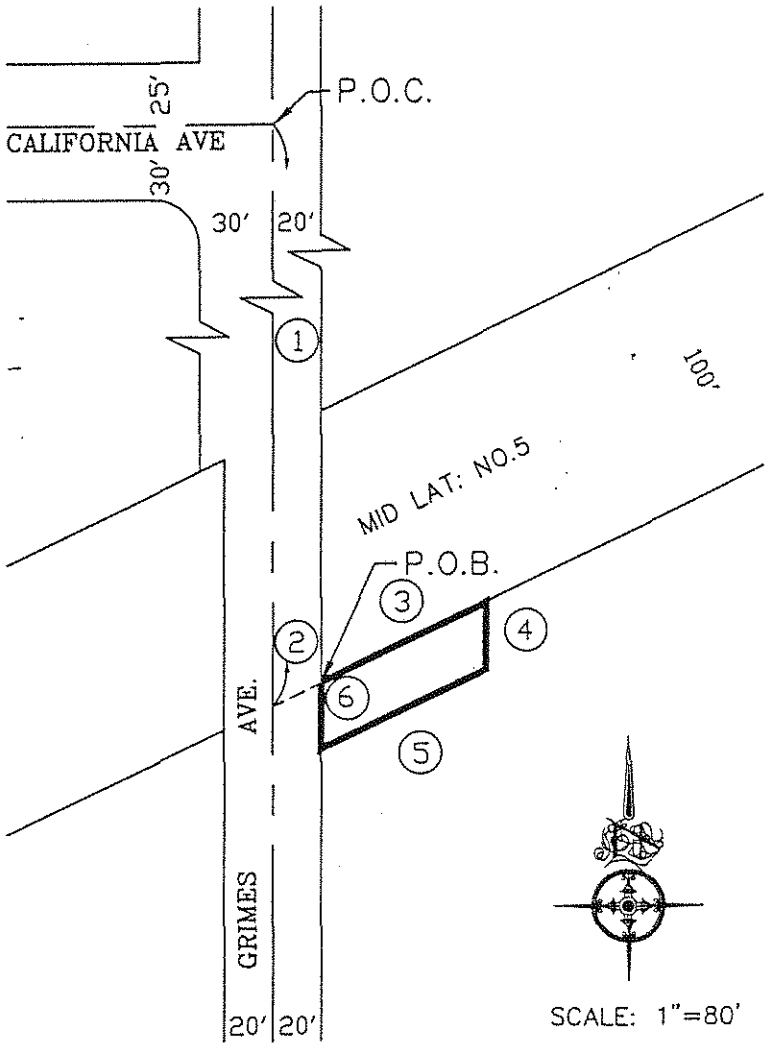
REFERENCES ARE TO STANISLAUS COUNTY RECORDS.
DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE.

WELL SITE NO.8 REORGANIZATION to the City of Modesto

0.095 ACRES

SEC.30, T.3S., R.10E., MDB&M

EXHIBIT "B-8"



BASIS OF BEARINGS
DEED RECORDED JULY 12, 1995 AS INSTRUMENT 053194, STANISLAUS CO. RECORDS.

SCALE: 1"=80'

1	S 00°52'E 860.92'±
2	N 64°45'E 22.02'
3	N 64°45'E 75'
4	S 00°32'E 27.52'
5	S 64°45'W 75'
6	N 00°32'W 27.52'

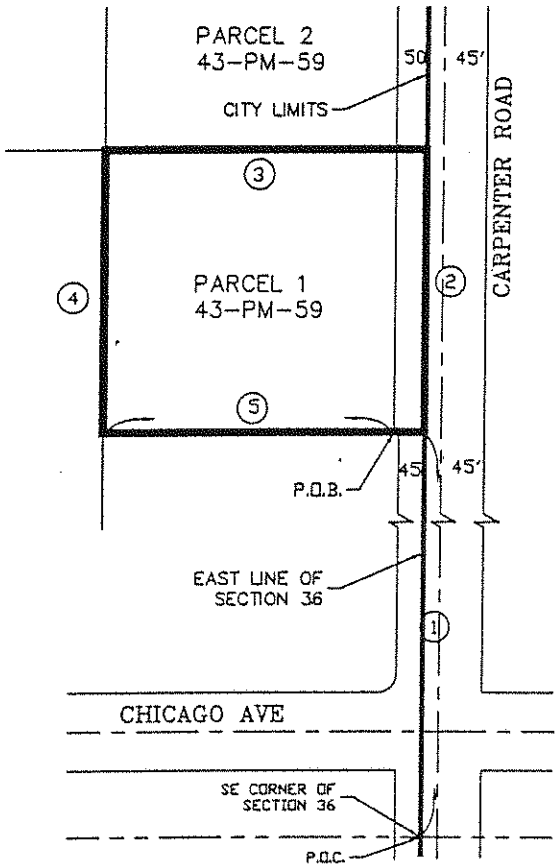
REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE WOODLAND AVENUE FIRE PROTECTION DISTRICT PREZONED SP-O, SPECIFIC PLAN OVERLAY ZONE

WELL SITE NO.9 REORGANIZATION to the City of Modesto

0.043 ACRES

SEC1, T.4S., R.8E., MDB&M

EXHIBIT "B-9"



BASIS OF BEARING
BEING A COURSE OF NORTH 00°43'20" WEST FOR THE WEST LINE OF PARCEL 1 AND PARCEL 2 AS SHOWN ON MAP FILED IN BOOK 31 OF PARCEL MAPS, AT PAGE 15, STANISLAUS COUNTY RECORDS.

(1) N 00°48'58"W 379.72'
(2) N 00°48'58"W 288.72'
(3) S 89°11'18"W 332.02'
(4) S 00°43'20"E 288.71'
(5) N 89°11'18"E 332.77'

SCALE 1"=200'

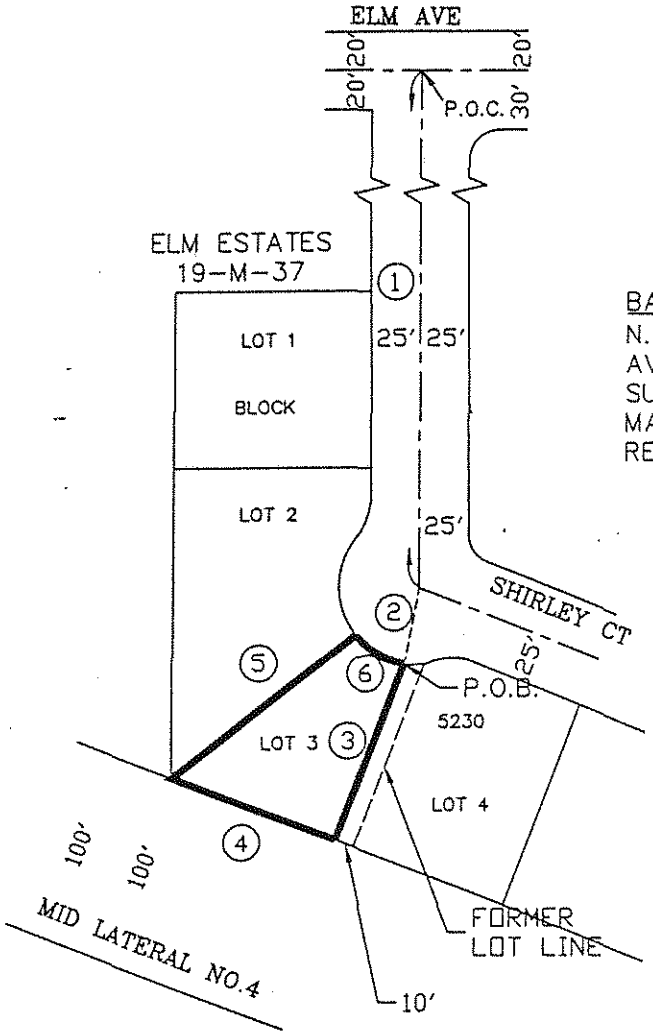
REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE BURBANK-PARADISE FIRE PROTECTION DISTRICT PREZONED SP-O, SPECIFIC PLAN OVERLAY ZONE.

WELL SITE NO.10 - REORGANIZATION to the City of Modesto

2.000 ACRES

SEC.36, T.3S. R.8E., MDB&M

EXHIBIT "B-10"



BASIS OF BEARING
N.89°14'E. FOR THE CENTERLINE OF ELM AVE AS SHOWN ON MAP OF MAZE RANCH SUBDIVISION RECORDED IN VOL. 4 OF MAPS AT PAGE 18, STANISLAUS COUNTY RECORDS.

1. S 00°46'W 342.73'
2. S 08°00'58"E 40.00'
3. N 21°08'20"E 96.04'
4. N 68°51'40"W 89.32'
5. N 52°09'42"E 117.05'
6. R=40.00' Δ=42°58'50" Ch=29.31' L=30.01'

REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE WOODLAND AVENUE FIRE PROTECTION DISTRICT PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE

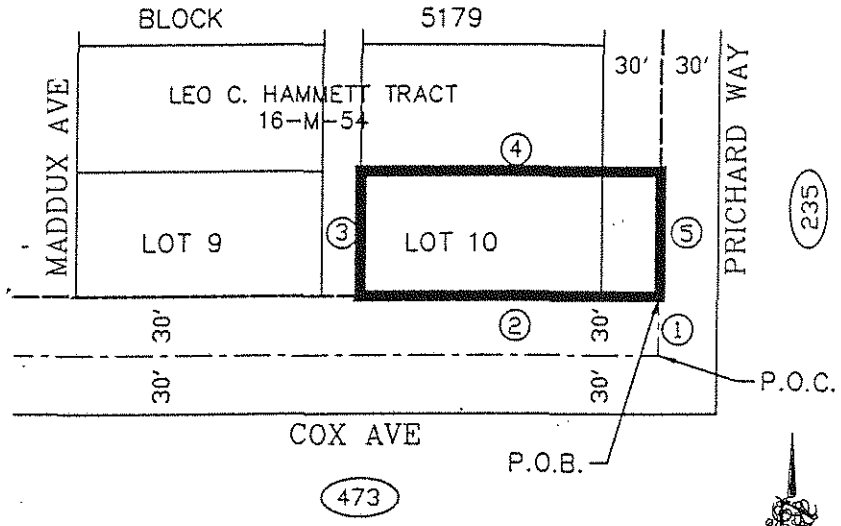
SCALE: 1"=100"

WELL SITE NO.11 REORGANIZATION to the City of Modesto

0.134 ACRES

SEC.25, T.3S., R.8E., MDB&M

EXHIBIT "B-11"



PREVIOUS ANNEXATION BOUNDARY

BASIS OF BEARING
THE BEARING OF N. 89°04'00"E. FOR THE NORTH LINE OF COX. AVE. (KERRY AVE.) AS SHOWN ON THE MAP FILED IN VOL.16 OF MAPS, PAGE 54, STANISLAUS CO. RECORDS.

① N.00°32'45"W. 30.00'
② S.89°04'W. 155.00'
③ N 00°32'45"W 64.00'
④ N.89°04'E. 155.00'
⑤ S 00°32'45"E 64.00'

(235) CARPENTER ADDITION FILED 7-7-69 INSTR. 23266

(473) ROSEMORE-COX ADDITION FILED 11-30-87 INSTR. 133337

REFERENCES ARE TO STANISLAUS COUNTY RECORDS
DETACHMENT FROM THE WOODLAND AVENUE FIRE PROTECTION DISTRICT PREZONED R-1, LOW DENSITY RESIDENTIAL ZONE

WELL SITE NO. 12
REORGANIZATION
to the CITY of MODESTO

0.228 ACRES

SEC.24, T.3S. R.8E., MDB&M

EXHIBIT "B-12"

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will not apply to this reorganization.

E. How will services be financed?

The only services applicable would be City maintenance of the facilities. These services would be financed by the City's water fund.

ATTACHMENT C

12 WATER WELL SITES REPORGANIZATION PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the 12 Water Well Sites Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** – Upon reorganization, the properties will be withdrawn from the Stanislaus Consolidated, Burbank-Paradise, Woodland Avenue, and Salida Fire Protection Districts and fire protection services will be provided by the Modesto Fire Department. The water well sites contain "well-head" chlorination systems that are non-flammable, non-hazardous materials type. Liquid sodium hypochloride (bleach) is used. Primary response will come from the following Stations:

   Site 1, Station No. 5
   Sites 2-4, Station No. 7
   Sites 5-8, Station No. 9
   Sites 9-11, Station No. 2
   Site 12, Station No. 4

2. **Police Protection** – Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** – Not applicable. These properties are well and tank sites only, no waste is generated.

4. **Sanitary Sewer Service** – Not applicable. These properties are well and tank sites only.

5. **Water Service** – Not applicable. These properties are part of the City's water system.

6. **Streets** – For Sites No. 2 and 20, streets will be the responsibility of the City.

B. The level and range of services:

The City of Modesto is a full-service provider of municipal services. However, the sites to be annexed and water well and tank sites that only require limited services as described above.

EXHIBIT "C"

Clerk

RESCINDED

200 Print

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-10

A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 96-87.

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, the Downtown Redevelopment Commission requested angle parking along 13th Street to maximize parking yields, and

WHEREAS, said matter was considered by the City Council at its meeting of January 4, 2000,

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 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)

- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 96-87 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of January, 2000, 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 Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

(13) Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-11

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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Administrative Analyst I/II

Account Clerk

The revised specifications for the classifications of Administrative Analyst I/II, as shown on the attached Exhibit "A", and Account Clerk, 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. EFFECTIVE DATE. This resolution shall become effective on and after January 4, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 3712
NO. 3710

JANUARY, 2000

ADMINISTRATIVE ANALYST I
ADMINISTRATIVE ANALYST 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 administrative support for a department and or division head; to perform research, statistical and other analytical work; and to fulfill other assignments in functional areas such as personnel, budget, and other areas.

DISTINGUISHING CHARACTERISTICS

Administrative Analyst I - This is the entry level class in the Administrative Analyst series. This class is distinguished from the Administrative Analyst II 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.

Administrative Analyst II - This is the full professional level class within the Administrative Analyst series. Employees within this class are distinguished from the Administrative Analyst 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. Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside, require prior work experience directly related to the area of assignment.

SUPERVISION RECEIVED AND EXERCISED

Administrative Analyst I

Receives direction from management staff, usually a department head.

Administrative Analyst II

Receives general direction from management staff, usually a department head.

EXHIBIT A

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 the preparation and review of all division operating, multi-year, and capital improvement budgets.

Investigate, analyze, develop, and prepare special studies or projects as requested.

Collect data for and prepare monthly departmental activity report; submit to City Manager and City Council.

Research special issues, problems and procedures; prepare various reports for City Council regarding special projects, problems and requests.

Revise and develop fees; negotiate contracts; ensure compliance of department functions with pertinent laws, regulations and ordinances; authorize payments for various contracts.

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

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Answer questions and provide information to the public, outside agencies and City staff; investigate complaints and recommend corrective action as necessary to resolve complaints.

Attend various City Council, Commission, board, and other governmental meetings; prepare and present agenda items to the City Council.

Prepare grant proposals.

Review administrative practices and make recommendations for improvements.

Review and recommend training for departmental personnel.

Provide economic and statistical analysis; present oral and written reports.

Essential Functions, Continued:

In addition, when assigned to the City Attorney's Office:

Prepare City Council Resolutions and City Ordinances.

Conduct property title and ownership searches; prepare land acquisition agreements.

Prepare notices of property tax lien and develop revenue projections based on tax collections.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Administrative Analyst I

Knowledge of:

Principles and practices of organization, administration, and personnel management.

Principles and practices of budget preparation and administration.

Statistical methods and methods of graphic presentation.

Principles and practices of accounting in a municipal government.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

Technical report writing procedures and grand proposal development.

In addition, when assigned to the City Attorney's Office:

Laws governing special facilities district formation and maintenance.

QUALIFICATIONS, Continued:

Ability to:

Learn the process and structure of City and department.

Learn applicable Federal, State, and local laws, codes and regulations.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze facts and make sound recommendations.

Prepare completed staff work for oral and written communications.

Work with and control sensitive, confidential information.

Estimate and project revenues and expenditures.

Plan, initiate and complete work assignments with a minimum of direction.

Communicate clearly and concisely, both orally and in writing.

Use and operate a personal computer with a variety of software.

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

In addition, when assigned to the City Attorney's Office:

Work independently with tax consultant on a variety of complex facilities tax issues.

Prepare and negotiate professional service contracts and land acquisition agreements.

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 increasingly responsible management, administrative and analytical experience in a public agency.

Training:

Equivalent to a Bachelor's degree from an accredited college or university.

Administrative Analyst II

In addition to the qualifications for Administrative Analyst I:

Knowledge of:

Process and structure of City and department.

Applicable Federal, State, local laws, codes and regulations.

Ability to:

Identify and respond to public and City Council issues and concerns.

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

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 administrative and analytical experience in a public agency, including tax financing experience when assigned to the City Attorney's Office.

Training:

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

WORKING CONDITIONS

Environment 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.

CITY OF MODESTO JANUARY, 2000
No. 4154

ACCOUNT CLERK

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 accounting and related clerical tasks involving financial record keeping and transactions including payroll, accounts payable, accounts receivable, utility billing, cashiering and business licensing; to perform a wide variety of general clerical activities and work related to both internal and external customers.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from high level accounting or supervisory staff.

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

Post data to various ledgers, registers, journals and logs according to established account classifications and procedures.

Check and tabulate statistical and financial data.

Assist customers, departments, and employees, by providing information, explaining procedures, and answering questions over the telephone and in person.

Perform a variety of general clerical duties including computer data entry, typing, and maintaining files and records.

Perform customer service at counter, write receipts, collect monies, post and assign account numbers.

Enter data for new hires and related personnel changes using a personal computer; enter time records for the processing of payroll checks and other payroll records.

Process and match payment vouchers and invoices; verify accuracy of information, research discrepancies, assign codes and verify with registers.

Process incoming mail; write deposit receipts and record on files; verify account numbers and amount paid; process returned mail and improperly written checks.

Operate a personal computer for a variety of applications, depending on assignment.

EXHIBIT B

Depending upon the assignment, additional specific functions include the following.

When assigned to Accounts Receivable:

Maintain accounts receivable PC system and files, including adding new invoices, recording paid invoices, filing paid invoices, working with customers by letter and over the phone, monitoring past due invoices, and sending follow-up notices.

Process appropriate delinquent invoices to the Credit Bureau.

Enter, process and verify for accuracy a variety of accounting and payroll documents in the City's financial management and payroll systems, including journals, cash receipt documents, and timesheets.

Request, sort and distribute to departments monthly and quarterly budgetary and accounting reports from the financial management system.

When assigned to Cashiering:

Perform customer service at counter by collecting monies, issuing receipts and answering basic questions regarding utility accounts, dog license, parking citations, business licensing, parking, bus passes and other city procedures.

Operate machinery to open and sort utility payments; verify amounts; balance and process payments.

Prepare daily banking and necessary deposit tickets and materials; prepare and type various bills and notices.

When assigned to Business Licensing:

Provide customer service to explain business license and dog license rules and regulations over the telephone and in person.

Operate a PC based business license and dog license systems including: setting up new accounts, posting payments and adjustment and closing out accounts.

When assigned to Utility Billing/Collections:

Provide customer service to explain utility collections, regulations, policies and procedures by telephone and in person.

Operate a PC based utility billing system including new accounts, adjustments and payment plans.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Financial record keeping practices and procedures.

Basic accounting principles.

Modern office procedures and methods including a variety of personal computer applications including spreadsheet.

Principles and procedures of record keeping.

Basic accounting and mathematical principles.

Customer service practices resulting in positive outcomes.

Accounts receivable collection techniques and procedures.

Ability to:

Maintain a variety of financial records and files.

Perform varied accounting clerical work.

Operate a calculator, personal computer and related office equipment; type at a speed necessary for successful job performance.

Perform procedures in an organized and accurate manner.

Accurately count, record and balance assigned transactions; accurately spell.

Work with sensitive and confidential customer information; provide excellent customer service.

Communicate clearly and concisely, both orally and in writing.

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 clerical experience involving financial record keeping including: accounting, payroll preparation, cashiering, customer service, statistical data, or a related function.

Training:

Equivalent to completion of the twelfth grade.

WORKING CONDITIONS:

Office environment; exposure to computer screens.

PHYSICAL CONDITIONS:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-12

A RESOLUTION AUTHORIZING ASSIGNMENT OF RIGHTS TO COSTCO UNDER THE DEVELOPMENT AGREEMENT BETWEEN COSTA LIMITED PARTNERS AND THE CITY OF MODESTO RELATED TO THE DEVELOPMENT OF P-D(537).

WHEREAS, Ordinance No. 3153-C.S., which became effective on August 19, 1999, approved a Development Agreement between the City of Modesto and Costa Limited Partners relating to a retail commercial center, which includes the new Costco store, on property located on the north side of Pelandale Avenue, east of Sisk Road, and

WHEREAS, subsection 4., entitled "Assignment," of Section II, entitled "General Provisions," on page 4 of said Development Agreement, dated August 19, 1999, provides, in part, that "Owner shall have the right to transfer or assign the Property, in whole or in part, to any person, partnership, joint venture, firm, limited liability, company, or corporation at any time during the term of this Agreement; provided however, the rights of Owner under this Agreement may not be transferred or assigned without the written consent of the City Council . . . ," and

WHEREAS, by Ordinance No. 3167-C.S., which was introduced by the Council at a special meeting held on December 16, 1999, and which ordinance will become effective on February 3, 2000, the Council approved a revised Development Agreement with Costa Limited Partners relating to P-D(537) in conjunction with the approval of revised plans to expand the retail center, and

WHEREAS, in the interim, Costco is purchasing the property on which it proposes to develop the store, and escrow is set to close prior to the date that the new Development Agreement will become effective, therefore, the rights and obligations of the Development Agreement dated August 19, 1999, need to be assigned to Costco, and

WHEREAS, the Council considered this matter at its meeting of January 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the assignment of rights to Costco as provided for under the Development Agreement dated August 19, 1999, between the City of Modesto and Costa Limited Partners, relating to P-D(537) for a retail commercial center, which includes the new Costco store, on property located on the north side of Pelandale Avenue, east of Sisk Road.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 4th day of January, 2000, 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. 2000-13

Print

A RESOLUTION AUTHORIZING STAFF TO PREPARE AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE RELATING TO BINGO GAMES AND AUTHORIZING THE PREPARATION OF BINGO ADMINISTRATIVE REGULATIONS.

WHEREAS, California Penal Code Section 326.5 was amended on January 1, 1997, changing the manner in which a municipal entity may collect fees from bingo operators, and

WHEREAS, the revised State statute permits a municipal entity to impose fees for law enforcement and public safety costs that are directly related to bingo operations, however, such fees may not exceed the actual costs incurred in providing law enforcement and public safety services, and

WHEREAS, Sections 4-1.1001 through 4-1.1024 of Article 10 of Title 4 of the Modesto Municipal Code provides for the conduct of Bingo Games, and

WHEREAS, by an agenda report dated December 27, 1999, from the Modesto Police Department, the Council was requested to direct staff to prepare an ordinance amending appropriate sections of Title 4 of the Modesto Municipal Code relating to Bingo Games, and

WHEREAS, said agenda report also proposed that ongoing monitoring and financial accounting for bingo operations would be handled in accordance with administrative regulations which would be developed upon Council authorization, and

WHEREAS, a copy of said agenda report is on file in the office of the City Clerk,

and

WHEREAS, the Council considered said matter at its Council meeting held on January 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby authorize staff to prepare an ordinance amending appropriate sections of Title 4 of the Modesto Municipal Code relating to Bingo Games to comply with State statute, which permits a municipal entity to impose fees for law enforcement and public safety costs that are directly related to bingo operations. Said fees shall not exceed the actual costs incurred in providing such services.

BE IT FURTHER RESOLVED by the Council that staff is authorized to prepare Bingo Administrative Regulations for the purpose of monitoring bingo operations and for financial accounting purposes related to bingo operations.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 4th day of January, 2000, 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. 2000-14

Print

A RESOLUTION DESIGNATING COUNCILMEMBER KENNI FRIEDMAN 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 Kenni Friedman 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 4th day of January, 2000, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-15

A RESOLUTION ACCEPTING THE BID OF MISSION LINEN FOR FURNISHING LINEN SERVICES FOR THE FIRE DEPARTMENT FOR ONE YEAR

WHEREAS, the bids received for linen services for the Fire Department, were opened at 11:00 a.m. on December, 1999, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Mission Linen for a one year total amount of $14,586.00 for the first year and a total three year cost of $44,425.68 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mission Linen 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 11th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-16

Print

A RESOLUTION ACCEPTING THE BID OF WEST COAST MATERIALS FOR FURNISHING ROCK, SAND AND GRAVEL REQUIREMENTS

WHEREAS, the bids received for rock, sand and gravel requirements, were opened at 11:00 a.m. on November 9, 1999, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of West Coast Materials for a one-year total amount of $228,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Coast Materials 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 11th 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
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-17

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council,. and

WHEREAS, the City of Modesto possesses forty (40) bicycles which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the forty (40)

bicycles which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-18

Print

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE WASTEWATER COLLECTION MAINTENANCE BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Grothe & Smith Architects for architectural services for the Wastewater Collection Maintenance Building be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 11th 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT APPLICATION AND ASSOCIATED AGREEMENTS WITH THE GREAT VALLEY CENTER FOR $20,000.00 IN FUNDING FOR THE ESTABLISHMENT OF A NON-PROFIT TREE FOUNDATION.

WHEREAS, the Great Valley Center is a nonprofit organization formed to promote the economic, social and environmental health of the Central Valley, and

WHEREAS, it is the goal of the LEGACI grant program to facilitate development of sound public policy, create a healthy, sustainable Central Valley, and to provide support for its residents, its economy and its natural resources, and

WHEREAS, LEGACI grants are awarded annually to community groups, non-profit organizations, and local governments in the Central Valley, and

WHEREAS, a citizens group has approached the City of Modesto (City) and the Modesto Irrigation District (M.I.D.) with an interest in establishing a non-profit tree foundation , and

WHEREAS, tree foundations typically focus on accelerated tree planting and enhanced care of trees on public and private properties, and

WHEREAS, City staff is supportive of the tree foundation concept, and believes establishment of a tree foundation meets the eligibility criteria for a LEGACI grant, and

WHEREAS, it has been proposed that the City and M.I.D. each contribute $10,000.00 to provide initial funding for the foundation, said funds to be used for researching the process for starting a non-profit foundation, filing the appropriate documentation, and building

community support, and

WHEREAS, the City's Operations & Maintenance Department is prepared to fund the City's $10,000.00 share of initial funding for the tree foundation, in the event the LEGACI grant is not approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute a grant application and an agreement with the Great Valley Center for $20,000.00 in funding for the establishment of a non-profit tree foundation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk (7)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-20

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL CLAIM FOR LOCAL TRANSPORTATION FUNDS, FOR NON-TRANSIT PURPOSES, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (StanCOG) .

WHEREAS, on May 25, 1999, 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 $1,671,437 for street purposes, $30,000 for the "Save the Train" project, and $92,901 for non-motorized projects, and

WHEREAS, the City is also requesting that $900,000 of carryover funds originally apportioned for transit purposes be reallocated for the 9th Street Track Relocation project this fiscal year, 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 Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and carryover transit revenues to be reallocated for street purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-21

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND DON MONACO, CHARLES THOMPSON, AND LEROY DEL DON FOR ADJUSTMENT OF THE TERMS OF THE RENTAL RATE FOR USE OF AIRPORT PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Don Monaco, Charles Thompson, and LeRoy Del Don for adjustment of the terms of the rental rate for use of Airport property 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 11th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-22

Print

A RESOLUTION ACCEPTING THE BID OF TENNYSON ELECTRIC FOR THE PROJECT TITLED "INSTALLATION OF TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD"

WHEREAS, the bids received for Installation of Traffic Signal at 9th Street and Carver Road were opened at 11:00 a.m. on November 2, 1999, 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 $181,472.00 from Tennyson Electric be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tennyson Electric 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 January, 2000, 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, Friedman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Fisher, Frohman & Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-23

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD

WHEREAS, staff successfully applied for a Federal grant to reduce pollution and improve air quality; and

WHEREAS, the proposed project will add pavement for a dedicated southbound left-turn lane; will improve drainage by adding a rockwell in the median on the north leg; facilitate pedestrians with crosswalks and add wheelchair ramps; and

WHEREAS, funds for this project were partially budgeted in the 1996-97 CIP. A budget transfer is needed due to additional roadwork that was not part of the original project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

#141-160-H977	$ 98,253
#1410-160-L021	$(60,000)
#1410-430-3504	$ 38,253

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 11th day of January, 2000, 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, Friedman, Smith and Mayor Sabatino

NOES: Councilmembers: Fisher, Frohman and Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-24

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $60,000 TO FULLY FUND THE INSTALLATION OF A TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD.

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

FROM: 141-160-L021-6040; $60,000

TO: 141-160-H977-6040; $60,000

Fund transfer is needed because of additional roadwork that was originally not part of 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 January, 2000, 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, Friedman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Fisher, Frohman, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-25

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE SERVICE AGREEMENT AMONG THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND OGDEN MARTIN SYSTEMS OF STANISLAUS, INC. FOR THE WASTE-TO-ENERGY PROJECT, A COMMUNITIES ASSIGNMENT AGREEMENT AND A PURCHASE AGREEMENT RELATING TO THE STANISLAUS WASTE-TO-ENERGY AGENCY REFUNDING REVENUE CERTIFICATES, AND OTHER RELATED TRANSACTIONS.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City, together with the County of Stanislaus (the "County") and Ogden Martin Systems of Stanislaus, Inc. (the "Company"), a California corporation, are parties to an Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste, dated as of June 1, 1986, as amended on September 27, 1988 and May 17, 1990 (the "Service Agreement"), and

WHEREAS, the Stanislaus Waste-to-Energy Financing Agency (the "Agency"), formed by the City and the County, proposes to issue its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1999 (the "Certificates") in the aggregate principal amount of not to exceed $62 million, which are being issued to refund the Stanislaus Waste-to-Energy Financing Agency Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 and Series 1990A (the "Prior Certificates"), the proceeds of which were used to refinance the design, construction and equipping of the Stanislaus mass burn resource recovery steam and electric generating facility (the "Project"), and

WHEREAS, pursuant to the Service Agreement the City and the County pay a service fee to the Company, which service fee includes a debt service component equal to

sublease payments paid by the Company to the Agency in amounts equal to the payments due with respect to the Prior Certificate, and

WHEREAS, the issuance by the Agency of the Certificates and the refunding of the Prior Certificates will result in substantial reductions in the debt service component of the Service Fee, and

WHEREAS, in connection with the issuance of the Certificates, it is necessary and desirable to execute a Third Amendment to the Service Agreement, to be dated the date of issuance of the Certificates (the "Third Amendment"), and

WHEREAS, the City, together with the County, desires to execute a Communities Assignment Agreement (the "Assignment Agreement") from the County and City to The Bank of New York as trustee (the "Trustee") under the Trust Agreement dated as of December 1, 1999 among the City, County, and Trustee providing for the execution and delivery of the Certificates (the "Trust Agreement"), including the City and County assignment of certain of their rights under the Service Agreement to the Trustee in the event of default thereunder, and agreement to pay the Service Fee under the Service Agreement directly to the Trustee for deposit in the Revenue Fund under the Trust Agreement, and

WHEREAS, the Certificates represent undivided and proportionate interests in lease payments made by the Agency pursuant to a Lease Agreement dated as of December 1, 1999 with the Company (the "Lease"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement dated December 1, 1999 with the Agency (the "Sublease"), and

WHEREAS, the County desires to consent to such Lease and Sublease by the Company and the execution by the Company of the Company Security Agreement dated as of December 1, 1999 to the Trustee (the "Security Agreement"), the Leasehold Deed of Trust dated as of December 1, 1999 from the Company to First American Title Company for the

benefit of the Trustee (the "Leasehold Deed of Trust") and the Trust Agreement in order to secure payment of the Certificates, and

WHEREAS, in connection with the execution and delivery of the Certificates, the City desires to accept and authorize the execution and delivery of the Purchase Agreement relating to the Certificates among Lehman Brothers Inc., the Company and the Agency (the "Purchase Contract"), and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California, including the Charter of the City, to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

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

SECTION 1. DECLARATION OF COUNCIL. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are municipal affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. AMENDMENT NO. 3 TO SERVICE AGREEMENT. The form of Amendment No. 3 to Service Agreement, to be dated the date of delivery of the Certificates, presented to this meeting on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Amendment No. 3 to Service Agreement in

substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the execution of Amendment No. 3 shall take place concurrently with the issuance of the Certificates.

SECTION 3. ASSIGNMENT AGREEMENT. The form of Assignment Agreement, dated as of December 1, 1999, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representative are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Assignment Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. ACKNOWLEDGE AND CONFIRM PURCHASE CONTRACT. The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and deliver thereof, provided that the principal amount of the Certificates shall not exceed $62 million.

SECTION 5. APPROVAL OF FORM OF DOCUMENTS AND CERTAIN CONSENTS. The City Council hereby consents to the execution and delivery by the Company of the Trust Agreement, Lease, Sublease, Security Agreement and Leasehold Deed of Trust in the form presented to this meeting and on file with the City Clerk of the City of Modesto, and approves such form of documents. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of

the City, to execute, acknowledge and delivery further written evidence of such consents in the form as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 6. ATTESTATION AND SEAL. The City Clerk of the City of Modesto is hereby authorized and directed to attest the signature of the authorized signatory. and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of Amendment No. 3 to Service Agreement, the Assignment Agreement or other related certificates, as necessary.

SECTION 7. FURTHER ACTIONS. The City Manager, the Finance Director, the City Clerk and any other officers of the City authorized by the City Manager are each authorized and directed in the name and on behalf of the City to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 8. Effective Date. This resolution shall take effect immediately upon its passage and shall remain in full force and effect thereafter; *provided, however*, that if the Certificates are not issued on or before March 1, 2000, this Resolution shall expire and be of no further force and effect. In the event the Certificates are issued on or after January 1, 2000, the signatory of any document authorized for execution hereunder is authorized to make such appropriate changes to the document as are required to reflect the change of dates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 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, City Attorney

Not to Exceed $62 Million
Stanislaus Waste-To-Energy Financing Agency
Solid Waste Facility
Refunding Revenue Certificates
(Ogden Martin Systems of Stanislaus, Inc. Project)
Series 1999

Certified Copy of the Resolutions and Minutes
of the Meeting of the City Council of
the City of Modesto

I, JEAN ZAHR, hereby certify that I am the City Clerk of the City of Modesto (the "City"), a charter city and municipal corporation duly organized and validly existing under the laws of the State of California, and, as such I am authorized to execute this Certificate on behalf of the City.

I hereby further certify that Resolution No. 2000-25, adopted January 11, 2000 is a full, true and correct copy of such resolution adopted at the above-stated regular meeting of the City Council of the City, as indicated on the attached copies thereof, of which meeting all of the members of the City Council of the City had due notice and at which a majority of the members thereof were present.

I further certify that an agenda for said meeting was posted at least 72 hours prior to the date of the respective meeting in a place in the City of Modesto, California, freely accessible to members of the public and that a short description of said ordinance or resolutions, as the case may be, appeared in said respective agendas.

I further certify that I have carefully compared the attached copy with the original minutes of said meeting on file and of record in my office; that said resolution is a full, true and correct copies of the original resolution, adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this _____ day of January, 2000.

CITY OF MODESTO

(SEAL)

By:_____
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-26

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE SERVICE AGREEMENT AMONG THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND OGDEN MARTIN SYSTEMS OF STANISLAUS, INC. FOR THE WASTE-TO-ENERGY PROJECT, A COMMUNITIES ASSIGNMENT AGREEMENT AND A PURCHASE AGREEMENT RELATING TO THE STANISLAUS WASTE-TO-ENERGY AGENCY REFUNDING REVENUE CERTIFICATES, AND OTHER RELATED TRANSACTIONS.

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation duly organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City, together with the County of Stanislaus (the "County") and Ogden Martin Systems of Stanislaus, Inc. (the "Company"), a California corporation, are parties to an Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste, dated as of June 1, 1986, as amended on September 27, 1988 and May 17, 1990 (the "Service Agreement"), and

WHEREAS, the Stanislaus Waste-to-Energy Financing Agency (the "Agency"), formed by the City and the County, proposes to issue its Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1999 (the "Certificates") in the aggregate principal amount of not to exceed $62 million, which are being issued to refund the Stanislaus Waste-to-Energy Financing Agency Solid Waste Facility Refunding Revenue Certificates (Ogden Martin Systems of Stanislaus, Inc. Project), Series 1990 and Series 1990A (the "Prior Certificates"), the proceeds of which were used to refinance the design, construction and equipping of the Stanislaus mass burn resource recovery steam and electric generating facility (the "Project"), and

WHEREAS, pursuant to the Service Agreement the City and the County pay a service fee to the Company, which service fee includes a debt service component equal to

sublease payments paid by the Company to the Agency in amounts equal to the payments due with respect to the Prior Certificate, and

WHEREAS, the issuance by the Agency of the Certificates and the refunding of the Prior Certificates will result in substantial reductions in the debt service component of the Service Fee, and

WHEREAS, in connection with the issuance of the Certificates, it is necessary and desirable to execute a Third Amendment to the Service Agreement, to be dated the date of issuance of the Certificates (the "Third Amendment"), and

WHEREAS, the City, together with the County, desires to execute a Communities Assignment Agreement (the "Assignment Agreement") from the County and City to The Bank of New York as trustee (the "Trustee") under the Trust Agreement dated as of December 1, 1999 among the City, County, and Trustee providing for the execution and delivery of the Certificates (the "Trust Agreement"), including the City and County assignment of certain of their rights under the Service Agreement to the Trustee in the event of default thereunder, and agreement to pay the Service Fee under the Service Agreement directly to the Trustee for deposit in the Revenue Fund under the Trust Agreement, and

WHEREAS, the Certificates represent undivided and proportionate interests in lease payments made by the Agency pursuant to a Lease Agreement dated as of December 1, 1999 with the Company (the "Lease"), which lease payments are payable by the Agency from sublease payments received from the Company pursuant to a Sublease Agreement dated December 1, 1999 with the Agency (the "Sublease"), and

WHEREAS, the County desires to consent to such Lease and Sublease by the Company and the execution by the Company of the Company Security Agreement dated as of December 1, 1999 to the Trustee (the "Security Agreement"), the Leasehold Deed of Trust dated as of December 1, 1999 from the Company to First American Title Company for the

benefit of the Trustee (the "Leasehold Deed of Trust") and the Trust Agreement in order to secure payment of the Certificates, and

WHEREAS, in connection with the execution and delivery of the Certificates, the City desires to accept and authorize the execution and delivery of the Purchase Agreement relating to the Certificates among Lehman Brothers Inc., the Company and the Agency (the "Purchase Contract"), and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California, including the Charter of the City, to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

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

SECTION 1. DECLARATION OF COUNCIL. The Council of the City of Modesto hereby specifically finds and declares that the actions authorized hereby constitute and are municipal affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. AMENDMENT NO. 3 TO SERVICE AGREEMENT. The form of Amendment No. 3 to Service Agreement, to be dated the date of delivery of the Certificates, presented to this meeting on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Amendment No. 3 to Service Agreement in

substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the execution of Amendment No. 3 shall take place concurrently with the issuance of the Certificates.

SECTION 3. ASSIGNMENT AGREEMENT. The form of Assignment Agreement, dated as of December 1, 1999, presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager of the City of Modesto or his designated representative are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver said Assignment Agreement in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. ACKNOWLEDGE AND CONFIRM PURCHASE CONTRACT. The form of Purchase Contract presented to this meeting and on file with the City Clerk of the City of Modesto is hereby approved. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of the City, to execute, acknowledge and deliver the acknowledgment and confirmation of said Purchase Contract in substantially said form, with such changes therein as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and deliver thereof, provided that the principal amount of the Certificates shall not exceed $62 million.

SECTION 5. APPROVAL OF FORM OF DOCUMENTS AND CERTAIN CONSENTS. The City Council hereby consents to the execution and delivery by the Company of the Trust Agreement, Lease, Sublease, Security Agreement and Leasehold Deed of Trust in the form presented to this meeting and on file with the City Clerk of the City of Modesto, and approves such form of documents. The City Manager or his designated representatives are each hereby authorized and directed, for and in the name and on behalf of

the City, to execute, acknowledge and delivery further written evidence of such consents in the form as such executing officer may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 6. ATTESTATION AND SEAL. The City Clerk of the City of Modesto is hereby authorized and directed to attest the signature of the authorized signatory. and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of Amendment No. 3 to Service Agreement, the Assignment Agreement or other related certificates, as necessary.

SECTION 7. FURTHER ACTIONS. The City Manager, the Finance Director, the City Clerk and any other officers of the City authorized by the City Manager are each authorized and directed in the name and on behalf of the City to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the execution and delivery of Certificates. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 8. Effective Date. This resolution shall take effect immediately upon its passage and shall remain in full force and effect thereafter; *provided, however*, that if the Certificates are not issued on or before March 1, 2000, this Resolution shall expire and be of no further force and effect. In the event the Certificates are issued on or after January 1, 2000, the signatory of any document authorized for execution hereunder is authorized to make such appropriate changes to the document as are required to reflect the change of dates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, 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, City Attorney

Not to Exceed $62 Million
Stanislaus Waste-To-Energy Financing Agency
Solid Waste Facility
Refunding Revenue Certificates
(Ogden Martin Systems of Stanislaus, Inc. Project)
Series 1999

Certified Copy of the Resolutions and Minutes
of the Meeting of the City Council of
the City of Modesto

I, JEAN ZAHR, hereby certify that I am the City Clerk of the City of Modesto (the "City"), a charter city and municipal corporation duly organized and validly existing under the laws of the State of California, and, as such I am authorized to execute this Certificate on behalf of the City.

I hereby further certify that Resolution No. 2000-25, adopted January 11, 2000 is a full, true and correct copy of such resolution adopted at the above-stated regular meeting of the City Council of the City, as indicated on the attached copies thereof, of which meeting all of the members of the City Council of the City had due notice and at which a majority of the members thereof were present.

I further certify that an agenda for said meeting was posted at least 72 hours prior to the date of the respective meeting in a place in the City of Modesto, California, freely accessible to members of the public and that a short description of said ordinance or resolutions, as the case may be, appeared in said respective agendas.

I further certify that I have carefully compared the attached copy with the original minutes of said meeting on file and of record in my office; that said resolution is a full, true and correct copies of the original resolution, adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this _____ day of January, 2000.

CITY OF MODESTO

(SEAL)

By:_____
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-27

A RESOLUTION DIRECTING CITY STAFF TO CONDUCT A CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") REVIEW OF THE FARMLAND STABILIZATION ("FOOD") INITIATIVE.

WHEREAS, the "Future Options On Development" or "FOOD" citizens group drafted an Initiative for the City of Modesto entitled "Farmland Stabilization Initiative", and

WHEREAS, the "FOOD" group requested the City Council to place the Initiative on the ballot, and

WHEREAS, at its January 11, 2000, meeting, the City Council considered directing City staff to conduct a California Environmental Quality Act ("CEQA") review of the action of placing the Farmland Stabilization Initiative on the ballot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby directed to conduct a CEQA review of the Farmland Stabilization Initiative, prior to the initiative being placed on the ballot.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, 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:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-28

A RESOLUTION REFERRING BOARD AND COMMISSION APPOINTMENTS TO THE ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL RELATIONS COMMITTEE

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

WHEREAS, two members of the current Council were recently voted into office and are requesting additional time to research the requested appointments;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the list of members of various boards and/or committees whose terms are expired be sent to the Economic Development and Intergovernmental Relations Committee for further review.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-29

A RESOLUTION ACCEPTING THE PROJECT TITLED "98/99 BIKE ROUTE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 98/99 Bike Route Improvements, has been completed by Fagundes & Son, in accordance with the contract agreement dated August 10, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 98/99 Bike Route Improvements be accepted from said contractor, Fagundes & Son; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $49,178.45 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 18th day of January, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-30

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "REHABILITATION OF SLUDGE DRYING BEDS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Rehabilitation of Sludge Drying Beds, has been completed by Teichert Construction, in accordance with the contract agreement dated September 15, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Rehabilitation of Sludge Drying Beds be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $259,410.49 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 18th day of January, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-31

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE TO CREATE A CIP PROJECT FOR THE PURCHASE OF THREE TRANSIT BUSES FOR THE MODESTO AREA EXPRESS BUS SERVICE

WHEREAS, the Stanislaus Council of Governments (StanCOG) makes Local Transportation Funds (LTF) available annually. For Fiscal year 1999-00, approximately $395,000 is anticipated to be made available to the City of Modesto; and

WHEREAS, on January 4, 2000, the City Council approved the use of $217,400 of the Local Transportation Fund supplemental apportionment for a variety of City projects; and

WHEREAS, it was recommended to use the remaining $177,600 to supply the local match for the purchase of three MAX buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as shown on Attachment A.

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 18th day of January, 2000, 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 votes:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Attachment A

Revenues:	Fund	Agy	Org	Obj	Inc/Dec
LTF	6510	510	9510	3204	177,600
FTA	6510	510	9510	3604	710,400
					888,000
Amtrak	6510	510	9510	3158	2,700
	0510	510	9510	1213	100,000
	0510	510	9510	1213	77,000
	0510	510	9510	1213	37,000
					214,000
					1,104,700
Transfers	0700	700	7000	9051	100,000
	0100	700	7000	9051	77,000
					177,000

Expenses:	Fund	Agy	Org	Obj	Inc/Dec
	6510	160	1672	0232	26,000
	6510	480	5612	0330	11,000
new CIP	6510	160	L127	6040	888,000
	6510	160	1675	0235	2,700
	0700	430	L036	6040	100,000
	0100	480	4612	0360	40,000
	0100	480	4612	0188	37,000
					1,104,700
Transfer	0510	700	7000	7070	100,000
	0510	700	7000	7010	77,000
					177,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-32

A RESOLUTION APPROVING THE FY 1999/2000 TRANSIT AND AIRPORT OPERATIONS DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND A 10% DBE GOAL FOR TRANSIT AND AIRPORT CONTRACTS.

WHEREAS, the Disadvantaged Business Enterprise Program (DBE) describes the process the City will use to obtain participation by DBE's in City-awarded contracts, and

WHEREAS, a new DBE Program must be adopted for the Transit and Airport Divisions as required by federal regulation, and

WHEREAS, the Transit and Airport Divisions require a DBE Program based on the use of Federal Department of Transportation funds, and

WHEREAS, an approved DBE Program must be in place for the City to receive federal transportation funds, and

WHEREAS, a 10% DBE goal indicates the City will attempt to award 10% of the total federal transit and airport funds expended through City-awarded contracts to DBE's, either as primary contractors or sub-contractors, and

WHEREAS, a copy of the City Of Modesto Transit & Airport Operations Disadvantaged Business Enterprise (DBE) Program dated January 18, 2000, is on file in the Office of the City Clerk, and

WHEREAS, the proposed revised program prepared by City staff is similar to that which has been in existence since the early 1980's, and

WHEREAS, said DBE Program was made available for public review for a period of 45 days, and

WHEREAS, the Transportation Policy Committee has approved the DBE program and a 10% DBE goal for FY 1999/2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the FY 1999/2000 Transit and Airport Operations DBE Program and a 10% DBE goal for Transit and Airport contracts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of January, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-33

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND OATES, SIERRA PACIFIC – SACRAMENTO, LLC, A GENERAL PARTNERSHIP FOR LEASE OF OFFICE SPACE FOR THE NORTHWEST AREA POLICE OFFICE

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, a General Partnership for lease of office space for the Northwest Area Police Office be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 18th day of January, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-34

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR AND ASSOCIATES TO PROVIDE ADDITIONAL CONSULTANT SERVICES FOR THE MODESTO/CERES CLOSED CIRCUIT TELEVISION CAMERAS (CCTV) SYSTEMS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Minagar and Associates to provide additional consultant services for the Modesto/Ceres Closes Circuit Television Cameras (CCTV) Systems project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 18th day of January, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-35

A RESOLUTION APPROVING THE 2000 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,

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, staff is proposing a modification of Council's existing legislative platform to take into account current issues and legislation, and

WHEREAS, the proposed platform as been reviewed by the Economic Development Community and Intergovernmental Relations Committee on January 13, 2000, and

WHEREAS, modifications are included and shown as underlined in the attached 2000 Legislative Platform, and

WHEREAS, the Council considered the proposed legislative platform at its meeting held January 18, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2000 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 18th day of January, 2000, 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, Mayor Sabatino
NOES.	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

2000 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.

   ~~e. Support efforts to establish a statewide consensus for broad-based funding solutions/mechanisms, which could reduce or supplant developer fees prior to any legislation which might amend AB 1600 provisions allowing adoption of developer fees.~~

   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 (such as Public Employees Relations Board – PERB).

   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 <u>or reimbursement</u> of property tax administration collection fees.

<u>d. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.</u>

e. Oppose any increases in City costs to fund State programs by the legislature to manipulate the Public Employees' Retirement System.

f. Oppose any <u>further shift</u> ~~measure~~ 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. Continue to oppose Federal legislation, which threatens the $100,000 per account FDIC coverage for deferred compensation plans.~~

o. Oppose legislation which reduces local agency reimbursement from the Police Officers Standards and Training (POST) fund.

p. Support legislation to improve collection capabilities for cities and counties.

q. Support Federal legislative efforts, which will facilitate the collection of sales tax on out-of-state mail order and Internet sales.

~~r. Support state legislation to provide for a phase-out of the negative bailout provisions of AB 8.~~

s. 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.

t. 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.

u. 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.

v. 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.

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.

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 capital 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 year 2000 deadline for the ~~adoption of~~ completion of ~~a~~ 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 7th 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. Request additional State funding to complete the 9th Street Project.~~

f. Support legislation which provides additional funding to improve transportation and the existing infrastructure in the City and region.

g. 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.

h. 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.

i. 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.

j. 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-36

A RESOLUTION APPROVING THE FINAL MAP OF THE CHATEAU PROVENCE PHASE 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ANDERSON HOMES (subdivider), is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 15.69 acres, known as CHATEAU PROVENCE PHASE 1 Subdivision, ("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 September, 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 CHATEAU PHASE 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 18th day of January, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

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. 2000-37

Print

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 (ANNEXATION #3)

WHEREAS, this Council did, on December 14, 1999, adopt its Resolution No. 99-615 (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 January 18, 2000, 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 25th day of January, 2000, 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 18th 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
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

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:

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.*

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		$2,698,683
	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 capitol costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435

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	$19,715 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

Date

DISTRIBUTION LIST FOR
COMMUNITY FACILITIES DISTRICT RESOLUTIONS

- 2 - City Clerk
- 1 - City Clerk - Jean Zahr
- 1 - City Attorney's Office - Rosemarie
- 1 - City Attorney's Office - Tina
- 1 - CDD - Phil Testa
- 1 - CDD - Keith Coggins
- 1 - Finance

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-38

A RESOLUTION APPOINTING COUNCILMEMBER MIKE SERPA TO THE INTERREGIONAL PARTNERSHIP ADVISORY BOARD

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

SECTION 1. Councilmember Mike Serpa is hereby appointed to the Interregional Partnership Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Interregional Partnership Advisory 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 18th day of January, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-39

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES

WHEREAS, the Lions Club presented two checks to the City Council in the total amount of $1,950 toward the purchases and installation of soccer goals at Robertson Road Park; and

WHEREAS, the City will match these funds from the Park Partners Capital Improvement Project account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

#1400-510-8107	$1,250
#1400-310-L009	$1,250

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 25th day of January, 2000, 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, Frohman, Friedman, Serpa, Smith, and 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-40

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT (MID) OBLIGATING THE CITY TO PAY ALL MID COSTS RELATED TO RELOCATING ELECTRIC FACILITIES FOR THE PROPOSED KANSAS-NEEDHAM OVERCROSSING (9TH STREET RAILROAD RELOCATION PROJECT)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District obligating the City to pay all MID costs related to relocating electric facilities for the proposed Kansas-Needham Overcrossing (9th Street Railroad Relocation 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 25th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-41

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN SILVERADO AT THE VILLAGE PHASE II SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Jaguar/Sylvan Partnership, a California Limited Partnership, subdividers of Silverado at the Village Phase II Subdivision have filed a Subdivision Faithful Performance bond and a bond for labor and materials in the amount of $284,165 And $142,082.50 respectively to guarantee improvements in Silverado at the Village Phase II 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 Silverado at the Village Phase II Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $284,165 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 $142,082.50 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 25th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-42

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN SILVERADO AT THE VILLAGE PHASE III SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Jaguar/Sylvan Partnership LP, a California Limited Partnership, subdividers of Silverado at the Village Phase III have filed a Subdivision Faithful Performance bond and a bond for labor and materials in the amount of $388,780 and $194,390 respectively to guarantee improvements in Silverado at the Village Phase III 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 Silverado at the Village Phase III Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $388,780 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 $194,390 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 25th 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-43

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTER FOR HR LEADERSHIP FOR PERSONNEL CONSULTING TO CONDUCT THE INITIAL IMPLEMENTATION PHASE OF THE PERSONNEL REDESIGN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for HR Leadership for personnel consulting to conduct the initial implementation phase of the Personnel Redesign 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 25th 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-44

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $50,000 TO FULLY FUND THE CONSULTANT AGREEMENT FOR PERSONNEL REDESIGN IMPLEMENTATION

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

FROM: 7510-030-6650 0176 6600X; $50,000

TO: 0100-700-7000 9751; $50,000

Transfer $50,000 in unspent 1999 Bonus Program funding from the Employee Benefits Fund to the General Fund (City Manager Office Budget), to fund consultant agreement for Personnel Redesign implementation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th 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
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-45

A RESOLUTION ESTABLISHING REDUCED CHARGES IN ZONE 1 FOR METERED AND UNMETERED WATER SERVICES AND RESCINDING RESOLUTION NO. 97-101.

WHEREAS, Sections 11-1.07 and 11-1.10 of the Modesto Municipal Code authorize the Council, by resolution, to establish charges for metered and unmetered water services,

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

SECTION 1. CHARGES FOR METERED WATER SERVICES. The charge for all water delivered through water meters shall be as follows:

Ready to Serve Charge:
On and After February 1, 2000

Size of Meter	Monthly Rate February 1, 2000
¾ "	$ 13.63
1 "	18.14
1½ "	22.54
2 "	27.20
3 "	36.27
4 "	47.16
6 "	70.90
8 "	90.55
10 "	109.16
12 "	127.83
The charge for each additional 100 cf over 1,680 cf on a monthly rate	0.82

Commodity Charge:

For the first one thousand six hundred eighty (1,680) cubic feet of water delivered through a water meter, per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be eighty-two ($0.82) cents per one hundred (100) cubic feet.

If a meter shall be found out of order, the monthly charge shall be determined by the Finance Director based upon previous water consumption.

If a consumer has more than one meter, a separate ready-to-serve charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after February 1, 2000, shall be as follows:

Lot Area	Monthly Rate February 1, 2000
3,500 SF, or less	$17.86
3,501 to 7,000 SF	20.60
7,001 to 10,500 SF	23.08
10,501 to 14,000 SF	25.56
14,001 to 17,500 SF	30.78
17,501 to 21,000 SF	36.09
For each 3,500 SF or fraction thereof over 21,000	4.85

When water is turned on or off at any time between the beginning and end of the monthly period, the amount charged shall be pro-rated to the nearest one-half (½) month.

A five (5) percent discount will be made in all billings on unmetered services paid one year in advance.

SECTION 3. CHARGES FOR UNMETERED WATER SERVICES TO SCHOOLS.

(a) The Flat-rate water service charges for schools shall be established according to the following formula:

Domestic Use - ADA (Avg. daily attendance) x c.f./pupil/month x 12 months x $\frac{\$2.76}{1000 \text{ c.f.}}$

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

(b) Irrigation

140,000 cu. ft./acre/year x no. of acres x $2.76/1000 c.f.

The formula set forth above shall be based on the number of pupils enrolled in each of the following schools:

Empire Union School District	Grade Range	Acres
Capistrano Elementary	K-5	6.022
Christine Sipherd Elementary	K-5	7.622
Bernard Hughes Elementary	K-5	0.165
Modesto City School District		
Harriet Kirschen Elementary	K-6	2.600
Elihu Beard Elementary	K-6	6.269
Fred C. Beyer High	9-12	28.122
Grace Davis High	9-12	19.937
Enslen Elementary	K-6	0.425
Catherine Everett Elementary	K-6	6.929
John C. Fremont Elementary	K-6	0.580
William H. Garrison Elementary and Joseph M. Kelly Center	K-6	5.960
Lakewood Elementary	K-6	7.008
Alberta Marton Elementary	K-6	5.100

Modesto High	9-12	6.604
Modesto High (North Campus)	9-12	1.463
John Muir Elementary	K-6	5.751
Robertson Road Elementary	K-6	5.610
Roosevelt Junior High	7-8	1.979
Rose Avenue Elementary	K-6	6.304
Sonoma Elementary	K-6	5.609
Salida Union School District		
Mildred Perkins Elementary	K-5	1.874
Stanislaus Union School District		
Eisenhut Elementary	K-6	5.158
Muncy Elementary	K-6	1.461
Prescott Junior High	7-8	7.147
Agnes Baptist Elementary	K-6	5.000
Sylvan Union School District		
Coleman F. Brown Elementary	K-6	6.826
Sherwood Elementary	K-6	6.855
Somerset Junior High	7-8	17.644
Standiford Elementary	K-6	6.876
Stockard Coffee Elementary	K-6	8.250
Sylvan Elementary	K-6	8.011
Woodrow Elementary	K-6	6.957
Yosemite Community College District		
Modesto Junior College - East Campus	College	19.243
Central Catholic High	9-12	9.940

(c) The flat-rate sewer water charges shall be due and payable to the City of Modesto November 1st of each year.

(d) The determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

(e) The schools shall promptly notify City of any changes in area irrigated from the City water system. Charges shall be immediately revised in accordance with said changes. Failure to promptly notify City may be cause for immediate requirement of metering of the premises.

(f) All other property owned or controlled by the schools and connected to the City water system shall be on a regular metered basis.

SECTION 4. WATER CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION.

(a) The water service charge furnished to single-family residences, duplexes, and triplexes that are under construction will be a flat rate charge based on the formula below. This charge will be assessed and paid at the time of building permit issued.

120 Day Construction Water Rate:
Flat Rate for Smallest Lot Area x Utility Tax x 4 months
$18.80/month x 6% tax x 4 months - $79.71

(b) Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

(c) The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

(d) In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

(e) In the event a structure is occupied before final inspection of the structure, or water is used for other than normally required for construction, the water service charge will be made at the established rate for regular service.

SECTION 5. WATER DISCOUNT RATES FOR SENIOR CITIZENS AND DISABLED PERSONS. The following water discount rates for senior citizens and disabled persons shall apply as follows:

Annual Income Levels	Discount
$ 7,560 or less	25%
$ 7,561 to $10,394	15%
$10,395 to $13,230	10%

Criteria to receive the discount is as follows:

1. Must be 60 years old.

2. Must live alone or with spouse.

3. Living with children will not qualify the household for a discount.

4. Must be able to prove the qualifying income level.

5. If living with a spouse, the combined income level will determine the level of discount.

6. If a disabled person, not necessarily a senior citizen, all qualifications of the senior citizen discount will apply except age.

7. All applicants must complete an application.

SECTION 6. PREPAID UNMETERED WATER SERVICE CHARGES. Any person who has prepaid water service charges for unmetered water service and the period for which said unmetered water service charges were prepaid include any part or all of the period covered by Section 2 of this resolution shall be entitled to receive unmetered water service for said period for the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 97-101 is hereby rescinded effective January 31, 2000.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after February 1, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2000, 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, City Attorney

Distribution List For
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney's Office
1 - Finance Department
1 - Engineering & Transportation

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-45A

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "EFFLUENT AND DRAINAGE HEADWALL PROJECT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Effluent and Drainage Headwall Project, has been completed by Cunningham & Sons, in accordance with the contract agreement dated January 5, 1999.

NOW, THEREFORE, BE IT RESOLVED that the effluent and drainage headwall project be accepted from said contractor, Cunningham & Sons; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $68,400 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 1st day of February, 2000, 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. 2000-46

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORMAN AND JUNE GALAS AND STANLEY AND BONNIE K. GALAS FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Norman and June Galas and Stanley and Bonnie K. Galas for the acquisition of property needed for the parallel outfall 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 1st day of February, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-47

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NORMAN AND JUNE GALAS AND STANLEY AND BONNIE K. GALAS TO PAY COMPENSATION FOR DAMAGES OF PROPERTY NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Norman and June Galas and Stanley and Bonnie K. Galas to pay for damages of property needed for the parallel outfall 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 1st day of February, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-48

A RESOLUTION CANVASSING THE RESULTS OF THE JANUARY 25, 2000 ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO THE VILLAGE ONE COMMUNITY FACILITIES DISTRICT NO. 1996-1 AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (ANNEXATION #3)

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 declared its intention, by its Resolution of Intention to Annex No. 99-615, adopted December 14, 1999, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 of Maps of Assessment and Community Facilities Districts at page 29 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, respectively, and by this reference incorporated herein, and to set a hearing thereon for January 18, 2000, and

WHEREAS, at the conclusion of the public hearing, the Council did, on January 18, 2000, adopt its Resolution No. 2000-37, 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 January 25, 2000, (the "Election"), and

WHEREAS, on January 25, 2000, 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 more than two-thirds (2/3) 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 1st day of February, 2000, 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:

MICHAEL D. MILICH, CITY ATTORNEY

By: _____
Roland R. Stevens, Assistant City Attorney

EXHIBIT "A"

PUBLIC REPORT

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:

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		$2,698,683
	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 capitol 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 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		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	$19,715 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

Date

EXHIBIT "B"

CITY CLERK'S
CERTIFICATE OF ELECTION RESULTS

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2000-37, the Resolution calling for the Election, adopted on January 18, 2000 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(3) on January 25, 2000, 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 cost 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 calling for an election adopted at a public hearing held by the City Council of the City of Modesto on January 11, 2000, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(3) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 92 NO 0

Dated: February 1, 2000

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-49

A RESOLUTION DESIGNATING THE CITY OF MODESTO FINANCE DIRECTOR TO REQUEST AND RECEIVE CONFIDENTIAL SALES AND USE TAX INFORMATION FROM THE STATE BOARD OF EQUALIZATION.

WHEREAS, pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, the State Board of Equalization, as a contracting party, maintains all information relative to sales and use taxes for the State of California as well as the City of Modesto, and

WHEREAS, such sales and use tax information is considered proprietary and is confidential, however, in order to properly audit and budget sales taxes, the City Finance Director must have access to this information, and

WHEREAS, State law requires that the City Council, by resolution, designate the City Tax Collector, (in this case, the City Finance Director), as the person authorized to receive and examine such information, and

WHEREAS, the Council considered this matter at its meeting of February 1, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Finance Director, or his authorized designee, to request and receive confidential sales and use tax information from the Board of Equalization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, 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 Sabation
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

(6)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-50

A RESOLUTION DECLARING A WELL SITE AND SMALL PUMP IN HICKMAN SURPLUS, AUTHORIZING THE DONATION OF SAID WELL SITE AND PUMP TO JOHN GILMORE, THE ADJOINING PROPERTY OWNER, AND AUTHORIZING THE ACTING CITY MANAGER TO TAKE APPROPRIATE ACTIONS TO COMPLETE THE TRANSFER OF THE SITE.

WHEREAS, the City of Modesto acquired a small well site in Hickman when it acquired the Del Este Water System, said well site is Assessors Parcel No. 19-43-11, and is located in the area as shown on the map which is attached hereto and incorporated herein by reference, and

WHEREAS, said well site contains less than 1,000 sq. ft, no longer produces potable water, has been removed from service, and is surplus to the City's needs, and

WHEREAS, if the City retains this particular site, a pump will need to be removed and other improvements will need to be made, at an estimated cost of $12,000, plus annual maintenance expenses at an estimated cost of $3,000, plus taxes estimated at $225 a year, and

WHEREAS, the adjacent property owner, Mr. John Gilmore, has indicated that he would be willing to possess the site to irrigate his property, and since Mr.Gilmore is the only person who can use the site, City staff is recommending that the site and a small pump be donated to the adjacent property owner, Mr. Gilmore, and

WHEREAS, the Council of the City of Modesto considered this matter at its meeting of February 1, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the small well site in Hickman, which was acquired when the City acquired the Del Este Water System, has become surplus property to the City's needs, and the Council hereby authorizes the donation of said well site to the adjacent property owner, Mr.John Gilmore. Said well site is more particularly described as Assessor's Parcel No. 19-43-11, and is located in the area as shown on the map which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to take appropriate actions to complete the transfer of the site to Mr. Gilmore.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2000, 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 Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-51

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO TRANSFER FUNDS TO REIMBURSE LING INVESTMENTS

WHEREAS, pursuant to an agreement with the City, Ling Investments is requesting reimbursement for the costs of constructing a portion of the subtrunk sewer; and

WHEREAS, the developer is requesting $32,094 in reimbursements; however, the Capital Improvement Program has $22,540 available; and

WHEREAS, the shortfall of $9,554 needs to be transferred from the Wastewater Contingency Reserves to the Subtrunk Sewer Extension fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

#621-440-K011	$ 9,554
#6210-800-8003	$(9,554)

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 1st day of February, 2000, 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, Frohman, Friedman, Serpa, Smith, and 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-52

A RESOLUTION ACCEPTING THE PROJECT TITLED "1998-99 CAPE SEALS PROJECT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 1998-99 Cape Seal Project, has been completed by Western States Surfacing Inc., in accordance with the contract agreement dated August 17, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 1998-99 Capes Seals Project 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 $287,283.11 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 8th day of February, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-53

A RESOLUTION ACCEPTING THE PROJECT TITLED "SECONDARY WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION FOUNDATION STABILIZATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Secondary Wastewater Treatment Plant Effluent Pump station Foundation Stabilization, has been completed by Conco West Inc., in accordance with the contract agreement dated November 24, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Secondary Wastewater Treatment Plant Effluent Pump station Foundation Stabilization be accepted from said contractor, Conco West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $274,998.21 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 8th day of February, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-54

A RESOLUTION DECLARING PROPERTY SURPLUS AND AUTHORIZING THE SALE BY SEALED BID OR PUBLIC AUCTION OR FOR SCRAP, PERTAINING TO SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED AND EXCESS PROPERTY, INCLUDING THREE WRECKED PATROL VEHICLES FROM THE FLEET SERVICES DIVISION,

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City of Modesto desires to sell surplus, lost, stolen, unclaimed and/or seized and excess City property, which has been accumulated at the Jefferson Street warehouse, including seized jewelry items which have been held at the Police Department Evidence and Property Room for the required waiting period and have not been claimed, and three wrecked patrol vehicles from the Fleet Services Division, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis, however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a detailed list of those items to be sold is on file in the Office of the City Clerk,

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

SECTION 1. The surplus, lost, stolen, unclaimed and/or seized and excess City property, which has been accumulated at the Jefferson Street warehouse by the City of Modesto, including seized jewelry items which have been held at the Police Department Evidence and Property Room for the required waiting period and have not been claimed, and three wrecked patrol vehicles from the Fleet Services Division, are hereby declared to be surplus to the City's needs.

SECTION 2. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder said surplus, lost, stolen, unclaimed and/or seized property. Said property is set forth on the list on file in the Office of the City Clerk.

SECTION 3. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered between the City and Roger Ernst and Associates on October 4, 1988, and which was approved by Council Resolution No. 88-757. Said agreement provides that auctioneer services shall be furnished by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale.

SECTION 5. The City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale, and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 6. If said property cannot be sold by a sealed bid process or by public auction, then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 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 Sabation
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk (3)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-55

A RESOLUTION SUMMARILY VACATING AND ABANDONING TWO (2) 10-FOOT PUBLIC UTILITY EASEMENTS ALONG THE EAST AND WEST SIDES OF LIBBY WAY, BEING ALSO ALONG THE EAST BOUNDARY OF BLOCK 11209 AND A PORTION OF THE WEST BOUNDARY OF BLOCK 11208 WITHIN THE ADRIANNA TWO SUBDIVISION IN THE CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Max Garcia, a Consulting Civil Engineer and Land Surveyor, on behalf of Max Norton Enterprises, the developer for the Adriana Two Subdivision, to abandon two (2) 10-foot public utility easements located along the east and west sides of Libby Way, (also known as lot A, and formerly known as Notting Gate Drive), being also along the east boundary of Block 11209 and a portion of the west boundary of Block 11208 within the Adrianna Two Subdivision in the City of Modesto, and

WHEREAS, these two easements were dedicated by the Subdivision Map of Adrianna Two in compliance with a tentative map condition, and were not used by the utility companies during the construction of this subdivision, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, said easements referred to above are more particularly described in Exhibit "A", attached hereto, and

WHEREAS, the Transportation, Electrical, and Engineering Divisions of the Engineering and Transportation Department, as well as the Development Services and Planning Divisions of the Community Development Department and all of the local Public Utility Companies have no objections to the abandonment as the subdivision has been constructed without using these two easements, and

WHEREAS, the Council finds and declares that:

1. The vacation of these two easements are made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which consists of two (2) 10-foot public utility easements located along the east and west sides of Libby Way, (also known as Lot A, formerly known as Notting Gate Drive), being also along the east boundary of Block 11209 and a portion of the west boundary of Block 11208 within the Adrianna Two Subdivision in the City of Modesto, are not required for public utilities.

3. That from and after the date this resolution is recorded, the two (2) 10-foot public utility easements vacated will no longer constitute a public utility easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the two (2) 10-foot public utility easements located along the east and west sides of Libby Way, (also known as Lot A, formerly known as Notting Gate Drive), being also along the east boundary of Block 11209 and a portion of the west boundary of Block 11208 within the Adrianna Two Subdivision in the City of Modesto, which are more particularly

described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and are hereby vacated and abandoned.

BE IT FURTHER RESOLVED that such vacation and abandonment shall become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION FOR ABANDONMENT OF
PUBLIC UTILITY EASEMENTS

EASEMENT AREA NO. 1:

A portion of Lots 29 through 31 in Block 11209 as shown on the map for Adrianna Two, filed in Book 38 of Maps, at Page 36, Stanislaus County Records.

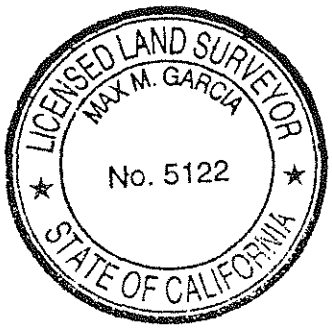
Beginning at the intersection of the northeasterly line of said Lot 29 and the south line of Merle Avenue, said south line being 42.00 feet south of parallel with the centerline of said Merle Avenue; thence South 44°07'24" East along said northeasterly line, a distance of 5.69 feet; thence South 00°28'26" East along the east line of said Lot 29, a distance of 67.03 feet; thence South 07°39'22" West along the east line of said Lot 30, a distance of 70.71 feet; thence South 00°28'26" East along the east line of said Lots 31 and 32, a distance of 128.56 feet; thence South 44°31'34 West, a distance of 9.11 feet; thence South 89°31'34" West, a distance of 14.14 feet; thence North 44°31'34" East, a distance of 14.97 feet; thence North 00°28'26" West, a distance of 125.12 feet; thence North 07°39'22" East, a distance of 70.71 feet; thence North 00°28'26" West, a distance of 70.48 feet to the north line of said Lot 29; thence North 89°52'29" East along said north line, a distance of 6.07 feet to the point of beginning.

EASEMENT AREA NO. 2:

A portion of Lots 18 through 21 in Block 11208 as shown on the map for Adrianna Two, filed in Book 38 of Maps, at Page 36, Stanislaus County Records.

Beginning at the intersection of the northwesterly line of said Lot 18 and the south line of Merle Avenue, said south line being 42.00 feet south of parallel with the centerline of said Merle Avenue; thence South 44°42'02" West along said northwesterly line, a distance of 10.66 feet; thence South 00°28'26" East along the west line of said Lot 18, a distance of 63.19 feet; thence South 08°36'14" East along the west line of said Lot 19, a distance of 70.71 feet; thence South 00°28'26" East along the west line of said Lots 20 and 21, a distance of 124.00 feet to the beginning of a curve concave to the east having a radius of 21.00 feet; thence southerly along the arc of said curve through a central angle of 31°35'17", a distance of 11.58 feet; thence North 89°31'34" East, a distance of 17.89 feet to a point of cusp and the beginning of a curve concave to the northeast, having a radius of 11.00 feet, said curve being concentric to last said curve; thence northwesterly along said curve, through a central angle of 90°00'00", a distance of 17.28 feet; thence North 00°28'26" West, a distance of 124.71 feet; thence North 08°36"14" West, a distance of 70.71 feet; thence North 00°28'26" West, a distance of 69.98 feet to the north line of said Lot 18; thence South 89°52'29" West along said north line, a distance of 2.44 feet to the point of beginning.

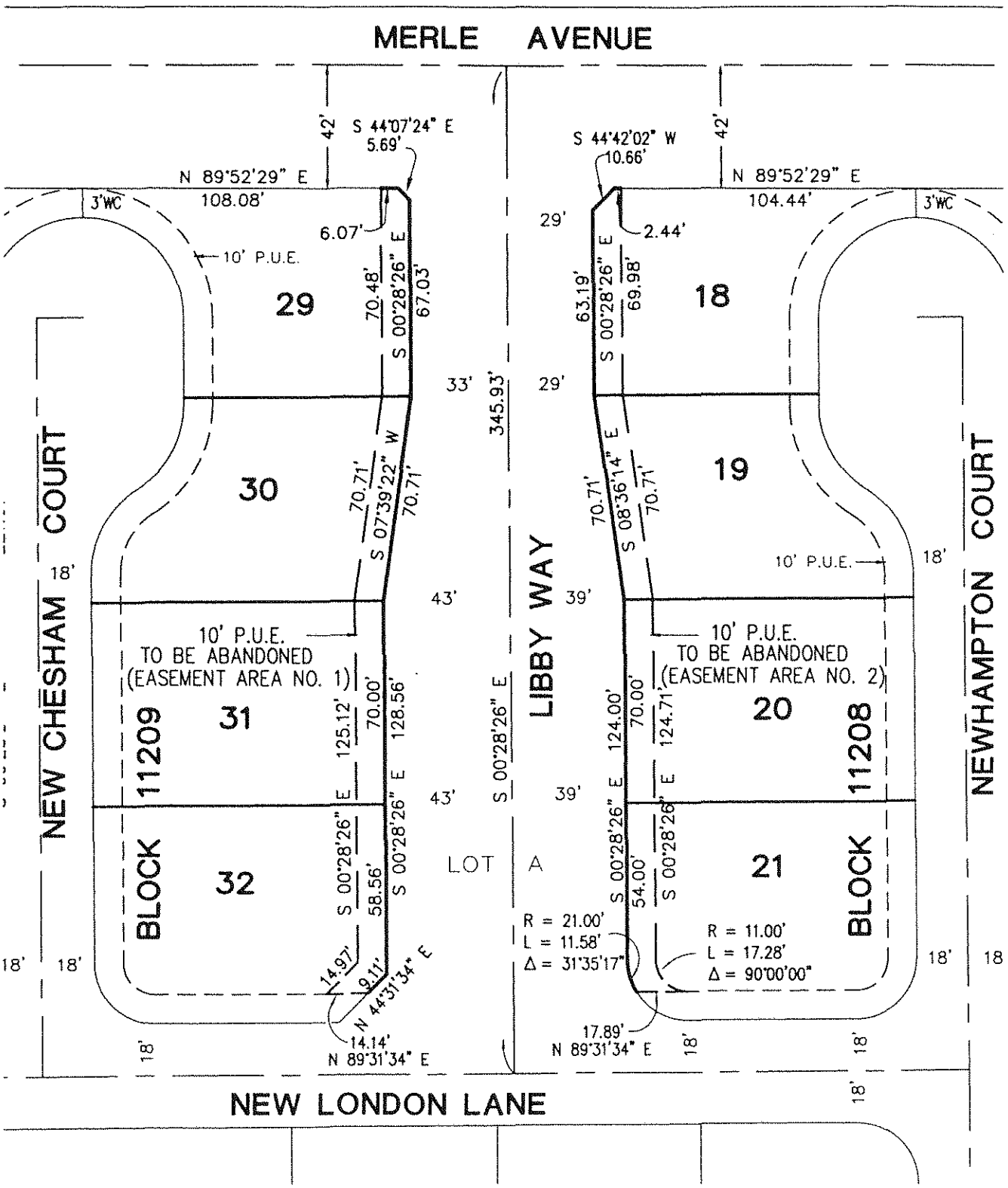
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.



Max M. Garcia 1/10/00

Max M. Garcia, L.S. 5122 Date
License Expires: 06/30/03

7048PUE.doc
01/10/00



GARCIA-DAVIS-RINGLER ENGINEERING ENGINEERING/SURVEYING/PLANNING	**PUE ABANDONMENT FOR ADRIANNA TWO**	Date: 1/25/00	Scale: 1" = 50'
		Drawn: SH	Dwg.: 7048LLA
		Checked: MG	Job No. 97048

RESOLUTION TO VACATE AND ABANDON
Street, Alley or Right-of-way

File 16.5-2

2	Clerk
1	Attorney
1	O&M
1	E&T
1	CDD - Dev. Services
1	Fire
1	Police
1	MID
1	PG&E
1	Pac Bell
1	Water Dept., Jim Molampy
*1	County Recorder
14	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

PG&E
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
2300 E. Eight Mile Road
Stockton, CA 95210-9601

Note: Do Not Record Temporary Closings

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-56

Print

A RESOLUTION DESIGNATING CITY PERSONNEL TO EXECUTE NECESSARY AND REQUIRED DOCUMENTS ON BEHALF OF THE CITY OF MODESTO FOR THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) AND FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA).

WHEREAS, the Office of Emergency Services (OES) has implemented revisions to existing Public Assistance documentation requirements, and

WHEREAS, in order for the City to file claims for the purpose of obtaining certain financial Federal assistance under P.S.93-288, and/or State financial assistance under the National Disaster Assistance Act, the City Council, by resolution, must designate selected City staff to execute necessary and required documents for and on behalf of the City of Modesto, and

WHEREAS, the City Council considered this matter at its meeting of February 8, 2000,

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

That the Council hereby designates the following City personnel to execute necessary and required documents for and on behalf of the City of Modesto for the California Office of Emergency Services (OES) and the Federal Emergency Management Administration (FEMA):

- City Manager
- Deputy City Manager
- Finance Director
- Fire Chief
- Operations & Maintenance Director

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 8th day of February, 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

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-57

Print

A RESOLUTION ACCEPTING THE BID OF TENNYSON ELECTRIC INC. FOR THE PROJECT TITLED "TRAFFIC SIGNAL INSTALLATION AT DALE ROAD AND PELANDALE AVENUE"

WHEREAS, the bids received for traffic signal installation project at Dale Road and Pelandale Avenue were opened at 11:00 a.m. on February 1, 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 $107,642 received from Tennyson Electric 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 Tennyson Electric 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 15th day of February, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-58

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL AND COUNTY FUNDS TO FULLY FUND THE TRAFFIC SIGNAL INSTALLATION PROJECT

WHEREAS, funds for this project were partially budgeted in the 1996-97 CIP; and

WHEREAS, the City has recognized additional funds from Stanislaus County and CMAQ to help offset the costs of the traffic signal installation project at Dale Road and Pelandale Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

#070-160-H978	$63,878
#0700-510-3310	$17,656
#0700-510-3404	$46,222

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 15th day of February, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-59

A RESOLUTION ACCEPTING THE PROJECT TITLED "PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Prescott/Pelandale and Carver Sewer Subtrunks, has been completed by K.J. Woods construction Inc., in accordance with the contract agreement dated January 5, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Prescott/Pelandale and Carver Sewer Subtrunks be accepted from said contractor, K.J. Woods Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $424,555.97 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 15th day of February, 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
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-60

A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM TEN (10%) PERCENT TO THIRTEEN (13%) PERCENT OF THE ORIGINAL CONTRACT PRICE WITH K.J. WOODS CONSTRUCTION, INC., NECESSARY FOR COMPLETION OF THE PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS PROJECT.

WHEREAS, the City Council awarded a contract to K.J. Woods Construction, Inc., on January 5, 1999, in the original amount of $378,000.00 for the contract entitled, "Prescott/Pelandale and Carver Sewer Subtrunks", to install 12" diameter sewer lines along Prescott Road and Carver Road, and

WHEREAS, during the course of construction, it was necessary to execute a change order for $31,200.00 when the contractor found the existing asphalt roadway, along Carver Road, to be only 1 to 2 inches thick at some locations, leading to brittle cracking of the surface outside the trench line, and

WHEREAS, the roadway was also found to be substandard because a thin asphalt surface was placed over native material, as opposed to being placed over a 4 to 6-inch thick layer of aggregate base material, and the change order was executed to cover the extra costs to rebuild the street section to current standards, and

WHEREAS, this change order was within the Director's 10% change order level of authority established by City Council policy, but limited the Director's authority to handle further unforeseen events for the remainder of the project, and

WHEREAS, additional change orders in the amount of $15,355.97, were needed to complete the project, for a total change order amount of $46,555.97 (about 12.4%), and

WHEREAS, said change orders exceeding the Director's 10% authority have been negotiated and written, but have not been executed, and City staff is requesting an increase in the Director's change order level of authority to 13% to allow execution of all the remaining valid change orders,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Director of Engineering and Transportation's authority level to issue change orders from 10% to 13% for additional work by K. J. Woods Construction, Inc., on the Prescott/Pelandale and Carver Sewer subtrunks project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-61

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND CREATE A NEW CIP PROJECT FOR INSTALLATION OF LIGHTED CROSSWALKS

WHEREAS, staff has successfully applied for and received grant funds to install lighted crosswalks in various locations within the City; and

WHEREAS, estimated revenue needs to be appropriated into a new capital improvement project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Revenue:	#0700-510-9510-3138	$125,000
Expense:	#0700-160-L126-6040	$125,000

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 15th day of February, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-62

A RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL FUND PREAPPLICATION IN THE AMOUNT OF $900,100.00 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR AIRPORT IMPROVEMENT PROJECTS, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City of Modesto is eligible for AIP entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the City of Modesto recently submitted an Airport Capital Improvement Plan (ACIP) to the FAA for federal funds needed to complete future Modesto City-County Airport Improvements, and

WHEREAS, projects recommended with the preapplication include updating the Airport Master Plan, seal coating the airport service road between the general aviation and terminal areas, expanding and reconstructing the air carrier and transient aircraft parking apron next to the passenger terminal, and the appropriation of the remainder of the funds for resurfacing Taxiways A and B, and

WHEREAS, before, the FAA formally considers funding, the City must submit a preapplication for said funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a federal fund preapplication in the amount of $900,100.00 to the Federal Aviation Administration for airport improvement projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute said federal fund preapplication 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 15th day of February, 2000, 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. 2000-63

Print

A RESOLUTION APPROVING AN AIRPORT USE AGREEMENT BETWEEN THE CITY OF MODESTO AND ENTERPRISE RENT-A-CAR TO OPERATE A CAR RENTAL BUSINESS FROM A SITE AT MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the airport use agreement between the City of Modesto and Enterprise Rent-a-Car to operate a car rental business from a site at Modesto City-County Airport 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 15th day of February, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-64

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTH DAY IN THE PARK FESTIVAL 2000" 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 Citizens' Advisory Committee on Recycling (CACOR) sponsors the event, and the 11th Annual "Earth Day in the Park" will be held on Saturday, April 15, 2000, at Graceada Park, and

WHEREAS, Earth Day in the Park Festival 1999 drew 68 vendors and an estimated 10,000 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 2000, 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 2000" event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-65

A RESOLUTION APPOINTING VOLUNTEERS DON ABEL, CPA, JOHN AMISTADI, CPA, JACK DICKMAN, SUE HOLLINGSWORTH, CPA, AND PETE KOLF TO THE MAYOR'S AD HOC FINANCE COMMITTEE

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

SECTION 1. Don Abel, John Amistadi, Jack Dickman, Sue Hollingsworth and Pete Kolf are hereby appointed to the Mayor's Ad Hoc Finance Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Mayor's Ad Hoc Finance 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 15th day of February, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-66

A RESOLUTION AMENDING THE BUDGET AND APPROVING ITEMS 1 THROUGH 8 AS SET FORTH IN THE SECOND QUARTERLY BUDGET REPORT FOR FY 1999-00

WHEREAS, the second 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 1999-2000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations and revenue for the 1999-2000 budget have been adjusted as shown in Attachment A.

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 15th day of February, 2000, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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

Attachm

Quarterly Budget Adjustment Form
Department: Finance Budget Division

	Adjustment #	App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification	Approved
Recreation & Neighborhoods	1	App	0100	370	3715		0140	55,598	66,148	10,550	Council approved increase for cost recovery for use of Multi-purpose facilities by City approved youth sports organizations	Pending Council Approval 2/15/00
Recreation & Neighborhoods	2	Rev	0100	370	3717		8107	-	2,750	2,750	Unanticipated revenue for Martin Luther King Celebration, used to offset cost of speaker	Can be processed as AT
		App	0100	370	3717		0235	8,500	11,250	2,750		
Recreation & Neighborhoods	3	App	0100	370	3715		1060	84,000	109,000	25,000	(Pending approval of FPC on 1/25/00) Funds needed to provide scholarships to low-income youth participating in City and City-sponsored sports and classes.	No Per discussion at FPC
Recreation & Neighborhoods	4	App	1350	310	K102		6010	-	400	400	These funds are needed to pay staff charges not originally included in cost estimates for the Sports Complex. Savings will be realized from the Eisenhut Park porject.	Went to Council already BT to be done
		App	1350	310	J303		6010	33,000	32,600	(400)		
										-		
										-		
Operation & Maintenance		App	0100	480	4727		Various	-	121,000	121,000	Modesto Youth Conservation Corp	Pending Council Approval 2/15/00
Community Development/ Finance	1	App	1150	700	7000		7113	581,530	576,529	(5,001)	Transfer Out to Fund 1130	Pending Council Approval 2/15/00
	1	Rev	1130	700	7000		9115	581,530	576,529	(5,001)	Transfer In to Fund 1150	
	1	App	1160	700	7000		7113	297,026	320,000	22,974	Transfer Out to Fund 1130	
	1	Rev	1130	700	7000		9116	297,026	320,000	22,974	Transfer In to Fund 1160	
	1	Rev	1160	140	1467		3513	511,208	481,208	(30,000)	CDBG Grant Revenue	
											To match carryover revenues with the carryover projects from FY99	
Personnel/ Finance	2	App	7510	030	6650	6600X	0188	1,018,301	-	(1,018,301)	Benefits	No approval-change estimate on proforma
	2	App	7510	030	6651	6600X	0188	412,627	-	(412,627)	Benefits	
	2	Rev	7510	030	6650		4991	8,278,331	7,824,566	(453,765)	Leave Internal Charges	
	2	Rev	7510	030	6651		4992	8,651,414	8,258,335	(393,079)	Non-Insurance Benefits-Internal Charges	
	2	Rev	7510	030	6650		6101	200,000	380,000	180,000	Interest	
	2	App	7510	800	8000	7510R	8003	(16,658)	764,084	780,742	Reserve	
											To match Departmental Leave and Non-Insurance Benefits Appropriation to the EBF Fund Appropriations and Revenues	

Attachm

Quarterly Budget Adjustment Form
Department: Finance Budget Division

	Adjustment #	App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification	Approved
Police	3	Rev	0100	510	9510		3506	334,430	175,957	(158,473)	Local Law Enforcement Grant	Pending Council Approval 2/15/00
	3	Rev	0100	190	1980		3506	349,231	-	(349,231)	Local Law Enforcement Grant	
	3	App	0100	190	1961	1900C	5318	-	42,959	42,959	Command Post	
	3	App	0100	190	1980	1980C	5292	700,000	-	(700,000)	Record Management System	
	3	Rev	0100	700	7000		9040	788,064	174,459	(613,605)	Transfer in to Fund 0400	
	3	App	0100	800	8000	0100R	8003		(464,268)	(464,268)	Reserve	
	3	Rev	0400	190	1980		3506	180,000	158,586	(21,414)	Local Law Enforcement Grant	
	3	Rev	0400	190	1980		3502	361,453	-	(361,453)	COPS	
	3	App	0400	190	1961	1990C	5318	42,959	-	(42,959)	Command Post	
	3	App	0400	700	7000	0400G	7010	788,064	174,459	(613,605)	Transfer Out to Fund 0100	
	3	App	0400	190	1980	1990C	5292	686,453	700,000	13,547	Record Management System	
	3	App	0400	190	1980	1990C	5288	280,000	-	(280,000)	Computers	
	3	Rev	0400	190	1961		3501	150,000	-	(150,000)	Federal Grant -OCJP	
	3	Rev	0400	190	1961		3502	-	150,000	150,000	COPS	
	3	App	0400	800	8000	0400R	8003		540,150	540,150	Reserve	
										-	To match revenues and expenditures in the Police Department's General Fund and SLESF Fund	
										-		
Engineering & Transportation	To 1A	App	0100	420	4212	4200C	0218	7,603	16,603	9,000	**Vehicle Maintainence** - Vehicle maintenance for new Inpectors vehicle was left out of the original budget.	Can be processed as AT
	To 1B	App	0100	420	4213	4200C	0301	1,860	2,860	1,000	**Office Supplies** to set up in new location.	
Engineering & Transportation	Fr 1C	Rev	0100	420	4212	4200	4011	70,000	80,000	10,000	**Revenue for Subdivision Inspections:** Additional revenue due to higher subdivision inspection activity	
Engineering & Transportation	To 2A	App	0100	420	4212	4200C	0235	3,500	10,700	7,200	**Temporary Employee** - reimbursement from salary savings in 0110.	Can be processed as AT
	Fr 2B	Rev	0100	420	4212	4200A	0110	687,997	680,797	(7,200)		
Engineering & Transportation	To 3A	App	0100	420	4212	4200C	0216	541	1,000	459	**Pagers:** Switched to different pager company with capability to receive e-mail through internet.	Can be processed as AT
	Fr 3B		0100	420	4212	4200A	0110	687,997	687,538	(459)		
Engineering & Transportation	To 4A	App	0100	430	4301	4300C	0210	-	105	105	**Pager for Depty Director:** Deputy Director now wears a pager. Funds need to be appropriated to pay for this expense.	Can be processed as AT
	Fr 4B	App	0100	430	4302	4300C	0235	13,787	13,682	(105)		
Engineering & Transportation	To 5A	App	0100	430	4301	4300C	0301	400	850	450	**HPB2C Deskjet Printer** for Deputy Director & Secretary to share: For use with Deputy's new computer replacement. Deputy shares the new printer with Secretary for producing color copy and graphical presentations. Move from old City Hall necessitated additional expenditures in this account that we didn't anticipate to replace numerous standard office items.	Can be processed as AT
	Fr 5B	App	0100	430	4302	4300C	0235	13,787	13,337	(450)		
										-		

Attachment

Quarterly Budget Adjustment Form
Department: Finance Budget Division

	Adjustment #	App/Rev	Fund	Agency	Organization	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification	Approved
Operations & Maintenance/ Engineering & Transportation	To 1A	App	6210	480	5215		5____	-	14,000	14,000	In 2/99 $14k was set up in org 5215 for software approved by Council. Due to software implementation problems, pymt not made nor encumbered during fy98-99. Problems have been corrected and pymt should be made.	No per discussion with Dept
	Fr 1B	App	6210	800	8000		8003		2,860	14,000		
Engineering & Transportation	Fr 2A	App	070	430	J900	900	6010	206,000	186,000	(20,000)	College Overlay Project - Reduce Briggsmore Ave. Pavement Rehab and create College Ave. Overlay-Needham to Cecil Project	Pending Council Approval 2/15/00
	Fr 2A	App	070	430	J900	900	6040	2,275,000	1,775,000	(500,000)	"	
	Fr 2A	App	070	430	J900	900	6050	113,000	88,000	(25,000)	"	
	Fr 2A	App	070	430	J900	900	6060	202,000	152,000	(50,000)	"	
	To 2B	App	0700	430	L____		6010	-	20,000	20,000		
	To 2B	App	0700	430	L____		6040	-	500,000	500,000		
	To 2B	App	0700	430	L____		6050	-	25,000	25,000		
	To 2B	App	0700	430	L____		6060	-	50,000	50,000		
Engineering & Transportation	Fr 3B	App	632	440	K823	823	6040	560,000	529,000	(31,000)	Airport runway sweeper. Change text from Design Gen Aviation to new Runway Sweeper and perhaps adj. Dollars for $31k.	Pending Council Approval 2/15/00
	To 3A	App	632	440	K825	825	6010	99,000	130,000	31,000		
Community Development/ Finance	CIP1	App	113	020	F789	789	6040	-	30,712	30,712	HBR-ADA Compliance reappropriate	Pending Council Approval 2/15/00
Engineering & Transportation / Finance		App	113	140	1462	1462C	0260	640,165	609,453	(30,712)	Miscellaneous Services	
	CIP1	App	623	480	H868	868	6040		68,854	68,854	Headworks & Grit Removal reappropriate	
	CIP1	App	623	480	H869	869	6040		250,000	250,000	Ranch Improvements reappropriate	
										-	Projects that were closed prematurely put back in budget as active.	
Community Development/ Engineering & Transportation/ Finance		App	052	140	K936	936	6040	79,000	60,088	(18,912)	Downtown Modesto Bicycle Parking	Pending Council Approval 2/15/00
		Rev	052	510	9510		??		(18,912)	(18,912)	Grant	
										-		
										-		

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-67

A RESOLUTION APPROVING THE COFFEE-CLARATINA PUBLIC FACILITY FINANCING STRATEGY PLAN.

WHEREAS, City staff has recommended to the City Council the adoption of a proposed Coffee-Claratina Public Facility Financing Strategy plan, which provides for reduced public facility costs, a copy of said proposed plan is on file in the office of the city Clerk, and

WHEREAS, the proposed Coffee-Claratina Public Facility Financing Strategy plan is intended to assign public facility costs to development in an equitable manner, and

WHEREAS, said proposed plan was considered at a duly noticed public meeting of the City Council, which was held at 7:00 p.m., on Tuesday, February 15, 2000, in the Council Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Coffee-Claratina Public Facility Financing Strategy plan, dated January, 2000, which provides for reduced public facility costs, subject to the following condition:

> That any plans for installation of traffic signals at either end of the east-west collector street return to Council for consideration prior to their approval. Specifically, these traffic signals are located in Area 1 (the intersection of east-west collector street and McHenry Avenue), and Area 5 (the intersection of east-west collector street and Coffee Road), as shown on Exhibit "A" of the Coffee-Claratina Area Map within the Coffee-Claratina Public Facility Financing Strategy plan, a copy of which is dated January, 2000, and which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 15th day of February, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-68

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR MAINTENANCE ACTIVITIES AT JOHN THURMAN BASEBALL STADIUM.

WHEREAS, in the January 26, 1999, agreement between the Modesto A's and the City of Modesto, the City agreed to initiate a Request For Proposals (RFP) for game-related maintenance activities at the stadium, and

WHEREAS, the RFP will seek proposals for pre-game and post-game field maintenance; clubhouse, press box, and box suites janitorial service; and grandstand, concourse, parking lots, and public restroom cleaning, and

WHEREAS, interested contractors will be provided information regarding the City's cost to provide said activities, and

WHEREAS, staff anticipates returning to the City Council to award a contract or to continue with City services,

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 game-related maintenance activities at John Thurman Baseball Stadium.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-69

A RESOLUTION SUPPORTING THE NOMINATION OF THE STATE ROUTE 99 CORRIDOR ENHANCEMENT PROJECT FOR CALTRANS TRANSPORTATION ENHANCEMENTS ACTIVITY FUNDING.

WHEREAS, in 1997, Congress approved the Transportation Equity Act for the 21st Century (TEA-21), which includes the transportation Enhancement Activities (TEA) program that provides funds for financial transportation enhancements such as landscaping, beautification, bikeways and historical preservation in transportation corridors, and

WHEREAS, the program includes $60 million per year to the State of California for six successive years, and the State has chosen to divide its TEA allocations into four TEA pots: One of these pots is distributed via the regional transportation authority (StanCOG), a second is slated for conservation lands, a third goes toward statewide environmental enhancement, and the final TEA pot is allocated to Caltrans, and

WHEREAS, in September, 1999, Caltrans District 10 nominated the State Route 99 Modesto Corridor Enhancement Project for funding from the Caltrans portion of the State's FY 99-00 Transportation Enhancement Activities (TEA) funds, and

WHEREAS, the State Route 99 Enhancement Project totals $16 million and includes landscaping enhancements for key interchanges along State Route 99, landscaping improvements along the State Route 99 corridor, and median enhancements, and

WHEREAS, Caltrans District 10 requested that the City participate in meeting the local match required for the project. If the total $16 million project is funded, the local match

could be $1.5 million, assuming no assistance from Caltrans District; however, since this project is on a State highway and involves enhancements to a corridor that is controlled by Caltrans, City staff is of the opinion that the match is Caltrans' responsibility and should be paid for by Caltrans, and

WHEREAS, depending on the nature of the specific landscape improvements, District 10 may request that the City enter into a maintenance agreement for enhancements, however, City staff's position is that the corridor is under Caltrans' control and landscaping maintenance should be performed by Caltrans, and

WHEREAS, State Route 99 Corridor serves as the "window" through which visitors to the Central Valley view our City, and at present, much of the corridor is unattractive, containing few landscaping improvements or other enhancements, and

WHEREAS, the Transportation Policy Committee supports the project and recommended to the Council approval of a resolution supporting the increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports the nomination of the State Route 99 Corridor Enhancement Project for Caltrans Transportation Enhancements Activity funding.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 22nd day of February, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-70

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR CONGESTION MITIGATION AND AIR QUALITY FUNDS TO PARTIALLY OFFSET OPERATING AND CAPITAL EXPENSES OF THE CITY'S PUBLIC TRANSPORTATION PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the Federal Transportation Administration (FTA) has been delegated authority to award Federal financial assistance for transportation related projects, and

WHEREAS, each year the City of Modesto (City) submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized Area by the FTA, and

WHEREAS, by a report to the Council dated February 11, 2000, from the Engineering & Transportation Department, City staff recommended submitting a grant application to the FTA for $1,942,262 in formula apportioned funds and $387,075 in Congestion Mitigation and Air Quality (CMAQ) funds to partially offset the operation and capital expenses of the City's public transit program, a copy of said report is attached hereto and incorporated herein by reference, and

WHEREAS, at its meeting held on February 22, 2000, the City Council considered said recommendations,

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

Modesto, as follows:

1. That it hereby approves the submittal of a grant application to the FTA for $1,942,262 in formula apportioned funds and $387,075 in Congestion Mitigation and Air Quality (CMAQ) funds to partially offset the operation and capital expenses of the City's public transit program, as recommended in the report attached hereto and incorporated herein by reference.

3. That the City Manager, or his authorized designee, is authorized to execute all grant application and cooperative 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 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING 2/22/00

DATE: February 11, 2000

TO: City Council

FROM: Engineering & Transportation

SUBJECT: Federal Transit Administration (FTA) Grant Application

RECOMMENDED COUNCIL ACTION:

Approve a resolution authorizing the City Manager to submit the City's FY 1999/2000 grant application for Federal Transit Administration (FTA) grant funds and execute grant agreements.

BACKGROUND:

Each year, the City submits a grant application for funds from the formula apportionment (Section 5307 funds) made available to the Modesto Urbanized Area by the FTA. Our FY 1999/2000 apportionment for Section 5307 is $2,737,937. The 5307 funds requested in this grant application total $1,942,262. Section 5307 funds that are not used in the year of apportionment may be carried forward for use in future years.

Through the StanCOG process, the City successfully competed for Congestion Mitigation and Air Quality (CMAQ) funds in the amount of $393,517. Both the 5307 and CMAQ funds will be used to reimburse the City for projects undertaken and/or approved in the City's Capital Improvement Program and operating budget for FY 1999/2000. Unlike many grant programs, the FTA will reimburse grantees for projects accomplished prior to approval of the grant.

Local matching funds of $1,311,632 will come from three sources. Most of these funds ($1,240,832) will come from the City's Local Transportation Funds, which is ¼ cent of the 7 3/8 cent sales tax that is returned to the local community by the state to pay for local transit and transportation needs. Other matching funds were obtained through successful competitive grants from the San Joaquin Valley Air Pollution Control District ($10,800) and Caltrans' Transit Capital Improvement program ($60,000). City of Modesto general funds will not be used for the local match or for any transit operating costs.

Attached is a list of projects for which funds are being requested. The list includes capital projects and many projects that would be considered operating costs. Although operating assistance has been eliminated by the FTA as an eligible category, many projects once considered "operating" are now classified by the FTA as "capital" and thereby eligible for funding. These projects include:

- Preventative Maintenance, which includes all cost of maintaining our fleet of MAX buses. The FTA will cover 80% of this cost.

- Capital Cost of Contracting, which includes a portion of the cost of the City's contract with its Dial-A-Ride (DAR) contractor. FTA covers 40% of this cost.

- Paratransit System Operating Costs, which include the cost of operating the ADA segment of our DAR operation that is not covered in the "Capital Cost of Contracting" item. FTA covers 80% of eligible expenses.

- Transit Center Operating costs (up to $27,379 for FY 1999/2000).

- Training Expenses – FTA covers 80% of these expenses.

Major capital projects include repowering and refurbishing our 1983 and 1985 Gillig buses to extend their service life and to significantly reduce air emissions.

REASON FOR RECOMMENDED ACTION:

Approval of the grant application is needed for it to move on to the Stanislaus Area Association of Governments (StanCOG) and then to the FTA for approval.

STEPS FOLLOWING APPROVAL:

StanCOG approval	March 2000
FTA approval	June 2000

Prepared by: _____
Fred Cavanah
Transit Manager

Recommended by: _____
Glen K. Lewis
Engineering & Transportation Director

Submitted by: _____
Paul Baxter
Acting City Manager

FC:ps
S:Transit/CC Agenda/FTA2-00

2000 PROGRAM OF PROJECTS FOR FEDERAL TRANSIT ADMINISTRATION FUNDING

PROJECTS FUNDED WITH FORMULA FUNDS

PROJECTS DESCRIPTION	Local Cost	FTA Amount	Total Cost
Capital Projects			
Bus Stop Improvements	$ 1,800	$ 7,200	$ 9,000
Transportation Center Video Surveillance System	$ 8,000	$ 32,000	$ 40,000
Refurbish 1983 & 1985 Gillig Buses	$ 28,000	$ 111,999	$ 139,999
Wrought iron security enclosure for transit center	$ 8,200	$ 32,800	$ 41,000
Computers	$ 2,000	$ 8,000	$ 10,000
Coin counter	$ 600	$ 2,400	$ 3,000
Operating Assistance Projects			
Capital Cost of Contracting Dial-a-Ride (FY 1999/2000)	$ 750,000	$ 500,000	$ 1,250,000
Paratransit Operating cost not covered in previous item	$ 13,114	$ 52,456	$ 65,570
Operate Transit Center (FY 1999/2000)	$ 150,485	$ 27,379	$ 177,864
Training Expenses (FY 1999/2000)	$ 1,000	$ 4,000	$ 5,000
Preventative Maintenance (FY 1999/2000)	$ 291,007	$ 1,164,028	$ 1,455,035
Total	$ 1,254,206	$ 1,942,262	$ 3,196,468

PROJECTS FUNDED WITH CMAQ FUNDS

CMAQ			
Bike Racks for MAX buses	$ 10,800	27,200	$ 38,000
Repower 1983 & 1985 Gillig Buses	$ 42,439	$ 327,562	$ 370,001
Upgrade Computerized Dispatch System for Dial-a-Ride	$ 4,187	$ 32,313	$ 36,500
Total	$ 57,426	$ 387,075	$ 444,501
Grand Total	**$ 1,311,632**	**$ 2,329,337**	**$ 3,640,969**

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Modesto, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council of the City of Modesto held on the 22nd day of February, 2000.

Dated: 3/2/00

Jean Zahr

JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-71

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "STANDARD AVENUE: ROSE CONSTRUCTION AND DRAINAGE IMPROVEMENTS"

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Standiford Avenue: Road Construction and Drainage Improvements, has been completed by George Reed Inc., in accordance with the contract agreement dated September 22, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Standiford Avenue: Road Construction and Drainage Improvements 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 $1,222,590.91 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 22nd day of February, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-72

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 1" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled New Police Headquarters Building – Bid Package No. 1, has been completed by Acme Construction Company Inc., in accordance with the contract agreement dated October 20, 1998.

NOW, THEREFORE, BE IT RESOLVED that the New Police Headquarters Building – Bid Package No. 1 be accepted from said contractor, Acme Construction Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,154,978.00 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 22nd day of February, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-73

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ROCKWELL REJUVENATION

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 Rockwell Rejuvenation, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 14, 2000 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 22nd day of February, 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. 2000-74

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS TO FULLY FUND THE ROCKWELL REJUVENATION PROJECT

WHEREAS, rockwells need ongoing maintenance to function properly; and

WHEREAS, additional funds are needed to fully fund the rockwell rejuvenation project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

#6280-480-L094	$ 30,000
#6280-800-8003	($30,000)

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 22nd day of February, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-75

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF DRILLING SERVICE FOR 13 MONITORING WELLS AND RELATED INSTALLATION AT THE SECONDARY WASTEWATER TREATMENT PLANT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Drilling Service for 13 Monitoring Wells and Related Installation at the Secondary Wastewater Treatment Plant are hereby waived.

BE IT FURTHER RESOLVED that purchase of Drilling Service for 13 Monitoring Wells and Related Installation at the Secondary Wastewater Treatment Plant for a not to exceed price of $75,958.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-76

A RESOLUTION APPROVING THE FINAL MAP OF THE CAROLINAS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, McROY-WILBUR COMMUNITIES, INC., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 6.91 acres, known as THE CAROLINAS SUBDIVISION ("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 November, 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 THE CAROLINAS 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 22nd day of February, 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
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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-77

A RESOLUTION VACATING AND ABANDONING A 30.00-FOOT-WIDE ACCESS EASEMENT LOCATED IN A PORTION OF P-D(148) ON PROPERTY AT THE SOUTHWEST CORNER OF CARPENTER ROAD AND CUMMINS DRIVE.

WHEREAS, the Community Development Department has requested the abandonment of a 30.00-foot-wide access easement located in a portion of P-D(148) on property at the southwest corner of Carpenter Road and Cummins Drive, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, said easement referred to above is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, said easement is obsolete and required to be abandoned to allow the development plan approved by the Planning Commission on November 15, 1999, by Planning commission Resolution No. 99-71, amending a portion of P-D(148), to move forward, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8333, of Part 3 of Division 9 of the Streets and Highways Code.

2. The 30.00-foot-wide access easement located in a portion of P-D(148) on property at the southwest corner of Carpenter Road and Cummins Drive in the City of

Modesto, as more particularly described in Exhibit "A" attached hereto, is not required for easement purposes.

3. That from and after the date this resolution is recorded, the 30.00-foot-wide access easement vacated will no longer constitute an easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 30.00-foot-wide access easement located in a portion of P-D(148) on property at the southwest corner of Carpenter Road and Cummins Drive in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department

EXHIBIT "A"

HORIZON
CONSULTING SERVICES

CAMPUS MARKETPLACE
LEGAL DESCRIPTION TO ABANDON 30.00 FOOT WIDE
ACCESS EASEMENT

All that certain real property being a portion of the Carmichael Colony, filed in Volume 7 of Maps, at Page 20, Stanislaus County Records and lying in a portion of the northeast quarter of the southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

A 30.00 foot wide strip of land affecting Parcels 2, 3, & 4 as shown on the map filed for record in Volume 45 of Parcel Maps at Page 82, Stanislaus County Records. The purpose of this description is to abandon all of said 30.00 foot wide access easement.

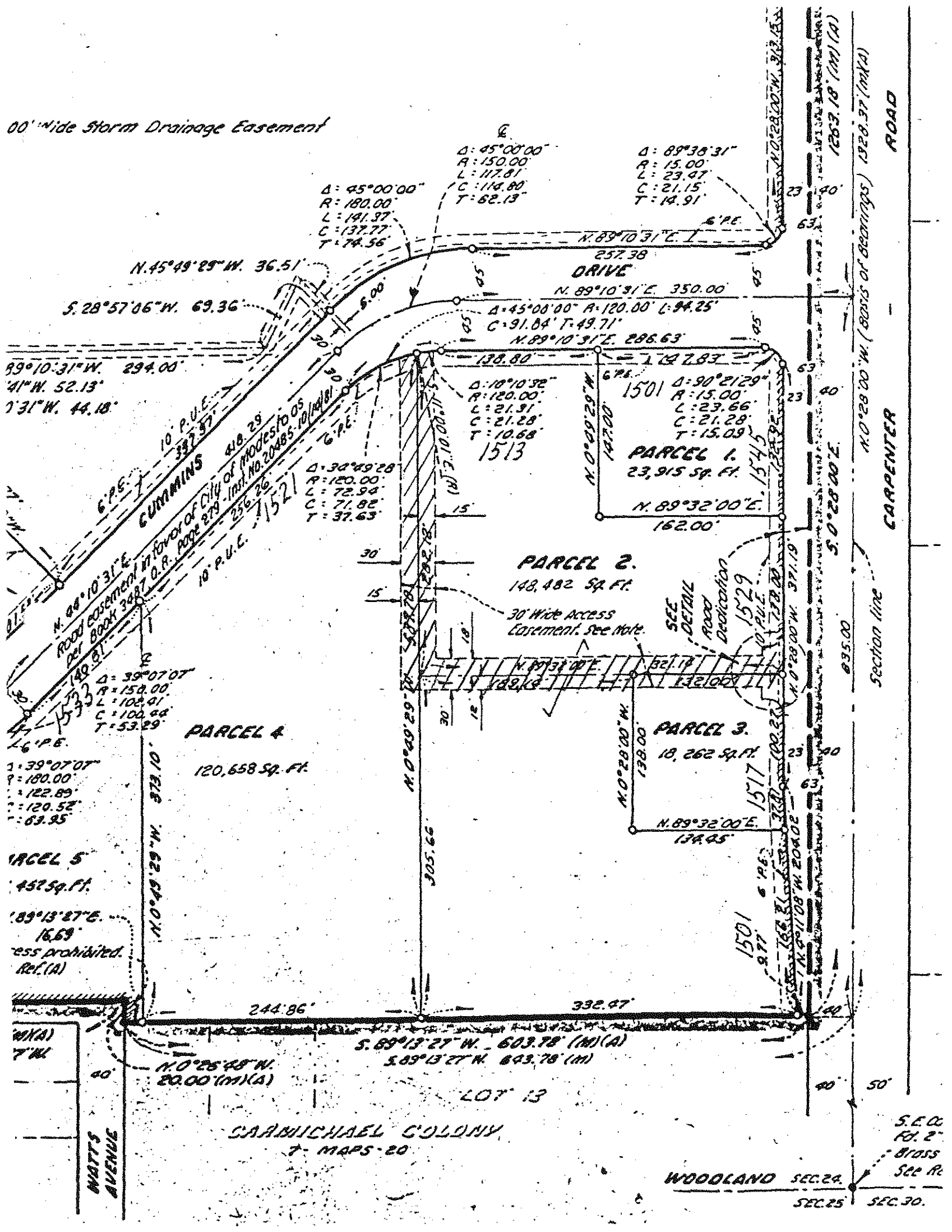
Roy A. Galli
R.C.E. 16,024

Dennis E. Wilson
Planning Consultant

P.O. Box 1448
Modesto, California
95353

phone 209.491.7620
fax 209.491.7626

Roy A. Galli, R.C.E. 16024


00' Wide Storm Drainage Easement
Δ: 45°00'00"
R: 150.00'
L: 117.81'
C: 114.80'
T: 62.13'
Δ: 89°38'31"
R: 15.00'
L: 23.47'
C: 21.15'
T: 14.91'
Δ: 45°00'00"
R: 180.00'
L: 141.37'
C: 137.77'
T: 74.56'
N.45°49'25"W. 36.51'
S. 28°57'06"W. 69.36'
N. 89°10'31"E. 257.38
DRIVE
N. 89°10'31"E. 350.00'
Δ=45°00'00" R=120.00' L=94.25'
C=91.84' T=49.71'
N.89°10'31"E. 286.63'
138.80'
Δ: 10°10'32"
R: 120.00'
C: 21.31'
C: 21.28'
T: 10.68'
1513
1501
Δ: 90°21'29"
R: 15.00'
C: 23.66'
C: 21.28'
T: 15.09'
PARCEL 1.
23,915 Sq. Ft.
1545
N. 89°32'00"E.
162.00'
PARCEL 2.
148,482 Sq. Ft.
30' Wide Access Easement. See Note.
SEE DETAIL
Road dedication
1529
N.89°32'00"E. 132.00'
PARCEL 3.
18,262 Sq. Ft.
1517
N.89°32'00"E.
134.45'
PARCEL 4
120,658 Sq. Ft.
PARCEL 5
452 Sq. Ft.
16.69'
ess prohibited.
Ref.(A)
244.86'
332.47'
S.89°13'27"W. 603.78' (M)(A)
S.89°13'27"W. 643.78' (M)
N0°28'48"W.
20.00'(M)(A)
LOT 13
CARMICHAEL COLONY
7 MAPS 20
MAIN'S AVENUE
WOODLAND SEC. 24.
SEC. 25
SEC. 30.
CARPENTER ROAD
Section line
CUMMINS
418.29'
332.97'
10' P.U.E.
6' P.E.
ROAD easement in favor of City of Modesto 05
per Book 3487 O.R. Page 279 Inst No. 20485. 10 (A)(B)
256.26'
1521
N. 44°10'31"E.
148.61'
Δ: 39°07'07"
R: 150.00'
L: 102.41'
C: 100.44'
T: 53.29'
1533
N.0°49'29"W. 373.10'
N.0°49'29"W. 305.66'
N.0°28'00"W. 138.00'
N.0°28'00"W. 371.19'
N.0°28'00"W. 735.00'
N.0°28'00"W. 1303.18' (M)(A)
N.0°28'00"W. 1329.37' (M)(A)
N.0°11'08"W. 204.02'
1501
Δ=39°07'07"
R=180.00'
=122.89'
=120.52'
=63.95'

RESOLUTION VACATING EASEMENT

File 16.2-4

	2	Clerk
	2	Attorney
	1	E&T
	1	E&T - Engineering Services
*	1	County Recorder
	1	MID
	1	PG&E
	1	Pacific Bell
	1	Water Department - Jim Molampy
	11	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
1116 M Street
Modesto, CA 95354

* Temporary Closings do not Record

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-78

A RESOLUTION APPROVING THE FINAL MAP OF ROSE LAND NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, FLORSHEIM BROS., a California general partnership by FLORSHEIM PROPERTIES, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 18.61 acres, known as ROSE LANE NO. 5 ("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 November, 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 ROSE LANE NO. 5 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 22nd day of February, 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
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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-79

A RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT FUNDS TO BE EXPENDED FOR NON-CITY EMPLOYEES TO ATTEND THE WORKFORCE DEVELOPMENT FOR POVERTY REDUCTION PROJECT IN DENVER, COLORADO.

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, "Workforce Development for Poverty Reduction", and

WHEREAS, during the first year, the City invited community agencies and members working directly with or in workforce development programs to participate as member of the City's Workforce Development Team, and members of the team attended the first convening session held in St. Louis, Missouri, and

WHEREAS, the second convening session will be held in Denver, Colorado, and will provide an opportunity for each team to share their programs, and the estimated cost for each member is $1,028, and

WHEREAS, by an Agenda report dated February 8, 2000, from the Community Development Department, Business Development Office, City staff recommended to the Council authorizing the use of Community Development funds to cover the cost of non-City employees to attend the second convening of the Workforce Development for Poverty Reduction Project on April 6-8, 2000, in Denver, Colorado, and

WHEREAS, the City Council considered this matter at its meeting of February 22, 2000,

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 cost of non-City employees to attend the Workforce Development for Poverty Reduction Project in Denver, Colorado, to allow team members to obtain additional information and insight regarding their participation in the Workforce Development Project.

BE IT FURTHER RESOLVED that the total estimated cost is $4,112, and funds are available in Account 010-140-1400-0260 to cover the costs of the participating members.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 22nd day of February, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-80

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1998 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning (OCJP) administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for equipment purchases that enhance juvenile accountability programs, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1998 Juvenile Accountability Incentive Block Grant Program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1998 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal

funds.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that 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 on the 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-80

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1998 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for equipment purchases that enhance juvenile accountability programs, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1998 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1998 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal

funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-81

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1999 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

WHEREAS, the Office of Criminal Justice Planning (OCIP) administers the Juvenile Accountability Incentive Block Grant Program, and

WHEREAS, program funds are noncompetitive, with acceptance by the State of a program plan that meets stipulated purpose areas, and

WHEREAS, monies are available to the City of Modesto for expansion of services to juveniles in the community, and

WHEREAS, pursuant to an Agenda Report dated February 10, 2000, from the Police Department, City staff recommended an application under the 1999 Juvenile Accountability Incentive Block Grant Program for approximately $54,000 in Federal funds, with total project expenditures at approximately $60,000, as there is a ten percent funding match required of the City, and the funding match is available from the State Supplemental Law Enforcement Services Fund, and

WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1999 Juvenile Accountability Incentive Block Grant Program for approximately $54,000 in Federal

funds.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCIP and that the cash match will be appropriated as requested.

IT IS AGREED that any liability arising out of the performance of ths Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that 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 on the 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-81

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR FEDERAL FUNDING UNDER THE 1999 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT PROGRAM.

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WHEREAS, on February 22, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents under the 1999 Juvenile Accountability Incentive Block Grant program for approximately $54,000 in Federal

funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

DISTRIBUTION LIST
FOR
RESOLUTION AUTHORIZING FUNDING

2 - Clerk
1 - Attorney
1 - Finance
1 - MPD - Judy Tognolini

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-82

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS TO PROVIDE AFTER-SCHOOL ENRICHMENT PROGRAMS AT BRET HARTE, BURBANK, FRANKLIN, KIRSCHEN, MARSHALL, PEARSON, ROBERTSON ROAD, SHACKELFORD, TUOLUMNE AND ORVILLE WRIGHT SCHOOL SITES FOR THE REMAINDER OF THE CURRENT SCHOOL YEAR AND THE 2000-2001 SCHOOL YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools to provide after-school enrichment programs at Bret Harte, Burbank, Franklin, Kirschen, Marshall, Pearson, Robertson Road, Shackelford, Tuolumne and Orville Wright school sites for the remainder of the current school year and the 2000-2001 school 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 22nd day of February, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-83

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES

WHEREAS, Modesto City Schools has received a three-year grant targeting parents participating in the StanWorks program; and

WHEREAS, Modesto City Schools wants to sub-contract with the City's Recreation and Neighborhoods Department to provide this program three hours per day after school at a variety of elementary school sites; and

WHEREAS, Modesto City Schools will reimburse the City for all expenses, including program administration, overhead, program supervision and direct staff, supplies and materials.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Revenue:	
#0100-370-3715-4074	$75,563
Expenses:	
#0100-370-3715-0140	$61,067
#0100-370-3715-0235	$ 9,000
#0100-370-3715-0189	$ 5,496

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 22nd day of February, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-84

A RESOLUTION ACCEPTING THE STAFF REPORT ON PROPOSITION 12 - SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000.

WHEREAS, on Tuesday, September 21, 1999, Governor Gray Davis signed AB 18, now known as Proposition 12, and

WHEREAS, Proposition 12 will place the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 on the March 7, 2000, ballot, and

WHEREAS, said Bond Act requires a simple majority vote to pass, and

WHEREAS, said Bond Act will make available approximately $2.4 million in non-competitive funding to the City, and the City will also be eligible to compete for funds in the areas of riparian/river/aquatics habitat; low income/at risk youth; regional youth soccer facilities; playground replacement; urban forestation projects, and non-motorized trails, and

WHEREAS, many projects and programs in Modesto's park system and recreation program need additional funding, and

WHEREAS, said Bond Act will provide Modesto with the opportunity to accomplish many of these needed projects, and

WHEREAS, the Human Services Committee met on November 15, 1999, and accepted the staff report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the staff report on Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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:	Conrad
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. 2000-85

Print

A RESOLUTION APPOINTING MAYOR CARMEN SABATINO AS A MEMBER AND COUNCILMEMBER MIKE SERPA AS AN ALTERNATE TO THE CITY/COUNTY JOINT POWERS AGENCY FOR TENTH STREET PLACE

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

SECTION 1. Mayor Carmen Sabatino is hereby appointed as a member and Councilmember Mike Serpa is hereby appointed as an alternate to the City/County Joint Powers Agency for Tenth Street Place.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the City/County Joint Powers Agency for Tenth Street Place, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-86

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 75-314 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(125) AND PREZONED PLANNED-DEVELOPMENT ZONE, P-PD(125). (SANTA ANITA DEVELOPMENT CORPORATION)" (DAYTON HUDSON CORP.)

WHEREAS, the Modesto City Council, by Ordinance No. 1431-C.S., which was introduced on February 24, 1975, finally adopted on March 3, 1975, and which became effective on April 2, 1975, granted Planned Development Zone, P-D(125), to allow construction of a community shopping center and adjacent residential dwellings, property located on the west side of McHenry Avenue south of Standiford Avenue and north of Woodrow Avenue, and

WHEREAS, City Council Resolution No. 75-314 adopted by the City Council on February 24, 1975, approved the development plan for Planned Development Zone, P-D(125), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 1716-C.S., which was introduced March 6, 1978, finally adopted on March 13, 1978, and which became effective on April 12, 1978, approved an amendment to P-D(125) to allow a revised plot plan indicating a proposed expansion of the community shopping center portion beyond the 135,000 square foot of buildable space for commercial use, and

WHEREAS, City Council Resolution No. 78-252 adopted by the City Council on March 6, 1978, approved a revised plot plan for an increase in buildable space for commercial use, and

WHEREAS, City Council Resolution No. 79-3, adopted January 2, 1979, approved the relocation of a vehicular accessway located in P-D(125), and

WHEREAS, the Modesto City Council, by Ordinance No. 2099-C.S., which was introduced on December 1, 1981, finally adopted on December 8, 1981, and which became effective on January 7, 1982, approved an amendment to P-D(125) to allow a Family Amusement Machine Center in the commercial establishment, property located on the south side of Standiford Avenue, west of McHenry Avenue, and

WHEREAS, City Council Resolution No. 81-1049 adopted by the City Council on December 1, 1981, added Section 1A to Resolution No. 75-314 to approve a development plan for the commercial office portion of Planned Development Zone, P-D(125), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(125), was filed by Dayton Hudson Corp. on November 9, 1999, to allow the expansion of the Target Store, property located on the west side of McHenry Avenue south of Standiford Avenue, and

WHEREAS, after a public hearing held on January 24, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-06, that rezoning of the

property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. Expansion of the retail commercial floor area within the approved commercial portion of P-D(125) will allow the continued orderly development of this commercial center subject to conditions of approval.

2 The proposed commercial expansion is in accordance with community objectives as set forth in the General Plan, which provides for (C), Commercial Development along this portion of McHenry Avenue.

and

WHEREAS, said matter was set for a public hearing of the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at 7:00 p.m. on February 22, 2000, and

WHEREAS, after said public hearing the Council found and determined that the application of Dayton Hudson Corp. for an amendment to Planned Development Zone, P-D(125), should be granted as consonant with public necessity, convenience and general welfare for the reason set forth above, and

WHEREAS, the Council has introduced Ordinance No. 3172 -C.S. on the 22nd day of February, 2000, amending Section 2 of Ordinance No. 2099-C.S., to allow the expansion of the Target Store,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 75-314 entitled "A Resolution Approving a Development Plan for Planned-Development Zone, P-D(125) and

Prezoned Planned-Development Zone P-PD(125). (Santa Anita Development Corporation)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(125), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan, Target, T-273" as amended in red, stamped approved by the City Council on February 22, 2000.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan pertaining to those changes in the parking areas 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, fences, and walls 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 Department Director. Improvements shall be constructed in accordance with the approved plans.

5. Prior to occupancy of the Target Store expansion, the following dedications and/or improvements to Standiford Avenue and McHenry Avenue shall be made:

    a. A five-foot right-of-way dedication/reservation on Standiford Avenue for future widening.

    b. A 12-foot right-of-way dedication/reservation for a short stretch of McHenry Avenue shall be made to accommodate a right-turn-in lane next to the outside southbound lane and for a future bus turnout, respectively. The turn-in lane shall be constructed prior to occupancy of the Target Store expansion.

    c. Two drop-curb approaches including one at the south end of the turn-in lane shall replace existing curb cuts.

d. The current main entrance curb cut onto McHenry Avenue shall be closed. The current main entrance driveway may be retrofitted with additional off-street parking, pursuant to revised plan approval by the CDD 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. Any activity in the loading dock area, including the parking of truck-tractors, may be conducted only between the hours of 7:00 a.m. and 10:00 p.m. daily.

9. All signs shall comply with the sign requirements of the C-3 Zone. No signs shall be permitted above eight feet in height on the south and west faces of the Target Store building.

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. All conditions of City Council Resolution Nos. 75-314, 78-252, 79-3 and 81-1049 not in conflict with this resolution shall remain in full force and effect."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(125):

That the entire construction program be accomplished in one phase, construction to begin on or before January 24, 2002, and be completed by not later than January 24, 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 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 22nd day of February, 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, Smith, Serpa, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-87

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(125), PROPERTY LOCATED ON THE WEST SIDE OF MCHENRY AVENUE SOUTH OF STANDIFORD AVENUE TO ALLOW EXPANSION OF THE TARGET STORE. (DAYTON HUDSON CORP.)

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, Dayton Hudson Corp. has proposed an amendment to Planned Development Zone, P-D(125), to allow the expansion of the Target Store, property located on the west side of McHenry Avenue south of Standiford Avenue, 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 CDD 2000-05 reviewed the proposed amendment to Planned Development Zone, P-D(125), 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 Planned Development Zone, P-D(125), 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 22nd day of February, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

INITIAL STUDY CDD 2000-05

EXHIBIT "A"

City of Modesto
Initial Study

EA NO. CDD 2000-05

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(125). 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 Dayton Hudson Corporation to Amend P-D(125) to Allow The Expansion of The Target Store, Located on the West Side of McHenry Avenue South of Standiford 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
801 - 11 Street
Modesto, CA 95354
phone (209) 577-5282

D. Project Location:
West side of McHenry Avenue South of Standiford Avenue, Modesto, CA

E. Project Sponsor:
Dayton Hudson Corp., James Tucker
1000 Nicollet Mall
P.O. Box 577793
Minneapolis, MN. 55403
(612) 761-1557

F. General Plan Designation:
Commercial (C)

G. Zoning:
P-D(125), Planned Development

H. Description of Proposed Project:

D. **Loss of Productive Agricultural Land**

The proposed plot plan amendment for P-D(125) 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 commercial and office uses. The proposed plot plan amendment will allow commercial uses subject to conditions of approval. 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 plot plan amendment for P-D(125) 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 plot plan amendment for P-D(125) 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 plot plan amendment for P-D(125) 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 plot plan amendment for P-D(125) 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.

N. **Increased Demand for Fire Services**

The proposed plot plan amendment for P-D(125) and resulting commercial uses 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 plot plan amendment for P-D(125) 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 plot plan amendment for P-D(125) 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 plot plan amendment for P-D(125) 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 plot plan amendment for P-D(125) 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-88

A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 1999/2000 HOME FUNDS FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS PERTAINING TO ALLOCATION OF SAID HOME FUNDS.

WHEREAS, on October 27, 1999, a Request For Proposals (RFP) for the development of affordable housing was distributed to all previous affordable housing applicants and interested parties, and

WHEREAS, the CITY has received eight applications for financial assistance in connection with affordable housing proposals which were submitted in response to the City and Redevelopment Agency's Joint RFP, one of which was subsequently withdrawn, and

WHEREAS, there is a total of $1,260,000 in HOME funds available for allocating, $157,500 of which is set-aside for Community Housing Development Organizations (CHDOs), and

WHEREAS, a total of $515,000 in Redevelopment Agency Housing set-aside funds are also available for allocating, and

WHEREAS, together the HOME and Agency Housing Set-aside funds total $1,775,000, and

WHEREAS, said HOME program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2000, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on February 11, 2000, and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the report to the CHCDC, 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 $1,260,000 in HOME funds for affordable housing projects to include Woodstone Apartments, HOME CHDO funds for the Airport District project, and the remaining HOME CHDO funds for the 5th Street project, is hereby approved, subject to the conditions set forth in the staff report to the CHCDC, attached as Exhibit "A", and incorporated herein by reference.

BE IT FURTHER RESOLVED that staff will return to Council at the end of March to address the housing rehabilitation dollars for the 5th Street project, and the Annual Action Plan will be revised and returned to Council in April for consideration.

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 22nd of February, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

MEMORANDUM

TO: Citizen's Housing and Community Development Committee (CH&CDC)

FROM: Miguel Galvez, Associate Planner

SUBJECT: Affordable Housing Proposals Funding Recommendations

RECOMMENDED COMMITTEE ACTION:
It is recommended that the Citizens Housing and Community Development Committee (CH&CDC) recommend that the City Council adopt a resolution allocating $1,260,000 in HOME Funds as shown on Table 1, along with associated conditions of approval, as contained herein.

Background:
At the City Council's meeting of July 13, 1999, the Council denied allocating any of the HOME funds to the affordable housing projects that participated in the last Request for Proposals. The Redevelopment Agency did the same for the Agency's Housing Set-aside funds.

The City Council received substantial opposition to the three affordable housing projects proposed in Village One and directed that the proposals be referred back to staff for further study and recommendation. Residents desired that the proposals complete all of the zoning processes before the Council and Agency considers allocating the HOME and Agency funds.

The three affected proposals consisted of a 48-unit apartment complex proposed by the Housing Authority, an 80-unit apartment complex proposed by Sunrise Partners & Nova Housing (Bill Zoslocki), and a 24-unit all handicapped accessible apartment complex proposed by STANCO. These projects were withdrawn and no funds were ever allocated.

In addition, in November of 1999, the City Council and Redevelopment Agency de-allocated the funding allocated to the 620 Paradise Road property. The HOME allocation of $606,000 was reallocated with $306,000 returning back to the funding pool, and $300,000 allocated to the Briggs Road Self-Help Enterprises project. All of $215,000 in Agency housing set-aside funds were also returned to the funding pool.

On October 27, a new Request for Proposals (RFP) was distributed to all previous applicants and interested parties. The RFP combined the 1999/00 HOME and Agency funds with the funds that were de-allocated from the 620 Paradise Road project. As a result, a total of $1,775,000 was advertised in the RFP. The funding sources are as follows:

	HOME	RDA	TOTAL
99/00 HOME Funds	$ 796,500		
99/00 HOME CHDO Funds	$ 157,500		
99/00 Agency Funds		$300,000	
98/99 De-allocated HOME Funds	$ 306,000		
98/99 De-allocated Agency Funds		$215,000	
	$1,260,000	$515,000	$1,775,000

EXHIBIT "A"

Approximately 30 RFP application packets were distributed. On December 17, 1999, the application deadline, 8 proposals were received of which one was subsequently withdrawn. On January 14, 2000, CRAC Housing Committee, along with the Citizen's Housing and Community Development Committee (CH&CDC), met to hear applicants make presentations on each of their proposals. No action was taken at that time. Since the meeting of January 14, 2000, staff has continued to analyze the proposals and discuss various aspects of the projects with the applicants.

Project Assessment Criteria

Staff assessed the merits of each application as to how well the project meets the City's affordable housing goals. Development proposals containing affordable units for large families and projects that include support services and amenities were given priority consideration. Development proposals exhibiting extensive developer capacity and a readiness to proceed immediately were also given priority.

Table 2 lists the affordable housing goals for both the City as contained in its Consolidated Plan and the Redevelopment Agency as contained in its Implementation Plan. 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
- Project location
- Developer experience
- Owner equity contribution
- Management experience
- Number of housing units that will be made available to low and moderate income households
- Site control
- 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)

Analysis and Issues:

All of the seven proposals are briefly described below, followed by staff's recommended funding allocation and conditions of approval. A summary table of staff recommendations follows the report.

1. *Coolidge Plaza*: Application by Akhzar-Johnson Partnership for a total of $1,184,280 to develop an apartment complex consisting of 18-2 bedroom units on the north side of Coolidge Avenue, west of Sunrise Avenue. The project is targeted at low-income tenants. This project would be the first of a two phase development for a total 34-unit complex.

The developer is requesting 100% of the development costs from the City at a cost of $65,793 per unit. The proposed development is not within the redevelopment project or a neighborhood target area. The developer has not demonstrated experience in operating affordable housing projects. Owner equity contribution would be limited to the value of the land which is already

owned. An innovative design concept was utilized in floor plan layout to encourage shared housing by two households, presumably seniors.

Staff Recommendation: $0

2. *Standiford Gardens Apartments*: Application by Central Valley Coalition for Affordable Housing for a total of $927,414 to acquire and rehabilitate a 250-unit apartment complex, consisting of 128-1bedroom units, 104-2bedroom units, and 18-3 bedroom units. The complex is located on the north-side of Standiford Avenue, west of McHenry Avenue. The project is targeted at servicing low income tenants.

The developer is requesting $655,305 in HOME funds and $272,109 in Agency funds. These monies will leverage an additional $13,965,888 in funding from bond and tax credit financing, along with project income from operations while rehabilitation of the complex is going on.

The amount of assistance requested equates to $3,701 per unit. The development does not fall within either a redevelopment project or neighborhood target area. The developer has extensive experience and a good history in operating quality affordable housing. Because of the tax credit financing the entire complex would be restricted to affordable housing, although the applicant is requesting that the City-Agency assistance be limited to eleven units. By doing so the project would not be subject to paying Federal prevailing wages for the construction work. There is no innovative use of design concepts. However, the rehabilitation work is scheduled in such a way to avoid or minimize displacement of residents. The developer has already acquired the site and commenced with the rehabilitation. That occurrence is problematic for the use of HOME funds. The only costs eligible for assistance would be those to occur after the environmental review process is complete and contract agreements were executed. The use of redevelopment funds are not effected by the prior acquisition.

Since all other funding is in place and the project has commenced, serious concerns arise over the actual need for additional assistance from the City or Agency.

Staff Recommendation: $0

3. *Property Acquisition in Airport District. Application by Desarrollo-Latino-Americano (DLA)* for a total of $429,262 to acquire five lots in the Airport neighborhood and develop a single family home on each lot. The project would serve low-income buyers.

This development proposal will require 100% of project financing from the City-Agency. The developer has indicated that permanent take-out financing for the homes will be provided by a private lender. The proposed location for at least 3 of the homes will be in the Airport Neighborhood Target Area. The other sites are yet to be determined. The applicant has minimal experience in a similar project in which DLA is working with Self-Help Enterprises. If funded, all houses constructed would be restricted to low-income buyers. The applicant is requesting funds from both the City ($25,000 in CHDO operating costs) and the Agency ($404,262 in acquisition and development costs). It is worthy of mention that the $404,262 in acquisition development costs is intended to be repaid to the Agency at the completion of construction. Once recaptured, the Agency could reallocate these monies to other projects.

This proposal is consistent with the housing goals of both the City and Agency. However, due to the limited experience of the applicant, staff is recommending that DLA proceed along a smaller scale.

Staff Recommendation: Allocate $100,000 in HOME (CHDO) funds to be used to acquire, rehab or construct one (1) home in a City neighborhood target area. This funding allocation to be subject to the following conditions:

1. No more than $25,000 in funding to be used for CHDO operating costs.
2. CHDO operating funds to be awarded as a grant.
3. Remaining HOME funds to be loaned as short term construction funds secured by first deed of trust at 3% interest.
4. Submit copy of appraisal for site purchased.
5. Site to obtain the appropriate development entitlements.
6. Applicant may submit separate proposal for use of City owned lots in Airport Neighborhood as part of an RFP process.

4. *Prescott Estates*: Application by HOMES 2000 for a total of $49,000 to rehabilitate three (3) condominium units in Prescott Estates. The units, already owned by HOMES 2000 would be used for transitional housing, serving very-low income tenants.

The applicant is requesting 100% of project costs from the City-Agency. The units proposed for rehab are within a complex that is a Council priority. The applicant has experience in programs involving lower income residents and is actively involved in improving conditions at Prescott Estates.

If funded all rehabilitation work would be performed by licensed contractors at the direction of HOMES 2000. Of the $49,000 requested $13,000 is needed for operational soft costs related to rehab. Originally the applicant requested these soft costs come from the HOME program. However, due to regulatory problems any funding awarded should come from the Agency's housing fund. In the short term it is proposed that the three (3) housing units be used as transitional rentals. The long-term strategy is to empower these renters through related social services to eventually acquire the condominium units as owner-occupied housing. This strategy is consistent with the overall goal for Prescott Estates.

HOMES 2000 has requested that the assistance be provided as long term (50 year) deferred loans. The reason is that with the clientele served it is difficult to accurately estimate the project revenues available to repay monies borrowed. Each of the households occupying the three (3) units in question can only pay 30% of their income towards housing expenses. Therefore, rather than setting the rents from each unit at a fixed amount, they will fluctuate with the income of the occupant.

Staff Recommendation: Allocate $49,000 in Agency housing funds to cover hard and soft costs related to rehabilitating three (3) units in Prescott Estates. This funding allocation is subject to the following conditions:

1. No more than $13,000 to be used for soft costs.
2. 15% of project hard costs reserved for contingency or relocation expenses.
3. All work performed by licensed contractors.
4. Loan to carry a 3% interest rate deferred for five years and then amortized for an additional fifteen years.
5. Loan to be secured by a separate Deed of Trust for each housing unit. Loans will be assumable at the time the units convert from rentals to homeownership.

5. *Woodstone Apartments*: Application by the Housing Authority of the County of Stanislaus for a total of $1,600,000 to develop a new 56-unit townhouse complex, located at the west-side of Tully Road, south of Bangs Road. The project is targeted at serving very-low income tenants.

The total development cost for this proposal is $6,608,000. In addition to the funds requested from the City-Agency, the Housing Authority is loaning the project $1,600,000 from their own reserves. The Authority will also issue tax-exempt bonds in the amount of $2,297,970 and expects to receive tax credit proceeds in the amount of $1,910,030.

This financial plan will equate to a City-Agency request of $28,571 per unit, or 24% of total project costs per unit. The applicant has site control and if funded intends to proceed with construction in the Spring of 2000. The proposed development is not located in a neighborhood target area or redevelopment project area. The development does respond to the general goal of dispersing affordable housing throughout the community. The developer is highly experienced in owning and operating projects of this type. As designed, the complex will result in a unit density of 10 units per acre. In addition to the housing, the complex will offer social services, day care, after school programs and the like. The complex features townhouse units, generous open space, and a community facility. Lastly, the complex will address the need for large family rental housing by offering 38, 3 and 4 bedroom units. All units will be restricted as affordable.

Staff Recommendation: Allocate $1,102,500 in HOME funds and $466,000 in Redevelopment housing funds. This funding allocation is subject to the following coditions:

1. Acquisition cost to be confirmed by property appraisal.
2. The subject site to obtain the appropriate development entitlements.
3. Costs to be established by certified cost audit.
4. Loans to be Residual Receipts Note with annual payments of no less than 50% of excess cash flow as determined by certified cost audit.
5. Submit copies of development and operating pro-formas submitted to CTCAC and other lenders.

6. *Fifth Street Project*: Application by STANCO for a total of $350,000 to acquire and rehabilitate a 16-unit apartment complex, located at the corner of 5th and F Streets. The site contains 5-studio units, 5-1 bedroom units, and 6-2 bedroom units. The project would be used as a short-term shelter as well as providing for transitional housing. The project would serve very low-income tenants.

The total cost estimate for this project is $450,000. The remaining $100,000 in funding would come from a loan from a private lender. The amount of funds requested from City-Agency equates to $21,875 per unit. The proposed project is located within the redevelopment project area. Due to non-profit status of the owner, this development would not add to the tax base. In terms of experience, STANCO has been serving the needs of the community for some time. There is also a wealth of experience amongst the Board of Directors. The project will certainly serve the special needs of the homeless-mentally ill in the community. The site is currently zoned C-2, general commercial. Residential uses are permitted subject to approval of a Conditional Use Permit. The applicant indicates that Stanislaus County Department of Mental Health will provide onsite counseling and management of the units.

A major concern of staff is the condition of the structure and the extent of needed repairs. Since the applicant has not submitted a detailed cost estimate for extent of repairs, it is difficult to undertake a detailed analysis. Given the uncertainty of costs, sources of the remaining

funds, zoning and neighborhood compatibility, staff is not supporting this application at this time.

Staff Recommendation: Allocate $57,500 in HOME CHDO funds for predevelopment and operating expenses for the purpose of refining and improving either or both of the proposals submitted. This allocation is subject to the following conditions:

1. No more than $25,000 shall be used for CHDO operating costs.
2. STANCO to submit specific predevelopment budget to be approved by City.
3. Funds allocated to be in the form of a forgivable loan.

7. Tully Road Service Enriched Housing: Application by STANCO for a total of $250,000 to acquire an existing 16-unit apartment complex consisting of 8-1 bedroom units and 8-2 bedroom units located on the west-side of Tully Road, north of Coldwell Avenue. the project is targeted at serving very-low and low-income households with transitional housing services.

The applicant has indicated the total cost of the development is $550,000. The remaining $300,000 in funding is expected from a private bank loan. There is no loan commitment for these monies at this time. The City assistance equates to a request of $15,625 per unit.

This proposed project does not fall within a redevelopment project or neighborhood target area. The proposal does address the special need for transitional housing of the homeless. As stated earlier, the applicant is experienced in providing affordable housing. The applicant has indicated that the units are currently in standard condition and no rehabilitation is necessary. This has not been verified by an inspection of the units by City staff. It is proposed that the $250,000 in requested funds, along with $300,000 in private funds, be used to acquire the complex. Any future repairs would be funded from future revenues. The applicant does not anticipate nor is there a budget for relocation costs. At this time it is unknown whether any of the existing tenants are considered overcrowded households, and as such eligible for relocation benefits.

Much like the previous proposal, there is no project budget breaking down costs by acquisition, rehabilitation, relocation, etc. Without a specific cost breakdown it is difficult to evaluate the reasonableness of the requested funding or the overall viability of the project. Again, for the reasons stated in the previous analysis, staff is not recommending this project for funding as presently proposed.

Staff Recommendation: Applicant to conduct further due diligence and provide a more accurate and complete financial plan that demonstrates this proposal is ready to proceed. Applicant may draw upon predevelopment funding as proposed above.

TABLE 1

STAFF RECOMMENDED FUNDING ALLOCATIONS

PROJECT/APPLICANT	FUNDS REQUESTED		FUNDS RECOMMENDED		
		HOME	HOME-CHDO	RDA	TOTAL
COOLIDGE PLAZA/AKHZAR-JOHNSON	$1,184,280 (HOME)	0	0	0	0
STANDIFORD GARDENS/CENTRAL VALLEY COALITION FOR AFFORDABLE HOUSING	$ 665,305 (HOME) $ 272,109 (RDA)	0	0	0	0
AIRPORT DISTRICT ACQUISITION /(DLA) DESARROLLO-LATINO-AMERICANA, INC.	$ 25,000 (HOME-CHDO) $ 404,262 (RDA)	0	$100,000	0	$100,000
PRESCOTT ESTATES/HOMES 2000	$ 13,000 (HOME-CHDO) $ 36,000(RDA)	0	0	$ 49,000	$ 49,000
WOODSTONE APARTMENTS #1 STANISLAUS CO. HOUSING AUTHORITY	$1,100,000 (HOME) $ 500,000 (RDA)	$1,102,500	0	$ 466,000	$1,568,500
FIFTH STREET PROJECT/STANCO #2	$350,000 (HOME OR RDA)	0	$ 57,500	0	$ 57.500
TULLY ROAD SERVICE ENRICHED HOUSING/STANCO	$250,000 (HOME)	0		0	
TOTAL		**$1,102,500**	**$157,500**	**$ 515,000**	**$1,775,000**

TABLE 2

Affordable housing goals for
The City of Modesto
and the
Modesto Redevelopment Agency

City of Modesto

1. Increase the amount of safe, decent, and affordable housing through rehabilitation, primarily in selected Target Areas.
2. Increase the supply of affordable rental housing available to senior citizens, low-income large families, and very-low income households.
3. Increase the availability of housing for families and individuals with special needs.

Source: 1995-2000 Consolidated Plan

Modesto Redevelopment Agency

1. Increase and preserve the supply of transitional housing.
2. Increase and preserve the supply of rental housing.
3. Increase and preserve the supply of owner-occupied housing.

Source: 2000-2005 Implementation Plan

DECLARATION OF PUBLICATION
(C.C.P. S2015.5)

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of THE MODESTO BEE, printed and published in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in ch issue thereof and not in any supplement ereof on the following dates, to wit:

JANUARY 26, 2000

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at, MODESTO, California, on

JANUARY 26, 2000

(Date)

Esther Jimenez

(Signature)

PUBLIC NOTICE
Informational Meeting
on
Affordable Housing Proposals
February 10, 2000, at 7:00 p.m.,
Tenth Street Place Chambers

The City of Modesto's Recreation and Neighborhoods Department has scheduled a meeting to discuss seven affordable housing proposals. The meeting will be held on February 10, 2000, at 7:00 p.m. in the Tenth Street Place Chambers, 1010 Tenth Street. All members of the public are invited to attend.

The purpose of the meeting is to present an overview of the seven affordable housing proposals recently received by the City and to solicit comments from affected neighborhood residents. Each of the seven applicants is requesting financial assistance from the City in varying amounts. The City and its Redevelopment Agency have $1,775,000 in funding available to allocate to one or more of the proposals.

Listed below is a summary of each of the proposals and the amount of funds requested. Representatives from each of the applicants will be available to answer questions.

	Project Description	HOME $1,102,500	CHDO $157,500	RDA $515,000	TOTAL $1,775,000
1	Coolidge Plaza: Application by Akhzar-Johnson Partnership for a total of $1,184,280 to develop an 18-unit apartment complex on the north side of Coolidge Avenue, west of Sunrise Avenue. The project is targeted at low-income tenants. This project would be the first of a two-phase development for a total 34-unit complex.	$1,184,280			$1,184,280
2	Standiford Gardens Apartments: Application by Central Valley Coalition for Affordable Housing for a total of $927,414 to acquire and rehabilitate a 250-unit apartment complex, located on the north-side of Standiford Ave., west of McHenry Avenue. The project is targeted at serving very-low income tenants.	$655,305		$272,109	$927,414
3	Property Acquisition in Airport District: Application by Desarrollo-Latino-Americano (DLA) for a total of $429,262 to acquire five lots in the Airport neighborhood and develop a single family home on each lot. The project would serve low-income home buyers.		$25,000	$404,262	$429,262
4	Prescott Estates: Application by HOMES 2000 for a total of $49,000 to rehabilitate 3 condominiums units in Prescott Estates. The units, already owned by HOMES 2000 would be used for transitional housing, serving very-low income tenants.	$13,000		$36,000	$49,000
5	Woodstone Apartments: Application by the Housing Authority County of Stanislaus for a total of $1,500,000 to develop a new 56-unit townhouse complex, located at the west-side of Tully Road, south of Bangs Road. The project is targeted at serving very-low and low-income tenants.	$1,100,000		$500,000	$1,600,000
6	Fifth Street Project: Application by STANCO for a total of $350,000 to acquire and rehabilitate a 16-unit apartment complex, located at the corner of 5th and F Streets. The project would be used as a short-term shelter as well as for providing for transitional housing. The project would serve very-low income tenants.	$350,000	or	$350,000	$350,000
7	Tully Road Service Enriched Housing: Application by STANCO for a total of $250,000 to acquire an existing 16-unit apartment complex located on the west-side of Tully Road, north of Coldwell Ave. The project is targeted at serving very-low and low-income households with transitional housing services.	$250,000			$250,000
	Total	$3,552,585	$25,000	$1,562,371	$4,789,956

The City Council and the Redevelopment Agency will consider allocating funds to one or more of these proposed projects at their meeting of February 22, 2000.

JEAN ZAHR
City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-89

A RESOLUTION SUBMITTING THE FARMLAND STABILIZATION INITIATIVE TO THE QUALIFIED ELECTORS OF THE CITY OF MODESTO AT THE NEXT REGULAR MUNICIPAL ELECTION, PROVIDED THE VOTERS APPROVE AT THE NOVEMBER, 2000, ELECTION A SIMILAR INITIATIVE THAT IS APPLICABLE TO THE UNINCORPORATED AREAS OF STANISLAUS COUNTY.

WHEREAS, a citizens group (Future Options on Development or "FOOD") drafted an Initiative for the City of Modesto, entitled "Farmland Stabilization Initiative, and requested the City Council to place the initiative on the ballot, and

WHEREAS, a copy of the proposed Initiative is attached hereto and incorporated herein by reference on Exhibit "A", and

WHEREAS, the proponents of the Initiative have stated that the fundamental purpose of the FOOD Initiative is to promote contiguous, cost-effective communities to ensure that agriculture remains viable, and to ensure that agriculture, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or open-space uses, and

WHEREAS, the Initiative proposes to accomplish that goal by requiring a public vote before such land is brought into the City's General Plan Area and converted to urban uses, and

WHEREAS, the Initiative requires a simple majority vote of Modesto voters before the Modesto City Council can approve any urban development outside the General Plan (not Sphere of City Limits) boundaries, and a majority vote could also be required prior to

expanding the General Plan boundaries with or without approval of urban development plans, and

WHEREAS, the Council first considered this matter at the February 9, 1999, Council meeting, and

WHEREAS, at its January 11, 2000, meeting, the Council directed City staff to prepare whatever CEQA review was necessary in order to allow the Council to determine whether or not to place the Farmland Stabilization Initiative on the ballot as requested, and

WHEREAS, a copy of the Agenda Report and attachments from the City Attorney dated February 10, 2000, relating to the proposed Initiative are on file in the Office of the City Clerk, and

WHEREAS, on February 22, 2000, this proposed Initiative was considered by the Council at 7:00 p.m., in the City Council Chambers, located at 1010 Tenth Street Place, Modesto, California, at which date and time the Council received public comment,

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

SECTION 1. MEASURE AUTHORIZED. That the Council hereby authorizes submitting the Ordinance entitled "Farmland Stabilization Initiative" to the qualified electors of the City of Modesto at the next Regular Municipal election, provided the voters approve at the November, 2000, election a similar Initiative that is applicable to the unincorporated areas of Stanislaus County.

SECTION 2. BALLOT MEASURE. That pursuant to Section 9222 of the Elections Code, the Council of the city of Modesto proposes to, and hereby does, on its own motion, at the request of a citizens group (Future Options on Development or "FOOD"), and subject to the provision contained in Section 1 above, submit to the qualified electors of the City of Modesto at the next regular municipal election to be held on November 6, 2001, the question of whether or not to enact an Ordinance entitled "Farmland Stabilization Initiative", a copy of which is attached hereto on Exhibit "A" and incorporated herein by reference.

SECTION 3. MEASURE TO BE SUBMITTED TO VOTERS. That the Council hereby orders the City Clerk to submit said Ordinance to the voters at a regular election on November 6, 2001, subject to the condition set forth in Section 1 of this resolution.

SECTION 4. 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 questions relating to the Farmland Stabilization Initiative:

CITY OF MODESTO MEASURE

MEASURE _____ City of Modesto Farmland Stabilization Initiative.

Shall the Ordinance entitled "Farmland Stabilization Initiative" be adopted so that a majority vote of Modesto voters would be required before the Modesto City Council could approve any urban development beyond Modesto's General Plan boundaries as they existed on April 2, 1997?	Yes	☐
	No	☐

SECTION 5. NOTICE AND SYNOPSIS OF MEASURE. Pursuant to Section 12111 of the California Elections Code, the City Clerk of the City of Modesto is hereby ordered and directed to prepare and sign a Notice and synopsis of said Measure in the form required by law, and said City Clerk is hereby ordered and directed to publish said Notice in the time and manner required by law in *The Modesto Bee*, the official newspaper of the City of Modesto, and a newspaper of general circulation printed and published in said City.

SECTION 6. 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 regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 7. VOTER QUALIFICATION. All persons qualified to vote at municipal elections in the City of Modesto on the date of the election herein provided for shall be qualified to vote upon the measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at the regular municipal election.

SECTION 8. CANVASS THE RETURNS. That the County Election Department is authorized to canvass the returns of the regular municipal 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.

SECTION 9. COSTS INCURRED. That the City of Modesto recognizes that additional costs will be incurred by the County by reason of the election and agrees to reimburse the County for any costs.

SECTION 10. 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 22nd day of February, 2000, 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, City Attorney

CITY OF MODESTO, MEASURE ___
FARMLAND STABILIZATION INITIATIVE

The people of the City of Modesto do hereby ordain as follows:

Section 1. Purpose and Findings

A. The purpose of this initiative is to promote contiguous, cost-effective communities, to ensure that agriculture remains viable, and to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses.

B. With this initiative, the people of the City of Modesto assure direct voter oversight in achieving and maintaining a balance between the needs for housing and non-farm economic development versus the economic, social, and environmental costs of unchecked, endless, urban sprawl.

C. The stabilization of existing agricultural, wildlife habitat, and other open space resources is critically important to Modesto residents and the region as a whole. Agriculture creates employment for many people, directly and indirectly, generates substantial tax revenues, and provides a major source of farm products to the world.

Section 2. General Plan Amendment

A. The following new paragraph "7" shall be added to Chapter I, part C, of the Modesto General Plan.

7. All urban development shall be confined to areas entirely within the City's General Plan Boundaries, as required by the Farmland Stabilization Initiative, passed by the voters on November 2, 1999, as set out in part "D" of Chapter II, entitled "Farmland Stabilization -- Voter Oversight."

B. The following new language shall be added to the end of Chapter III, part A, of the Modesto General Plan:

Pursuant to the Farmland Stabilization Initiative, as approved by Modesto voters on November 2, 1999, the City's Land Use Diagram cannot be amended to expand the areas designated for urban development, except in conformity with the provisions of the initiative, as described in part "D" of Chapter II, entitled "Farmland Stabilization -- Voter Oversight."

C. The following new part "D" shall be added to Chapter II of Modesto General Plan:

D. FARMLAND STABILIZATION -- VOTER OVERSIGHT

Pursuant to the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999, all urban development shall be limited to areas designated for development within the General Plan Boundaries, as set out in the General Plan Growth Strategy and Land Use Diagrams on April 1, 1997. As required by the Farmland Stabilization Initiative, the approval of a majority of Modesto voters shall be required to approve any urban development located entirely or partially outside these boundaries or to enlarge these boundaries.

Exhibit "A"

Pursuant to the "Farmland Stabilization Initiative":

1. The City shall restrict urban development to land located entirely within the areas designated for urban development; and

2. The City shall not approve or authorize urban development on land located entirely or partly outside the areas designated for urban development; and

3. Authorized or permitted uses on land located outside of the areas designated for urban development shall be restricted to those uses consistent with agricultural or open space general plan designations and zoning districts; and

4. Any application or proposal to approve or authorize urban development on land located entirely or partly outside the areas designated for urban development shall be submitted to a vote of the people of the City of Modesto at a city-wide election; and the City may approve or authorize such urban development only if the application or proposal was previously approved by the voters.

5. Definitions:
   a) "Areas designated for development" are those areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997.
   b) "Urban development" is any non-agricultural or non-open-space use of land, including, but not limited to: residential (*i.e.* at a density equal to or greater than 0.1 units per gross acre), commercial, industrial, mixed, and public/institutional uses. "Urban development" does not, however, include wastewater treatment facilities.
   c) "Agricultural or open space uses" are agricultural, wildlife habitat, and parks uses on any size parcel, and residential uses on parcels of at least 40 acres."
   d) "Entitlement" means a discretionary or ministerial permit or other approval allowing or authorizing the development of land, including but not limited to general plan amendments, zoning or prezoning, use permits, subdivision maps, development agreements, variances, design review, certificates of occupancy, and grading, demolition and building permits.

6. Implementation: If the City receives an application for an entitlement that would authorize or allow urban development on land located wholly or in part outside the areas designated for urban development, as defined below, then the City shall either disapprove the application, or submit the application to a vote of the people. The City shall not approve the application unless or until the application is approved by a majority of City voters voting in a city-wide election. Each such application shall be submitted to the voters as separate matter, and shall not be aggregated on the ballot with other such applications.

7. Exceptions:
   a) The City Council may, without a vote of the people, amend the areas designated for urban development to relocate or adjust the boundaries of the areas designated for urban development, provided (a) the relocation or adjustment of the boundaries results in no net increase in the gross acreage of the areas designated for urban development, and (b) the City Council finds, based on substantial evidence in the record, that the land newly designated for urban development has less value for agricultural or open space purposes than the land formerly designated for urban development.
   b) The City Council may, without a vote of the people, amend the areas designated for urban development to designate not more than five acres per year for residential purposes, provided

the City Council finds, based on substantial evidence in the record, that (a) the residential project is necessary to meet the City's obligation under State law to provide housing for low-income and very-low-income households, and (b) no other land is available for such purposes within those areas designated for urban development. The exception set forth in this paragraph shall apply only to that portion of the application that is specifically designated to provide housing for low-income and very-low income households. This exception cannot be aggregated to allow for more than five acres per year in any one calendar year, without voter approval.

c) This initiative shall not apply to any development project that has obtained as of the effective date of this initiative a vested right pursuant to State law.

d) This initiative shall not preclude or prohibit approval of density bonuses required by State law.

D. The following new paragraph shall be added to Chapter IV, part D.2.a "Governmental Constraints" of Modesto General Plan:

The need to balance the demands for housing and other non-farm urban development against the need to protect agricultural productivity, habitat and other open space resources, also acts as a constraint. For these reasons, as set out in greater detail in Part D of Chapter 2 "Community Growth Strategy," all urban development is also limited by the terms of the Farmland Stabilization Initiative, passed by Modesto voters on November 2, 1999. The Farmland Stabilization Initiative requires voter approval for any development outside the boundaries of the areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997. There is an exception, however, that allows for the development of up to five acres of low and very low income housing per year outside those boundaries, if necessary to fulfill housing requirements under State law. All of the policies, programs, and quantified objectives in this chapter are, to extent permissible under law, subject to the terms of the Farmland Stabilization Initiative.

E. The following amendment to sub-part "a" and addition of new sub-part "e" shall be made to Chapter II, Part C, of the Modesto General Plan (new text is underlined):

a. In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable, subject to the requirements of the "Farmland Stabilization Initiative", approved by voters on November 2, 1999).

e. All proposals to amend the General Plan must be in compliance with the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999."

Section 3. Implementation

A. Effective Date and Renewal Date.

1. The "Effective Date" of this initiative shall be January 1, 2000. Upon the Effective Date of this initiative, the provisions of Section 2 of this initiative are hereby inserted into the City's General Plan as an amendment thereof. At such time as this general plan amendment is inserted in the City's General Plan, the City shall not enforce any provisions of the City's Zoning Ordinance, as reflected in the ordinance itself or the City's Zoning Map, inconsistent with this general plan amendment.

2. "Renewal Date:" This initiative, unless earlier amended or repealed by a majority of Modesto voters, shall remain in force until December 31, 2030, at which time the City Council shall re-submit the terms of this initiative to the voters for renewal or repeal, at a regularly scheduled election. If the City Council fails to timely submit this initiative to the voters for renewal or repeal, the terms of the initiative shall remain in force until the voters are presented with the opportunity to renew or repeal it.

B. Interim Amendments.

The City's General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk on _____, and the General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of the policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, any provision of the City's General Plan that is adopted between the submittal date and the Effective Date shall, to the extent that such interim-enacted provision is inconsistent or incompatible with the General Plan provisions enacted by Section 2 of this initiative measure, be of no force or effect so long as the General Plan amendments enacted by this initiative remain in effect.

C. Project Approvals.

1. Upon the Effective Date of this initiative, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

2. Development project applications submitted to the City are, and shall continue to be, subject to the requirements of the California Environmental Quality Act ("CEQA"), and this initiative shall not preclude or affect the application of CEQA by the City to approvals or entitlements.

D. Implementation by City.

All other City ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the provisions of this initiative. The City is hereby authorized and directed to amend other General Plan policies and programs, subregional plans, community plans, zoning ordinance provisions, and other ordinances and policies affected by this initiative as soon as practicable and to the extent required to assure consistency with this initiative.

Section 4. Severability and Interpretation

This initiative shall be interpreted as to be consistent with all Federal and State laws, rules, and regulations. Nothing in this initiative shall be construed to interfere with municipal annexation processes. With this initiative, Modesto voters intend to obtain more direct voter oversight over General Plan amendments and land use entitlement decisions affecting the conversion of agricultural and open space lands to urban uses.

The voters intend that the requirements of the Farmland Stabilization Initiative and all prior City growth control measures are implemented to complement one another. Nothing in the Farmland Stabilization Initiative is intended to weaken or void prior growth control measures.

If any portion of this initiative is held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. Modesto voters hereby declare that this initiative, and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal

Except as specifically provided herein, the terms of this initiative and the General Plan provisions adopted by this initiative may be amended or repealed only by a majority of the voters of the City of Modesto.

Section 6. Competing Initiatives

If there are competing initiatives on the same ballot as this initiative that purport to address the same subject matter of this initiative, and if both initiatives receive a popular vote of more than 50%, then the initiative with the larger number of votes shall prevail as to those terms which conflict directly with terms of the competing initiative, and all terms in both initiatives which do not conflict shall become law.

Section 7. Request for Submission of Initiative to the Voters; Timing of Election

The voters of the City of Modesto hereby request that this initiative be submitted to a vote of the people at the November 2, 1999 election.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-90

A RESOLUTION TRANSMITTING A COPY OF THE PROPOSED FARMLAND STABILIZATION INITIATIVE TO THE CITY ATTORNEY FOR AN IMPARTIAL ANALYSIS.

WHEREAS, Section 9280 of the State Elections Code provides that whenever any Charter amendment or City measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the proposed amendment or measure to the City Attorney for preparation of an Impartial Analysis, and

WHEREAS, a copy of the proposed Farmland Stabilization Initiative, which was considered by the City Council at its meeting of February 22, 2000, is attached hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of the Farmland Stabilization Initiative to the City Attorney for preparation of an Impartial Analysis explaining the effect of the proposed measure, a copy of said Initiative is attached hereto.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the Impartial Analysis.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare the Impartial Analysis explaining the effect of the proposed Farmland Stabilization Initiative.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 22nd day of February, 2000, 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, City Attorney

CITY OF MODESTO, MEASURE ___
FARMLAND STABILIZATION INITIATIVE

The people of the City of Modesto do hereby ordain as follows:

Section 1. Purpose and Findings

A. The purpose of this initiative is to promote contiguous, cost-effective communities, to ensure that agriculture remains viable, and to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses.

B. With this initiative, the people of the City of Modesto assure direct voter oversight in achieving and maintaining a balance between the needs for housing and non-farm economic development versus the economic, social, and environmental costs of unchecked, endless, urban sprawl.

C. The stabilization of existing agricultural, wildlife habitat, and other open space resources is critically important to Modesto residents and the region as a whole. Agriculture creates employment for many people, directly and indirectly, generates substantial tax revenues, and provides a major source of farm products to the world.

Section 2. General Plan Amendment

A. The following new paragraph "7" shall be added to Chapter I, part C, of the Modesto General Plan.

7. All urban development shall be confined to areas entirely within the City's General Plan Boundaries, as required by the Farmland Stabilization Initiative, passed by the voters on November 2, 1999, as set out in part "D" of Chapter II, entitled "Farmland Stabilization -- Voter Oversight."

B. The following new language shall be added to the end of Chapter III, part A, of the Modesto General Plan:

Pursuant to the Farmland Stabilization Initiative, as approved by Modesto voters on November 2, 1999, the City's Land Use Diagram cannot be amended to expand the areas designated for urban development, except in conformity with the provisions of the initiative, as described in part "D" of Chapter II, entitled "Farmland Stabilization -- Voter Oversight."

C. The following new part "D" shall be added to Chapter II of Modesto General Plan:

D. FARMLAND STABILIZATION -- VOTER OVERSIGHT

Pursuant to the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999, all urban development shall be limited to areas designated for development within the General Plan Boundaries, as set it in the General Plan Growth Strategy and Land Use Diagrams on April 1, 1997. As required by the Farmland Stabilization Initiative, the approval of a majority of Modesto voters shall be required to approve any urban development located entirely or partially outside these boundaries or to enlarge these boundaries.

Pursuant to the "Farmland Stabilization Initiative":

1. The City shall restrict urban development to land located entirely within the areas designated for urban development; and

2. The City shall not approve or authorize urban development on land located entirely or partly outside the areas designated for urban development; and

3. Authorized or permitted uses on land located outside of the areas designated for urban development shall be restricted to those uses consistent with agricultural or open space general plan designations and zoning districts; and

4. Any application or proposal to approve or authorize urban development on land located entirely or partly outside the areas designated for urban development shall be submitted to a vote of the people of the City of Modesto at a city-wide election; and the City may approve or authorize such urban development only if the application or proposal was previously approved by the voters.

5. Definitions:
   a) "Areas designated for development" are those areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997.
   b) "Urban development" is any non-agricultural or non-open-space use of land, including, but not limited to: residential (*i.e.* at a density equal to or greater than 0.1 units per gross acre), commercial, industrial, mixed, and public/institutional uses. "Urban development" does not, however, include wastewater treatment facilities.
   c) "Agricultural or open space uses" are agricultural, wildlife habitat, and parks uses on any size parcel, and residential uses on parcels of at least 40 acres."
   d) "Entitlement" means a discretionary or ministerial permit or other approval allowing or authorizing the development of land, including but not limited to general plan amendments, zoning or prezoning, use permits, subdivision maps, development agreements, variances, design review, certificates of occupancy, and grading, demolition and building permits.

6. Implementation: If the City receives an application for an entitlement that would authorize or allow urban development on land located wholly or in part outside the areas designated for urban development, as defined below, then the City shall either disapprove the application, or submit the application to a vote of the people. The City shall not approve the application unless or until the application is approved by a majority of City voters voting in a city-wide election. Each such application shall be submitted to the voters as separate matter, and shall not be aggregated on the ballot with other such applications.

7. Exceptions:
   a) The City Council may, without a vote of the people, amend the areas designated for urban development to relocate or adjust the boundaries of the areas designated for urban development, provided (a) the relocation or adjustment of the boundaries results in no net increase in the gross acreage of the areas designated for urban development, and (b) the City Council finds, based on substantial evidence in the record, that the land newly designated for urban development has less value for agricultural or open space purposes than the land formerly designated for urban development.
   b) The City Council may, without a vote of the people, amend the areas designated for urban development to designate not more than five acres per year for residential purposes, provided

the City Council finds, based on substantial evidence in the record, that (a) the residential project is necessary to meet the City's obligation under State law to provide housing for low-income and very-low-income households, and (b) no other land is available for such purposes within those areas designated for urban development. The exception set forth in this paragraph shall apply only to that portion of the application that is specifically designated to provide housing for low-income and very-low income households. This exception cannot be aggregated to allow for more than five acres per year in any one calendar year, without voter approval.

c) This initiative shall not apply to any development project that has obtained as of the effective date of this initiative a vested right pursuant to State law.

d) This initiative shall not preclude or prohibit approval of density bonuses required by State law.

D. The following new paragraph shall be added to Chapter IV, part D.2.a "Governmental Constraints" of Modesto General Plan:

The need to balance the demands for housing and other non-farm urban development against the need to protect agricultural productivity, habitat and other open space resources, also acts as a constraint. For these reasons, as set out in greater detail in Part D of Chapter 2 "Community Growth Strategy," all urban development is also limited by the terms of the Farmland Stabilization Initiative, passed by Modesto voters on November 2, 1999. The Farmland Stabilization Initiative requires voter approval for any development outside the boundaries of the areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997. There is an exception, however, that allows for the development of up to five acres of low and very low income housing per year outside those boundaries, if necessary to fulfill housing requirements under State law. All of the policies, programs, and quantified objectives in this chapter are, to extent permissible under law, subject to the terms of the Farmland Stabilization Initiative.

E. The following amendment to sub-part "a" and addition of new sub-part "e" shall be made to Chapter II, Part C, of the Modesto General Plan (new text is <u>underlined</u>):

<u>a.</u> <u>In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable, subject to the requirements of the "Farmland Stabilization Initiative", approved by voters on November 2, 1999).</u>

<u>e.</u> <u>All proposals to amend the General Plan must be in compliance with the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999."</u>

Section 3. Implementation

A. Effective Date and Renewal Date.

1. The "Effective Date" of this initiative shall be January 1, 2000. Upon the Effective Date of this initiative, the provisions of Section 2 of this initiative are hereby inserted into the City's General Plan as an amendment thereof. At such time as this general plan amendment is inserted in the City's General Plan, the City shall not enforce any provisions of the City's Zoning Ordinance, as reflected in the ordinance itself or the City's Zoning Map, inconsistent with this general plan amendment.

2. "Renewal Date:" This initiative, unless earlier amended or repealed by a majority of Modesto voters, shall remain in force until December 31, 2030, at which time the City Council shall re-submit the terms of this initiative to the voters for renewal or repeal, at a regularly scheduled election. If the City Council fails to timely submit this initiative to the voters for renewal or repeal, the terms of the initiative shall remain in force until the voters are presented with the opportunity to renew or repeal it.

B. Interim Amendments.

The City's General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk on _____, and the General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of the policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, any provision of the City's General Plan that is adopted between the submittal date and the Effective Date shall, to the extent that such interim-enacted provision is inconsistent or incompatible with the General Plan provisions enacted by Section 2 of this initiative measure, be of no force or effect so long as the General Plan amendments enacted by this initiative remain in effect.

C. Project Approvals.

1. Upon the Effective Date of this initiative, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

2. Development project applications submitted to the City are, and shall continue to be, subject to the requirements of the California Environmental Quality Act ("CEQA"), and this initiative shall not preclude or affect the application of CEQA by the City to approvals or entitlements.

D. Implementation by City.

All other City ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the provisions of this initiative. The City is hereby authorized and directed to amend other General Plan policies and programs, subregional plans, community plans, zoning ordinance provisions, and other ordinances and policies affected by this initiative as soon as practicable and to the extent required to assure consistency with this initiative.

Section 4. Severability and Interpretation

This initiative shall be interpreted as to be consistent with all Federal and State laws, rules, and regulations. Nothing in this initiative shall be construed to interfere with municipal annexation processes. With this initiative, Modesto voters intend to obtain more direct voter oversight over General Plan amendments and land use entitlement decisions affecting the conversion of agricultural and open space lands to urban uses.

The voters intend that the requirements of the Farmland Stabilization Initiative and all prior City growth control measures are implemented to complement one another. Nothing in the Farmland Stabilization Initiative is intended to weaken or void prior growth control measures.

If any portion of this initiative is held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. Modesto voters hereby declare that this initiative, and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal

Except as specifically provided herein, the terms of this initiative and the General Plan provisions adopted by this initiative may be amended or repealed only by a majority of the voters of the City of Modesto.

Section 6. Competing Initiatives

If there are competing initiatives on the same ballot as this initiative that purport to address the same subject matter of this initiative, and if both initiatives receive a popular vote of more than 50%, then the initiative with the larger number of votes shall prevail as to those terms which conflict directly with terms of the competing initiative, and all terms in both initiatives which do not conflict shall become law.

Section 7. Request for Submission of Initiative to the Voters; Timing of Election

The voters of the City of Modesto hereby request that this initiative be submitted to a vote of the people at the November 2, 1999 election.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-91

A RESOLUTION DETERMINING THAT THE ACTION OF PLACING THE FARMLAND STABILIZATION INITIATIVE BEFORE THE VOTERS IS EXEMPT FROM CEQA, AND ALTERNATIVELY, MAKING THE FINDINGS SET FORTH IN THE INITIAL STUDY (EA NO. CDD 2000-09), AND JUDGING THE ACTION AS BEING WITHIN THE SCOPE OF THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017)

WHEREAS, at its January 11, 2000, meeting, the City Council directed City staff to prepare whatever California Environmental Quality Act (CEQA) review was necessary in order to allow the Council to determine whether or not to place the Farmland Stabilization Initiative on the ballot, and

WHEREAS, a copy of the proposed Farmland Stabilization Initiative is attached hereto, and

WHEREAS, the Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan provides the basis for environmental review of the proposed Farmland Stabilization Initiative, and said MEIR, [State Clearing House (SCH) No. 92052017], was certified by the Modesto City Council on August 15, 1995, and

WHEREAS, although the Initiative appears to be exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines, which states that the "submittal of proposals to a vote of the people" is not to be considered a "project", as defined by CEQA, City staff prepared an Initial Study, as the availability of this exemption has been called into question by a case decided on December 8, 1999, entitled *Friends of Sierra Madre, et al. V City of Sierra Madre,*

and

WHEREAS, as a cautionary measure prior to placing the Initiative on the ballot, an Initial Study was prepared, and

WHEREAS, the Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether placing said Initiative on the ballot may cause any significant effect on the environment that was not examined in the Final MEIR for the General Plan, and

WHEREAS, the Initial Study, EA No. CDD 2000-09, made the determination that the proposed ballot Initiative will have no additional significant effect on the environment that was not identified in the MEIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed ballot Initiative is within the scope of the project (the General Plan) covered by the MEIR, and

WHEREAS, copy of said Initial Study is attached hereto and incorporated herein by reference, and

WHEREAS, City staff recommended that the Council adopt a resolution determining that the action of placing the Farmland Stabilization Initiative on the ballot is exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA Guidelines, and, in the alternative, make findings set forth in the attached Initial Study, and

WHEREAS, the CEQA review process has been completed and the matter was considered by the City Council at its meeting held on February 22, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the action of placing the Farmland Stabilization Initiative on the ballot is exempt from CEQA pursuant to Section 15378(b)(4) of the CEQA guidelines. Alternatively, after having reviewed and considered the Initial Study prepared for the proposal to place the Farmland Stabilization Initiative on the ballot, and based on the substantial evidence included in said Initial Study, the City Council makes the following findings:

1. That the proposed Farmland Stabilization Initiative ballot measure is within the scope of the General Plan covered by a Master Environmental Impact Report (MEIR) (SCH No. 92052017).

2. That the proposed Farmland Stabilization Initiative ballot measure will have no new additional significant effects on the environment not identified in the MEIR, and no new or additional mitigation measures are required.

3. That no new environmental document nor findings are required by Section 21081 of the California Environmental Quality Act (CEQA), pursuant to Section 21157.1 of the Public Resources Code.

4. There are no specific features which are unique to the proposed Farmland Stabilization Initiative that require project specific mitigation measures. Accordingly, all certified mitigation measures identified in the MEIR will apply citywide and be sufficient for this Initiative.

5. The Initial Study 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 Community Development Department Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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, City Attorney

CITY OF MODESTO, MEASURE ___
FARMLAND STABILIZATION INITIATIVE

The people of the City of Modesto do hereby ordain as follows:

Section 1. Purpose and Findings

A. The purpose of this initiative is to promote contiguous, cost-effective communities, to ensure that agriculture remains viable, and to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses.

B. With this initiative, the people of the City of Modesto assure direct voter oversight in achieving and maintaining a balance between the needs for housing and non-farm economic development versus the economic, social, and environmental costs of unchecked, endless, urban sprawl.

C. The stabilization of existing agricultural, wildlife habitat, and other open space resources is critically important to Modesto residents and the region as a whole. Agriculture creates employment for many people, directly and indirectly, generates substantial tax revenues, and provides a major source of farm products to the world.

Section 2. General Plan Amendment

A. The following new paragraph "7" shall be added to Chapter I, part C, of the Modesto General Plan.

7. All urban development shall be confined to areas entirely within the City's General Plan Boundaries, as required by the Farmland Stabilization Initiative, passed by the voters on November 2, 1999, as set out in part "D" of Chapter II, entitled "Farmland Stabilization -- Voter Oversight."

B. The following new language shall be added to the end of Chapter III, part A, of the Modesto General Plan:

Pursuant to the Farmland Stabilization Initiative, as approved by Modesto voters on November 2, 1999, the City's Land Use Diagram cannot be amended to expand the areas designated for urban development, except in conformity with the provisions of the initiative, as described in part "D" of Chapter II, entitled "Farmland Stabilization -- Voter Oversight."

C. The following new part "D" shall be added to Chapter II of Modesto General Plan:

D. FARMLAND STABILIZATION -- VOTER OVERSIGHT

Pursuant to the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999, all urban development shall be limited to areas designated for development within the General Plan Boundaries, as set out in the General Plan Growth Strategy and Land Use Diagrams on April 1, 1997. As required by the Farmland Stabilization Initiative, the approval of a majority of Modesto voters shall be required to approve any urban development located entirely or partially outside these boundaries or to enlarge these boundaries.

Pursuant to the "Farmland Stabilization Initiative":

1. The City shall restrict urban development to land located entirely within the areas designated for urban development; and

2. The City shall not approve or authorize urban development on land located entirely or partly outside the areas designated for urban development; and

3. Authorized or permitted uses on land located outside of the areas designated for urban development shall be restricted to those uses consistent with agricultural or open space general plan designations and zoning districts; and

4. Any application or proposal to approve or authorize urban development on land located entirely or partly outside the areas designated for urban development shall be submitted to a vote of the people of the City of Modesto at a city-wide election; and the City may approve or authorize such urban development only if the application or proposal was previously approved by the voters.

5. Definitions:
   a) "Areas designated for development" are those areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997.
   b) "Urban development" is any non-agricultural or non-open-space use of land, including, but not limited to: residential (*i.e.* at a density equal to or greater than 0.1 units per gross acre), commercial, industrial, mixed, and public/institutional uses. "Urban development" does not, however, include wastewater treatment facilities.
   c) "Agricultural or open space uses" are agricultural, wildlife habitat, and parks uses on any size parcel, and residential uses on parcels of at least 40 acres."
   d) "Entitlement" means a discretionary or ministerial permit or other approval allowing or authorizing the development of land, including but not limited to general plan amendments, zoning or prezoning, use permits, subdivision maps, development agreements, variances, design review, certificates of occupancy, and grading, demolition and building permits.

6. Implementation: If the City receives an application for an entitlement that would authorize or allow urban development on land located wholly or in part outside the areas designated for urban development, as defined below, then the City shall either disapprove the application, or submit the application to a vote of the people. The City shall not approve the application unless or until the application is approved by a majority of City voters voting in a city-wide election. Each such application shall be submitted to the voters as separate matter, and shall not be aggregated on the ballot with other such applications.

7. Exceptions:
   a) The City Council may, without a vote of the people, amend the areas designated for urban development to relocate or adjust the boundaries of the areas designated for urban development, provided (a) the relocation or adjustment of the boundaries results in no net increase in the gross acreage of the areas designated for urban development, and (b) the City Council finds, based on substantial evidence in the record, that the land newly designated for urban development has less value for agricultural or open space purposes than the land formerly designated for urban development.
   b) The City Council may, without a vote of the people, amend the areas designated for urban development to designate not more than five acres per year for residential purposes, provided

the City Council finds, based on substantial evidence in the record, that (a) the residential project is necessary to meet the City's obligation under State law to provide housing for low-income and very-low-income households, and (b) no other land is available for such purposes within those areas designated for urban development. The exception set forth in this paragraph shall apply only to that portion of the application that is specifically designated to provide housing for low-income and very-low income households. This exception cannot be aggregated to allow for more than five acres per year in any one calendar year, without voter approval.

c) This initiative shall not apply to any development project that has obtained as of the effective date of this initiative a vested right pursuant to State law.

d) This initiative shall not preclude or prohibit approval of density bonuses required by State law.

D. The following new paragraph shall be added to Chapter IV, part D.2.a "Governmental Constraints" of Modesto General Plan:

The need to balance the demands for housing and other non-farm urban development against the need to protect agricultural productivity, habitat and other open space resources, also acts as a constraint. For these reasons, as set out in greater detail in Part D of Chapter 2 "Community Growth Strategy," all urban development is also limited by the terms of the Farmland Stabilization Initiative, passed by Modesto voters on November 2, 1999. The Farmland Stabilization Initiative requires voter approval for any development outside the boundaries of the areas designated for urban development within the City's General Plan Boundaries, as delineated on the "Growth Strategy Diagram," and the "Adopted Land Use Diagram," as of April 1, 1997. There is an exception, however, that allows for the development of up to five acres of low and very low income housing per year outside those boundaries, if necessary to fulfill housing requirements under State law. All of the policies, programs, and quantified objectives in this chapter are, to extent permissible under law, subject to the terms of the Farmland Stabilization Initiative.

E. The following amendment to sub-part "a" and addition of new sub-part "e" shall be made to Chapter II, Part C, of the Modesto General Plan (new text is <u>underlined</u>):

<u>a.</u> In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable, <u>subject to the requirements of the "Farmland Stabilization Initiative", approved by voters on November 2, 1999).</u>

<u>e.</u> <u>All proposals to amend the General Plan must be in compliance with the Farmland Stabilization Initiative, as approved by the voters on November 2, 1999."</u>

Section 3. Implementation

A. Effective Date and Renewal Date.

1. The "Effective Date" of this initiative shall be January 1, 2000. Upon the Effective Date of this initiative, the provisions of Section 2 of this initiative are hereby inserted into the City's General Plan as an amendment thereof. At such time as this general plan amendment is inserted in the City's General Plan, the City shall not enforce any provisions of the City's Zoning Ordinance, as reflected in the ordinance itself or the City's Zoning Map, inconsistent with this general plan amendment.

2. "Renewal Date:" This initiative, unless earlier amended or repealed by a majority of Modesto voters, shall remain in force until December 31, 2030, at which time the City Council shall re-submit the terms of this initiative to the voters for renewal or repeal, at a regularly scheduled election. If the City Council fails to timely submit this initiative to the voters for renewal or repeal, the terms of the initiative shall remain in force until the voters are presented with the opportunity to renew or repeal it.

B. Interim Amendments.

The City's General Plan in effect at the time the Notice of Intention to circulate this initiative measure was submitted to the City Clerk on _____, and the General Plan as amended by this initiative measure, comprise an integrated, internally consistent and compatible statement of the policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City as required by state law, any provision of the City's General Plan that is adopted between the submittal date and the Effective Date shall, to the extent that such interim-enacted provision is inconsistent or incompatible with the General Plan provisions enacted by Section 2 of this initiative measure, be of no force or effect so long as the General Plan amendments enacted by this initiative remain in effect.

C. Project Approvals.

1. Upon the Effective Date of this initiative, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this initiative.

2. Development project applications submitted to the City are, and shall continue to be, subject to the requirements of the California Environmental Quality Act ("CEQA"), and this initiative shall not preclude or affect the application of CEQA by the City to approvals or entitlements.

D. Implementation by City.

All other City ordinances, rules and regulations which constitute legislative acts shall be amended as necessary to accommodate the provisions of this initiative. The City is hereby authorized and directed to amend other General Plan policies and programs, subregional plans, community plans, zoning ordinance provisions, and other ordinances and policies affected by this initiative as soon as practicable and to the extent required to assure consistency with this initiative.

Section 4. Severability and Interpretation

This initiative shall be interpreted as to be consistent with all Federal and State laws, rules, and regulations. Nothing in this initiative shall be construed to interfere with municipal annexation processes. With this initiative, Modesto voters intend to obtain more direct voter oversight over General Plan amendments and land use entitlement decisions affecting the conversion of agricultural and open space lands to urban uses.

The voters intend that the requirements of the Farmland Stabilization Initiative and all prior City growth control measures are implemented to complement one another. Nothing in the Farmland Stabilization Initiative is intended to weaken or void prior growth control measures.

If any portion of this initiative is held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. Modesto voters hereby declare that this initiative, and each portion thereof would have been adopted or passed even if one or more portions are declared invalid. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application.

This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 5. Amendment or Repeal

Except as specifically provided herein, the terms of this initiative and the General Plan provisions adopted by this initiative may be amended or repealed only by a majority of the voters of the City of Modesto.

Section 6. Competing Initiatives

If there are competing initiatives on the same ballot as this initiative that purport to address the same subject matter of this initiative, and if both initiatives receive a popular vote of more than 50%, then the initiative with the larger number of votes shall prevail as to those terms which conflict directly with terms of the competing initiative, and all terms in both initiatives which do not conflict shall become law.

Section 7. Request for Submission of Initiative to the Voters; Timing of Election

The voters of the City of Modesto hereby request that this initiative be submitted to a vote of the people at the November 2, 1999 election.

City of Modesto

Initial Study
PROPOSAL TO PLACE THE FARMLAND STABILIZATION INITIATIVE ON THE 2001 BALLOT

EA NO. CDD 2000-09

I. PURPOSE:

The Master Environmental Impact Report for the Modesto Urban Area General Plan provides the basis for environmental review of this proposed Farmland Stabilization Initiative. 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.

CEQA Guidelines Section 15378 (b) (4) states that submittal of proposals to a vote of the people is not a project. However, because of the recent Friends of Sierra Madre, et al. V. City of Sierra Madre court ruling, the City Attorney has determined that the Farmland Stabilization Initiative requires CEQA review because the initiative has not yet obtained the required signatures to qualify to be placed on the ballot. Thus, the City Council action could be construed as discretionary rather than ministerial.

II. PROJECT DESCRIPTION:

A. **Project Title:**
Farmland Stabilization Initiative

B. **Lead Agency Name and Address:**
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. **Contact Person, address and phone number:**
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA, (209) 577-5280

D. **Project Location:**
The Modesto General Plan area

E. **Project Sponsor, address and phone number:**
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. **Modesto General Plan Designation:**
Modesto General Plan

G. **Zoning:** Modesto General Plan

H. **Description of Proposed Project:**
The Modesto City Council proposes to place a citizen's Initiative, Farmland Stabilization Initiative (Hereinafter referred to as "Initiative"), on the November 2001 ballot. The "Initiative" (see attached Exhibit "A") seeks to ensure that agricultural, habitat, and other open space resources are not prematurely or unnecessarily converted to other uses. Essentially, the General Plan could not be expanded without voter approval. The "Initiative" seeks to "stabilize" agricultural, wildlife habitat, and open space resources by adding a voter-approval process to the Modesto General Plan that would not permit an increase in gross acreage of the General Plan without voter approval via a city-wide election. This process attempts to restrict urban development to within the boundary of the General Plan as of April 1, 1997. Proposals for urban development outside the General Plan boundary would require voter approval before the City could approve such a proposal. It is possible such proposals could be approved by the voters.

I. **Surrounding Land Uses:**
North: Unincorporated County agricultural lands, the Stanislaus River, community of Del Rio and City of Riverbank.
South: Unincorporated County agricultural lands and the City of Ceres.
East: Unincorporated County agricultural lands and City of Hughson.
West: Unincorporated County agricultural lands.

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 (MEIR). Following is an analysis of how this project conforms with the analysis contained within the Master EIR. Compared to the Master EIR certified for the Modesto Urban Area General Plan the proposal will not result in increased impacts to any of the following subject areas:

A. Traffic and Circulation

The Initiative proposes no revisions to the adopted land use designations, infrastructure, or transportation and circulation system in the General Plan. Thus, the proposed Initiative would result in no significant increase in demand for circulation facilities that are not anticipated by the traffic model that analyzed the General Plan. Therefore, the proposed Initiative is consistent with the Traffic and Circulation needs section of the General Plan 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 Initiative proposes no revisions to the adopted General Plan land use designations, infrastructure, or transportation and circulation system. Thus, the proposed Initiative would result in no significant increase in generation of traffic that is not anticipated by the traffic model that analyzed the adopted General Plan. Therefore, the proposed initiative 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

The Initiative proposes no changes to the land use designations, infrastructure, or traffic and circulation system contained in the General Plan. Because there would not be a significant increase in traffic generated, and roadway level of service would be consistent with the General Plan, the proposed Initiative will not cause an increase in the projected generation of traffic-related noise in the MEIR. 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 Initiative, if approved by the voters, could restrict urban development to within the adopted General Plan boundary. The Initiative would not permit an increase in gross acreage of the General Plan without voter approval via a city-wide ballot. The purpose of the Initiative is to ensure that agriculture land is not prematurely or unnecessarily converted to other uses. The proposed initiative, with subsequent voter support, could thus, limit loss of productive agricultural land to within the adopted General Plan boundary. Permitted revisions of the General Plan boundary would be to lands of "lesser" agricultural value. The Initiative does not effect conversion of productive agricultural lands within the adopted General Plan area. Therefore, the proposal is not an increased impact to loss of productive agricultural land as analyzed by the MEIR. 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus the Initiative would not require additional water supplies beyond that identified for the General Plan 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.

F. Increased Demand for Sanitary Sewer Services

The Initiative does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus, it will not create a significant 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 Initiative, if approved by the voters, could limit urban development to within the adopted General Plan boundary. No increase in gross acreage would be permitted. Thus, the proposed Initiative would have no impact to sensitive wildlife or any plant habitat 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore, the proposal would have no significant effect on the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. 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, therefore, still valid.

I. Drainage, Flooding and Water Quality

The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. 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 Initiative does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus, the Initiative would cause no significant increase in demand for storm drainage that was not already addressed in the MEIR. 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Therefore it would not generate any new population that would increase demand for use of 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 Initiative does not propose to change the gross acreage, land use, infrastructure or circulation system of the General Plan. Thus 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, therefore, still valid.

M. Increased Demand for Police Services

The Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, it would not result in a significant increase in service demand for the City of Modesto Police Department. 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Because this proposed voter Initiative will not result in additional industrial development not already identified in the adopted General Plan, 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The MEIR analysis shows that because the land is essentially flat, Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, there will be 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 Initiative does not propose to change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, the proposed Initiative is consistent with the analysis in the General Plan 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 Farmland Stabilization Initiative ballot measure is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed Farmland Stabilization Initiative ballot measure 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 Farmland Stabilization Initiative 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:

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-92

Print

A RESOLUTION APPROVING SENDING TO THE ECONOMIC DEVELOPMENT, COMMUNITY AND INTERGOVERNMENTAL RELATIONS COMMITTEE FOR FURTHER STUDY OF CHARTER AMENDMENTS PROVIDING FOR A CHANGE IN THE REGULAR MUNICIPAL ELECTION DATE, DISTRICT ELECTIONS, AND TERM LIMITS, AND CONSIDER SUBMISSION OF CHARTER AMENDMENTS TO VOTERS IN NOVEMBER 2000; AUTHORIZING EXPENDING NO MORE THAN $10,000 ON STUDY AND FACILITATOR, AND RETURNING TO COUNCIL AT A FUTURE MEETING TO CONTINUE DIALOG

BE IT HEREBY RESOLVED by the Council of the City of Modesto to send to the Economic Development, Community and Intergovernmental Relations Committee for further study of charter amendments providing for a change in the regular municipal election date, district elections, and term limits, and consider submission of charter amendments to voters in November 2000; authorizing expending no more than $10,000 on study and facilitator, and return to Council at a future meeting to continue dialog be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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, Serpa, Smith
NOES:	Councilmembers:	Frohman, Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-93

A RESOLUTION APPOINTING MAYOR CARMEN SABATINO AND COUNCILMEMBER BILL CONRAD 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. Mayor Carmen Sabatino and Councilmember Bill Conrad are hereby appointed as the Council representatives to the Citizens Housing & Community Development Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members 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 22nd day of February, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-94

Print

A RESOLUTION RE-APPOINTING ALFRED KAUFMAN AND KEN WILLIAMS TO THE BOARD OF BUILDING APPEALS, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Alfred Kaufman and Ken Williams are hereby re-appointed to the Board of Building Appeals, each with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-95

A RESOLUTION RE-APPOINTING DANIEL HOPKINS TO THE BOARD OF ZONING ADJUSTMENT, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Daniel Hopkins is hereby re-appointed to the Board of Zoning Adjustment, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-96

A RESOLUTION RE-APPOINTING CHARLES HARDING AND WILLIAM WETMORE TO THE COMMUNITY QUALITIES FORUM, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Charles Harding and William Wetmore are hereby re-appointed to the Community Qualities Forum, each with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-97

A RESOLUTION RE-APPOINTING TAMMY VANDEN BOSCH TO THE DISABLED ACCESS APPEALS BOARD, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Tammy Vanden Bosch is hereby re-appointed to the Disabled Access Appeals Board, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-98

A RESOLUTION RE-APPOINTING NORMA REED TO THE DOWNTOWN IMPROVEMENT DISTRICT, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Norma Reed is hereby re-appointed to the Downtown Improvement District, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-99

A RESOLUTION RE-APPOINTING RICHARD ALMANZA TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Richard Almanza is hereby re-appointed to the Economic Development Loan Committee, with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-100

A RESOLUTION RE-APPOINTING JOSEPH MARTINEZ TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION, WITH AN EXPIRATION OF JANUARY 1, 2004

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. Joseph Martinez is hereby re-appointed to the Equal Opportunity/Disability Commission, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Equal Opportunity/Disability 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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-101

Print

A RESOLUTION RE-APPOINTING ROBERT MAULDIN AND CAROLE SILVERIA TO THE GOLF COURSE ADVISORY COMMITTEE, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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 Mauldin and Carole Silveria are hereby re-appointed to the Golf Course Advisory Committee, each with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed members of the Golf Course 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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-103

Print

A RESOLUTION RE-APPOINTING CAROLYN FRASER TO THE HUMAN RELATIONS COMMISSION, WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. Carolyn Fraser is hereby re-appointed to the Human Relations Commission, with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-104

A RESOLUTION RE-APPOINTING JAMES DANIEL, LEE HEDGEPETH AND NORMA REED TO THE REDEVELOPMENT ADVISORY COMMISSION, EACH WITH A TERM EXPIRATION OF JANUARY 1, 2004

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. James Daniel, Lee Hedgepeth and Norma Reed are hereby re-appointed to the Redevelopment Advisory Commission, each with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed members of the Redevelopment Advisory 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 22nd day of February, 2000, 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 Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-105

Print

A RESOLUTION ACCEPTING THE BID OF TENNYSON ELECTRIC INC. FOR THE PROJECT TITLED "TRAFFIC SIGNAL INSTALLATION AT HATCH ROAD AND DALLAS STREET"

WHEREAS, the bids received for Traffic Signal Installation at Hatch Road and Dallas Street were opened at 11:00 a.m. on February 15, 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 $134,120 received from Tennyson Electric 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 Tennyson Electric 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 7th day of March, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-106

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION TO THE STANISLAUS COUNCIL OF GOVERNMENTS (StanCOG) OF A REVISED ANNUAL TRANSPORTATION CLAIM TO INCLUDE A SUPPLEMENTAL CLAIM APPORTIONMENT OF 1999/00 LOCAL TRANSPORTATION FUNDS AND REQUEST FOR REALLOCATION OF 1998/99 TRANSPORTATION DEVELOPMENT ACT FUNDS FROM MODESTO AREA EXPRESS (MAX) TO DIAL-A-RIDE(DAR).

WHEREAS, on May 25, 1999, the City Council approved submission of its annual claim to the Stanislaus Council of Governments (StanCOG) for apportionment of Transportation Development Act (TDA) funds for FY 99/00, and

WHEREAS, on December 30, 1999, the Council approved submission of the annual claim to StanCOG for Local Transportation Funds for Non-Transit purposes, and

WHEREAS, StanCOG has informed the City that additional Local Transportation funding is available upon the Council authorizing a supplemental claim and request for reallocation of previously approved funding prior to additional funds being released, and

WHEREAS, by an Agenda Report dated February 22, 2000, to the City Council from the Finance Director, City staff recommended that the City Council approve a revised Annual Claim for Local Transportation Funds to include a supplemental apportionment for the 1999/2000 claim and reapportion MAX and DAR funding from the 1998/1999 claim, as set forth in said Agenda Report, a copy of which is on file in the office of the City Clerk, 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 Council hereby authorizes the submission of a Claim for Supplemental Apportionment of 1999/00 Local Transportation funds and request for reallocation of 1998/99 TDA monies from Modesto Area Express (MAX) to Dial-A-Ride (DAR).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-107

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR A NEW SENIOR CIVIL ENGINEERING ASSISTANT POSITION

WHEREAS, currently the City utilizes part-time students to map utility locations which has been only moderately successful; and

WHEREAS, staff recommends that a new position be added in the Water Fund which would be dedicated solely to utility mapping; updating existing maps and creating new ones. This position would be shared between the three utility funds through service credits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated on Attachment A.

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 22nd day of February, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

ATTACHMENT A

To:		
#0100-420-4213-0188	$ 75,000	
#0100-420-4213-0209	10,000	
#0100-420-4213-5387	5,600	
Reserves:		
#6100-800-8000-8003	$ (36,240)	
#6210-800-8000-8003	(36,240)	
#6280-800-8000-8003	(18,120)	
Service Credits:		
#0100-420-4213-9990	$ (36,240)	Water 40%
#0100-420-4213-9990	(36,240)	Sewer 40%
#0100-420-4213-9990	(18,120)	Storm Drain 20%
#6100-440-5015-0255-5015C	$ 36,240	
#6210-440-5201-0255-5201C	36,240	
#6280-440-5319-0255-5319C	18,120	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-108

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $4,664 FROM NON-MOTORIZED FUND TO A RIDESHARE ACCOUNT TO COVER THE LOCAL MATCH OF 11%

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

FROM: 052-800-8000 8003; $4,664

TO: 0520-700-7000 7070; $4,664

Initial local match for the rideshare CMAQ Grant was REMOVE grant funding. The REMOVE grant wasn't received and a transfer is necessary to meet local match funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO.2000-109

A RESOLUTION AUTHORIZING THE FORMATION OF AN ECONOMIC DEVELOPMENT ADVISORY GROUP ON AN AD HOC BASIS TO ASSIST IN POLICY REVIEW AND IMPLEMENTATION FOR ISSUES RELATING TO ECONOMIC DEVELOPMENT IN MODESTO.

WHEREAS, the Charter Review Committee proposed that a formal economic development advisory commission with appointed members be established, and

WHEREAS, said proposal was considered by the City Council during the charter review process, and

WHEREAS, the Council elected not to include a formal economic development advisory commission as a formal commission within the Charter, and

WHEREAS, the Council directed City staff to review possible implementation of a committee functioning as an advisory group to the Council on various issues related to economic development, and

WHEREAS, the City staff gathered data from several sources in order to determine the most workable format for this type of advisory group, and

WHEREAS, by an Agenda Report dated February 22, 2000, from the Community Development Director, City staff, after reviewing the Charter Review Committee's recommendations and discussing the purpose of the suggested advisory group, as outlined by the Council, SCEDCO and the Chamber of Commerce, recommended that an ad hoc group be convened on a case-by-case basis to address issues relating to economic development, and

WHEREAS, the Council considered this matter at its meeting of March 6, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council has identified several issues relating to economic development where public input would be a valuable resource in reaching the most beneficial solutions for the entire community; and in order to provide public input, the Council hereby authorizes the formation of an economic development advisory group on an ad hoc basis to assist in policy review and implementation for issues relating to economic development in Modesto, as follows:

- The mission of this advisory group would be to provide public input to the Council on existing economic development projects and programs within the City's Sphere of Influence.
- This advisory group would be convened on an ad hoc basis, as needed, to address specific issues that pertain to the Council's economic development policies and future proposed projects.
- The advisory group would provide public input to the Council on various economic development issues, including redevelopment, workforce development programs, infrastructure needs, fees, and incentives.

BE IT FURTHER RESOLVED that the ad hoc advisory group would be comprised of representatives from the private and public sector, as follows:

- The ad hoc group would be convened based on recommendations for the Council and/or the Business Development Office of the Community Development Department.
- The size of each ad hoc group would be determined by the specific issue under review. The size may vary depending on the extent of the public input needed.

- Members can be recommended by Councilmembers and/or staff to ensure full representation on each issue.

- At a minimum, each ad hoc group meeting should include a representative from City staff, County staff, SCEDCO and the Chamber of Commerce.

- Depending upon the issue to be reviewed, the Council and/or City staff may elect to include a number of public and private sector organizations and individuals. Examples of group membership could include a representative from the State Economic Development Department, local utility companies, MJC, the real estate sector or specific business groups such as manufacturers or retailers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2000, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-110

A RESOLUTION APPROVING THE FINAL MAP OF THE BELLA TUSCANY UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, RODNEY K. LOWE, INC., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.13 acres, known as BELLA TUSCANY UNIT NO. 2 (and formerly known as Autumn Faire) ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 9th 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 BELLA TUSCANY 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 7th day of March, 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, Skrpa, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-111

A RESOLUTION APPROVING A NINE (9%) INCREASE IN SALARY FOR THE CITY CLERK/ AUDITOR.

WHEREAS, by Resolution No. 99-175, effective June 22, 1999, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99-00 Effective 6/22/99", for Executive Management (Exhibit "J"), and

WHEREAS, the City Council desires to approve a nine (9%) percent increase in salary to $5,434.09 per month for City Clerk/Auditor, Jean Zahr, effective March 7, 2000, which is within the range established in Exhibit "J" of Resolution No. 99-175,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a nine (9%) percent increase in salary to $5,434.09 per month for City Clerk/Auditor, Jean Zahr, effective March 7, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 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: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-112

Print

A RESOLUTION APPROVING A 35% DESIGN FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT.

WHEREAS, a 35% design for the Ninth Street Bridge Replacement Project includes decisions about the bridge replacement that will become the basis for the final design, which includes the proposed bridge alignment, general plan, aesthetics features, structure type, right of way requirements, roadway geometrics, and preliminary cost estimates, and

WHEREAS, by an Agenda Report to the Council dated February 22, 2000, from the Engineering and Transportation Director, a copy of which is on file in the office of the City Clerk, City staff recommended approving a 35% design for the Ninth Street Bridge Replacement Project, and

WHEREAS, the Council considered this matter at its meeting held on March 7, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 35% design for the Ninth Street Bridge Replacement Project and directs City staff to proceed with the project, including initiation of right-of-way acquisitions, permitting, final design, and advertising for construction bids.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 7th day of March, 2000, 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, City Attorney

RESOLUTION

2 Clerk
1 Attorney
1 Initiating Department - Attention: Rich Ulm

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-113

Print

A RESOLUTION APPROVING THE INITIAL STUDY RELATING TO THE NINTH STREET BRIDGE SEISMIC SAFETY REPLACEMENT PROJECT, AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE URBAN AREA GENERAL PLAN COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (EIR). (SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the 35% design for the Ninth Street Bridge Replacement Project includes decisions about the bridge replacement that will become the basis for the final design, which includes the proposed bridge alignment, general plan, aesthetics features, structure type, right-of-way requirements, roadway geometrics, and preliminary cost estimates, and

WHEREAS, LSA Associates, Inc., prepared an Initial Study on the Ninth Street Bridge Seismic Safety Replacement Project (the "project") for the City of Modesto in accordance with Section 21157.1 of the California Environmental Quality Act (CEQA), and

WHEREAS, the Initial Study made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR prepared for the City of Modesto Urban Area General Plan (SCH 92052017); and, further, that no new or additional mitigation measures or alternatives may be required; and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, by an Agenda Report to the Council dated February 22, 2000, from the Engineering and Transportation Director, a copy of which is on file in the office of the City Clerk, City staff reported that the State of California has concurred with the studies performed and the level of the environmental document for this project, and

WHEREAS, by said Agenda Report mentioned above, City staff recommended approving a 35% design for the Ninth Street Bridge Replacement Project, and

WHEREAS, at its meeting held on March 7, 2000 the City Council considered approving the 35% design for the Ninth Street Bridge Replacement Project and reviewed the Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study on the Ninth Street Bridge Seismic Safety Replacement Project prepared by LSA Associates, Inc., and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, makes the following findings:

1. That the proposed bridge replacement project is within the scope of the General Plan covered by a Master EIR (SCH No. 92052017).

2. That the proposed bridge replacement project will have no new additional significant effect on the environment not identified in the Master EIR and no new additional mitigation measures are required.

3. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental quality Act (Section 21157.1).

4. There are no specific features unique to the bridge replacement project that require project specific mitigation measures different from those contained in the Master EIR document. All certified mitigation

measures identified in the Master EIR will apply citywide including this project as appropriate. See attached relevant Mitigation Measures.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Initial Study for the Ninth Street Bridge Seismic Safety Replacement Project is hereby approved.

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 7th day of March, 2000, 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, City Attorney

EXHIBIT "A"

Initial Study

INITIAL STUDY

NINTH STREET BRIDGE SEISMIC SAFETY REPLACEMENT PROJECT

January 13, 2000

Prepared for:

City of Modesto
1010 10th Street
P.O. Box 642
Modesto, CA 95353
Contact: Hector Barron
(209) 571-5181

Prepared by:

LSA Associates, Inc.
4200 Rocklin Road, Suite 11B
Rocklin, California 95677
(916) 630-4600

EA/ET2000-09

INITIAL STUDY & PRELIMINARY ENVIRONMENTAL STUDIES FORM NINTH STREET BRIDGE SEISMIC SAFETY REPLACEMENT

Introduction: The following information characterizes the environmental issue areas associated with replacing the 9th Street Bridge in the City of Modesto. As a result of multiple agency participation in the environmental review and approval process, the information has been formatted to satisfy the Caltrans/FHWA requirements for preliminary environmental review, and to comply with the City of Modesto's Initial Study assessment and finding of conformance to the General Plan Master Environmental Impact Report (EIR).

Initial Study: The City adopted a Master EIR on the comprehensive Urban Area General Plan in 1995. The CEQA provisions[1] are as follows:

- *(b) The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall 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 report.*

- *(c) If the lead agency, based on the initial study, determines that a proposed subsequent project will have no additional significant effect on the environment as defined in subdivision (d) of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings shall be required by this division. Prior to approving or carrying out the proposed subsequent project, the lead agency shall provide notice of this fact pursuant to Section 21092 and incorporate all feasible mitigation measures or feasible alternatives set forth in the master environmental impact report which are appropriate to the project. Whenever a lead agency approves or determines to carry out any subsequent project, it shall file a notice pursuant to Section 21108 or 21152.*

The Master EIR for the Modesto Urban Area General Plan allows for limited environmental review of the bridge replacement project. The Final Master EIR

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[1]Section 21157.1 of CEQA

(SCH#92052017) was certified by the City of 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 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.

Preliminary Environmental Studies (PES) form: The purpose of the PES form is to determine the potential presence of sensitive environmental resources within the project area. The PES process consists of (a) the development of a complete project description and project map, (b) a review of relevant literature, maps and inventories, (c) coordination with resource and regulatory agencies for information gathering purposes, and (d) verification of research findings in the field (field visit). Preliminary research should be sufficient to confirm the presence, or potential presence of a sensitive environmental resource within the project area.

Purpose/Background: The proposed project involves the replacement of the 9th Street Bridge in the City of Modesto. Replacement of this bridge is a result of California Senate Bill 36X that was enacted in response to the 1989 Loma Prieta Earthquake. This Bill authorized a statewide seismic retrofit program as a top priority safety concern. Caltrans, through a screening process, found that the 9th Street Bridge was a candidate for the Local Seismic Retrofit Program. In 1996, the State hired Dokken to provide seismic analysis, strategy determination and any needed structural retrofit design for this bridge. Dokken Engineering performed this work and based on AGRA Earth and Environmental field borings, it was found that the liquefaction potential at the bridge site would require extensive foundation retrofit work. Dokken Engineering worked with the City of Modesto, Stanislaus County and Caltrans to develop a Preliminary Advance Planning Study, to determine the cost of replacing the bridge. When the cost of the seismic retrofit was compared against the cost of replacement it was agreed between Caltrans and the City of Modesto that replacement would be the most effective seismic retrofit solution. Funds for the 9th Street Bridge Replacement were approved and will come from a combination of State and Federal funds. 11.47% of the funds will come out of the State Highway account and 88.53% will come out of the Federal HBRR funds. The City of Modesto will be reimbursed 100% of all eligible project expenditures as they occur.

The majority of the bridge improvements occur within the City's of Modesto's jurisdictional limits. From the mid-point of the Stanislaus River to the south, the jurisdiction changes to Stanislaus County. Caltrans District 10 is responsible for processing the NEPA environmental documents and for coordinating the bridge replacement tasks with the Federal Highway Administration (FHWA). The City

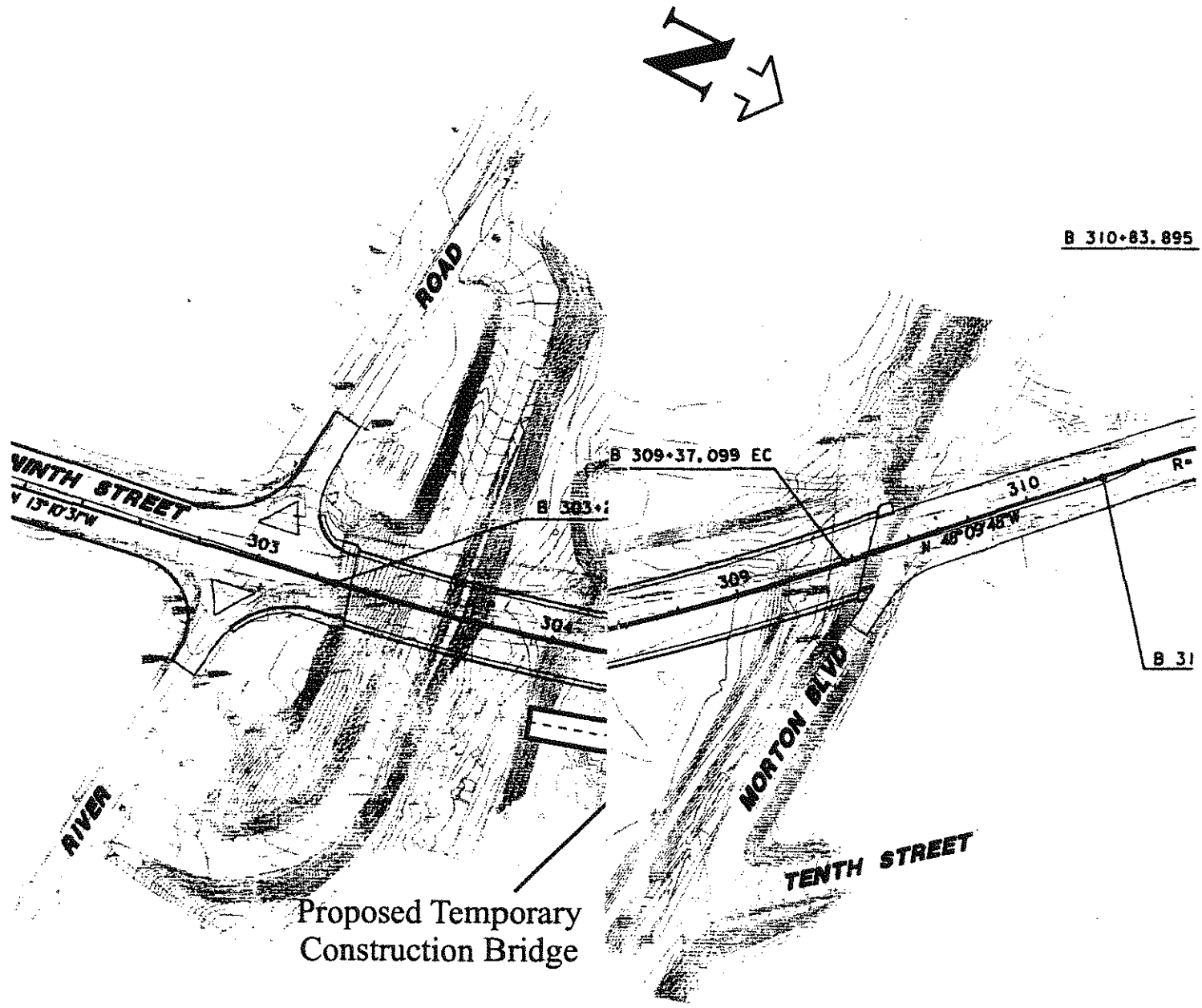
of Modesto is the lead agency for processing CEQA environmental review documents and for approving the project. Stanislaus County is a Responsible Agency for CEQA purposes. The bridge will have independent utility and is not associated with any future planning programs that require increased bridge capacity or service. The new bridge will have the same vehicular lane characteristics as the existing bridge. Replacement is needed to address seismic safety concerns; capacity enhancements are not proposed.

The existing bridge was built in 1933 and later widened in 1955. It measures approximately 2,030 feet in length and 60'-4" in width. It currently accommodates four lanes of traffic (two in each direction) with pedestrian access. At the north end of the existing bridge structure, a UPRR spur joins into 9th Street and extends in a southerly direction angling away from the existing elevated roadway. The UPRR spur is elevated on a wooden trestle and currently provides intermittent service to the industrial section of Modesto. Removal and elimination of the UPRR trestle are planned and are expected to occur prior to initiating construction for the proposed 9th Street bridge project.

Project Description:

Project Characteristics: The new bridge structure will provide similar vehicular capacity and travel as the existing bridge. Four travel lanes (two in each direction) are proposed, as well as a combination bikeway and pedestrian walkway on each side of the bridge. The new bridge will be constructed upstream (east) of and roughly parallel with the existing bridge and will be 23.41 m/76.8 feet wide. In order to maintain uninterrupted vehicular service during construction, both construction and demolition activities will be staged. A portion of the existing bridge will remain in place until stage one of the new bridge is complete. At that time, some or all 9th Street traffic will be diverted to the new bridge, thus facilitating the dismantling and removal of the existing bridge and completion of the new bridge. A temporary construction bridge may also be required for contractor access (See Figure 1, Conceptual Geometrics).

The new bridge (attached Conceptual Geometrics) will require the use of pilings to support the main span (66 meters/216 feet) over the river channel. On the north side of the river (City of Modesto side), the new bridge structure will connect with an elevated roadway section (approach structures) that extends across the proposed Tuolumne River Regional Park site. A series of columns will be used to support the elevated roadway for a distance of approximately 465 meters/1,525 feet (Modesto side) and 88 meters/289 feet (Stanislaus County side). The new bridge will join the at-grade section of 9th Street at the edge of the bluff on the north side of the park site. At this location, other local roadway



1/1/99(DEC931)

Figure 1

Caltrans

0 25 50 Sc

0 83 166 Sc

Conceptual Geometrics

improvements will be implemented to improve the general circulation of the area. These improvements include Morton Street which will be modified to meet the new bridge geometrics.

Total construction time is estimated at 24 months in duration.

Temporary minor diversions for local traffic will be required during construction. Traffic will be diverted around construction activities, but access and routing will generally remain unaffected during the entire construction period. Morton Street (north side of river bank) will be closed during bridge construction.

The temporary construction bridge will (attached Typical Section, and Elevation and Plan) will be constructed for use by the bridge contractor. With a temporary bridge, access across the Tuolumne River will be improved for the contractor, reducing the travel time and distance, and minimizing the influence of construction traffic on public street traffic. The temporary construction bridge will directly span the Tuolumne River (bank to bank) for a distance of approximately 240 feet with a 30 foot wide footprint. The bottom of the bridge soffit will be approximately 6-10 feet above the river surface, depending on the rate of upstream releases. In total, 12 temporary steel pilings are proposed to be driven into the riverbed. The 14-inch square pilings will be placed across the river at 60-foot intervals, with four pilings supporting the width of the temporary bridge structure See Figure 2, Temporary Construction Bridge).

The proposed bridge replacement will involve the following discretionary actions: bridge general plan, final engineering design, right-of-way acquisition, bid and award, project construction, Stanislaus County encroachment permit, State Lands Commission permitting (new general lease), 1601 Streambed Alteration Agreement, 401 Water Quality certification/waiver, and various financial arrangements. This Initial Study document evaluates the environmental consequences associated with those actions.

Figures 3 and 4 present the regional and vicinity location of the bridge project.

Project Issues:

Aesthetics. Bridge replacement provides an opportunity to construct a new structure that complements the features proposed in the Tuolumne River Regional Park project, and acknowledges the historic architecture retained in the nearby 7th Street bridge structure.

Traffic. During construction, maintaining traffic flow is a key function of staged bridged construction. As a result of existing congestion during peak

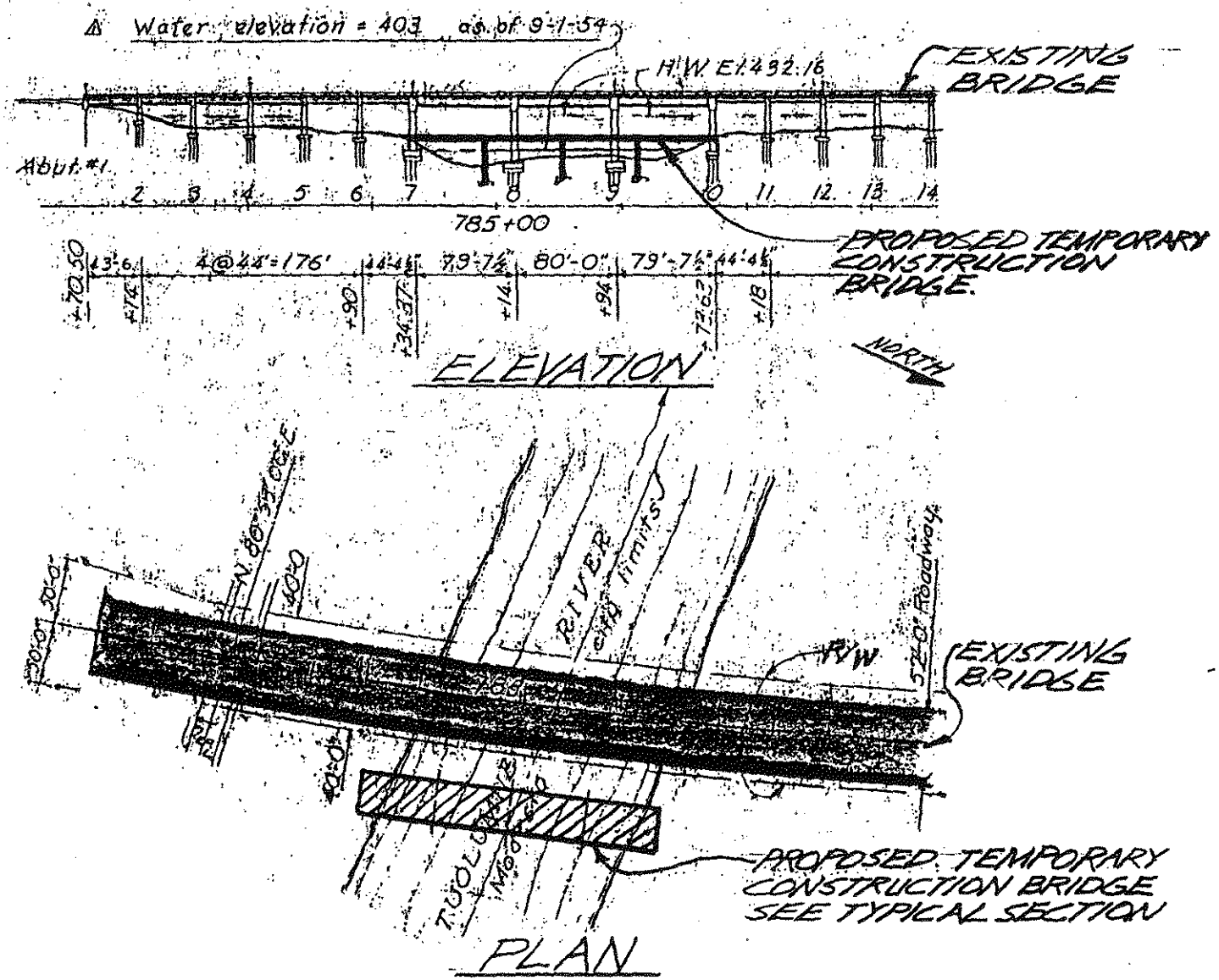


Figure 2

No Scale

Temporary Construction Bridge

5/13/99(DEC931)

Figure 3

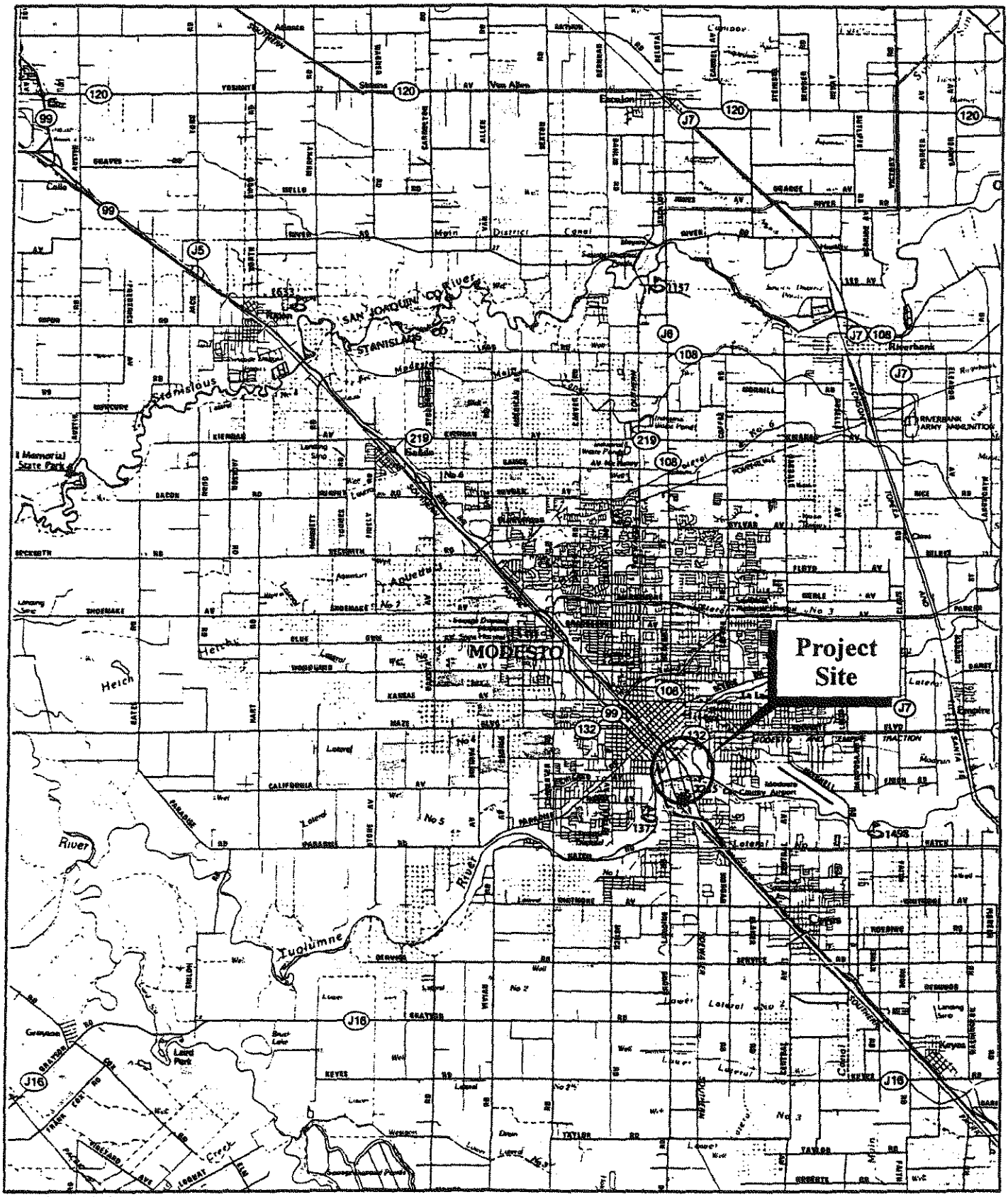
N

LSA

0 40 80 Scale in Kilometers

0 25 50 Scale in Miles

Regional Location



5/13/99(DEC931)

Figure 4

N

LSA

Project Vicinity

conditions, complete closure of the existing bridge crossing to facilitate bridge replacement was determined infeasible. Traffic flow should not be significantly affected during construction periods. No new capacity will be created and levels of service should remain unchanged from existing bridge levels of service.

Biological. The potential for impacting special status species from bridge replacement activities must be investigated. Chinook salmon utilize the Tuolumne River for spawning and migration purposes. Actual spawning occurs in spawning areas located well upstream of the project site. Project construction must recognize the biological value of the project area.

Park Interface. Bridge features extend through the site proposed for the Tuolumne River Regional Park. Integrating the new bridge feature with the proposed Park Master Plan is required to maintain future recreational function and value.

Existing Land Uses:

North of Tuolumne River: The Union Pacific Railroad (UPRR) extends to the south along the west side of 9th Street from B Street and across the Tuolumne River flood plain. This section of the flood plain was used for citrus production, however, all the citrus groves have been removed. Vacant, undeveloped flood plain occurs in the flood plain area in the vicinity of the bridge project. The flood plain area is the focus of a recent effort to prepare a new master plan for the Tuolumne River Regional Park. Beard Brook Park (north and east of the project area) has been developed along Dry Creek a tributary to the Tuolumne River. Above the flood plain on the north side of the park site, mostly industrial type land uses, including warehousing and open storage, have been developed along the bluff edge.

South of Tuolumne River: Adjacent to the river and east of the existing bridge is a trailer park facility (Terrace and Riverside Driftwood Trailer Parks) that provides space for approximately 50 or more mobile homes. This facility rents space to mobile home owners for both interim (i.e., temporary) and permanent time frames. Many of the mobile home sites have been subject to previous inundation during peak river flooding conditions, and have remained in a vacant condition. To the west of the existing bridge structure is outdoor storage for an industrial use. A loop road extends under the existing bridge structure connecting at both ends to River Road. River Road extends along the top of the south river bank At the intersection of 9th Street and River Road is a vacant parcel and retail commercial (southeast corner) and retail commercial (southwest corner).

Hazardous materials usage and/or storage were noted in the area as being limited to industrial and retail commercial uses immediately adjacent to the existing bridge. Past agricultural production on the flood plain would have employed the use of herbicides, pesticides and fertilizers for citrus production, and residual amounts of those contaminants may still be detected in surface soils. The existing rail line may have been a source of contamination, although there is no evidence to support accidental spills. In general, there is no evidence of hazardous wastes contamination detected in the area. The potential for hazardous waste discharge is low due to the largely small retail, light industrial and other operations occurring in the vicinity.

Construction staging and equipment storage will occur on the vacant parcel at the southeast intersection of River Road and 9th Street, and on a small portion of the land proposed for park development.

Public Participation. Two public workshops will be conducted for the Modesto and Stanislaus County residents on the proposed bridge replacement project. The purpose of the workshops is to provide opportunities for the general public to express their ideas on the bridge project and construction activities, and to inform the public of the potential physical, economic and social issues associated with project implementation. Controversy is not anticipated as the project is intended to replace a bridge that does not meet seismic safety standards. It is expected that any community concerns that may surface will be minimized through the public forum process.

Noise Effects. With bridge replacement, vehicular traffic will remain in the current vertical alignments. An adjustment to horizontal alignment will be required to accommodate the new bridge and to maintain continuous traffic flow during construction. No new travel lanes will be added, and traffic volumes are not expected to change. Traffic speed will not increase over the current posted limits. Since the new bridge structure is planned upstream (east) of the existing bridge, vehicular traffic will extend closer (up to 18 meters/60 feet) to existing mobile homes in the trailer park on the south bank of the river. However, the bridge deck elevation is approximately 8 meters/26 feet above the mobile home park elevation which effectively attenuates vehicular noise from the bridge. Similarly, the bridge soffits and guard rail features will assist in containing the traffic noise to the bridge corridor, rather than allowing traffic noise to extend outwards and down to the mobile home receivers. Therefore, proposed roadway improvements will not cause an increase in traffic related noise conditions.

The greatest source of noise from replacing the bridge involves bridge construction and demolition. Of these activities, bridge construction will create temporary construction noise, including noise from pile driving. It is anticipated

that pile driving for the proposed bridge and the temporary construction bridge will require approximately 1-2 months to complete, and will have the greatest impact on the mobile homes adjacent to the south side of the river. Other residential uses to the east of 9th Street and south of River Road in Stanislaus County, the park users of Beard Brook Park, and even the retail and industrial uses in the area may be affected by pile driving activities. Agricultural Production. The City of Modesto General Plan EIR indicates that the Tuolumne River Regional Park flood plain area is Prime Farmland. These are lands with the best combination of physical and chemical features to sustain long term production of crops. The Stanislaus County General Plan Support Documentation (1987) notes that the project area is urban land, and is not designated as Prime or Potential Prime Agricultural Lands. The lands are no longer utilized for agricultural production and project implementation will not result in removal of soils that have potential agricultural productivity. There will be a no net loss of land area once the existing 9th Street bridge structure is dismantled and removed.

Right-of-Way. Most of the bridge replacement footprint will occur within the existing publicly owned Tuolumne River Regional Park site (City of Modesto, City of Ceres and County of Stanislaus held in undivided interest). However, minor right-of-way takes and/or easements will be required at both ends of the new bridge to accommodate the connecting roadways and circulation adjustments. None of the takes require full parcel acquisition, and residential/business displacements will not be necessary. The new bridge structure will encroach into 1 or 2 existing bill boards and will also require the relocation of a gaging station. Compensation for right-of-way takes, easements and bill board modifications will be awarded in conjunction with State and federal guidelines. These minor encroachments will not affect any existing lands in agricultural production (see above). The project will not involve any State or federal lands. A lease agreement is required between the City of Modesto and the California State Lands Commission as a result of the bridge (e.g., 9th Street) being subject to Public Agency Use.

Wild and Scenic Rivers. The project does not involve a designated Wild and Scenic River, and is not within a 0.25 mile of a protected wild and scenic river corridor. Portions of the Tuolumne River are designated as Wild and Scenic River status, however, these locations are not within the urban areas of Modesto or Ceres.

Scenic Resources. The prominent scenic areas and resources involve the Tuolumne River resource. Natural aesthetic characteristics associated with riparian vegetation and river flow within the river corridor establish high scenic value for the project area. On the flood plain, vacant and undeveloped lands have

little aesthetic value at the present time. Upon implementation of the Tuolumne River Regional Park plan, the combination of natural aesthetic value from river resources, combined with developed park features, will significantly enhance the aesthetic value of the area. The project extends through this area with high future aesthetic potential.

Replacing the existing bridge structure with a new bridge will not require large cuts or fills. With construction complete, and the existing bridge removed, the project area will experience a no net gain in bridge and highway structures. The new bridge will simply replace the old bridge with no noticeable difference in structural bulk, or development footprint.

No new sources of light and glare will be produced by the proposed bridge replacement improvements. The existing bridge lighting and associated glare, will be replaced with similar light features and glare. No new shade or shadows will be created with the proposed improvements, although the shade footprint will shift slightly to the east. Approximately six small trees that extend into the new bridge footprint will be removed. These trees are commonly found throughout the area. Their loss will not alter the visual quality of the site.

Plan Consistency. The project is consistent with the long-range plans envisioned by the City of Modesto, and Stanislaus County for this region. The City General Plan designates 9th Street as a minor arterial with four travel lanes. Bridge replacement will facilitate the retention of the minor arterial status.

Utilities and Services. Several utilities extend through the project area. Sewer, storm drain and water facilities extend along the north bank of the 100-year flood plain. Gas and storm drain facilities also extend along the south bank of the 100-year flood plain.

The proposed Tuolumne River Regional Park site will be affected by construction of the replacement bridge structure. However, the new bridge will be constructed and the existing bridge removed prior to development of the park site. Recent plans to update the park master plan will consider the minor shift in 9th Street to accommodate the new bridge structure. As a result of this awareness, combined with the "no net perceivable difference in bridge structure" once the existing bridge is removed, the effects will not be adverse. Conversely, with the ability to include the bridge replacement footprint in the updated park master plan, the new plan design should avoid potential adverse conditions that may occur with a developed park site. In addition, the bridge design will acknowledge the need to create a bridge design that compliments the potential future park features as well as the historic bridge theme that occurs with the 7th Street bridge structure.

Through the project area, two-way emergency services access over the Tuolumne River from the City of Modesto to Stanislaus County will be retained. There should be no loss in emergency service response capabilities either during bridge replacement construction, or in the long term. Other public services (schools, etc.) will not be affected.

Parking. Through the project area, 9th Street does not permit on-street parking. Likewise, the replacement bridge will not include on-street parking. Other existing parking opportunities on adjacent roadways and uses, will remain unaffected both pre- and post-construction periods.

Wetland Resources. The project does involve modifications to a non-wetland water resource. Construction of bridge piers or piles (permanent piles for the new bridge and temporary piles for the temporary construction bridge) must occur in the river resource. Similarly, piers currently located in the river must be removed from the existing bridge. Minor discharge of fill may occur from constructing the bridge foundations and abutments. Conformance with Section 404 (U.S. Army Corps of Engineers) and Section 1600 (Streambed Alteration Agreement) processes will be required. In addition, coordination with the U.S. Coast Guard will likely be required for the new bridge if the Tuolumne River has been designated by the Corps of Engineers as a navigable waterway.

100-Year Flooding. The project area is subject to 100-year flooding conditions. A hydrologic and hydraulic analysis will be prepared by the project engineers to ensure that the new bridge structures will not adversely impact the flood plain, and that the bridge structures will be adequately designed to withstand the forces associated with flooding pressure.

The following discussion addresses the questions presented in the attached Preliminary Environmental Study (PES) Form[2], as well as environmental issue areas for the City of Modesto's Initial Study (City) process.

Noise

(PES 1) See *Project Description, Noise Effects* regarding changes to existing vertical and horizontal alignment and capacity increases, and temporary construction noise effects.

(City) No significant impacts will be generated as a result of the bridge replacement project, nor will the neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation measures listed in the MEIR for Generation of

[2]See attached PES form for numeric references.

Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

Water Quality

(PES 2) The project involves both construction and demolition in the Tuolumne River. Construction activities will increase sediment production in the river during the short-term. Some bank erosion may also occur during construction. A qualitative water quality study will be conducted. The project's status within the RWQCB Basin Plan (Central Valley) will be characterized with respect to the beneficial uses of the basin.

A field reconnaissance will be conducted to document the potential presence of special aquatic sites or wetlands, as well as the limits of non-wetland resources. See *Project Description* regarding potential modification to jurisdictional waters and wetland resources.

The project will require adherence to the Nationwide Permit process. The following will be required:

A 401 Water Quality Certification or Waiver will be requested from the RWQCB.

The bridge replacement project is not likely to conform to the size/impact criteria requiring the issuance of an individual 404 permit from the Corps of Engineers. A Wetlands Delineation must be conducted that identifies the jurisdictional area prior to determining the appropriate 404 process. A Section 1601 Streambed Alteration Agreement from the California Department of Fish and Game may also be required. See discussion above regarding navigable river status.

(City) The proposed project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts associated with water quality to a less that significant level. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

Groundwater/Aquifer; Increased Demand for Water Supplies

(PES 3) The project is not located within an EPA designated or proposed sole-source aquifer (See also *Project Description* for County

location).

(City) The proposed bridge replacement will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. No new water supply demand is generated by the project. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Increased Demand on Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

Coastal Zone

(PES 4) The project is not located within a Coastal Zone boundary (see Vicinity Map).

(City) Neither the proposed project nor the City of Modesto are located within a coastal area.

Flood Hazards

(PES 5) According to the City of Modesto's 1995 General Plan Master EIR, the project site is in a flood potential study area. See discussion in *Project Description* regarding 100-year flooding.

(City) The proposed bridge replacement project will be subject to hazards associated with flooding due to the project's location within the 100-year flood plain as identified in the Drainage Section of the MEIR. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Drainage (pages IV-9-1 through IV-9-32) are, therefore, still valid.

Increased Demand for Storm Drainage

(PES) Refer to *Project Description, Utilities and Services*. Also, refer to discussion for PES 5, above.

(City) The proposed bridge replacement project 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 Increased Demand for Storm Drainage (pages (IV-10-1 through IV-10-8) are, therefore, still valid.

Wild and Scenic River

(PES 6) The segment of the Tuolumne River that extends through Modesto and includes the project area is not designated as Wild and Scenic River, nor is this segment within a 0.25 mile of a protected wild and scenic river corridor.

(City) The State Lands Commission holds a fee ownership in the bed of the Tuolumne River to ensure that the use of these lands is consistent with Public Trust needs. Accordingly, the City's General Plan includes policies directed toward public trust resource protection values and, specifically, a greenway concept. These policies apply to the Tuolumne River Comprehensive Planning District and are as follows:

A. Visual corridors of the river will be protected and enhanced.

B. Visual corridors and access points on the river front will be recreated through redevelopment.

C. Public access points and linear foot and bike paths will be incorporated into residential redevelopment.

D. Riverfront vegetation will be consistent with riparian habitat zones.

E. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas (e.g., nature education and research, fishing and habitat protection).

F. The scenic resources of Public Trust lands and resources shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect scenic views associated with Public Trust lands and resources.

Where applicable, the bridge replacement project is either consistent with these policies or the policies do not apply (e.g., policy c).

Biological Resources/Loss of Sensitive Wildlife and Plant Habitat

(PES 7) A general biological reconnaissance will be conducted to determine the impact on habitat and special status species adjacent to the bridge replacement improvements. A CNDDB records search will be conducted for documented presence of federal or State special status species and special status habitat. Field surveys will be conducted by a qualified biologist to further determine potential presence of special status species. Construction of the new bridge and temporary construction bridge, and demolition of existing bridge piers could adversely impact Chinook salmon. Construction timing restrictions should adequately avoid these impacts. Coordination efforts with the National Marine Fisheries Service (NMFS) and CDFG will occur to ensure that their concerns will be addressed.

(City) The proposed project may have an effect on biological resources that utilize the river and adjacent habitat resources. However, the project area is fairly disturbed, and it is unlikely that special status species will be impacted beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Technical biological studies will be required, together with conformance with the various regulatory agency permit processes. 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.

Wetlands/Non-Wetlands

(PES 8) The bridge replacement project will involve impacts to non-wetland waters of the United States, and possibly special aquatic sites (wetlands). A wetland delineation will be conducted to determine wetland and non-wetland areas, and to assess project impacts for permitting purposes. Also see (2) above.

(City) The City supports the permitting processes implemented by the regulatory agencies.

Loss of Productive Agricultural Land

(PES 9) No agricultural production is present in the project area, and therefore, bridge replacement will not affect any agricultural wetland resources. (Also see (2) above regarding wetland and non-wetland studies).

(City) See above regarding *Agricultural Production*. The Existing

Conditions, Impact 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.

Air Quality Conformity

(PES 10) The City of Modesto has applied for State Highway and federal HBRR funds to complete the seismic retrofit bridge replacement project. The project does not propose changes to the City of Modesto Circulation Plan which is consistent with the RTP. Consequently, the project conforms with the TIP. The project is exempt from conformity requirements (complies with *reconstruction of bridges/no additional travel lanes; safety improvement program*).

(City) The City of Modesto requires technical air quality assessments where proposed projects may significantly degrade air quality. The proposed bridge replacement project will not have a significant effect on air quality conditions.

Degradation of Air Quality

(PES 11) Stanislaus County air quality status for 1998 is summarized as follows:

Pollutant	State	National
Ozone	Non-Attainment	- -
Ozone 1-hour	- -	Non-Attainment
Carbon Monoxide	Attainment	Unclassified/Attainment
Particulates (PM_{10})	Non-Attainment	- -
Sulfates	Attainment	- -
Hydrogen Sulfide	Unclassified	- -

The proposed bridge replacement improvements should not further aggravate the non-attainment State or federal status. The project will not generate additional vehicles, nor will there be an increase in vehicular capacity.

(City) The proposed project 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.

Prime or Unique Farmlands

(PES 12) A minor amount of farmland designated as prime or unique farmlands will be converted by project implementation (see *Existing Land Uses* above). However, the existing bridge right-of-way will be available in the event that the flood plain reverts to agricultural production. Consequently, there will be no net loss of prime agricultural farmlands. The project site is retained in public ownership (jointly owned by the Cities of Modesto and Ceres, and Stanislaus County) and therefore does not have Williamson Act status.

(City) The City's General Plan acknowledges the lands traversed by the proposed bridge as open space, designated for regional park use. These lands are no longer used for agricultural production, and are held in trust for public park and open space purposes.

Hazardous Wastes/Generation of Hazardous Materials

(PES 13) An Initial Site Assessment will be conducted for the project area. A government records search will be conducted for the project area. The search will provide documentation for sites within or proximate to the project area that involve the use of hazardous materials or wastes, spills, releases, accidents, etc. either currently or in the past. Also included are permitted underground and above ground storage tanks, treatment facilities, generators and other elements that are marked for inclusion in the data base search.

A general site reconnaissance will also be conducted of the project area for presence of hazardous materials and toxic substances. Preliminary indication reveals that there is no evidence of any issues or concerns with regard to the use or storage of hazardous waste materials, etc. While several businesses and uses require the use of these materials (e.g., gas stations), none of the uses in the project area are known to be problematic. Also see discussion regarding *"Existing Land Use"*.

(City) The proposed bridge replacement project 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.

Section 4(f) and 6(f) Properties/Increased Demand for Parks and Open Space

(PES 14) The proposed bridge replacement project extends through a 4(f) property (see discussion above on *"Utilities and Services"*). As a result of this park/project interface, issues involving a Section 4(f) property must be addressed. To the extent that the park is undeveloped, and a Master Plan effort has been initiated to establish park uses, design, development standards, etc., short- and long-term operations involving bridge replacement should not be a significant issue. FHWA will determine the analysis required to address the 4(f) property.

Section 6(f) approval may be required from the U. S. Department of Interior as a result of parklands acquired from with federal funds. The sources of these funds include Transportation Enhancement Activities (TEA) and Wildlife conservation Board (WCB). These funds are constrained by property liens which require public access be provided consistent with the resource values of the site and without creating negative impacts to the in-site and surrounding habitat. Any property acquired from WCB funds that involve a real estate transaction are required in conjunction with the bridge replacement require approval of the WCB. Similarly, any properties acquired by TEA funds that involve a real estate transaction are required to comply with the reimbursement or reconveyance terms of the TEA agreement. Real estate transactions involving properties acquired with either WCB or TEA funds may initiate the Section 6(f) approval process.

(City) The proposed bridge replacement project 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.

Aesthetics

(PES 15) See *"Scenic Resources"* above regarding visual impact, and surrounding uses/conditions.

(City) The City is pursuing a conceptual design that compliments the 7th Street Bridge over the Tuolumne River. The City acknowledges that bridge aesthetics are essential to the integrity of the future Tuolumne River Regional Park design.

Right-of-Way

(PES 16) See *"Right-of-Way"* above regarding minor takes and/or easements. Displacements or relocations will not be required. Adjacent uses will not be impacted by project improvements.

(City) Right-of way takes, easements, etc., will be managed in accordance with standard City policies and practices.

Plan Consistency

(PES 17) See *"Plan Consistency"* above regarding consistency the City of Modesto and Stanislaus County General Plans.

(City) The proposed bridge replacement is consistent with the City's General Plan and zoning code, and with other City endorsed plans and plans in which the City is a participant.

Utilities and Services

(PES 18) The new bridge will not increase the demand for services and utilities over the present need. See *"Utilities and Services"* above regarding coordination of utilities and infrastructure.

(City) Utilities and services will be provided in accordance with City needs in accordance with City standards.

Increased Demand for Water Supplies

(PES) See PES 18, above.

(City) The proposed bridge replacement project will require no additional water supplies 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.

Increased Demand for Sanitary Sewer Services

(PES) See PES 18, above.

(City) The proposed bridge replacement project will require 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.

Increased Demand for Schools

(PES) See PES 18, above.

(City) The proposed bridge replacement project will not impact the Modesto school system, as this facility will not increase enrollment in the public schools. 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.

Increased Demand for Police Services

(PES) See PES 18, above.

(City) The proposed bridge replacement project will have a less than significant impact upon the need for additional police services to the project area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

Increased Demand for Fire Services

(PES) See PES 18, above.

(City) The proposed bridge replacement project will have a less than significant impact upon the need for additional fire services to the project area. The proposed bridge project is not an occupied land use. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

Generation of Solid Waste

(PES) See PES 18, above.

(City) The proposed bridge replacement project will not cause the generation of solid waste beyond that which is identified in the MEIR. Demolition of the existing bridge structure will require a one time generation of solid waste bridge construction materials that will require disposal in the County landfill. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Generation of Solid Waste (pages IV-15-1

through IV-15-10) are, therefore, still valid.

Access Control

(PES 19) See *"Project Characteristics"* regarding access control. The new bridge will connect to 9th Street at either end of the bridge structure near the existing connections. Minor adjustments to these connections are needed to accommodate the new bridge geometrics in light of the existing bridge remaining in place until the new bridge becomes functional.

(City) Access connections and controls will be reviewed and approved by the City's Public Works Department.

Local Traffic Patterns/Traffic and Circulation

(PES 20) During construction, temporary detours or lane adjustments (i.e., cone placement) may be required while the new bridge is constructed. A primary objective of this project is to retain complete through access on 9th Street throughout the construction process. When the new bridge is complete, vehicles will be immediately diverted to the new bridge, allowing demolition of the existing bridge. Refer to Project Description regarding circulation rerouting.

(City) The proposed bridge replacement project will not generate an increase in traffic in the area. However, in light of the staged construction and minor detours potentially necessary during construction, a traffic analysis will be conducted. Nonetheless, bridge replacement 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.

Parking

(PES 21) Refer to *"Parking"* above regarding parking facilities.

(City) It is expected that the bridge replacement project will not have an effect on parking. No new parking demand will be generated by the project. The City will not require additional parking supplies as a result of the bridge replacement project.

Future Construction

(PES 22) The new bridge is proposed for the fundamental purpose of

providing a safe bridge design that is structurally sound during the design seismic event. Bridge construction does not rely upon other development activities, and additional phases are not planned to accommodate future traffic. There are no plans to widen the bridge.

(City) Replacement of the 9th Street bridge will not be growth inducing, nor create opportunities for future indirect impacts. Therefore, the project will not have an impact on future construction activities.

Public Controversy

(PES 23) Refer to *"Public Participation"* above regarding public controversy. Public workshops will be held within the community. Public controversy is not anticipated.

(City) The City will actively participate in the public involvement processes for the bridge replacement project. The City's participation will incorporate features into the project and will administer and organize the project with the object of minimizing public controversy.

Construction Encroachment

(PES 24) Refer to *"Right-of-Way"* regarding State and federal properties.

(City) The City will participate in a new General Lease - Public Agency Use to the City of Modesto, with the State Lands Commission serving as the lessor. Construction staging is planned on a portion of the lands proposed for the Tuolumne County Regional Park. This portion of the proposed park is currently vacant and undeveloped and will not have an effect on the future park use.

Historic Properties/Disturbance of Archaeological and Historic Sites

(PES 25) The original bridge structure was built in 1933 and exceeds the 50 year threshold for considering historic significance. Historic and pre-historic surveys and analyses are proposed to determine the potential adverse effect on the resources and the potential eligibility listing on the National Register of Historic Places. The 9th Street bridge is not listed in the *Historic Highway Bridges of California* (1990) prepared by Caltrans. Caltrans has determined that the 9th Street Bridge is ineligible for the National Register of Historic Places, and additional bridge evaluations for historic

review are not required.

(City) The proposed bridge replacement 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 indicates that it is within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Historic and pre-historic surveys will be conducted. 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.

Landslides and Seismic Activity

PES Refer to City discussion below.

(City) The proposed bridge replacement project will not expose additional people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The purpose of the bridge replacement project is to replace the existing seismically unsafe bridge with a bridge that meets current seismic safety standards. 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, therefore, still valid.

Energy

PES Refer to City discussion below.

(City) The proposed bridge replacement project will result in less than significant demands on 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.

Additional Initial Study Sections

Project Title: Ninth Street Bridge Replacement - STPLZ 5059(054)
Seismic Safety Project

CEQA Lead Agency Name and Address:
City of Modesto
P.O. Box 642
Modesto, CA 95353

CEQA Contact, Person, Address and Phone Number:
Brian Smith, AICP, Principal Planner
City of Modesto
801 11th Street
Modesto, CA 95353
phone (209) 577-5276

Project Location:
9th Street/Tuolumne River at the City of Modesto/Stanislaus County boundary

Project Sponsor:
Hector Barron, Associate Civil Engineer
Engineering and Transportation Department
Engineering Services Division
City Hall 801 11th Street
P.O. Box 642
Modesto, CA 95353
(209) 571-5181

Discretionary Actions Covered by CEQA Document

- Bridge Replacement project approval (bridge general plan, final design, right-of-way acquisition, bid and award, project construction, Stanislaus County encroachment permit)

- Section 1601 Streambed Alteration Agreement (authorizes the California Department of Fish and Game to issue agreement based on the City's CEQA documentation)

- Section 401 Water Quality certification or waiver (authorizes the California Regional Water Quality Control Board to issue water quality certification or waiver based on the City's CEQA documentation)

- New General Lease - Public Agency Use for realignment of the 9th Street Bridge (No. 38C-61-997) (authorizes the California State Lands Commission to issue a new General Lease - Public Agency Use to the City of Modesto)

- Various financial arrangements, grant applications and funding sources.

CEQA Conclusions / Determinations of Findings

A. The proposed bridge replacement project is within the scope of the General Plan covered by a Master EIR (SCH #92052017).

B. The proposed bridge replacement project will have no new additional significant effect on the environment not identified in the Master EIR and no new 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 the bridge replacement project that require project specific mitigation measures different that those contained in the Master EIR document. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate. See attached relevant Mitigation Measures.

E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: _____ 2-16-00

Mitigation Measures

The following mitigation measures have been reproduced from the City of Modesto's General Plan Master EIR and apply to the proposed bridge replacement project.

Noise

- Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with

mufflers, and impact tools should be equipped with shrouds or shields.

Water Quality

Applicable Best Management Practices

- Provide berms along the tops of slopes to prevent water from running uncontrolled down the slopes.
- Collect the water in these berms and take it down the slopes in an erosion-proof drainage system.
- Provide energy dissipators and erosion control pads at the bottom of downdrains.
- Install permanent landscaping, as soon as practical, after the completion of grading.

Requirements for Drainage Plans

- The drainage plan shall include water quality control measures to ensure minimized contaminants in waters discharged to surface streams or percolated into the ground.
- The water quality control measures shall address both construction and operation periods.
- Fluvial erosion related to construction is controlled by a construction erosion control program which shall be filed with the City Department of Public Works office and kept current throughout any site development phase.
- The erosion control program shall include best management practices as appropriate, given the specific circumstances of the site and/or project.

Flood Control

Requirements for Drainage Plans

- The plan shall be based on a drainage study prepared by a qualified engineer and shall be implemented in all construction projects where the drainage study indicates a need.

- The drainage study shall identify 100-year flood elevations before and after development, location and available capacity of any existing drainage systems, and the volume and rate of water flows created by the proposed project during the 100-year storm.

Storm Drainage

- The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system will involve collecting storm water runoff from the bridge deck surface and conveying into an enclosed drainage system, then discharging onto the ground surface area below the bridge structure.

Biological Resources
General Plan Measures

- For lands that contain or potentially contain valley foothill riparian, riverine, wetland, grassland and pasture habitats, site specific surveys shall be conducted by a qualified biologist to determine whether a sensitive natural communities or species are present within the proposed development area.

  Surveys shall be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes.

- All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signage and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to long-term conservation of the species and ecosystems on which they depend.

- Where formally listed species are determined present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or

other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated.

- Other project-specific measures. to protect sensitive habitats shall be implemented.

A. Avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas would include siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation should consist of similar native species to those removed.

B. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat should be substantially equivalent to the nature of the habitat lost and should be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value.

C. Confine work in or near streams, wetlands and vernal pools to the dry season between May 1 and October 1.

D. Preserve existing and mature native trees to the extent feasible, except when such trees are diseased or otherwise constrains a hazard to persons or property. During construction, all activities and storage of equipment should occur outside the driplines of any trees to be preserved.

E. All areas within identified riparian corridors shall be maintained in a natural state, or limited to recreation and open space uses. Recreation should be limited to passive forms of recreation, with any facilities ecologically constructed to non-intrusive to wildlife or sensitive species.

F. New landscaping within of immediately adjacent to the identified riparian corridors should employ native species ecologically consistent with natural riparian habitats.

G. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed.

Project -Specific Measures

1. Prior to initiating construction, snow fence shall be installed along the limits of work to prevent encroachment into the riparian areas adjacent to the construction site.

2. The large valley oak west of the existing bridge shall be protected during all construction activities. Prior to initiating construction, snow fence shall be installed around the tree at the dripline.

3. Upon completion of construction, the sandbar on the south bank of the Tuolumne River shall be restored to its pre-construction contours.

4. All graded or disturbed areas in the riparian corridor along the Tuolumne River resulting from project implementation (approximately 1,210 square meters/ 0.3 acre) shall be revegetated with riparian species in accordance with the plant palettes contained in Appendix D. The revegetated area includes impacted areas resulting from installation and removal of the temporary bridge, the area of the existing bridge that will be vacant following removal, and the area beneath the new bridge.

5. Removal of the existing pilings will be accomplished using an extractor rather than being dug out. The remaining holes will be much narrower than if the pilings were dug out, and as a result, the holes will not need to be backfilled but instead can be left to "silt in" naturally.

6. Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Scheduling. A specific work schedule will be implemented to coordinate the timing of land disturbing activities and the installation of erosion and sedimentation control practices to reduce on-site erosion and off-site sedimentation.

- Preservation of Existing Vegetation. In addition to measures #1 and #2 above, existing vegetation will be protected in place were feasible to provide an effective form of erosion and sediment control, as well as watershed protection, landscape beautification, dust control, pollution control, noise reduction, and shade.

- Mulching. Loose bulk materials will be applied to the soil surface as a temporary cover to reduce erosion by protecting bare soil from rainfall impact, increasing infiltration, and reducing

runoff.

- Soil Stabilizers. Stabilizing materials will be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities.

- Slope Roughening/Terracing/Rounding. Roughening and terracing will be implemented to create unevenness on bare soil through the construction of furrows running across a slope, creation of stair steps, or by utilization of construction equipment to track the soil surface. Surface roughening or terracing reduces erosion potential by decreasing runoff velocities, trapping sediment, and increasing infiltration of water into the soil, aiding in the establishment of vegetative cover from seed.

7. During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

8. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Archaeological and Historic Sites

- A combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

- When structures or areas of historical significance over 45 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant (City) shall submit data to the city regarding the structure's history or locations prepared by a qualified architectural historian. The City shall evaluate the historical significance of the proposal and require measures be implemented to preserve all structures and places it deems historically significant.

Landslides and Seismic Activity

- Any construction which occurs as a result of the project must conform with the current Caltrans standards, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to project review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology.

PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

Agency (Dist-Co-Rte-Agency): 10-STA-9TH STREET-MODESTO
Project Number (Federal Prog. Prefix-Proj.No. (Agrmnt No.): STPLE 5059 (054)
Project Location: 9TH STREET AT TUOLUMNE RIVER IN CITY OF MODESTO/ STANISLAUS COUNTY
Project Description: REPLACE EXISTING BRIDGE ON 9TH STREET WITH NEW BRIDGE TO RESOLVE SEISMIC SAFETY CONCERNS OR POTENTIAL HAZARDS. BRIDGE IS APPROXIMATELY 1,814 FEET IN LENGTH.

EXAMINE FOR POTENTIAL EFFECTS ON THE ENVIRONMENT, DIRECT OR INDIRECT, AND ANSWER THE FOLLOWING QUESTIONS

A. The Physical Environment	Yes	To Be Determined	No
1. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes."			X
2. Are there water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	X		
3. Is project within a designated sole-source aquifer?			X
4. Is project within the State Coastal Zone?			X
5. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a water course or lake?	X		
6. Is the project within or immediately adjacent to a Wild and Scenic River System?			X
7. Is there a potential for a federally-listed, threatened, or endangered species (including candidate species) or their critical or sensitive habitat within the construction area?		X	
8. Is there a potential for wetlands within the construction area?	X		
9. Is there a potential for agricultural wetlands within the construction area?			X
10. Air Quality			
a. Is the project included in a currently conforming regional transportation plan (RTP) and transportation improvement program (TIP) and that there have been no substantial changes in the design concept and scope as used in the TIP?	X		
b. Is the project exempt from the requirement to determine conformity (40 CFR 93.126)?	X		
11. Is the project in a non-attainment or maintenance area? (National Ambient Air Quality Standards)	X		

	Yes	To Be Determined	No
12. Is there a potential for prime or unique farmlands within or immediately adjacent to the construction area?			X
13. Is there a potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?	X		
14. Are there any publicly-owned public parks, recreation areas, or wildlife or waterfowl refuges [Section 4(f)] within construction area?	X		
15. Are there any aesthetically visual resources within the project area?			X
B. The Social and Economic Environment			
16. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.	X		
17. Is the project inconsistent with plans and goals adopted by the community?			X
18. Will the project result in the need for public services, including utilities other than those presently available or proposed?			X
19. Will the project involve changes in access control?			X
20. Will project involve the use of a temporary road, detour or ramp closure?			X
21. Will the project reduce available parking?			X
22. Will the project require future construction to fully utilize the design capabilities included in the proposed project?			X
23. Will the project generate public controversy based on potential environmental effects?			X
24. Will project construction encroach on State or Federal Lands?			X
25. Are there National Register listed or potentially eligible historic properties [Section 106, Section 4(f)] within the construction area?		X	

DATA AS REQUIRED TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST SHOULD BE ATTACHED OR AVAILABLE FROM THE LOCAL AGENCY UPON REQUEST
(Check to Indicate Required Technical Studies, Coordination, Permits or Approvals)

C.	REQUIRED TECHNICAL STUDIES	D.	COORDINATION	E.	PERMIT/APPROVALS
☐	**NOISE STUDY**				
	__ Traffic Related	__	FHWA		
	Construction Related				
☒	**WATER QUALITY STUDY**				
	X Discharge Dredged/Fill material (US waters)	X	U.S. Army Corps of Engineers	X	Issues Section 404 Permit
	X Construction in Navigable Waters	X	U.S. Army Corps of Engineers	X	Section 10 Permit
	X Construction of Bridges/Causeways Across Navigable Waters	X	U.S. Coast Guard	X	Approves Plans
	X Construction of Bridge	X	California Regional Water Quality Control Board	X	Water Quality Certification
	X Stream or Lake Alteration	X	California Department of Fish & Game	X	Section 1601/03 Permit
	NEPA/404 MOU		FHWA		
☐	**SOLE SOURCE AQUIFER**	__	EPA (S.F. Regional Office)	__	Contamination Threat
☐	**COASTAL ZONE**	__	State Coastal Zone Management agency (California Coastal Commission (CCC))	__	Coastal Zone Consistency
☒	**FLOODPLAIN STUDY ***	X	Federal Emergency Management Agency		
		X	FHWA	X	Floodplain Finding
☐	**WILD & SCENIC RIVERS**	__	U.S. Department of Interior		
		__	Heritage Conservation/Recreation Service		
☒	**BIOLOGY STUDY ***	X	FHWA	X	Sec 7 Consultation
		X	California Department of Fish & Game	X	Incidental Take Permit
☒	**WETLANDS STUDY ***	X	FHWA/EPA	X	Wetlands Findings
		X	U.S. Fish & Wildlife		
		X	U.S. Army Corps of Engineers	X	Verifies juris. wetlands
		X	National Marine Fisheries Service		
	Agricultural Wetlands	__	Natural Resources Conservation Service	__	Verifies agri. wetlands
☐	**AIR QUALITY STUDY***	__	FHWA	__	Conformity Finding
☐	**FARMLANDS STUDY**	__	Natural Resources Conservation Service	__	Verifies prime/unique
			U.S. Army Corps of Engineers		Approves Conversions

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

C.	REQUIRED TECHNICAL STUDIES	D.	COORDINATION	E.	PERMIT/APPROVALS
X	**HAZARDOUS MATERIAL STUDY** (Cleanup of Hazardous Material Sites)	_	1. CALIF. EPA; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Workplan Sites		
		_	2. CALIF. OPR; Hazardous Wastes & Substances Sites List, List of Contaminated Sites		
		X	3. LOCAL; Health & Human Services Dept., Hazardous Waste Operations Division		
X	**SECTION 4(f) EVALUATION** * Waiver Anticipated	X	FHWA	X	Makes Determination
		X	Public Official w/Jurisdictional Responsibility.		
		_	SHPO/ACHP (as appropriate)		
			DOI/DOA/HUD/USDA (as appropriate)		
X	**SECTION 6(f) EVALUATION** Not Required	X	Park Official	Note: Not applicable unless property obtained by grant from Land and Water Conservation Fund.	
		X	DOI		
_	**VISUAL IMPACT STUDY (AESTHETICS)**	_	FHWA		
_	**RELOCATION IMPACTS STUDY**	_	State & Local Planning Departments		
_	**SOCIO-ECONOMIC STUDY**	_	Airports, Schools, State and Local Planning Departments		
_	**TRAFFIC**	_	FHWA		
X	**SECTION 106 STUDY** *				
	X APE Map	X	Caltrans	X	Determines applicability of Minimal APE
		X	FHWA	X	Approves APE
		_	SHPO/ACHP (as appropriate)		
		_	Local Preservation groups and/or Native American Tribes		
	X Historic Property Survey Report (HPSR)	X	FHWA	X	Concurs or Consults with SHPO/ACHP
X	**CONSTRUCTION/ENCROACH ON STATE LANDS**				
	X Under State Lands Commission Jurisdiction	X	State Lands Commission	X	General Permit/Revise General Plans
	_ Under Caltrans Jurisdiction	_	Caltrans	_	Encroachment Permit
_	**CONSTRUCTION/ENCROACHMENT ON FEDERAL LANDS**	_	U.S. Bureau of Reclamation	_	Encroachment Permit
		_	Private Land Owner	_	Right of Entry Permit
	Additional studies may be required for other Federal Agencies.				

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

STPLE-5059(054)
9th Street Bridge Proj

F. Public Hearing and Public Availability

___ Not Required
___ Notices of Availability
___ Environmental Document ONLY
___ Opportunity for a Public Hearing
X Public Hearing Required (CEQA ONLY)

G. Preliminary Environmental Document Classification (NEPA)
Based on the evaluation of the project, the environmental document to be developed should be:

___ Environmental Impact Statement
___ Environmental Assessment
X Categorical Exclusion, with required technical studies (involving Federal action)
___ Programmatic Categorical Exclusion, without required technical studies
___ Programmatic Categorical Exclusion, with required technical studies (not involving Federal action)

Prepared by: Bill Mayer LSA Associates Inc. Date 6-2-99 Telephone #: 916 630-4600

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

Signature local agency: [signature] Date: 7-12-99 Telephone #: 209-571-5181

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document (if required).

KJ 7/20/99 Signature DLAE: Louise Burton Date: 7/20/99 Telephone #: 209-948-3689

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, REGULAR CEs, AND (WHEN REQUESTED) FOR PROGRAMMATIC CEs:

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document.

Signature District Environmental: [signature] Date: 7-28-99 Telephone #: 209-948-7965

FHWA REVIEW of PES RECOMMENDED YES ☐ NO ☐

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, AND (WHEN REQUESTED) FOR REGULAR CEs:

H. I concur with the studies to be performed and the recommended level of environmental document.

Signature FHWA: _____ Date: _____ Telephone #: _____

Distribution:
Original: District Local Assistance Engineer
Copy: Local Agency Project Files

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-114

Print

A RESOLUTION APPOINTING COUNCILMEMBERS TIM FISHER, ARMOUR SMITH, AND VICE-MAYOR KENNI FRIEDMAN TO THE MAYOR'S AD HOC DISTRICT ELECTIONS AND TERM LIMITS COMMITTEE

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

SECTION 1. Councilmembers Tim Fisher, Armour Smith and Vice-Mayor Kenni Friedman are hereby appointed to the Mayor's Ad Hoc District Elections and Term Limits Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Mayor's Ad Hoc District Elections and Term Limits 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 7th day of March, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-115

Print

A RESOLUTION APPOINTING ROBERT GAUSMAN 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. Robert Gausman is hereby appointed to the Local Cable Programming Committee, each with a term expiration of January 1, 2004.

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 7th day of March, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-116

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses twenty-one (21) vehicles, forty (40) unclaimed bicycles, sixty (60) 72" oak laminate tables, and twenty-one (21) classroom desks which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the twenty-one (21)

vehicles, forty (40) unclaimed bicycles, sixty (60) 72" oak laminate tables, and twenty-one (21) classroom desks , which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2000, 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, Fisher, Friedman, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-117

A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR SHARING COST OF OPERATING AND MAINTAINING TRAFFIC SIGNAL AT THE MCHENRY AVENUE(SR 108)/TOKAY AVENUE INTERSECTION

BE IT 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 McHenry Avenue (SR 108)/Tokay Avenue intersection in the City of Modesto, 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 14th day of March, 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, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-118

A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR SHARING COST OF OPERATING AND MAINTAINING TRAFFIC SIGNAL AT THE INTERSECTION OF THE SOUTHBOUND RAMP OF STATE ROUTE 99 AND KANSAS AVENUE

BE IT 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 intersection of the southbound ramp of State Route 99 and Kansas Avenue in the City of Modesto, 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 14th day of March, 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, Serpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk (7)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-119

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 add the following classification:

Secondary Treatment Facilities Supervisor

The specifications for the classification of Secondary Treatment Facilities Supervisor (Range 432), 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 revised to abolish the following classification:

Secondary Treatment Site Supervisor

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 14, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 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, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 2782

March 2000

SECONDARY TREATMENT FACILITIES 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 work of personnel including contractual forces operating, performing analysis, and maintaining the City secondary treatment site operations; and to perform a variety of technical tasks relative to assigned area of responsibility including the performance of duties required of operator-in-charge.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent.

Exercises direct supervision over maintenance staff in assigned area.

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

Essential Functions:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for site operations and maintenance; implement policies and procedures.

Plan, prioritize, assign, supervise, review, and participate in the work of staff involved in the maintenance and operations at the site treatment plant.

Oversee the operation of the ranch acreage used for land application of discharge.

Supervise the use of special equipment involved in maintenance and repair work.

Monitor the operation of wastewater treatment pumps, motors and other equipment.

Supervise compost operations; ensure site meets all regulatory requirements with other City organizations; establish contracts with disposal organizations and compost product suppliers.

EXHIBIT "A"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on plant, ranch, and compost operations and activities.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

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

Assist in estimating and scheduling work to be done and in determining type and quantities of materials needed for such work.

Coordinate and direct the irrigation operations and maintenance of the ranch.

Communicate with ranch lessee and other neighbors to encourage positive relationships and to address possible problem areas.

Develop and maintain parts and equipment inventory program.

Troubleshoot compost processes and equipment to determine problems; take corrective actions and measures.

Inspect buildings and equipment for needed maintenance and repair; insure the proper use and care of tools, materials and safety equipment.

Assure adherence to safety, cleanliness, fire prevention rules and standards.

Train and update employees on technical, maintenance and safety procedures at the plant.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant maintenance.

Operating principles of wastewater treatment plant engines, pumps, and other equipment.

Principles and methods of ranch management and compost operations.

Equipment, tools, and materials used in maintaining and repairing wastewater treatment plant and related equipment.

Principles of training, supervision and performance evaluation.

Safe work practices and procedures.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Coordinate and supervise the personnel and other resources required in the maintenance of the secondary treatment site.

Make estimates of cost and time for all aspects of maintenance, repair and construction work.

Supervise the collection and analysis of compost samples.

Diagnose malfunctions and determine effective course of action for correcting them.

Develop, implement and enforce safety regulations and procedures.

Supervise, train and evaluate assigned staff.

Maintain work records and prepare reports.

QUALIFICATIONS (Continued)

Ability to:

Order supplies and materials necessary for the operation of the site.

Understand and carry out oral and written reports.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

Experience:

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 maintenance of a public agency wastewater treatment plant, in a manufacturing, ranch, or composting environment including at least one year in a responsible lead or supervisory management capacity.

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.

Possession of a valid Grade II or higher Wastewater Treatment Plant Operator certificate issued by the California State Water Resources Control Board, is desirable.

WORKING CONDITIONS

Environmental Conditions:

Treatment plant environment; work in or with wastewater.

Physical Conditions:

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

Clerk (7)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-120

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO CHANGE THE JOB TITLE OF SECONDARY TREATMENT SITE SUPERVISOR (RANGE 434) TO SECONDARY TREATMENT FACILITIES SUPERVISOR (RANGE 432) AND ABOLISH SECONDARY TREATMENT SITE SUPERVISOR FROM THE CLASS RANGE TABLE.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 99-175. Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 14, 2000", 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 change the job title for Secondary Treatment Site Supervisor (Range 434) to Secondary Treatment Facilities Supervisor (Range 432) and abolish Secondary Treatment Site Supervisor (Range 434) from the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 14, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 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, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman, Smith

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 **March 14, 2000**

RANGE	TITLE
403	Administrative Clerk (Confidential)
404	
405	
406	
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)

EXHIBIT "A"

RANGE	TITLE
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
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Assistant City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Trees Maintenance Supervisor Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor Fleet Maintenance Supervisor Airport Operations and Maintenance Supervisor

RANGE	TITLE
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime analyst Social Services Program Supervisor Neighborhood Organizer
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**
433	Organizational Development Specialist
434	Senior Programmer Analyst Electrical Supervisor Senior Housing Rehabilitation Specialist Operations Supervisor Arborist Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator

RANGE	TITLE
435	Management Analyst Senior Personnel Analyst Administrative Services Officer Integrated Waste Specialist Business Analyst Cultural Services Manager Area Manager
436	Senior Planner
437	Deputy City Attorney I
438	Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator
439	
440	Purchasing Officer 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)

RANGE	TITLE
441	(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Senior Fire Equipment Mechanic
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 Assistant Parks & Recreation Director – Parks Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
448	
449	Senior Deputy City Attorney II
450	
452	
452	Deputy Director – Engineering Services Deputy Director – Utilities Services and Franchises Deputy Director – Cultural and Enterprise Services Deputy Director – Recreation and Neighborhoods

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-121

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KATHLEEN J. COHN FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE MARCH 14, 2000

WHEREAS, Kathleen J. Cohn was appointed a member of the Community Qualities Forum on August 25, 1998; and

WHEREAS, Kathleen J. Cohn has tendered her resignation from the Community Qualities Forum, effective March 14, 2000; and

WHEREAS, Kathleen J. Cohn 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 Kathleen J. Cohn 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 Kathleen J. Cohn 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 14th day of March, 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, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-122

A RESOLUTION APPROVING SUPPORT OF A PILOT PROJECT IN THE AIRPORT DISTRICT TO RAISE THE EDUCATIONAL ATTAINMENT LEVEL OF OUR COMMUNITY THROUGH A NEIGHBORHOOD GED PROGRAM, AND AUTHORIZING THE EXECUTION AND SUBMISSION OF ANY DOCUMENTATION REQUIRED FOR THE APPLICATION OF THE GRANT.

WHEREAS, by an Agenda Report prepared by City staff, City staff recommended that the City Council support a pilot project in the Airport District to raise the educational attainment level of the community through a neighborhood GED program, and

WHEREAS, a potential source of funding for the recommended project is the Pacific Bell Foundation, which plans to donate a total of $350,000 to northern and central California communities for grant projects that use technology to address educational, economic and quality of life issues, and

WHEREAS, grants of up to $25,000 are available to government and community-based organizations, and

WHEREAS, applications will be judged on meeting community needs, especially communities under-served by technology, enhancing quality of life, expanding the availability of information resources and bridging gaps between communities, and

WHEREAS, the Council considered this matter at its Council meeting held on March 14, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports a pilot project in the Airport District to raise the educational attainment level of our community through a Neighborhood GED Program.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designees, is hereby authorized to execute and submit any applications or other documentation required to apply for the grant to help support residents of our community to be encouraged and assisted in attaining high school educations

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 14th day of March 2000, 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, Serpa, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Frohman, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-123

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PRINTING OF THE MONTHLY NEWSLETTER TO BE OPENED ON APRIL 11, 2000 AT 11:00 A.M.

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 printing of the monthly newsletter, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on April 11, 2000 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 21st day of March, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-124

Print

A RESOLUTION ACCEPTING THE BID OF MILLER PIPELINE CORPORATION FOR THE PROJECT TITLED "ANNUAL SEWER REHABILITATION PROJECT – PHASE 1, 99/00"

WHEREAS, the bids received for Annual Sewer Rehabilitation Project – Phase 1, 99/00 were opened at 11:00 a.m. on February 29, 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 $85,739 received from Miller Pipeline Corporation be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $85,739 from Miller Pipeline Corporation 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 21st day of March, 2000, 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. 2000-125

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "BOWEN AVENUE LIFT STATION STORAGE BUILDING" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Bowen Avenue Lift Station Storage Building, has been completed by Paul Anderson Construction, in accordance with the contract agreement dated October 12, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Bowen Avenue Lift Station Storage Building be accepted from said contractor, Paul Anderson Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $67,891.00 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 21st day of March, 2000, 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

Clerk (6)

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-126

Print

A RESOLUTION AMENDING EXHIBIT "I" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ADD RECREATION AND NEIGHBORHOODS DIRECTOR (RANGE 1420) AND ABOLISH COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR, AND AMENDING EXHIBIT "J" OF RESOLUTION NO. 99-175 TO ADJUST SALARY RANGES FOR CERTAIN EXECUTIVE POSITIONS, EFFECTIVE MARCH 28, 2000.

WHEREAS, the City Council desires to amend Exhibits "I" and "J" of Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO EXHIBIT "I" OF RESOLUTION NO. 99-175. Exhibit "I" entitled "City Of Modesto Class Range Table Executive Management Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "I" entitled "City Of Modesto Class Range Table Executive Management Effective March 28, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "I" adds Recreation and Neighborhoods Director (Range 1420) to the Class Range Table and abolishes Community Services and Neighborhood Connections Director (Range 1420).

SECTION 2. AMENDMENT TO EXHIBIT "J" OF RESOLUTION NO. 99-175. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For

FY 99-00 Effective 06/22/99", is hereby amended as shown on the amended Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99-00 Effective 03/28/00", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "J" adjusts salary ranges for the Executive positions of City Attorney, City Clerk/Auditor, City Manager, Deputy City Manager, Engineering & Transportation Director, Finance Director, Fire Chief, Personnel Director, and Police Chief, effective March 28, 2000. Said range changes are independent of any across-the-board salary increases which may be granted to Executive and Management employees for FY 2000-2001.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 28, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, 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, Smith, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective **March 28, 2000**

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"

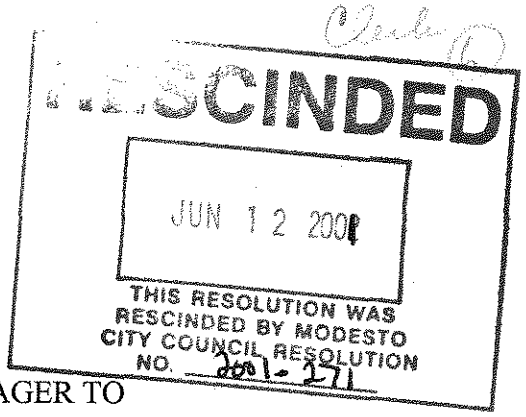
CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 03/28/00

Executive Management

2.50%

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		27.2876	34.1095	2,183.01	2,728.76	4,748.05	5,935.05
1406		27.9698	34.9622	2,237.58	2,796.98	4,866.74	6,083.43
1407		28.6690	35.8363	2,293.52	2,866.90	4,988.41	6,235.51
1408		29.3858	36.7322	2,350.86	2,938.58	5,113.12	6,391.41
1409		30.1204	37.6505	2,409.63	3,012.04	5,240.95	6,551.19
1410	City Clerk/Auditor	30.8734	38.5918	2,469.87	3,087.34	5,371.97	6,714.96
1411		31.6453	39.5566	2,531.62	3,164.53	5,506.27	6,882.85
1412		32.4364	40.5455	2,594.91	3,243.64	5,643.93	7,054.92
1413		33.2473	41.5591	2,659.78	3,324.73	5,785.02	7,231.29
1414		34.0785	42.5981	2,726.28	3,407.85	5,929.66	7,412.07
1415		34.9304	43.6630	2,794.43	3,493.04	6,077.89	7,597.36
1416		35.8037	44.7546	2,864.30	3,580.37	6,229.85	7,787.30
1417		36.6988	45.8735	2,935.90	3,669.88	6,385.58	7,981.99
1418	Personnel Director	37.6163	47.0203	3,009.30	3,761.62	6,545.23	8,181.52
1419		38.5567	48.1959	3,084.54	3,855.67	6,708.87	8,386.08
1420	Recreation & Neighborhoods Director	39.5206	49.4008	3,161.65	3,952.06	6,876.59	8,595.73
	Finance Director	39.5206	49.4008	3,161.65	3,952.06	6,876.59	8,595.73
	Operations & Maintenance Director	39.5206	49.4008	3,161.65	3,952.06	6,876.59	8,595.73
1421		40.5086	50.6358	3,240.69	4,050.86	7,048.50	8,810.62
1422	Fire Chief	41.5213	51.9016	3,321.70	4,152.13	7,224.70	9,030.88
	Community Development Director	41.5213	51.9016	3,321.70	4,152.13	7,224.70	9,030.88
1423	Engineering & Transportation Director	42.5593	53.1991	3,404.74	4,255.93	7,405.31	9,256.65
1424		43.6233	54.5291	3,489.86	4,362.33	7,590.45	9,488.07
1425	Police Chief	44.7139	55.8924	3,577.11	4,471.39	7,780.21	9,725.27
1426		45.8317	57.2896	3,666.54	4,583.17	7,974.72	9,968.39
1427	Deputy City Manager	46.9775	58.7219	3,758.20	4,697.75	8,174.09	10,217.61
1428	City Attorney	48.1519	60.1899	3,852.15	4,815.19	8,378.43	10,473.04
1429		49.3557	61.6946	3,948.46	4,935.57	8,587.90	10,734.86
1430		50.5896	63.2370	4,047.17	5,058.96	8,802.59	11,003.24
1431		51.8543	64.8179	4,148.34	5,185.43	9,022.64	11,278.31
1432		53.1507	66.4384	4,252.06	5,315.07	9,248.23	11,560.28
1433	City Manager	54.4795	68.0994	4,358.36	5,447.95	9,479.43	11,849.29
1434		55.8415	69.8019	4,467.32	5,584.15	9,716.42	12,145.53
1435		57.2375	71.5469	4,579.00	5,723.75	9,959.33	12,449.16

EXHIBIT "J"



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-127

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A $350.00 PER MONTH VEHICLE ALLOWANCE OR A CITY VEHICLE TO ALL CITY MANAGER-APPOINTED EXECUTIVE POSITIONS, AND AUTHORIZING THE CITY COUNCIL TO GRANT A $350.00 PER MONTH VEHICLE ALLOWANCE OR A CITY VEHICLE TO COUNCIL APPOINTEES, EFFECTIVE MARCH 28, 2000.

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. 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, as new or modified Executive positions have been added, piecemeal authorization for city vehicles or for vehicle allowances has been granted, and

WHEREAS, most Executive positions are currently authorized either use of a City vehicle or a monthly vehicle allowance, except for the positions of City Clerk/Auditor, Finance Director and Personnel Director, and

WHEREAS, the Council desires to establish a uniform policy for City vehicles or

vehicle allowances for all Executive positions and Council appointees, and

WHEREAS, said policy would permit the City Manager to make the determination as to City vehicle or vehicle allowance for each City Manager-appointed Executive, and

WHEREAS, said policy would permit the City Council to make such determinations as to City vehicle or vehicle allowance for Council appointees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to grant vehicle allowances or City vehicles to all Executive positions, and the City Council is hereby authorized to grant vehicle allowances or City vehicles to all Council appointees, including the City Clerk/Auditor, in the amount of Three Hundred Fifty ($350.00) Dollars per month.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, 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, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk (6)

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-128

Print

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 add the following classification:

Recreation and Neighborhoods Director

The specifications for the classification of Recreation and Neighborhoods Director (Range 1420), 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 revised to abolish the following classification:

Community Services and Neighborhood Connections Director

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 28, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, 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, Smith, Mayor Sabatino
NOES:	Councilmembers:	Conrad, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 1761

MARCH, 2000

RECREATION AND NEIGHBORHOODS DIRECTOR

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, direct and review the activities and operations of the Recreation and Neighborhoods Department including leisure and community services programming and activities, human services program administration, and community and neighborhood outreach and improvement; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, 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:

Develop, plan, and implement division goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the Department's annual work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Plan, organize, direct, evaluate, and schedule the work and programs of the department divisions, programs and the administrative office staff.

Plan and direct the development of community and neighborhood improvement initiatives and programs.

Plan, direct, and/or facilitate leisure service programs and activities, golf operations, and community-wide programs or activities.

EXHIBIT "A"

Essential Functions: (Continued)

Negotiate and resolve significant and controversial neighborhood and community issues.

Prepare and submit reports and recommendations, and provide technical advice to the City Manager, City Council, and related boards and commissions.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Develop and implement citizen based problem-solving models.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Prepare long-range plans to meet community needs based on studies of local conditions and projections of the future composition of the community; recommend additional, altered or expanded public recreation facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Coordinate and direct fund-raising activities.

Direct the establishment and maintenance of files and records of Departmental activities.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and methods used in community and leisure services administration and management, and program and facility acquisitions and maintenance.

Modern and highly complex principles and practices of housing and community development programs, redevelopment and financing programs.

Recreational, cultural, human, and social needs of all age, ethnic and economic groups.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Record keeping and reporting procedures.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Group problem solving techniques and partnerships with individuals and community groups.

Pertinent Federal, State, and local laws, codes and regulations.

Principles and practices of organization, administration and personnel management.

Grants and administration of funds obtained from external agencies.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Understand and implement the community, social and leisure services needs of the community and recommend additional areas, facilities and programs to meet those needs.

Ability to, Continued:

Formulate substantive recommendations for community development and financing programs.

Prepare and present complex reports.

Work through complex community and neighborhood issues.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Identify and respond to public and City Council issues and concerns.

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

Maintain liaison with various private and public agencies, and deal successfully with the public and other interested groups.

Prepare and administer a budget.

Select, lead, supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making decision and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

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:

Eight years of increasingly responsible supervisory or administrative experience in community, leisure or human service programs.

Training:

A Bachelor's degree from an accredited college or university with major course work in public administration, recreation, 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.

Physical Conditions:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-129

Print

A RESOLUTION ADOPTING AN ECONOMIC DEVELOPMENT LOAN POLICY FOR THE PURPOSE OF PROVIDING ECONOMIC DEVELOPMENT INCENTIVES FOR BUSINESS ATTRACTION AND BUSINESS RETENTION WITHIN THE CITY'S GENERAL PLAN AREA.

WHEREAS, the success of the City's economic development efforts are dependent upon the ability to ensure the most profitable climate for new and expanding business, and

WHEREAS, the Business Development Office staff has reviewed the benefits of an Economic Development Loan Policy with the goal of attracting new business to Modesto and expanding existing businesses, and

WHEREAS, the City's Business Development Office staff works closely with SCEDCO to diversify and expand the local economy, and

WHEREAS, growth and diversification of the economy is dependent upon adding and expanding businesses that provide permanent full-time jobs that offer above median-wage salaries, and

WHEREAS, businesses that are creating primary manufacturing jobs or those that are specifically related to the use and expansion of new technologies are important to economic development, and

WHEREAS, staff experience with business prospects confirms that incentives can be of great value in the attraction and expansion of such target industries, and

WHEREAS, staff is recommending the implementation of an Economic

Development Loan Program setting forth the Loan Criteria, Program Priorities, Eligible and Ineligible Projects, Loan Terms and Conditions, and Loan Servicing, a copy of which is attached, and

WHEREAS, said proposed policy contains specific loan service requirements as requested by SCEDCO, the proposed debt service administrators for said loan program, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee ("EDCIR") has reviewed the proposed loan policy and supports it, and

WHEREAS, staff is recommending that each potential loan application be reviewed first by the EDCIR Committee and then, following approval, be presented to the City Council for final approval of each application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts an Economic Development Loan Policy for the purpose of providing economic development incentives for business attraction and business retention within the City's General Plan area, as more fully set forth in the attached Proposed City of Modesto Economic Development Loan Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Proposed

City of Modesto Economic Development Loan Program

Proposal for City of Modesto Economic Development (ED) Loan Policy:

- City agrees to set up an ED Loan Policy whereby qualified companies can borrow funds under favorable terms for specific business purposes in order to support economic development within the City of Modesto General Plan area.
- City will utilize funds from appropriate accounts as directed by Council to capitalize the fund.
- Companies meeting the minimum qualifying criteria shall be reviewed by the Loan Team who will then recommend approval or denial to the City Council. Council approval is required prior to any loan agreement.

Minimum Qualifying Loan Criteria:

- Job Creation/Retention – At least one of the following requirements must be met:
  1. Company shall provide a minimum of one (1) new full-time, permanent job for each $10,000 in City loan financing, with approved timeline for creation.
  2. Company shall retain a minimum of one (1) existing full-time, permanent job for each $10,000 in City loan financing.

- Additional qualifying criteria – At least four (*4*) of the following eight (*8*) requirements must be met:
  1. Redevelopment of blighted land and/or vacant facilities for productive use.
  2. Modernization and rehabilitation of existing industrial or manufacturing facilities.
  3. Support for the use of new technologies and growth industries.
  4. Development of businesses owned or operated by minorities, women, veterans and members of other economically disadvantaged groups.
  5. Stabilization and diversification of economic activity.
  6. Assistance to the long-term unemployed and under-employed.
  7. Stimulation of overall business growth in the county with increased capital availability.
  8. Local first-source hiring agreement.

Proposed

City of Modesto Economic Development Loan Program

Priorities

- When evaluating requests for financing, the Loan Team will consider the following as priorities:
  1. First loan priority will be given to projects which create jobs by adding value to or expanding the local economy.
  2. Second priority will be given to projects which create primary manufacturing jobs or above-median wage service jobs.
  3. Third priority will be given to companies which provide vitally needed services and a substantial number of new permanent jobs.

Eligible Projects

- Generally, financing will be available to support the start-up or expansion of businesses located within the City of Modesto and/or Modesto Municipal Sewer District No. 1.
- Acquisition and assembly of land and facilities for existing or new businesses
- Acquisition of machinery, equipment, furniture, fixtures, and leasehold improvements
- Acquisition of abandoned properties with redevelopment potential
- Other investments which will accelerate recycling of land and facilities for job-creating activity, such as assistance to firms to locate and expand in such facilities
- Working capital needs

Ineligible Projects

- Projects that are not located in the City of Modesto and/or its sphere of influence
- Projects that are not consistent with the City's general plan
- Projects where there is not reasonable assurance for repayment on the proposed loan

Proposed

City of Modesto Economic Development Loan Program

Loan Terms and Conditions

- Lease Commitment – If leasing the property, company must sign a long-term lease for a minimum of 10 years or equal to the term of loan.
- Use of Loan funds – Loan funds shall be used only for the following development costs:

	Max Term	Amortization
1. Equipment	10 yrs	useful life per IRS
2. Tenant Improvement	10 yrs	lease
3. Building structure	10 yrs	25 yrs
4. Training/recruitment	3 yrs	lease

- Collateral requirements – At a minimum, any tangible items acquired with loan funds
- Lending limits – $100,000 minimum and $500,000 maximum (Min. of ten (10) jobs created)
- Total pool of funds available to loan $500,000 to $1,000,000
- Loan fund is revolving
- Annual review of records – Company shall agree that City and SCEDCO will perform an annual review of the following company records:

  1. Payroll
  2. Federal and State Tax returns
  3. Financial statements
  4. Pay scale for all employees
  5. Total number of permanent, full-time jobs

- Loan Repayment – Company shall agree that the loan will be repaid in full based on the terms and conditions set forth in the loan agreement. The terms and conditions will be agreed upon in writing prior to the loan approval. These conditions will be set on a case-by-case basis by the city and shall include, but shall not be limited to, the following:

  1. Maturity date
  2. Set annual interest rate
     a. Equal to City current earnings on source accounts
     b. Increase to Prime plus 1% if performance measures not met
     c. Interest to roll back into "source" fund
  3. Amortization schedule
  4. Job creation requirements and non-performance callback
  5. Term
  6. Location of project
  7. Assignable loan to deal with changes of ownership
  8. Late Charge: 5-10% at 15 days
  9. Loan fees payable by Company

10. Private sector match requirement- either borrowing or cash injection by borrowing entity.
11. Pre-payment penalty
12. Loan becomes payable in full if they relocate to another city before end of loan term

Loan Servicing

City and SCEDCO agree to the following loan service conditions:

- City to loan funds directly to company
- SCEDCO to provide loan servicing on City's behalf
- Source and cost of loan documentation and servicing software to be researched by SCEDCO
- City to pay SCEDCO a fee for the loan service based on loan amount using the following scale
  1. Underwriting/packaging fee of $1500 minimum or 1.5% of loan amount
  2. Individual loan out-of-pocket expenses to be paid by borrowing entity
  3. .725 percent for each $100,000 in outstanding loan amount or portion thereof to the nearest $1000
- Loan Review Team to be formed with representatives from City and SCEDCO for annual monitoring of loan conditions and status
- SCEDCO to perform the following loan service duties:
  1. Collect all above referenced data from company
  2. Conduct semi-annual site visits to company
  3. Handle receipt of payments, records, filings (1098's)
  4. Remit receipts to city
  5. Track employment levels and pay scale
  6. Obtain and analyze financial statements and trial balance, construct spreadsheet for annual review
  7. Obtain and track UCC filings
  8. Verify insurance is maintained and all county real estate and personal property taxes are current
  9. Act as liaison with training and recruiting services
  10. Report any delinquencies over 10 days to city staff
  11. Evaluate and present to city staff any modification or servicing requests

12. Perform any required loan collection services via City attorney (including asset liquidation)
13. Coordinate with City to select documentation source.
14. Develop documentation of flow and procedures for loan application, approval, and servicing

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-130

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BERNICE BORBOA FOR ACQUISITION OF PROPERTY AT 109 ELM STREET, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bernice Borboa for acquisition of property at 109 Elm Street, 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 21st day of March, 2000, 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. 2000-131

Print

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FM GOLF TO PROVIDING CONCESSION SERVICES AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an amendment to an agreement between the City of Modesto and FM Golf to provide concession services at Dryden and Muni Golf Courses 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 21st day of March, 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, Serpa, Smith
NOES:	Councilmembers:	Frohman and Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-132

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR RENOVATION OF THE FOOD SERVICE AREA AT DRYDEN GOLF COURSE

WHEREAS, on September 1, 1999, the Dryden and Municipal Golf Course Concessionaire terminated their existing contract to provide concession services; and

WHEREAS, several Request for Proposals were issued with only response from FM Golf. Staff has negotiated an amendment to the agreement with FM Golf; and

WHEREAS, a budget amendment is needed to provide for improvements to the food service area at Dryden.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From #6600-800-6600R-8000-8003	$(15,500)
To #6600-330-3300C-3311-0235	$ 15,500

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 21st day of March, 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 votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, and Smith

NOES: Councilmembers: Frohman and Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-133

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DYAN HAYES FROM THE CITY ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE MARCH 21, 2000

WHEREAS, Dyan Hayes was re-appointed as a member of the City Advisory Committee on Recycling on January 6, 1998 ; and

WHEREAS, Dyan Hayes has tendered her resignation from the City Advisory Committee on Recycling, effective March 21, 2000; and

WHEREAS, Dyan Hayes 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 Dyan Hayes from the City 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 Dyan Hayes 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 21st day of March, 2000, 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

Clerk (12)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-134

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(541). (CANDICE MESERVY)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Candice Meservy on December 14, 1999, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(541), to allow a five-unit residential development, property located at 409 East Coolidge Avenue, described as follows:

R-1 to P-D(541)

All that certain real property situated in a portion of the northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Parcel B as shown on that Parcel Map, filed in the office of the Recorder of Stanislaus County, California, on August 12, 1977, in Volume 25 of Parcel Maps at Page 77;

Including the northerly 25 feet of Coolidge Avenue, to the centerline of original 40-foot road.

and

WHEREAS, after a public hearing held on February 7, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-14, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the conditions of approval of the planned development zone will tend to ensure continued compatibility of this medium density multi-family project with surrounding residential land uses.

2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 21, 2000, in the Tenth Street Place Chambers located at 1010 10th 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 Candice Meservy 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. 2000-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3174-C.S. on the 21st day of March, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(541).

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(541), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan for P-D Zoning Application" as amended in red, stamped approved by the City Council on March 21, 2000.

2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

3. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

4. Trash-cans shall be screened from view from any public street.

5. 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.

6. All signs shall comply with the sign requirements of the R-2 Zone.

7. 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 reclassifying the above-described property to Planned Development Zone, P-D(541), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Planning Division

Clerk (12)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-135

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A 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(541), PROPERTY LOCATED AT 409 EAST COOLIDGE AVENUE. (CANDICE MESERVY)

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, Candice Meservy has proposed that the zoning designation for the property located at 409 East Coolidge Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(541), in the City of Modesto ("the project"), to allow a five-unit residential 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 CDD 2000-07 reviewed the proposed amendment to the Zoning Map and rezone to P-D(541) 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(541) 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 21st day of March, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

EA/CDD 2000-07

City of Modesto
Initial Study

EA NO. CDD 2000-07

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a rezoning from R-1 to P-D for a multi-family development, property located on the north side of East Coolidge Avenue west of Melrose Avenue at 409 East Coolidge 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 Candice Meservy to Rezone From R-1 to P-D to Allow A Five Unit Residential Development, Property Located on the North Side of East Coolidge Avenue West of Melrose Avenue at 409 East Coolidge 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
801 11th Street
Modesto, CA 95354
phone (209) 577-5282

D. Project Location:
north side of East Coolidge Avenue west of Melrose Avenue at 409 East Coolidge Avenue, Modesto, CA

E. Project Sponsor:
Candice Meservy

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-1, Low Density Residential

H. Description of Proposed Project:
This is an application to rezone 0.35 acres located on the north side of East Coolidge Avenue west of Melrose Avenue from R-1 to P-D. This property is bordered by an apartment development to the west, north and east. The

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 5-unit multi-family development 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 R-1 for low density residential uses. However, the requested planned development zone and resulting medium density residential 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 planned development zone and resulting 5-unit multi-family 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 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 planned development zone and resulting 5-unit multi-family development 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 planned development zone and resulting 5-unit multi-family 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 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 planned development zone and resulting 5-unit multi-family 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 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.

for additional fire services to this area. Fire Station Number 5 is located approximately one half 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**

This planned development zone and resulting 5-unit multi-family development 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 5-unit multi-family development 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 5-unit multi-family 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 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 planned development zone and resulting 5-unit multi-family development 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-136

A RESOLUTION APPROVING THE BORROWING OF FUNDS BY THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE PURPOSE OF PROVIDING FINANCING FOR A RESIDENTIAL RENTAL HOUSING FACILITY (WOODSTONE APARTMENT COMPLEX) TO BE ACQUIRED AND CONSTRUCTED BY THE GREAT VALLEY DEVELOPMENT CORPORATION.

WHEREAS, the Housing Authority of the County of Stanislaus(the "Authority") is authorized by Chapter 1 of Part 2 of Division 24 of the Health and Safety Code of the State of California, as amended (the "Law"), to make loans for housing purposes specified in the Law, and

WHEREAS, The Great Valley Development Corporation, a California nonprofit public benefit corporation (the "Company") has requested that the Authority use its powers under the Law to borrow the money (the "Loan") from Farmers & Merchants Bank of Central California (the "Bank") in the approximate amount of $3,700,000, for the purpose of having the Authority make a loan (the "Borrower Loan") to a California limited partnership (the "Borrower"), of which the Company will be the sole general partner, to enable the Borrower to finance the acquisition and construction of 56 units of multi-family rental housing (Woodstone Apartment Complex) to be located at the southwest corner of Pelandale Road and Tully Road in the City of Modesto (the "Project"), and

WHEREAS, a portion of the housing units in the Project will be rented to persons and families of very low income as required by the Law and the Internal Revenue Code of 1986,

as amended (the "Code") , and

WHEREAS, the note (the "Note") evidencing the Loan will be considered to be a "qualified exempt facility bond" under Section 142(a) of the Code, and Section 147(f) of the Code requires that the "applicable elected representative" with respect to the Authority approve the borrowing consisting of the Loan and evidenced by the Note following the holding of a public hearing with respect thereto, and

WHEREAS, the Authority has determined that the City Council of the City of Modesto (the "City") is the "applicable elected representative" to approve the Loan, and

WHEREAS, notice of said public hearing has been duly given as required by the Code, and the City Council held such public hearing on March 21, 2000, at which all interested persons were given an opportunity to be heard on all matters relative to the location, operation and financing of the Project and the Authority's borrowing consisting of the Loan and the Authority's loan of the proceeds thereof to the Borrower, and a copy of all written testimony received at the hearing has been made available to the City Council, and

WHEREAS, it is in the public interest, for the public benefit and in furtherance of the public purpose of the City that the City Council approve the Loan for the aforesaid purposes.

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

1. The City Council of the City of Modesto hereby approves the incurring of the Loan (evidenced by the Note) by the Authority under the Law and the Code for the purpose of providing funds to make the Borrower Loan to the Borrower to enable the Borrower to finance

the acquisition and construction of the Project.

For the purposes of Section 34209 of the California Health and Safety Code, the City Council hereby consents to the following: (1) the operation by the Housing Authority of the County of Stanislaus within the City as necessary or appropriate to undertake and complete the financing described above, and (2) for the Housing Authority of the County of Stanislaus, as appropriate, to monitor and enforce compliance by Borrower and the Project with the financing documents and applicable State and Federal requirements related to the financing program.

2. 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 21st day of March, 2000, 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, 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, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-137

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK R. CRIST FOR EMPLOYMENT IN THE POSITION OF CITY MANAGER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jack R. Crist for employment in the position of City Manager be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-138

A RESOLUTION APPROVING GRANTING $12,500 IN DIRECT ASSISTANCE PLUS THE IN-KIND CONTRIBUTIONS FOR DOWNTOWN NIGHTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the granting of $12,500 in direct assistance plus the in-kind contributions for Downtown Nights 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 21st day of March, 2000, 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
NOES:	Councilmembers:	Conrad, Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-139

Print

A RESOLUTION ACCEPTING THE BID OF SPECIALISTS IN ADVANCED SECURITY FOR FURNISHING UNIFORMED SECURITY GUARD SERVICES

WHEREAS, the bids received for Uniformed Security Guard Services, were opened at 11:00 a.m. on February 8, 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 Specialists in Armed Security Services for a total amount of $179,300 annually be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Specialists in Armed Security Services 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 28th day of March, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-140

Print

A RESOLUTION ACCEPTING THE BID OF APPLEGATE BACKHOE & DRILLING FOR THE PROJECT TITLED "ROCKWELL REJUVENATION FOR FISCAL YEAR 1999-2000" FOR A TOTAL NOT TO EXCEED $150,000 AND AUTHORIZING THE PURCHASE OF ROCKWELL REJUVENATION FOR AN ADDITIONAL THREE YEARS UP TO AND INCLUDING JUNE 30,2003

WHEREAS, the bids received for Rockwell Rejuvenation for Fiscal Year 1999-2000 and authorizing the purchase of rockwell rejuvenation for an additional three years up to and including June 30, 2003 were opened at 11:00 a.m. on March 14, 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 $150,000 received from Applegate Backhoe & Drilling be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Applegate Backhoe & Drilling 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 28th day of March, 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
JEAN ZAHR, City Clerk

Clerk
5

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-141

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY, AND EXCESS PROPERTY ACCUMULATED BY THE CITY OF MODESTO; OBSOLETE TRAFFIC SIGNAL HEADS; UNCLAIMED BICYCLES; AND SURPLUS CITY VEHICLES BY SEALED BID, PUBLIC AUCTION OR SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City of Modesto desires to sell surplus, lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City of Modesto; obsolete traffic signal heads; unclaimed bicycles; and surplus City vehicles, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a detailed list of those items to be sold is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of surplus, lost, stolen, unclaimed and/or seized

property, and excess property accumulated by the City of Modesto; obsolete traffic signal heads; unclaimed bicycles; and surplus City vehicles a list of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected 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 28th day of March, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

W:\SHANNA\RESO&ORD\SURPLUS\Lost, Stolen Property.wpd

SURPLUS

1	Attorney
1	Purchasing
2	

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-142

Print

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 add the following classification:

Deputy Director of Engineering and Transportation

The specifications for the classification of Deputy Director of Engineering and Transportation (Range 452), 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. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Deputy Director - Engineering Services

Deputy Director - Utilities Services and Franchises

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after March 21, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 2021

MARCH, 2000

DEPUTY DIRECTOR OF ENGINEERING AND TRANSPORTATION

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 Engineering and Transportation in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Engineering and Transportation.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Engineering and Transportation.

Exercises direct supervision over professional, technical and clerical staff.

Exercises responsible charge of assigned engineering, transportation and utility planning 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 divisional Work Plans; 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.

EXHIBIT "A"

Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the planning, design, and construction management of City buildings, equipment, and City street, transportation, traffic, electrical, water, waste water and drainage systems; establish long-range plans and goals, including strategic planning for the utility enterprise funds, rate setting, 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 Engineering and Transportation; prepare and present staff reports and other necessary correspondence.

Monitor franchises and service agreements related to solid waste, telecommunications or other utilities.

Establish performance expectations and evaluate performance of subordinate personnel.

Prepare a variety of correspondence including general and special reports.

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

Serve as Director of Engineering and Transportation, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

QUALIFICATIONS: (Continued)

Knowledge of:

Principles of budget preparation and expenditure control.

Principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

Technical, legal, and financial issues related to the conduct of municipal public works program.

Strategic planning, rate setting and environmental regulations for municipal utilities.

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.

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 and engineering research and prepare reports of findings.

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 professional civil engineering experience, including at least two 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 civil engineering or a related field.

License or Certificate

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

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.

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.

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved – Engineering & Transp.
1 - Finance
6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-143

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD DEPUTY DIRECTOR OF ENGINEERING AND TRANSPORTATION (RANGE 452) AND ABOLISH DEPUTY DIRECTOR - ENGINEERING SERVICES AND DEPUTY DIRECTOR - UTILITIES SERVICES AND FRANCHISES FROM THE CLASS RANGE TABLE.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 99-175. Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective March 21, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Deputy Director of Engineering and Transportation (Range 452) to the Class Range Table and abolishes Deputy Director - Engineering Services (Range 452) and Deputy Director - Utilities Services and Franchises (Range 452) from the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 21, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 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
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 **March 21, 2000**

RANGE	TITLE
403	Administrative Clerk (Confidential)
404	
405	
406	
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)

EXHIBIT "A"

032100

RANGE	TITLE
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
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Assistant City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Trees Maintenance Supervisor Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor Fleet Maintenance Supervisor Airport Operations and Maintenance Supervisor

RANGE	TITLE
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor Neighborhood Organizer
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
433	Organizational Development Specialist
434	Senior Programmer Analyst Electrical Supervisor Senior Housing Rehabilitation Specialist Operations Supervisor Arborist Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator

RANGE	TITLE
435	Management Analyst Senior Personnel Analyst Administrative Services Officer Integrated Waste Specialist Business Analyst Cultural Services Manager Area Manager
436	Senior Planner
437	Deputy City Attorney I
438	Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator
439	
440	Purchasing Officer 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)

RANGE	TITLE
441	(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Senior Fire Equipment Mechanic
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 Assistant Parks & Recreation Director – Parks Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
448	
449	Senior Deputy City Attorney II
450	
452	
452	Deputy Director – Cultural and Enterprise Services Deputy Director – Recreation and Neighborhoods **Deputy Director of Engineering and Transportation**

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved — Engineering & Transp.
1 - Finance
6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-144

A RESOLUTION AUTHORIZING FILING AN APPLICATION FOR A FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5309 GRANT FOR A NEW BUS MAINTENANCE FACILITY, 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 grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the City of Modesto (hereafter referred to as "City") and may require the City to provide the local share of the project cost, and

WHEREAS, the City has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project, and

WHEREAS, by a report to the Council dated March 13, 2000, from the Engineering & Transportation Department, City staff recommended submitting a grant application to the FTA for $3,668,116 for a new bus maintenance facility, a copy of said report is on file in the office fo the City Clerk, and

WHEREAS, An Environmental Assessment was prepared for the bus maintenance facility project, and

WHEREAS, at a public hearing held on March 28, 2000, the City Council accepted public comment on the Environmental Assessment and considered said Staff recommendations,

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

1. That it hereby approves the Environmental Assessment prepared for the bus maintenance facility project.

2. That it hereby approves submission of a grant application to the FTA for $3,668,116 for a new bus maintenance facility.

3. That the City Manager, or his authorized designee, is authorized to execute and file an application for Federal assistance on behalf of the City of Modesto with the Federal Transit Administration for Federal assistance authorized by 49 U.S. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

4. That the City Manager, or his authorized designee, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal Assistance grant or cooperative agreement.

5. That the City Manager, or his authorized designee, is authorized to execute grant and cooperative 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 28th day of March, 2000, 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, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-145

A RESOLUTION APPROVING THE CITY OF MODESTO CORPORATION YARD EXPANSION FLEET AND BUS MAINTENANCE FACILITY PROJECT AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, LSA Associates, Inc., by Initial Study, EA/CS 9901, dated February 9, 2000, reviewed the proposed City of Modesto's Corporation Yard Expansion Fleet and Bus Maintenance Facility Project, and

WHEREAS, LSA Associates, Inc., 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 measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on March 28, 2000, the City Council considered approving the new Bus Maintenance Facility and authorizing the City Manager to submit and execute grant application documents, and

WHEREAS, concurrently, the City Council considered and reviewed the Initial Study prepared by LSA Associations, Inc., in regard to said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study, dated February 9, 2000, prepared by LSA Associates, Inc., for the proposed Bus Maintenance Facility, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, the Council makes the following findings:

1. That the proposed Corporation Yard Expansion project is within the scope of the General Plan covered by a Master EIR (SCH No. 92052017).

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 pursuant to Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures different from those contained in the Master EIR document. All certified mitigation measures identified in the Master EIR will apply city-wide.

5. That the Initial Study 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

City of Modesto Corporation Yard Expansion Fleet and Bus Maintenance Facility project is hereby approved.

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 28th day of March, 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: for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

INITIAL STUDY

CITY OF MODESTO'S
CORPORATION YARD EXPANSION
FLEET AND BUS MAINTENANCE FACILITY PROJECT

February 9, 2000

Prepared for:

City of Modesto
1010 10th Street, Suite 4500
P.O. Box 642
Modesto, CA 95353
Contact: Fred Cavanah
(209) 577-5295

Prepared by:

LSA Associates, Inc.
4200 Rocklin Road, Suite 11B
Rocklin, California 95677
(916) 630-4600

INITIAL STUDY
CITY OF MODESTO'S PROPOSED
CORPORATION YARD EXPANSION
FLEET AND BUS MAINTENANCE FACILITY

Introduction: The following information characterizes the environmental issue areas associated with relocating and expanding the City of Modesto's existing Corporation Yard and fleet and bus maintenance facilities. Relocating the facilities and expanding the Corporation Yard will streamline the existing operations and improve the overall process for maintaining the City's fleet of buses and non-sedan vehicles. Vehicles that are classified as sedans, including the City's police car fleet, are maintained in a separate facility in downtown Modesto. With the exception of one parcel that must be acquired from a private property owner, relocation of the facilities will occur primarily within the existing Corporation Yard area currently owned by the City.

Information included in this Initial Study document has been formatted to satisfy the City of Modesto's finding of conformance to the General Plan Master Environmental Impact Report (Master EIR).

The Final Master EIR (SCH #92052017) for the General Plan, which was certified by the City of Modesto City Council on August 15, 1995, analyzes the potential effects associated with implementing the General Plan. Plans and policy included in the General Plan provide direction for the City's future and are reviewed in the EIR for their near term and long range environmental impacts. Mitigation measures are presented in the Master EIR to assist in reducing the environmental impacts to levels that are less than significant where possible. Some of the environmental issue areas (traffic; air quality; noise; loss of productive agricultural land; increased demand for water supplies; increased demand for storm drainage, and drainage, flooding and water quality) cannot be completely mitigated. The City has acknowledged that those issue areas will be significantly and adversely impacted.

Projects that are within the scope of the General Plan program have also been included in the overall Master EIR evaluation and findings. With this understanding, the Master EIR for the Modesto Urban Area General Plan allows for limited environmental review of the Corporation Yard Expansion and fleet and bus maintenance facilities project. 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 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, and the that project has been found to be in conformance with the General Plan Master EIR document. Mitigation measures

presented in the Master EIR that have project relevance will be applied to the proposed project.

Initial Study: The City adopted a Master EIR on the comprehensive Urban Area General Plan in 1995. The CEQA provisions[1] are as follows:

- *(b) The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall 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 report.*

- *(c) If the lead agency, based on the initial study, determines that a proposed subsequent project will have no additional significant effect on the environment as defined in subdivision (d) of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings shall be required by this division. Prior to approving or carrying out the proposed subsequent project, the lead agency shall provide notice of this fact pursuant to Section 21092 and incorporate all feasible mitigation measures or feasible alternatives set forth in the master environmental impact report which are appropriate to the project. Whenever a lead agency approves or determines to carry out any subsequent project, it shall file a notice pursuant to Section 21108 or 21152.*

The City has initiated separate environmental review on the proposed Bus Maintenance Facility component due to the use of federal funds for the building. The environmental document involved with that review is an Environmental Assessment and has been prepared in accordance with per 23 CFR 771 of the National Environmental Policy Act (NEPA) standards. Technical studies were conducted in conjunction with the Environmental Assessment to assist in the evaluation of project impact. Mitigation measures have been included in the Environmental Assessment to comply with the NEPA review requirements, and the City will be required to implement those measures accordingly. This Initial Study relies on the information included in the Environmental Assessment, mitigation measures and companion technical studies to assist in evaluating project effects.

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[1]Section 21157.1 of CEQA

Purpose/Background: The proposed project involves the relocation and expansion of the City's bus maintenance and fleet maintenance facilities, consolidating the two structures to an area primarily within the existing/expanded City Corporation Yard site. Consolidating these facilities will improve the maintenance operations and will provide for future operations. The proposed operations are expected to provide the following benefits:

- The existing Bus Maintenance Facility's central location and proximity to the Modesto Transportation Center will minimize deadhead mileage costs;

- The existing Bus Maintenance Facility's co-location with the Fleet Maintenance Facility will afford the opportunity to share transit and non-transit maintenance equipment such as hoists, towing equipment, supply trucks, portable cranes, and testing equipment. This will result in savings for maintenance and operating costs; and

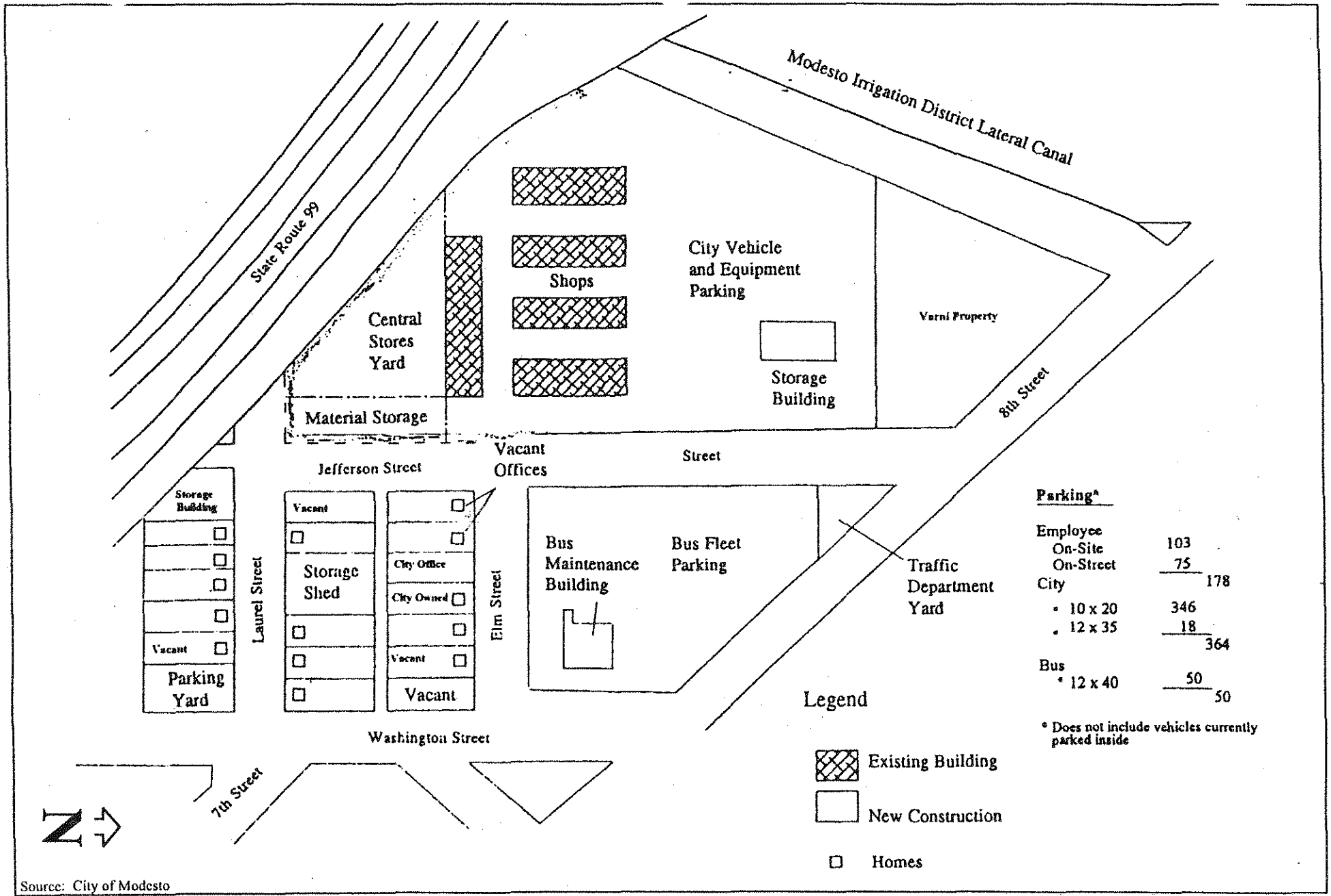
- Supervision, parts storage, administrative support and security are examples of functions that can be allocated more efficiently in a combined facility compared with duplicating these services at separate sites.

The City of Modesto is the lead agency for processing CEQA environmental review documents and for approving the project.

Existing Operations:

Currently, the City of Modesto operates separate maintenance facilities for the City's buses and the City's non-sedan fleet and equipment. While the facilities are proximate to each other (i.e., within a two to three block area), the ability to share maintenance facilities is constrained by the separation. All of the non-sedan vehicles and equipment are maintained within the City's Corporation Yard, while the City's bus fleet is maintained in a separate, enclosed Bus Maintenance Building and parking area (i.e., Transit Fleet Yard). The Transit Fleet Yard and Corporation Yard are both located on Jefferson Street near Route 99, approximately three-quarters of a mile northwest of downtown Modesto. Figure 1, Existing Land Uses, illustrates the proximate physical relationship of both maintenance facilities.

Existing Bus Maintenance Facility/Transit Fleet Yard. The existing Transit Fleet Yard is located on a 1.5 acre site bounded by Elm Street, Washington Street, 8th Street, and the Traffic Division Yard. The Yard can accommodate parking for approximately 40 of the City's MAX (Modesto Area Express) transit buses. Included in the yard is a small maintenance shop. Overcrowded conditions at the Transit Fleet Yard and projected growth of City transit services have created the need to provide for future operations and better maintenance facilities.



Source: City of Modesto
2-1-00(CMS030)

Figure 1

LSA

0 30.5 61 Scale in Meters

0 100 200 Scale in Feet

Existing Land Uses

Existing Fleet Maintenance Facility/Corporation Yard. Located west of Jefferson Street, the City Corporation Yard consists of four separate shop buildings and a fleet services building on a 10.5 acre site. The buildings include various divisions of the Public Works Department, plus a division of Parks and Recreation Department. Maintenance occurs only in the fleet services building (Building No. 4), which is aligned perpendicular to the other shop structures.

Project Description:

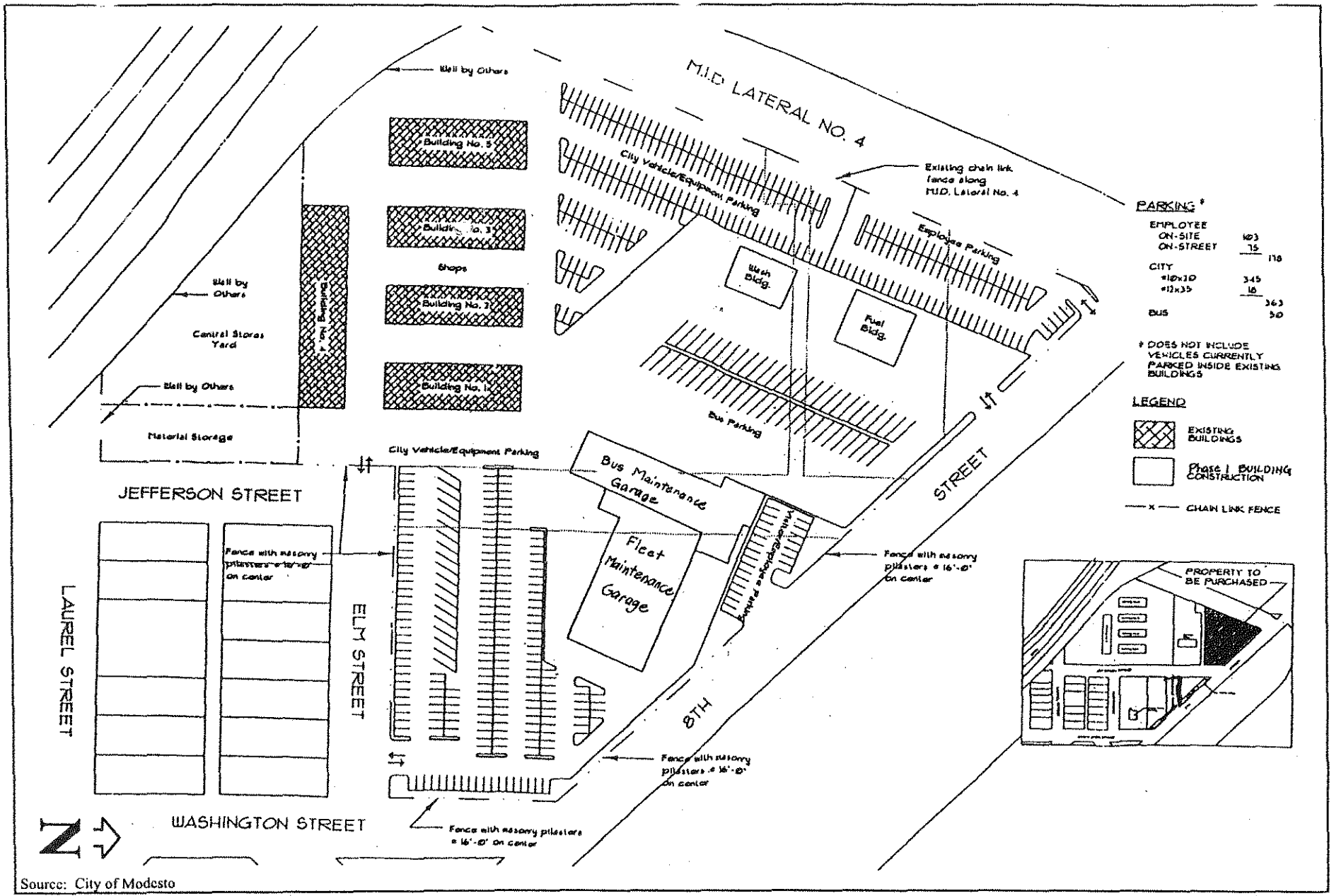
Project Characteristics: The Fleet and Bus Maintenance Facility project proposes to relocate and consolidate two existing maintenance facilities onto a single new site within the existing Corporation Yard (see Figure 2, Site Plan). In order to accommodate the new site plan, the City will acquire approximately 2.36 acres (two separate parcels) from a private property owner (John Varni). Existing businesses occupying the parcels will be relocated by the City.

The new/relocated Fleet and Bus Maintenance facility will be located adjacent to 8th Street in an area currently occupied by Jefferson Street. With the placement of the consolidated facility in this location, portions of Jefferson Street from Elm Street to 8th Street will be vacated and abandoned by the City. Curbs and gutters will be removed.

While the Fleet and Bus Maintenance facilities will be consolidated into a single structure, each maintenance facility will remain in a separate building sharing common walls. The new Bus Maintenance Facility will accommodate approximately 50 standard buses, featuring a new bus parking area, a new bus maintenance building (23,000 square feet), fuel island, wash house, bus repair staging parking lot and off-street employee and visitor parking (24 spaces). Similarly, the new Fleet Maintenance Facility will serve non-sedan vehicle maintenance requirements in a 17,000 square foot building. City vehicle and equipment parking will be located in two areas—to the south and adjacent to the proposed Fleet Maintenance Facility, and to the west of the proposed bus wash building. Approximately 363 spaces will be provided in a combination of slant and perpendicular parking. Also included in the new site plan will be employee parking (79 spaces) for the Corporation Yard located off 8th Street, between the proposed fuel building and the existing Modesto Irrigation District Lateral No. 4 Canal. This additional parking will replace slant and parallel parking that currently exists on Jefferson Street, after the street is vacated.

Surrounding portions of the Corporation Yard will be a new decorative wall or fence with masonry pilasters at 16-foot intervals. Specifically, new wall or fencing will be provided around the perimeter of the Corporation Yard along 8th Street, Washington Street and Elm Street.

In order to accommodate the new site plan, several existing uses and structures



Source: City of Modesto

2-1-00(CMS030)

Figure 2

LSA

0 26 52 Scale in Meters

0 85 170 Scale in Feet

Site Plan

will be demolished and relocated. As mentioned, the City will acquire two parcels located adjacent to 8th Street from John Varni. There are four businesses (truck repair, recreational vehicle sales and repair, a repossession company and a motor vehicle dealer) occupying the parcels under lease with the property owner. These businesses will be relocated in accordance with the City acquisition, displacement and relocation procedures.

In addition to the relocation of private businesses, several City-owned structures and uses will be relocated within the Corporation Yard. These include a storage building (west of existing Jefferson Street/south of John Varni property) and the Traffic Department Yard (east of existing Jefferson Street/south of 8th Street).

Figures 3 and 4 present the regional and vicinity location of the project.

Existing Land Uses:

North of Corporation Yard: 8th Street and railroad tracks.

South of Corporation Yard: To the south of the site is a residential neighborhood that has largely been acquired by the City of Modesto. On Elm Street, only one residence remains occupied that does not belong to the City. All other former residential structures have either been demolished, boarded up/vacated or have been converted into City offices. Route 99 extends along the southwestern boundary of the Corporation Yard.

West of Corporation Yard: Modesto Irrigation District No. 4 Lateral Canal.

East of Corporation Yard: Washington Street and light industry.

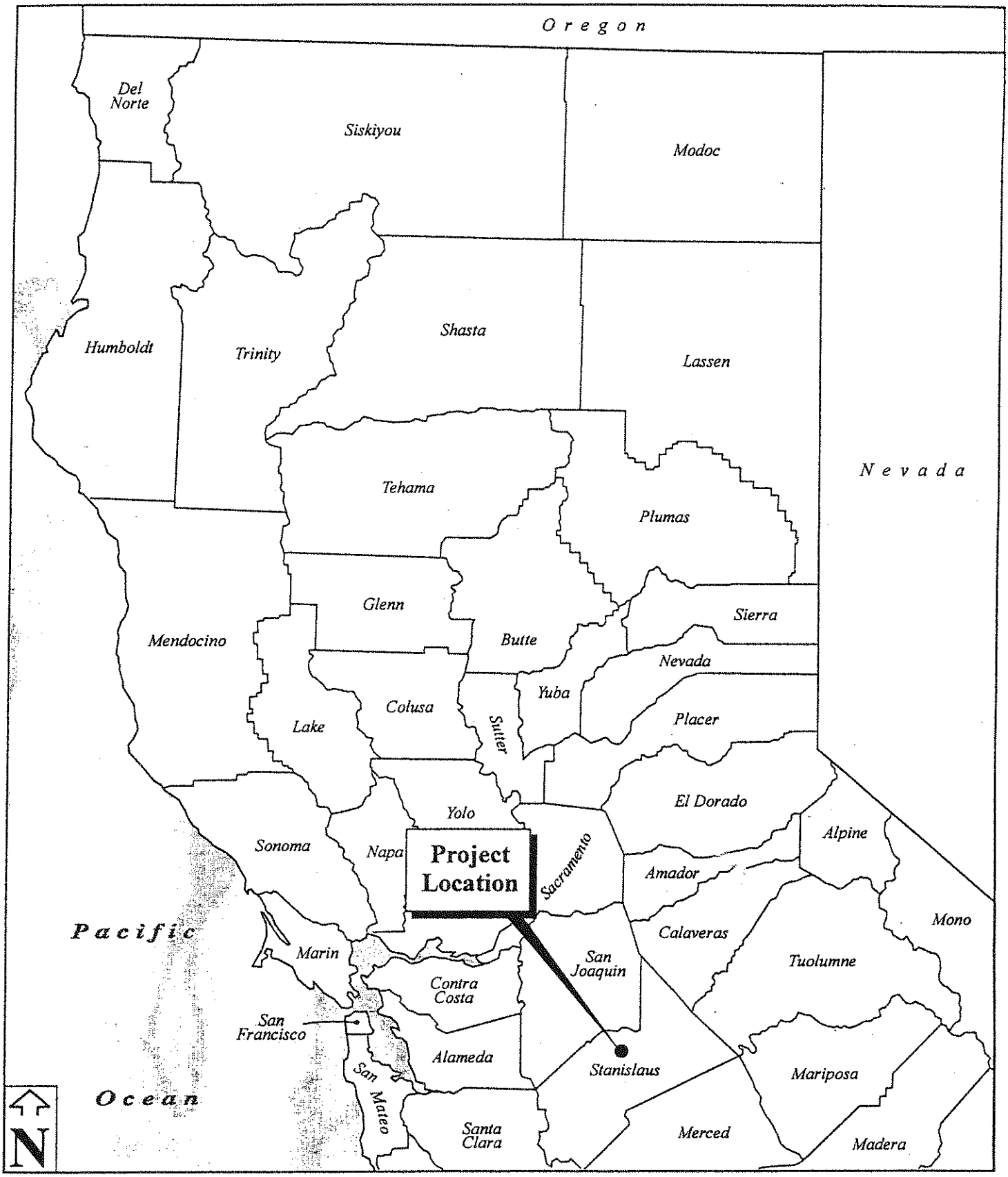


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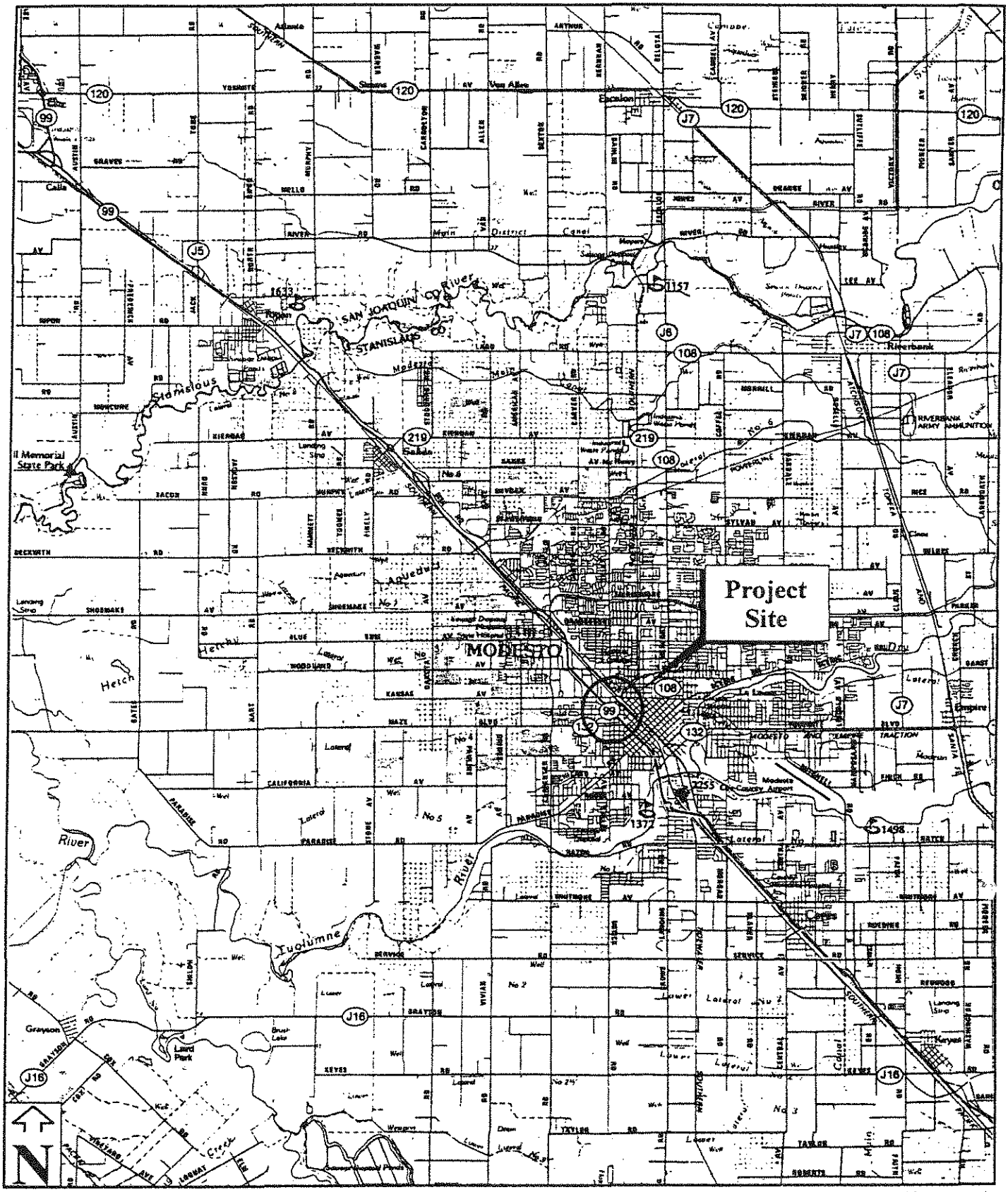
Figure 3

LSA

0 40 80 Scale in Kilometers

0 25 50 Scale in Miles

Regional Location



2-1-00 (CMS030)

Figure 4

LSA

0 305 610 Scale in Meters

0 1000 2000 Scale in Feet

Project Vicinity

Environmental Checklist

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
III. AIR QUALITY -- Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death, involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
IX. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?				X

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
ii) Police protection?				X
iii) Schools?				X
iv) Parks?				X
v) Other public facilities?			X	
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XV. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

EXPLANATION OF ENVIRONMENTAL IMPACTS

General:

The following are explanations to the responses of the questions found on the environmental checklist form. These explanations are by category, addressing all responses to questions contained within the listed environmental factor.

I. Aesthetics:

Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The proposed Fleet and Bus Maintenance Facility would be constructed in an area that is already dominated by vehicle maintenance and storage uses. The expanded Corporation Yard and new fleet and bus parking lot and maintenance buildings would be located in an existing asphalt area. The proposed project design would not conflict with any existing visual character near the site. This assumes that a decorative masonry wall or fence with landscaping, or similar buffer, is constructed along the north side of Elm Street to buffer the facility from the adjacent residences to the south.

b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than significant impact. Redevelopment of the Corporation Yard will result in the vacation of Jefferson Street and the removal of existing street trees located within the parkway. The street trees are the only resource within the Corporation area that will be affected by the proposed project. No other scenic resources exist in the area. These street trees are ornamental landscaping materials and are not native to the area. Nonetheless, their removal will reduce the scenic qualities that currently exist along Jefferson Street. The City plans to replace all street trees that are impacted by site construction. These street trees will be replaced either within the interior of the site plan in conjunction with the fleet and bus maintenance buildings, or along the site perimeter in conjunction with the exterior landscaping program.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than significant impact. Expansion of the Corporation Yard will a) consolidate the maintenance program for the City, b) improve the aesthetic appearance of storage uses including equipment storage, and c) provide a new and improved appearance of the overall Corporation Yard facility. In addition, project construction will remove existing businesses which currently store a number of vehicles and other large equipment, including motor homes, trucks, boats, and cars. By displacing these existing businesses within the Corporation

Yard facilities, the appearance of this portion of the project site will improve.

d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Less than significant impact. The proposed project will not change the character of lighting currently utilized in the existing Corporation Yard. Lighting is currently used within the Yard for security purposes. With the new site plan, lighting will continue to be used for security purposes similar to the existing condition.

Lighting standards would be implemented according to the City of Modesto zoning regulations. The Modesto Police Department will review the proposed project site plans to recommend additional lighting or other increased security measures as required.

II. Agricultural Resources:

Would the project:

a) **Convert Prime Farmland, unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No impact. The proposed project is not located in an area that has prime farmland resources.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

No impact. The proposed project will not conflict with agricultural zoning.

c) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?**

No impact. Implementation of the new site plan for the Corporation Yard will not convert farmland uses to urban uses.

III. Air Quality:

Would the project:

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

No impact. The proposed project will not conflict with any applicable air quality plan.

The Modesto Area General Plan incorporates many of the SJVUAPCD transportation control policies recommended in the 1994 Model Air Quality Element. These policies include efforts to "reduce motor vehicle use and related ozone precursor and PM10 emissions through changes to the transportation infrastructure." The Stanislaus Council of Governments (StanCOG) is the regional planning agency for Stanislaus County. The StanCOG Regional Transportation Plan includes programs to increase the number of buses in the Modesto Area Express (MAX) system. The proposed Bus Maintenance Facility is therefore consistent with the Regional Transportation Plan, since it will allow the Modesto bus fleet to be expanded to meet future demand and reduce the City's dependence on single occupant private automobile trips.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than significant impact. Dust would be generated during excavation of the site and hauling of soil off-site. A portion of the dust emitted by these activities would be PM10 (particulate matter ten microns or less in diameter). PM10 is a pollutant of concern because it can remain suspended in the air for long periods of time and aggravate chronic respiratory diseases in humans. The amount of PM10 generated by project construction is not expected to significantly impact local air quality because the area to be disturbed is relatively small and construction activities would occur during a short period of time (several months). During project construction, the construction contractor will use water sprays to control dust generation during excavation and to cover trucks transporting excavated materials to or from the project site to avoid dust generation along haul routes.

The proposed project is within the urban developed area of the City of Modesto. This expanded Corporation Yard 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) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than significant impact. The addition of five buses per day along these routes would not cause a significant change in existing air quality conditions, including carbon monoxide "hot spots." The addition of five daily buses would not result in a significant increase in traffic congestion and resultant pollution levels on these routes to the downtown since the average daily traffic levels on 7th Street are fairly low (less than 8,000 daily vehicles on 7th Street at K Street).

The Bus Maintenance Facility would improve the availability of bus services throughout the Modesto area, thereby helping to decrease automobile trips and emissions. The project would not cause any significant air quality impacts.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. The expanded bus routes associated with the proposed Bus Maintenance Facility would result in a slight increase in air emissions. The operation of approximately 33 daily buses currently (25 of which begin routes in downtown Modesto), would increase to approximately 41 daily buses in the future (30 of which will begin routes in the downtown area). The expanded bus operations would result in an additional five buses each day traveling south from the Bus Fleet Yard down 7th Street, turning left on K Street to the downtown area. There are no sensitive receptors (day care centers, schools, hospitals) within the immediate vicinity of the project site.

e) Create objectionable odors affecting a substantial number of people?

No impact. The proposed project will not create objectionable odors. Under existing conditions, diesel fuels and exhausts are used in conjunction with the bus transportation. With the expanded Corporation Yard, there will be no change in these operations.

IV. Biological Resources:

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. The proposed project is not located within or near any mature trees of a sensitive species, or near grasslands or riparian corridors. The site is not within any "potential biological resource study areas" that have been mapped by the City (Steve Nish, 1996; Modesto, 1995). It is highly unlikely that specific endangered or threatened species that may occur in Stanislaus County would be found within the project vicinity since no suitable habitat exists. The adjacent Modesto Irrigation District canal does not include any vegetation along the levee and is regularly sprayed with herbicides to control weeds. The project vicinity is a developed, urban area composed of a mix of industrial, commercial, and limited residential uses.

The proposed project will not have an effect on biological resources. 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.

b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No impact. The proposed project will not affect any riparian habitat or other sensitive natural communities.

c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No impact. There are no wetlands on site. The proposed project will not involve the discharge of fill into any regulated wetland area.

d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

No impact. The proposed project will not impact any wildlife movement corridors. Similarly, the proposed project will not affect any wildlife species or migratory fish habitat.

The proposed project is not located within or near any identified ecologically sensitive areas. The area of the project is within a predominantly industrial area.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Less than significant impact. The proposed project will not affect any biological resources. Although the project will remove existing street trees along Jefferson Street, the City does not have a tree preservation policy or ordinance which regulates street trees. These street trees will be replaced in conjunction with the landscape plan for the Corporation Yard.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No impact. There are no Habitat Conservation Plans or any other conservation plans that currently regulate the uses on the project site. Consequently, the proposed project will not conflict with such plans.

b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No impact. The proposed project will not affect any riparian habitat or other sensitive natural communities.

c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No impact. There are no wetlands on site. The proposed project will not involve the discharge of fill into any regulated wetland area.

d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

No impact. The proposed project will not impact any wildlife movement corridors. Similarly, the proposed project will not affect any wildlife species or migratory fish habitat.

The proposed project is not located within or near any identified ecologically sensitive areas. The area of the project is within a predominantly industrial area.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Less than significant impact. The proposed project will not affect any biological resources. Although the project will remove existing street trees along Jefferson Street, the City does not have a tree preservation policy or ordinance which regulates street trees. These street trees will be replaced in conjunction with the landscape plan for the Corporation Yard.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No impact. There are no Habitat Conservation Plans or any other conservation plans that currently regulate the uses on the project site. Consequently, the proposed project will not conflict with such plans.

V. Cultural Resources:

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No impact. The proposed project is not located within or near any identified historical buildings or parklands.

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. Figure 8-1 of the MEIR indicates that the project site is not within the Archaeological Resource Study Area 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.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

No impact. The area of the project is not located within an area that is identified by the City as having a potential for archeological resources.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No impact. The proposed project is not expected to adversely affect any unique paleontological or geologic resource. Implementation of the site plan and proposed uses will not require extensive site grading. Therefore, it is highly unlikely that the proposed project will affect any unique paleontological or geologic resources.

d) Disturb any human remains, including those interred outside or formal cemeteries?

No impact. The existing Corporation Yard and adjacent properties proposed for acquisition do not involve cemetery land uses. The proposed project is not expected to disturb any human remains.

VI. Geology and Soils:

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving?

i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less than significant impact. The City of Modesto is included in a very low risk Zone 3 seismic zone. Expansion of the Corporation Yard and the Maintenance Facilities should not be adversely affected by the presence of earthquake faults. There are no earthquake faults that are proximate to the project area that would be expected to adversely affect the project.

ii) **Strong seismic ground shaking?**

Less than significant impact. The proposed project will not expose additional 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-17-11) are, therefore, still valid.

iii) **Seismic-related ground failure, including liquefaction?**

Less than significant impact. Refer to VI.a.ii above.

iv) **Landslides?**

No impact. Refer to VI.a.ii above.

b) **Result in substantial soil erosion or the loss of topsoil?**

No impact. The proposed project will not result in loss of topsoils. Expansion of the Corporation Yard will require the majority of the project site to be paved. This will minimize or eliminate erosion.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less than significant impact. The proposed project is not located in an area that is subject to geologic or soil instability. Consequently, project implementation will not be subject to hazards associated with landslides, lateral spreading, subsidence, liquefaction or soil collapse.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

No impact. The Modesto Urban Area does not have soils with a great potential for expansion. Adherence to the Uniform Building Code and City Development

Standards will ensure that the proposed buildings will be structurally sound.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

No impact. The proposed project will utilize the City's sewerage system and will not require the use of septic tanks.

VII. Hazards and Hazardous Materials:

Would the project:

a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

No impact. The transport of any hazardous materials or the use or disposal of hazardous materials associated with the expanded Corporation Yard will be similar to the current operations. There will be no significant increase in risk to the public through the transportation of hazardous materials to the site for use at the Corporation Yard.

The proposed project 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.

b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less than significant impact. Site development activities would be conducted with diesel powered equipment. It is possible that a limited amount of fueling and maintenance of equipment would be conducted on-site during construction. Transport, storage, handling, and/or use of fuels, lubricants, and other chemicals at the site could create the potential for release of hazardous materials.

The contractor will prepare a spill and pollution prevention plan prior to the start of earthwork activities. The plan will include anticipated equipment needs and maintenance, emergency response procedures for hazardous materials releases, and procedures for contacting designated regulatory agencies in case of a release.

c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

No impact. The existing and proposed Corporation Yard activities do not involve the use of acutely hazardous materials. Implementation of the site plan will not have an effect on any existing or proposed school facilities.

d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less than significant impact. To determine the potential presence of reported hazardous materials on the project site from current or historic land uses, a search of Federal, State, and local agency databases was performed (ERIIS, 1996). In addition, local regulatory agency files were reviewed to determine the status and other available information on the use and storage of hazardous materials at the project site.

The Bus Maintenance Facility portion of the project site (110 Elm Street) stores motor oil, transmission fluid, antifreeze, grease, oxygen, and acetylene for use in servicing vehicles. In 1987, a hydraulic fuel leak was discovered in the service shop. As a result, about two cubic yards of soil were removed and the area was backfilled.

The Bus Maintenance Facility formerly contained three underground petroleum storage tanks (USTs). A 5,000-gallon diesel UST in the southwest corner of the site was closed in place in 1987; no releases are known to have occurred from that tank. Two 12,000-gallon diesel USTs were removed in December 1998. Soil borings in the vicinity of one of the USTs and fuel island in 1993 had previously indicated that up to 2,000 mg/kg of total petroleum hydrocarbons were present in shallow soils by the fuel island, and up to 100 mg/kg to depths of between 20 to 50 feet below the ground surface (bgs) near the tank. When the tanks were removed, soil samples from the base of the excavation indicated that releases of petroleum hydrocarbons and volatile organic compounds had occurred.

In June 1999, four soil borings were completed and three groundwater monitoring wells were installed at the Bus Maintenance Facility to determine the extent of the releases. None of the soil samples collected from the borings contained petroleum hydrocarbons or organic compounds above laboratory reporting limits; groundwater from the monitoring wells contained up to 113 μg/L of total petroleum hydrocarbons as gasoline and up to 2 μg/L of volatile organic compounds (SCDER, 1999). Stanislaus County Department of Environmental Resources (SCDER) requested that an additional groundwater monitoring event be conducted at the site to demonstrate that contaminants in groundwater are naturally attenuating.

The Corporation Yard portion of the project site (501 Jefferson Street) formerly contained five diesel, waste oil, hydraulic fluid, and gasoline USTs used to fuel and service vehicles. Other hazardous materials stored on-site include waste and new motor oil, antifreeze, and solvents, paints, oxygen, acetylene, lacquer thinner, propane, and Roundup.

Two 1,200-gallon USTs were removed in 1989; soil samples from the excavation did not contain any contaminants above laboratory reporting limits (County records, 1996). In August 1998, the remaining three 12,000-gallon USTs were removed from the Corporation Yard. Soil samples indicated that releases had occurred from these tanks during their operation; SCDER has requested that a site assessment be performed to determine the extent of the releases.

As the former USTs at the site were located approximately 15 feet bgs and groundwater is encountered at approximately 40 feet bgs, construction workers and future site users would not be expected to come into contact with soils or groundwater affected by petroleum hydrocarbons and associated organic compounds. The USTs, the source of the releases, have been removed. However, if development of the project were to proceed prior to closure of the UST sites by SCDER, coordination with SCDER will ensure that project construction would not interfere with investigation and remediation of the sites.

The parcel north of the City Corporation Yard currently has one truck repair business, one recreational vehicle (RV) sales and service business, one auto repossession business, and one auto repair business. State records indicate that an underground storage tank of unknown size and content was registered to the address. Records from the Modesto Fire Department indicate that at least one 1,000-gallon underground gasoline tank was removed from the property in 1966. A 1,000-gallon underground waste oil tank, located parallel to the south side of the building, was removed from the property in February 1999. Soil sampling performed during tank removal activities did not identify significant levels of contamination; SCDER will not require further action at the site (M.J. Kloberdanz, 1999).

A Phase II investigation was conducted at this parcel in March 1999. The Phase II consisted of completing four borings near suspected hazardous material sources at the project site and collecting soil samples from each boring at approximately 15 and 30 feet bgs. Borings were located near the former gasoline and waste oil USTs, adjacent to an oil/water separator, and in an area previously used as a car wash. The soil samples were analyzed for total petroleum hydrocarbons and volatile organic compounds; no compounds were identified above laboratory reporting limits (M.J. Kloberdanz, 1999).

Based on the age of the buildings at the project site, asbestos-containing building materials and lead-based paint may potentially be present. Prior to demolition of structures on the project site, an asbestos-containing material (ACM) survey will be conducted by a certified asbestos consultant. If ACMs are found, they will be removed by a licensed removal contractor in accordance with State and local guidelines (including applicable air permits from the SJVUAPCD) prior to demolition of any on-site structures. Demolition of structures with lead-based paint will be carried out in accordance with State and Federal guidelines by trained workers.

Underground utilities may be encountered during on-site excavation and construction. Underground Service Alert (USA) will be contacted prior to ground breaking for information on the existing location of underground utilities, and available plans and schematics for the project site will be consulted for utility locations.

The proposed project 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.

e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No impact. Implementation of the proposed project will not be affected by airport land use plan constraints, a public airport, or public use airport. Similarly, the proposed project will not create safety hazards for people residing or working in the project area with respect to airport hazards or safety zones.

f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No impact. The proposed project is not located proximate to a private airstrip.

g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

No impact. The proposed project will not have any effect on the City's emergency response plans or evaluation plan. There will be no change in the existing exterior circulation due to implementing the proposed project.

h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

No impact. The potential for wildland fire hazard is not an issue for the project area. Therefore, the project will not be affected by wildland fire hazards.

VIII. Hydrology and Water Quality:

Would the project result in:

a) **Violate any water quality standards or waste discharge requirements?**

No impact. The operation and maintenance of additional buses at the project site could result in the negligible degradation of the water quality runoff. Implementation of the expanded Corporation Yard should have a similar effect on surface water quality issues when compared with the existing Corporation Yard operations.

The proposed project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts associated with water quality to a less that significant level. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

No impact. Implementation of the proposed project will not have an effect on groundwater supplies. Water consumption requirements should not be substantially different from current conditions. As a result, the project will not have an effect on lowering of local groundwater table levels.

c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

No impact. Project implementation will not substantially modify the existing drainage patterns occurring on-site. Minor surface modifications will be required due to the elimination of Jefferson Street and the redesign associated with the expansion of the Corporation Yard. These minor storm drain improvements will not cause erosion concerns or generate sediments and siltation on- or off-site.

d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of runoff in a manner which would result in flooding on- or off-site?**

No impact. Implementation of the proposed project will not have an effect on any stream or river courses, nor result in the substantial alteration of site conditions. Runoff quantities and drainage conditions are expected to be similar for the proposed project when compared to current conditions.

e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

No impact. The proposed Bus Maintenance Facility would not significantly increase runoff from the site. The new bus parking lot, maintenance building, and associated facilities would largely replace existing parking lots with similar impervious surfaces. Landscaping included in the project would help minimize any slight increase in total impervious surface in the area.

The proposed project 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 developed area to a less than significant level. 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.

f) **Otherwise substantially degrade water quality?**

Less than significant impact. Water quality degradation could occur during the construction period if soils were exposed to rainfall, and sediments were carried away from the construction area in storm water runoff. The City and its contractors must comply with State and local regulations for construction site management. A grading plan, which includes specific best management practices (BMPs) for controlling erosion and sedimentation, will be prepared and submitted to the Community Development Department for approval at the design review stage. Adherence to the existing program will reduce potential erosion and sedimentation to a less-than-significant level.

g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

No impact. The proposed project does not involve placement of housing within the 100-year floodplain. Housing and residential uses are not included in the proposed project plans.

h) **Place within a 100-year flood hazard area structures which would impede or redirect flows?**

No impact. The project site is not located within the 100-year flood hazard zone as mapped by the Federal Emergency Management Agency (Modesto, 1995). The nearest flooding that occurs due to overtopping of waterways is at the Tuolumne River several miles to the south. Flooding generated by the adjacent Modesto Irrigation District lateral canal is also not an issue since the canal system is operated with a system of weirs and dams to prevent high water (Steve Nish, 1996).

The proposed project will not be subject to hazards associated with flooding.

The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Drainage (pages IV-9-1 through IV-9-32) are, therefore, still valid.

i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

No impact. Flooding is not an issue associated with expanding the Corporation Yard. Project implementation will not expose people or structures to any flooding risks.

j) **Inundation by seiche, tsunami, or mudflow?**

No impact. The proposed project is not subject to conditions affected by seiches, tsunamis, or mudflows.

IX. Land Use and Planning:

Would the project:

a) **Physically divide an established community?**

No impact. The proposed project will not displace or disrupt the cohesion or economic vitality of an established community. The proposed project would be expanded to the northwest, displacing existing service industrial uses and moving further away from a small residential neighborhood. The proposed project would require the acquisition of four auto repair and services businesses on two parcels.

b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Less than significant impact. The proposed Corporation Yard is designated on the City of Modesto's Adopted Land Use Diagram (Figure III-1) of the Modesto Area General Plan (1995) as being located within the "Redevelopment Planning District" (RPD). The portion of the RPD designation that includes the project site is further defined in the General Plan as "Industrial/Commercial/Public" (ICP).

The entire project area (including the adjacent three blocks of residential uses) is zoned by the City as "Commercial Industrial" (CM), a zone that allows a wide variety of automobile-related service uses, and equipment and materials yards (Section 10-2.1302 of the Modesto Municipal Code). The CM zone has no detailed performance standards, but limits the maximum height of any structure to two stories or 35 feet (Section 10-2.1006), and requires a front yard setback of ten feet, which is to be landscaped (Section 10-2.1007).

The proposed project is consistent with the City's General Plan and zoning code, and with other City endorsed plans and plans in which the City is a participant.

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

No impact. There are no habitat conservation plans or natural community conservation plans that regulate the project area. Therefore, the project has no impact on these plans.

X. **Mineral Resources:**

Would the project:

a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

No impact. Implementation of the proposed project will occur on lands that have been previously developed. Consequently, the project will not affect the loss of availability of any known mineral resources that might occur on the site.

b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.**

No impact. The project site is not known for locally important mineral resources or aggregate materials. There are no plans that designate the project site for its resource potential.

XI. **Noise:**

Would the project result in:

a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less than significant impact. Noise in the vicinity of the proposed Corporation Yard Expansion is generated primarily by SR 99, vehicular traffic along the adjacent local roads, and by trains on the nearby Southern Pacific railroad tracks. A noise analysis conducted by the City for inclusion in the 1995 Modesto Area General Plan indicates that the site of the existing City Corporation Yard and the proposed Bus Maintenance Facility is subjected to significant noise levels due to its proximity to SR 99. Noise contour lines in the General Plan show that more than one-half of the site experiences noise levels of 65 Ldn or greater.

An analysis of the potential noise impacts related to the addition of buses to 7th Street was conducted, using the Federal Highway Administration (FHWA) noise model (FHWA, 1978). Assuming the addition of four MAX buses to the peak hour traffic along 7th Street, the resultant noise impacts would be an increase of only 0.2 decibel over ambient levels with existing buses. This is an insignificant noise increase that could not be discerned by the human ear. Only one sensitive receptor occurs in the project area (occupied residence) along Elm Street. This residence will not be affected by the expansion of the Corporation Yard.

b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

No impact. The proposed Corporation Yard will not have activities or uses which generate excessive groundborne vibration or groundborne noise levels. Conditions that currently affect the Corporation Yard are expected to continue with the expansion of the Corporation Yard.

c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less than significant impact. See response to XI.a above.

d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

No impact. Construction noise would be generated by removal of asphalt, excavation for installation of foundation and utilities, construction of sidewalks and structures, reinforcement of existing pavement to support bus traffic, unloading of materials, and installation of landscaping. Construction equipment could generate noise levels of 70 to 95 dBA at 50 feet from the source. Since noise levels are reduced as distance from the source increases, the noise levels reaching the neighboring properties would be less intense than the 70 to 90 dBA range. Noise levels resulting from construction activities on the site, although a nuisance, would be temporary and would not constitute a significant impact.

No significant impacts will be generated as a result of the proposed project, nor will the neighborhood be impacted as a result of this use. 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, therefore still valid.

e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No impact. The project is not located near an airport and would not subject people residing or working within the project area to excessive noise levels. The ambient noise levels occurring on the project site for current conditions would be similar to levels expected with the expanded Corporation Yard.

f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No impact. The proposed project is not proximate to a private airstrip. Therefore, the project would not expose persons residing or working in the project area to excessive private airstrip noise levels.

XII. Population and Housing:

Would the project:

a) **Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No impact. Secondary development is generally described as changes in land use that could be fostered directly or indirectly by the implementation of a project on properties adjacent to or near it. These changes would not be under the control of the City of Modesto, but, if occurring, would represent a desire by other property owners in the vicinity of the project to change the use of their land.

The potential of the project to encourage spin-off development is limited due to the nature of the project. The Bus Maintenance Facility will not attract system patrons. Instead, the increased bus service accommodated by the proposed project is designed to respond to the population growth that is occurring, and would still occur without the project. The Bus Maintenance Facility will slightly increase capacity on-site, but will be incremental in nature and would not be expected to encourage vendors or service providers to relocate from their current locations.

b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No impact. Implementation of the Corporation Yard expansion project will not displace existing housing.

c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No impact. The proposed project will not displace any residents or persons residing within or near the project area. The project will not require the relocation of any residence or replacement of any housing.

Under the proposed project, four commercial tenants on the two parcels would be displaced. The Federal Uniform Relocation Act (Public Law 91-646) and related laws and regulations contain specific requirements that govern both land acquisition and relocation. Pursuant to these laws, the City of Modesto must develop a relocation plan to minimize impacts on businesses that would be displaced by the project. The relocation plan will assess the relocation needs of all potential displacees and provide relocation information and assistance.

XIII. Public Services:

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) **Fire protection?**

No impact. The proposed project should not increase the risk of structural fire nor increase the service burden on the City's fire department. It would be expected that the level of fire protection services currently provided to the Corporation Yard would continue to be provided for the proposed project.

The proposed project will have a less than significant impact upon the need for additional fire services to the project area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

ii) **Police protection?**

No impact. The proposed project is expected to require the same level of police protection services that occurs with the existing Corporation Yard. No increase in police protection services is expected with the expanded Corporation Yard facility.

The proposed project will have a less than significant impact upon the need for additional police services to the project area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are,

therefore, still valid.

iii) **Schools?**

No impact. The proposed project will not generate school age children. Therefore, the proposed project will not impact the Modesto school system, as this facility will not increase enrollment in the public schools. 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.

iv) **Parks?**

No impact. Expansion of the Corporation Yard will not have any effect on existing park facilities. The proposed project 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.

v) **Other public facilities?**

Less than significant impact. Implementation of the proposed project will expand the existing Corporation Yard and consolidate the fleet and bus maintenance facilities. This will allow the City to accommodate slight increases in future bus maintenance demand, as well as the sharing of major maintenance equipment and facilities between the fleet and bus maintenance operations. This will greatly benefit the City's maintenance operations.

XIV. Recreation:

a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

No impact. Implementation of the project will not increase the demand for neighborhood or regional parks or other recreational facilities. As a result, the project will not affect or cause any deterioration of existing park facilities.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

No impact. The proposed Corporation Yard expansion will not require additional recreational facilities. The project does not generate demand for additional recreational facilities.

XV. Transportation/Traffic:

Would the project:

a) **Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?**

Less than significant impact. The expanded bus routes associated with the proposed Bus Maintenance Facility would result in a slight increase in traffic. The current operation of approximately 33 peak bus pullouts (25 of which begin routes in downtown Modesto) would increase to approximately 41 in the future (30 of which will begin routes in the downtown area). The expanded bus operations would result in five additional buses each day traveling south from the Bus Maintenance Facility down 7th Street, turning left on K Street to the downtown area.

The addition of five buses per day along this route to downtown would not cause a significant change in existing traffic conditions nor result in a significant increase in traffic congestion at any area intersections or along local roads. Average daily traffic levels are fairly low (e.g., less than 8,000 daily vehicles at the 7th Street/K Street intersection), and the increase is considered negligible.

Construction of the proposed project would require closure and vacation of Jefferson Street. No other closures of nearby streets would be required. The project would not cause any major traffic interference.

The proposed project will generate very minor increases in traffic in the area. The project 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) **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

Less than significant impact. The project is consistent with the Stanislaus County Regional Transportation Plan, and with other applicable regional, State, and Federal transportation and air quality plans.

c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No impact. The proposed project does not involve air traffic concerns. Therefore, the project will not create substantial safety risks with respect to air traffic patterns or traffic levels.

d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

No impact. The proposed project will not significantly modify existing circulation patterns. Although portions of Jefferson Street will be vacated, the overall circulation plan for the Corporation Yard should be improved with consolidation of the facilities, and an improved layout of parking and storage areas.

e) **Result in inadequate emergency access?**

Less than significant impact. Implementation of the proposed project will not substantially modify access from surrounding roadways. Multiple access locations have been included in the proposed site plan. This should facilitate emergency access in the event that an emergency occurs.

f) **Result in inadequate emergency parking?**

Less than significant impact. Implementation of the proposed project will improve parking throughout the expanded Corporation Yard. Additional space and storage will be provided due to the larger Corporation Yard site. As a result, the project will not create inadequate emergency parking.

g) **Conflicts with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?**

Less than significant impact. Relocation of the Bus Maintenance Facility and consolidation with the Bus Maintenance Facility operations are intended to improve alternative transportation means. As a result, the proposed project is considered to support City plans for alternative transportation, and will not conflict with any of those plans.

XVI. Utilities and Service Systems:

Would the project:

a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

No impact. The proposed project will not change the wastewater treatment requirements associated with the site. Therefore, the project will not exceed any wastewater treatment requirements regulated by the Regional Board.

b) **Require or result in the construction or new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less than significant impact. The proposed project will require no additional water supplies beyond that identified in the Increased Demand for Water

Supplies section of the MEIR. No new water supply demand is generated by the proposed Corporation Yard expansion. 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.

The proposed project will require 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.

c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less than significant impact. Minor storm drain improvements may be required to accommodate the new site plan for the expanded Corporation Yard. However, significant increases in storm runoff are not expected, and the storm drain facilities are expected to convey runoff quantities similar to the current storm drain system.

d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements?**

Less than significant impact. The proposed project should not increase the demand for water supply and, therefore, will have no effect on existing new or expanded entitlements in the City of Modesto.

e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

No impact. The wastewater treatment demand for the proposed project should be equivalent to the current demand for the Corporation Yard. Therefore, the proposed project should not affect treatment plant or sewer line infrastructure capacity.

f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Less than significant impact. Construction would require the removal of existing asphalt pavement and some excavated soil. The area of debris removal is sufficiently small that disposal of these materials would not be significant.

The proposed project will not cause the generation of solid waste beyond that which is identified in the MEIR. Demolition of the existing buildings and improvements will require a one time generation of solid waste construction materials that will require disposal in the County landfill. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR

for Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

g) **Comply with federal, state, and local statutes and regulation related to solid waste?**

Less than significant impact. Implementation of the expanded Corporation Yard will comply with all statutes and regulations regarding solid waste. Solid waste quantities generated by the project should be similar to those currently generated at the existing Corporation Yard.

XVII. Mandatory Findings of Significance:

a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major proceeds of California history or prehistory?**

No impact. The proposed project is not expected to have any adverse impact on fish and wildlife species or any other biological resource, including endangered plant and animal species.

The proposed project is not located within or near any identified ecologically sensitive areas. The project area is within a predominantly industrial area.

b) **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).**

No impact. Implementation of the proposed project is not expected to result in cumulative impacts. The project involves redesign of the existing Corporation Yard and consolidation of existing maintenance facilities. While some expansion of the operations will occur, the increase in environmental impacts will be negligible.

c) **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

No impact. The proposed project primarily involves redesign and reconfiguration of existing uses within the Corporation Yard. The redesign is not expected to have any adverse effects on human beings or residents in the area, either directly or indirectly. Design features associated with the new site plan will buffer and protect adjacent uses from the activities occurring within the Corporation Yard.

Project Title: Corporation Yard Expansion

CEQA Lead Agency Name and Address:
City of Modesto
P.O. Box 642
Modesto, CA 95353

CEQA Contact, Person, Address and Phone Number:
Brian Smith, AICP, Principal Planner
City of Modesto
1010 Tenth Street, Suite 4500
Modesto, CA 95353
phone (209) 577-5276

Project Location:
8th Street/Washington Street in the City of Modesto

Project Sponsor:
Fred Cavanah, Transit Manager
Engineering and Transportation Department
Public Transportation Division
City Hall - 1010 Tenth Street, Suite 4500
P.O. Box 642
Modesto, CA 95353
(209) 577-5295

Discretionary Actions Covered by CEQA Document

- Demolition permit
- Street vacation and abandonment
- Condemnation, acquisition, displacement and relocation of existing businesses
- Grading permit
- Various financial arrangements, grant applications and funding sources.

CEQA Conclusions / Determinations of Findings

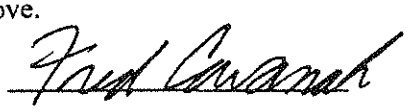
A. The proposed Corporation Yard Expansion project is within the scope of the General Plan covered by a Master EIR (SCH #92052017).

B. The proposed Corporation Yard Expansion project will have no new additional significant effect on the environment not identified in the Master EIR and no new 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 the Corporation Yard Expansion project that require project specific mitigation measures different that those contained in the Master EIR document. 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: 

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-146

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY, CITY OF CERES, AND EMERGENCY DISPATCH JPA TO PROVIDE BACK-UP EMERGENCY OPERATION CENTER, 911 ANSWERING POINT AND EMERGENCY DISPATCH CENTER FACILITIES FOR PARTICIPANTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, City of Ceres, and Emergency Dispatch JPA to provide back-up Emergency Operation Center, 911 Answering Point and Emergency Dispatch Center facilities for participants 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 28th day of March, 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. 2000-147

Print

A RESOLUTION AUTHORIZING THE CITY TO SHARE WITH THE COUNTY OF STANISLAUS IN AN APPRAISAL OF THE LAND UNDERLYING THE WASTE-TO-ENERGY FACILITY SITE, LOCATED AT 4040 FINK ROAD IN CROWS LANDING, STANISLAUS COUNTY, CALIFORNIA. (FINK ROAD LANDFILL)

WHEREAS, there exists a 16.5 acre parcel on the southwest corner of the 219.1-acre site which is leased to Ogden Martin, located at 4040 Fink Road in Crows Landing, Stanislaus County, California, and the City, the County and Ogden collectively financed the construction of the Waste-to-Energy Facility on this parcel, and

WHEREAS, at its Council Meeting held on March 28, 2000, an oral report was presented to the City Council and the Council considered a proposal for an appraisal of a portion of the 219.1-acre site identified as Assessor's Parcel Number 027-17-40, i.e. the approximate 16.5 acre Waste-To-Energy Facility site located at 4040 Fink Road in Crows Landing, Stanislaus County, California, and

WHEREAS, it is proposed that the appraisal will be used to assist the City and the County in establishing the fair rent for the property and it may also be used to assist the City and County in setting a price for possible acquisition of a partial interest by the City,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes the City to share with the County of Stanislaus the cost of an appraisal of the land underlying the Waste-to-Energy facility site, located at 4040 Fink Road in Crows Landing, Stanislaus County, California, known as the Fink Road Landfill, with the subject of the appraisal being a portion of the 219.1-acre site identified as Assessor's Parcel

Number 027-17-40, i.e. the approximate 16.5 acre Waste-To-Energy Facility site located at 4040 Fink Road in Crows Landing, Stanislaus County, California.

BE IT FURTHER RESOLVED by the Council that the appraisal shall be used to assist the City and the County in establishing the fair rent for the property and may also be used to assist the City and County in setting a price for possible acquisition of a partial interest by the City.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 28th day of March, 2000, 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, Smith
NOES:	Councilmembers:	Serpa, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-148

A RESOLUTION ACCEPTING THE PROJECT TITLED HONEYCREEK ROAD AND NIGHTINGALE DRIVE SEWER LIFT STATION REHABILITATION AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project Honeycreek Road and Nightingale Drive Sewer Lift Station Rehabilitation, has been completed by Howk System, in accordance with the contract agreement dated March 9, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Honeycreek Road and Nightingale Drive Sewer Lift Station Rehabilitation be accepted from said contractor, Howk Systems; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $81,000.00 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 4th day of April, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-149

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED INTERIOR RECOATING OF DIGESTER NOS. 4 AND 5 AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Interior Recoating of Digester Nos. 4 and 5, has been completed by Sancon Engineering II, Inc., in accordance with the contract agreement dated June 1, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Interior Recoating of Digester Nos. 4 and 5 be accepted from said contractor, Sancon Engineering II, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $137,263.12 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 4th day of April, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-150

A RESOLUTION ACCEPTING THE PROJECT TITLED AIRPORT DISTRICT IMPROVEMENTS – PHASE III PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Airport District Improvements – Phase III project, has been completed by George Reed Inc., in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Airport District Improvements – Phase III 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 $1,338.960.69 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 4th day of April, 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
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-151

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SERVICES FOR ONE YEAR, WITH THE CITY RESERVING THE RIGHT TO EXTEND THE AGREEMENT FOR UP TO TWO ADDITIONAL YEARS

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 Heating, Ventilation and Air Conditioning (HVAC) services for one year, with the City reserving the right to extend the agreement for up to two additional years, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on April 25, 2000 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 4th day of April, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-152

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR JANITORIAL SERVICES AT MODESTO CENTRE PLAZA FOR ONE YEAR, WITH THE CITY RESERVING THE RIGHT TO EXTEND THE AGREEMENT FOR UP TO TWO ADDITIONAL YEARS

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 Janitorial Services at Modesto Centre Plaza for one year, with the City reserving the right to extend the agreement for up to two additional years, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on April 25, 2000 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 4th day of April, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-153

A RESOLUTION DECLARING A POLICE K-9 NAMED "ZEIS' AS SURPLUS AND AUTHORIZING THE SALE OF THE ANIMAL BY SEALED BID.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses a Police K-9 named "Zeis" which does not conform to the Police Department's training and operational requirements, therefore, the animal is not acceptable and has become surplus to the City's needs, and

WHEREAS, by an agenda report dated March 20, 2000, City staff has recommended that said Police K-9 named "Zeis" could best be sold on a sealed bid basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Police K-9 named "Zeis" does not conform to the Police Department's training and operational requirements, and therefore, the animal has become surplus property to the City's needs and the Council does hereby authorize the sale of said Police K-9.

BE IT FURTHER RESOLVED that said Police K-9 is authorized to be sold on a sealed bid basis to the highest bidder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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: _____, for
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-154

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 add the following classification:

Project Coordinator

The specifications for the classification of Project Coordinator (Range 130), 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 April 4, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 3162

MARCH, 2000

PROJECT COORDINATOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Parks Planning and Development Manager in the management of Capital Improvement Projects and park and trail rehabilitation projects, planning and design of park and trail facilities, and in the facilitation of public input into the design process.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Parks Planning and Development Manager.

May exercise direct supervision over technical and clerical staff in assigned area.

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

Essential Functions:

Prepare landscape and irrigation plans and specifications for minor renovation projects; park improvement projects and trail projects; inspect park landscaping and trail projects.

Assist in the review of construction documents for various Capital Improvement Projects.

Assist in the planning and design of park and trail improvements in accordance with capital improvement program and national standards and guidelines.

Assist in the administration of contracts with consultants and contractors, to ensure terms and conditions of the contract are met, including the inspection of work in progress, evaluating the quality of work and materials used, analyzing change order requests, approving progress payments and ensuring the satisfactory completion of work.

Identify and assist with the acquisition of property suitable for park development.

Review Environmental Impact Reports and other reports pertaining to park development.

EXHIBIT "A"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued):

Essential Functions:

Plan and facilitate neighborhood and community meetings related to park planning, development and improvement.

Coordinate the activities of the City's Park Partners Program, including contacting local groups to secure interest, assisting groups in identifying appropriate projects, assisting with fundraising efforts, serving as project coordinator, facilitating meetings and project decisions, and overseeing the construction and completion of the projects.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and methods of landscape architecture or civil engineering as applied to open space design and construction.

Construction document blueprint reading and construction installation methods.

Local codes, regulations, ordinances and regional planning policies pertaining to land use and park planning and development.

Federal and State environmental policies, regulations and requirements.

Practices and principles of construction administration and construction inspections.

Ability to:

Prepare and review construction plans and specifications, construction drawings, cost estimates and bid documents.

Administer Capital Improvement Projects, including planning, coordination and review of open space facility planning and site development.

QUALIFICATIONS – (Continued):

Ability to:

Operate a variety of general and technical software, including CAD systems, project management software and spreadsheets.

Make presentations to a variety of private citizens, public groups, boards, commissions, councils and other organizations.

Communicate effectively, using graphic instructions such as blueprints, layouts or other visual aids.

Effectively facilitate public design workshops.

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 in capital improvement program management including planning, design and development of parks landscaping.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in construction administration, land use planning, civil engineering, landscape architecture, public or business administration or a related field.

License or Certificate:

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

Possession of, or ability to obtain, a Registered Landscape Architect or Registered Civil Engineer registration is highly desired.

WORKING CONDITIONS

Environmental Conditions:

Office Environment.

Office environment, with some field work.

Physical Conditions:

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

Clerk
(8)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-155

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ADD PROJECT COORDINATOR (RANGE 130).

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," 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 April 4, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Project Coordinator (Range 130) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 4, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective **April 4, 2000**

RANGE	TITLE
101	Custodian I Maintenance Aide
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Animal Control Officer I Custodian II
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Animal Control Officer II 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

EXHIBIT "A"

RANGE	TITLE
115	Accounting Technician
	Planning Technician I
	Wastewater Treatment Plant Attendant
	Community Service Officer I
	Assistant to the Events Coordinator
	Code Enforcement Officer I
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
117	Electrical Technician II
118	Fleet Procurement Specialist
	Senior Storeskeeper
	Parking Lot Maintenance Crewleader
	Parks Crewleader
	Tree Trimmer
119	Maintenance Mechanic – Parks
	Planning Technician II
	Maintenance Mechanic – Pumps
	Wastewater Treatment Plant Operator
	Civil Engineering Technician I
	Building Maintenance Mechanic
	Police Administrative Assistant
	Public Information Technician
	Code Enforcement Officer II
	Community Service Officer II
	Assistant Buyer

RANGE	TITLE
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	Maintenance Mechanic Crewleader – Pumps 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
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehabilitation Specialist I Housing Financial Specialist Industrial Waste Inspector II

RANGE	TITLE
127	Civil Engineering Assistant Landscape Technician Senior Fire Equipment Mechanic
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist 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 Fire Plan Checker Plan Review Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-156

A RESOLUTION AUTHORIZING THE SALE OF FOUR (4) SURPLUS WELL SITES TO THE STANISLAUS COUNTY REDEVELOPMENT AGENCY AND AUTHORIZING THE ACTING CITY MANAGER TO TAKE APPROPRIATE ACTIONS TO COMPLETE THE SALE.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City Water Division recently closed down six (6) well sites which no longer produce water in an economical manner or which have been superseded by newer, larger wells, and

WHEREAS, the City Water Division has recommended that the six (6) well sites be disposed of, as there are no other City uses for these properties and they are located in the county, and

WHEREAS, a notice required by the state was sent to state and local agencies to see if there was any interest in the sites, and

WHEREAS, the Stanislaus County Redevelopment Agency indicated interest in purchasing four(4) of the well sites: APN Nos. 37-14-02, 37-22-21, 56-46-54, and 56-40-17. Said well sites are more particularly shown on the maps attached hereto as Exhibit "A" and incorporated herein by this reference, and

WHEREAS, discussions regarding the four (4) well sites resulted in a proposed sale price of $10,000 per lot, with the City paying closing costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the sale of four (4) surplus well sites to the Stanislaus County Redevelopment Agency at a price of $10,000 per lot with the City paying the closing costs.

BE IT FURTHER RESOLVED that the Council authorizes the Acting City Manager to take appropriate actions to complete the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2000, 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, City Attorney

Late Information

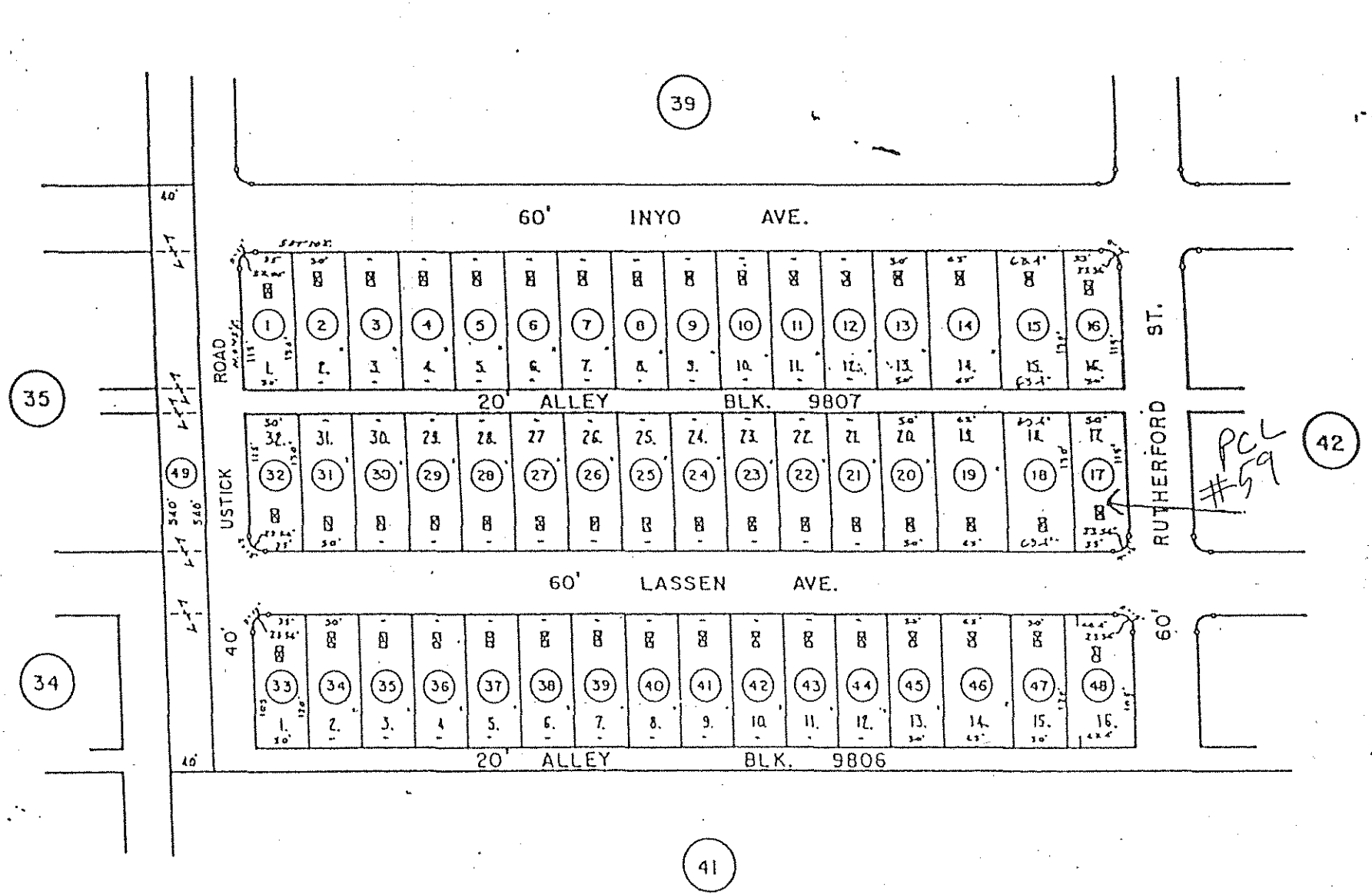
SCALE 1 (10/INCH) 0 10 20 30 40 50 60

080 004 56 - 40

PORTION SE 1/4 SECTION 8 T. 4 S. R. 9 E. M. D. B. & M.

PORTION RUTHERFORD TRACT - BLKS. 9806 & 9807

THIS MAP FOR ASSESSMENT PURPOSES ONLY

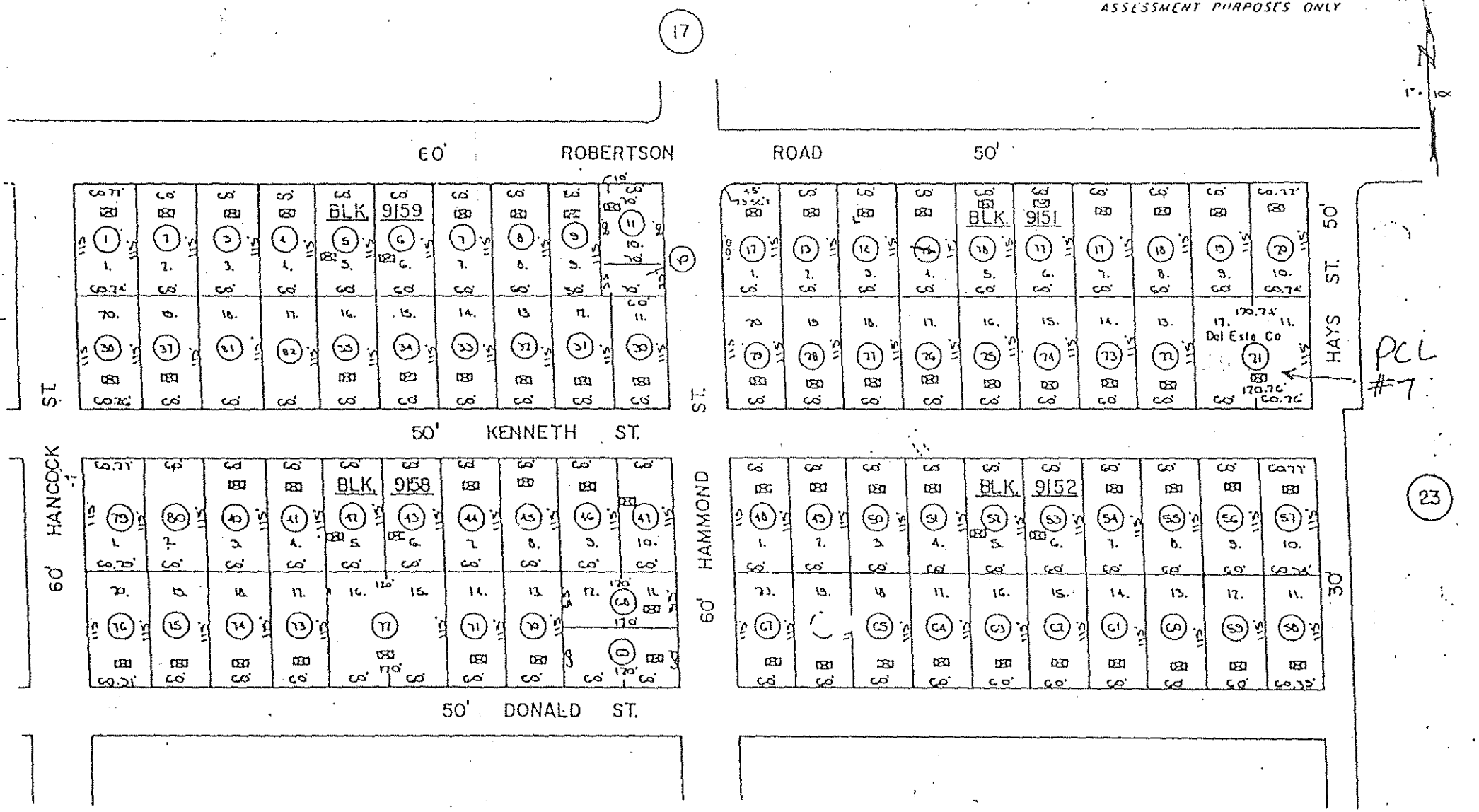


FROM BK. II
R. M. 16-37
JUNE 12, 1964
UPDATED - 3-18-81

65

RIVERVIEW TRACT — BL 9151, 9152, 9158 & 9159

THIS MAP FOR ASSESSMENT PURPOSES ONLY



FROM BK. 7, 37-72
R.A. H-44
REDRAWN 5-21-76
UPDATED 5-1-79

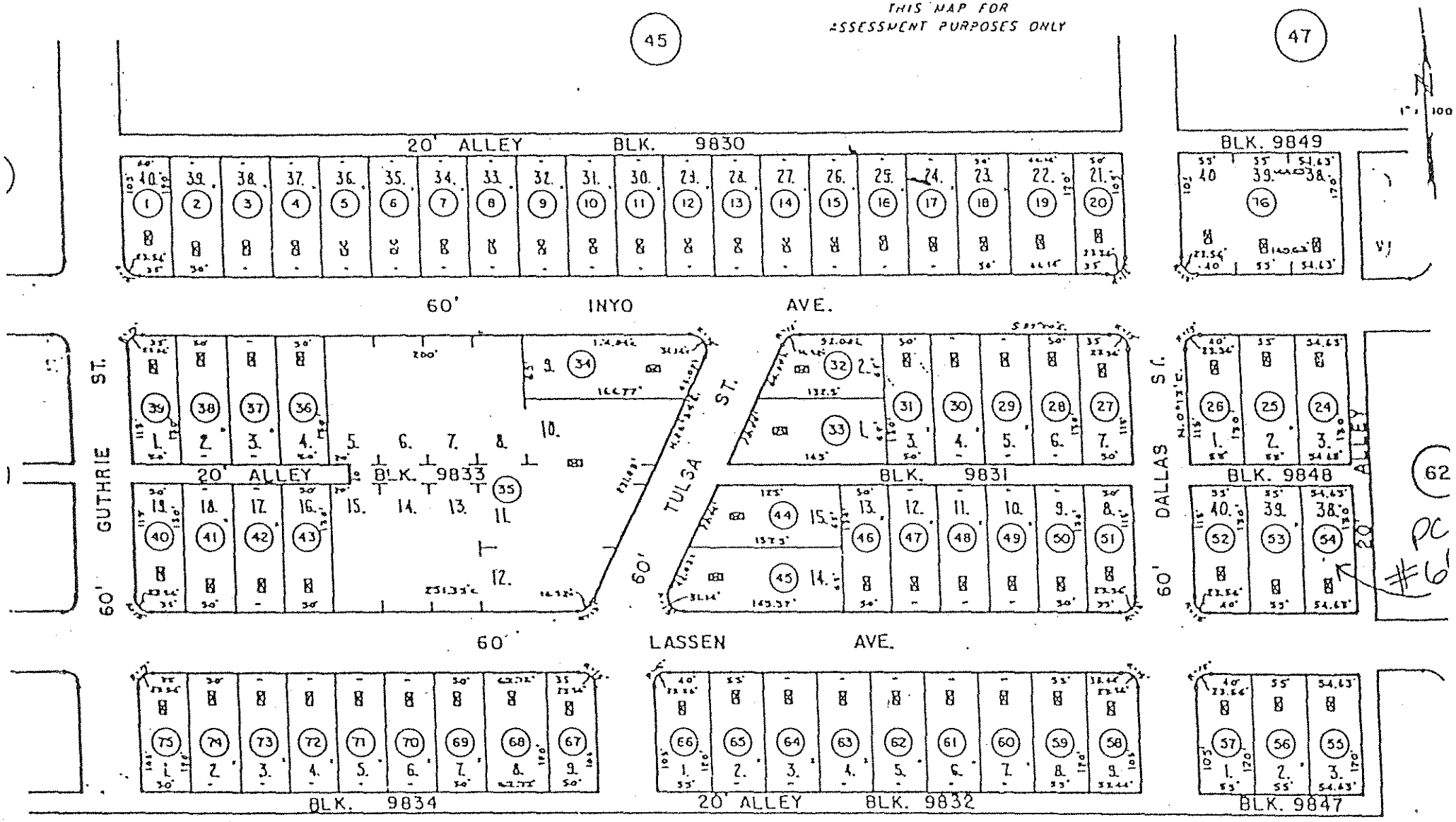
66

37-22

PORTION S 1/2 SECTION 8 T. 4 S. R. 9 E. M. D. B. & M.

PORTION RUTHERFORD TRACT - BLKS. 9830 to 9834, 9847 to 9849

THIS MAP FOR ASSESSMENT PURPOSES ONLY



FROM BK. II
R. M. 16 - 37
JUNE 18, 1964

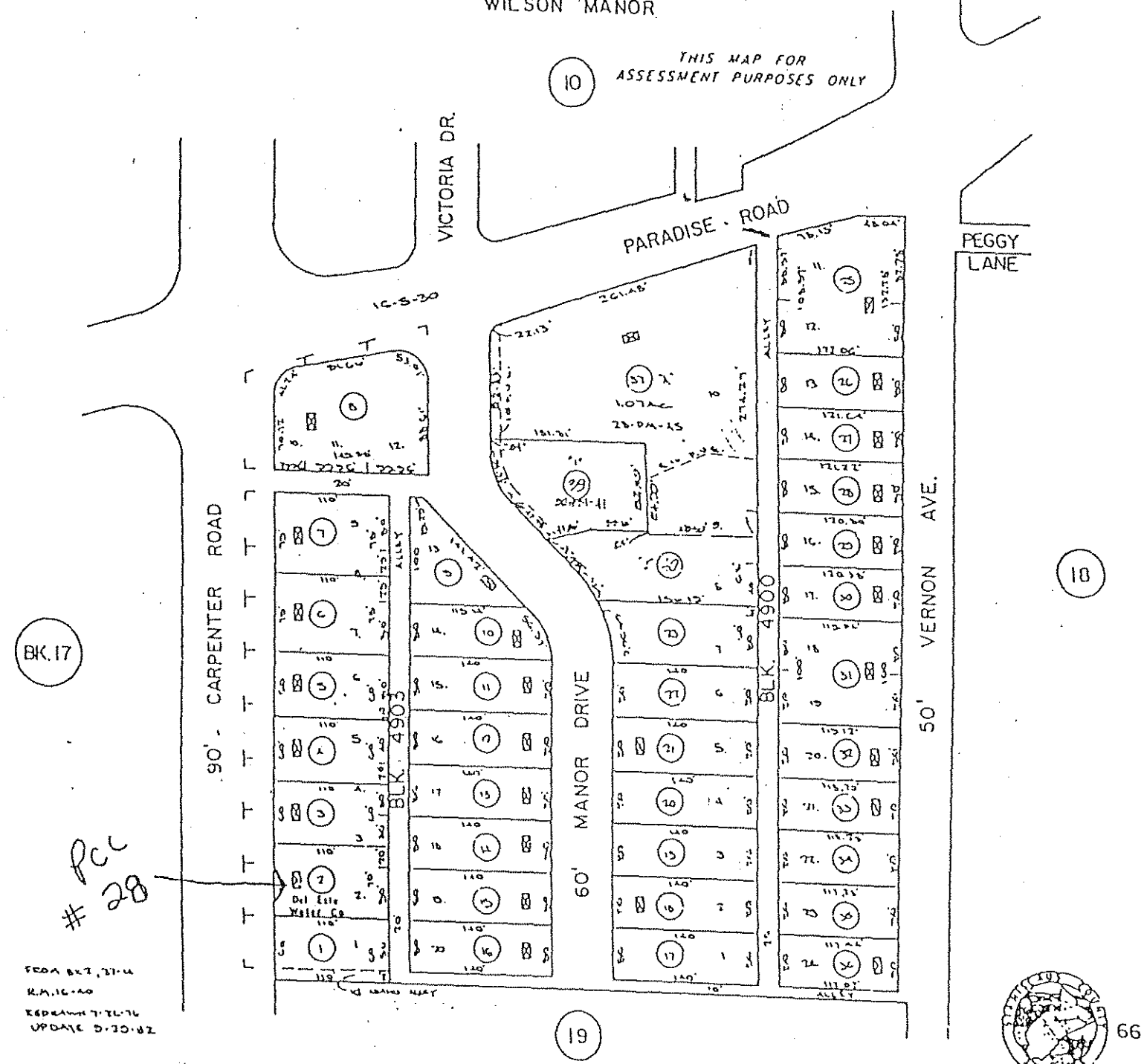
56 - 4

PORTION SW 1/4 SECTION 6 T.4S. R.9E. M.D.B.&M.

WILSON MANOR

080 010

THIS MAP FOR ASSESSMENT PURPOSES ONLY



66

SURPLUS

1	Attorney
1	Purchasing
2	

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-157

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER POULTRY FARMS FOR AIRPORT HANGAR

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 Foster Poultry Farms for Airport Hangar 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 4th day of April, 2000, 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. 2000-158

Print

A RESOLUTION APPROVING AN OPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER POULTRY FARMS FOR A THREE-YEAR OPTION FOR A CORPORATE HANGAR PLOT AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the option agreement between the City of Modesto and Foster Poultry Farms for a three-year option for a corporate hangar plot at the Airport 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 4th day of April, 2000, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-159

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE FOR THE CENTER FOR HUMAN SERVICES' ANNUAL FUND RAISING EVENT, "BROADWAY COMES TO MOTOWN".

WHEREAS, the Center for Human Services has requested direct City assistance for its "Broadway Comes to Motown" fund raising event, 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, dinner and dancing follow the Saturday evening performance held at the State Theater, in addition to a Sunday matinee performance, and

WHEREAS, this year's post-performance event will be held in the private parking lots across J Street from the State Theater on Saturday, June 10, 2000, and

WHEREAS, in the past, the City has provided assistance in the form of fee waivers and police assistance to the Center for Human Services for said event, and

WHEREAS, the Center is requesting that the City provide assistance in the total sum of $2,109, for this year's event as follows:

1. Waiver of fees for required street closure, alcoholic beverage and dance permits - $20.00.

2. Six Police Explorers to monitor the perimeter of the street closure on J Street at 12th and 13th Streets - No Cost.

3. Six Police Reserves (required due to sale of alcohol) - $1,219.

4. Three portable generators to provide power to sound and lights - $350 in staff costs and gasoline.

5. Two dozen trees in 15 gallon containers - $360 in staff time.

6. Ten lighted barricades for 12th and 13th Streets - $160 in staff time.

and

WHEREAS, the Human Services Committee met on March 6, 2000, and supported staff's recommendation to provide direct City assistance, and

WHEREAS, the Council deems it appropriate to grant approval for direct City assistance to the Center For Human Services for its fund raising event, "Broadway Comes To Motown",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Center for Human Services for direct City assistance in the total amount of $2,109 for the Center's annual fund raiser, "Broadway Comes to Motown".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-160

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR THE CENTER FOR DIRECT CITY ASSISTANCE WITH ITS ANNUAL FUND RASING EVENT "BROADWAY COMES TO MOTOWN"

WHEREAS, the Center of Human Services has held an annual fundraising event for several years at the State Theater with the City providing assistance in the form of fee waivers and police assistance; and

WHEREAS, this year the Center is asking that the City provide waiver of fees, police monitoring as well as generators, portable trees, and lighted barricades.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated on Attachment A.

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 4th day of April, 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 votes:

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

ATTACHMENT A

Expenses:	Fund	Agy	AU	Org	Obj	Current Budget	Inc/Dec	Revised Budget	Remarks
From:	0100	800	0100R	8000	8003	-1,073,306	-2,109	-1,075,415	Reserves
To: 190	0100	190	1900A	1921	0140	455,930	1,219	457,149	Police Officers
To: 480	0100	480	4800C	4612	0330	600	50	650	Generators-fuel
	0100	480	4800A	4612	0130	66,508	300	66,808	Generators-labor
	0100	480	4800A	4712	0140	34,822	360	35,182	Trees
	0100	480	4800A	4612	0140	10,933	160	11,093	Lighted Barricades
				sub-total 480		112,863	870	113,733	
		TOTAL EXPENSES (TO)				568,793	2,089	570,882	
Revenue:									
To:	0100	190	N/A	1921	2202	2,000	-20	1,980	Various PolicePermits
						2,000	-20	1,980	

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-161

Print

A RESOLUTION REJECTING BIDS FOR "INSTALLATION OF LIGHTED CROSSWALKS", OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 28, 2000

WHEREAS, the bids received for Installation of Lighted Crosswalks were opened at 11:00 a.m. on March 28, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so significantly over the engineer's estimate, therefore staff recommends bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Installation of Lighted Crosswalks, opened in the office of the City Clerk on March 28, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-162

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:

Management Analyst

The specifications for the classification of Management Analyst, 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 April 11, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2000, 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, City Attorney

APRIL, 2000
No. 3707

CITY OF MODESTO

MANAGEMENT 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 provide administrative support to the Assistant to City Manager, Deputy City Manager and City Manager; and to perform research, statistical and other technical analytical work in complex areas including budget issues and interdepartmental and inter-governmental policies and programs.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Assistant to City Manager, Deputy City Manager and City Manager. May exercise 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:

Plan and manage administrative, organizational, staffing and operational studies, collecting and analyzing data, making recommendations, evaluating alternatives and preparing reports.

Review, analyze and track state and federal legislation; act as legislative liaison to other departments; recommend City position to City Council.

Act as liaison with State and Federal legislative staff representing the City; attend State legislative committee hearings on key bills or issues; coordinate and attend legislative briefings.

Assist in the preparation and review of all division operating, multi-year, and capital improvement budgets.

Review, consolidate and analyze monthly departmental activity reports; submit to Deputy City Manager, City Manager and City Council.

EXHIBIT "A"

Essential Functions, Continued:

Act as liaison and provide staff support to assigned City Council Committees, including research of special issues, problems and procedures, resulting in various reports for City Council.

Assist in the development of citywide policies and procedures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications.

Answer questions and provide information to the public, outside agencies and City staff.

Attend various City Council, Commission, board, and other governmental meetings; prepare and present agenda items to the City Council.

Review administrative practices and make recommendations for improvements.

Provide economic and statistical analysis; present oral and written reports.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of organization, administration and personnel management.

Principles and practices of budget preparation and administration.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

QUALIFICATIONS, Continued:

Knowledge of:

Technical report writing procedures.

Process and structure of City and department.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Analyze facts and make sound recommendations.

Prepare completed staff work for oral and written communications.

Work with and control sensitive, confidential information.

Estimate and project revenues and expenditures.

Identify and respond to public and City Council issues and concerns.

Plan, initiate and complete work assignments with a minimum of direction.

Communicate clearly and concisely, both orally and in writing.

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:

Three years of increasingly responsible administrative and analytical experience in a public agency, including supervisory experience.

Training:

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

Working Conditions:

Office environment, exposure to computer screens.

Physical Conditions:

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

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved – City Manager
1 - Finance
6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-163

A RESOLUTION APPROVING THE STANISLAUS COUNTY SHERIFF AERO SQUADRON'S REQUEST TO USE THE MODESTO CITY-COUNTY AIRPORT ON MAY 13, 2000 FOR THEIR SIXTH ANNUAL MODESTO AIRPORT DAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the request by the Stanislaus County Sheriff Aero Squadron for use of the Modesto City-County Airport on May 13, 2000 for their Sixth Annual Modesto Airport Day be, and 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 April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-164

A RESOLUTION APPROVING A GROUND LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR THE AIR TRAFFIC CONTROL TOWER AND THE TERMINAL VERY HIGH FREQUENCY OMNI-DIRECTIONAL RANGE (TVOR) FACILITY SITES AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the ground lease agreement between the City of Modesto and the Federal Aviation Administration for the Air Traffic Control Tower and the Terminal Very High Frequency Omni-Directional Range (TVOR) Facility Sites at the Modesto City-County Airport 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 11th day of April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-165

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF FORREST HEATH FROM THE LOCAL PROGRAMMING COMMITTEE, EFFECTIVE APRIL 11, 2000

WHEREAS, Forrest Heath was appointed a member of the Local Programming Committee on January 6, 1998; and

WHEREAS, Forrest Heath has tendered his resignation from the Local Programming Committee, effective April 11, 2000; and

WHEREAS, Forrest Heath 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 Forrest Heath from the Local Programming 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 Forrest Heath 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 11th day of April, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-166

Print

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #1)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 98-653, adopted on December 8, 1998, (the "Resolution of Formation") establish Community Facilities District No. 1998-2 ("the District"), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 99-286, adopted on June 8, 1999, order a change and add taxes for completion of Snyder Avenue improvements, and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

NOW, THEREFORE, BE IT RESOLVED by the 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. 1998-2 (Carver-Bangs/Pelandale-Snyder) County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 33.

SECTION 4. 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. 1 to Carver-Bangs/Pelandale-Snyder CFD No. 1998-2", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code;

including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. An amendment to the District was processed in 1999, adding taxes for the completion of Snyder Avenue improvements.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Public Report, as amended in March, 1999, a copy of which is attached hereto as Exhibit "B". These same types of facilities and services will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax component of the special tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax component of the special tax to be levied in the Annexed Territory shall be slightly higher than that levied in the Resolution of Formation, to account for the additional cost of completion of Snyder Avenue improvements, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the CFD Public Report adopted for the District, as amended in March, 1999, a copy of which is on file with the City Clerk and attached hereto as Exhibit "B". 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.

SECTION 8. A public hearing upon this Resolution shall be held at 7:00 p.m., or as soon thereafter as practicable, on Tuesday, May 23, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof.

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.

Corrected 5-17-00

SECTION 8. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, June 6, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof.

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 11th day of April, 2000, 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:

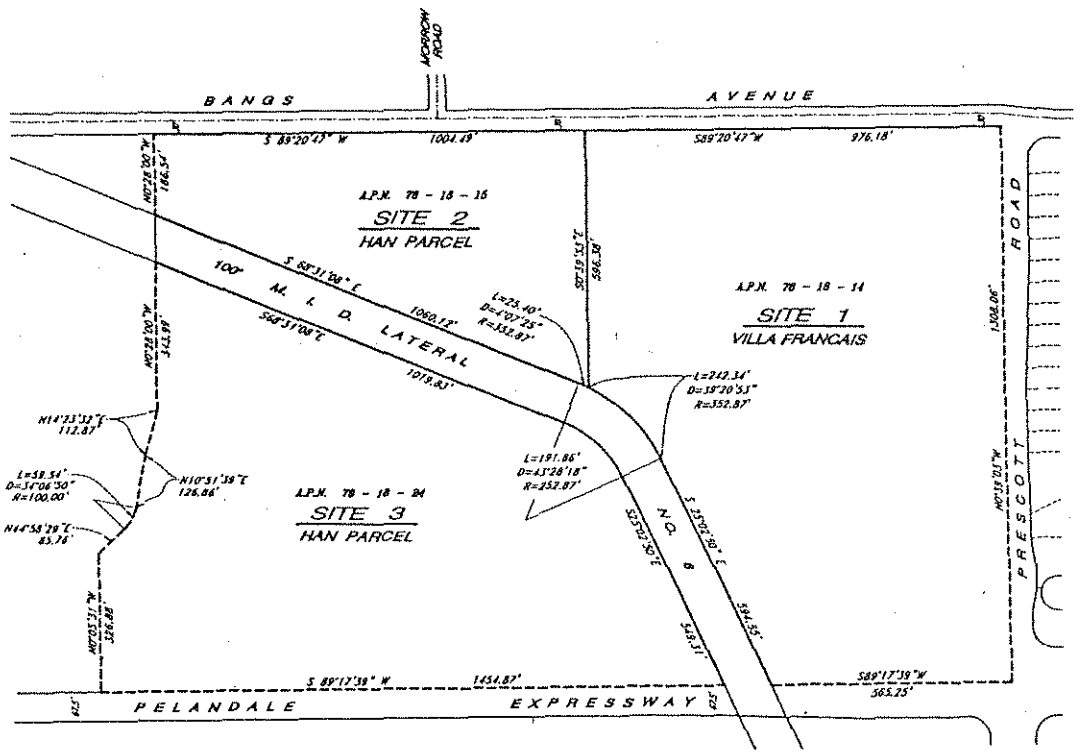
By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

(Territory To Be Annexed)

ANNEXATION NO. 1 TO CARVER-BANGS / PELANDALE SNYDER CFD NO. 1998-2

BOUNDARIES OF PROPERTY PROPOSED TO BE ANNEXED TO CARVER-BANGS/PELANDALE-SNYDER CFD NO. 1998-2
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA



PREPARED BY:

DELAMARE-FULTZ
ENGINEERING AND SURVEYING
2401 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7456

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THIS _____ DAY OF _____, 199__.

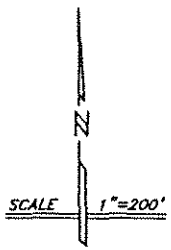
_____
CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 2 TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA AT A REGULAR MEETING OF THE CITY COUNCIL THEREOF HELD ON THE _____ DAY OF _____, 199__, BY ITS RESOLUTION No. _____.

_____
CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 199__, AT THE HOUR OF _____ O'CLOCK ___M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS.

_____
KAREN MATHEWS, COUNTY RECORDER,
COUNTY OF STANISLAUS, STATE OF CALIFORNIA.



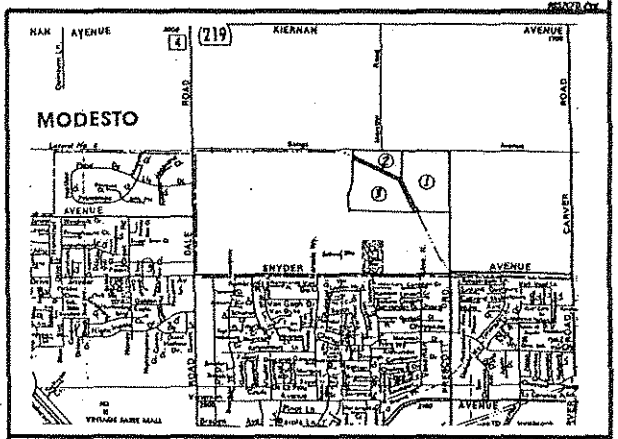
LEGEND

————	PROPOSED COMMUNITY FACILITIES DISTRICT BOUNDARY
- - - - - - - -	EXISTING COMMUNITY FACILITIES DISTRICT BOUNDARY
A.P.N. 58-84-07	COUNTY ASSESSOR'S PARCEL NUMBER
(1)	COMMUNITY FACILITIES DISTRICT SITE NUMBER

NOTES

1) REFER TO COUNTY OF STANISLAUS ASSESSOR'S PARCEL MAPS AS INDICATED FOR THE LINES AND DIMENSIONS OF THE PARCELS SHOWN HEREON.

2) FOR SPECIFIC BOUNDARY INFORMATION, REFER TO THE SPECIFIED RECORDED PARCEL MAP OR FINAL MAP AS SHOWN HEREON.



VICINITY MAP
(NO SCALE)

SHEET 1 OF 1

Exhibit "B"

(Public Report, amended March, 1999)

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

CFD PUBLIC REPORT

March 25, 1999

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG AND ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

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- B. Boundaries of CFD No. 1998-2 2
- C. CFD Special Tax Structure 2

III. Description of Facilities and Services to be Funded by CFD No. 1998-2 4

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Rate and Method of Apportionment of Special Tax and Reimbursements
Appendix C: Detailed Facility Cost Estimates

I. BACKGROUND

Community Facilities District (CFD) No. 1998-2 is being formed to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plans in the City of Modesto. Portions of both Specific Plan areas are included within the initial boundaries of the CFD, and the remainder of the property within both Plan areas is expected to annex into the CFD at a later date.

As a condition of development of the Specific Plan areas, the developers are required to install various public improvements which will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developers to build within the projects must install the improvements and receive fee credits or reimbursements in exchange for the facilities. CFD No. 1998-2 is the vehicle that will be used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. In addition, the CFD will generate funding for ongoing maintenance of landscaping and open space within the project areas.

Following is a brief description of both projects:

A. Carver-Bangs Specific Plan

On April 1, 1997, the City Council of the City of Modesto approved Resolution No. 97-161, thereby adopting the Carver-Bangs Specific Plan. The Specific Plan was subsequently amended by City Council Resolution 97-633. Carver-Bangs is a proposed 160-acre project bounded on the east by Carver Road, on the North by Bangs Avenue, on the south by the Pelandale-Snyder Specific Plan (discussed further below), and on the west by the Kiernan Business Park area. The Carver-Bangs Specific Plan will be developed under the City's Village Residential guidelines, which will yield approximately 800 single family residential units.

B. Pelandale-Snyder Specific Plan

The Pelandale-Snyder Specific Plan was approved by the City Council on January 16, 1996 by the adoption of Resolution No. 95-16, and was subsequently amended by City Council Resolutions 97-136 and 97-139. The Specific Plan area is bounded by Dale Road on the west, the extension of Pelandale Road on the north, Union Pacific Railroad on the east, and the Modesto Irrigation District canal and Snyder Avenue on the South. Approximately 227 acres of the project are designated Single Family Residential (SFR), and 57 acres are designated Multi-Family Residential; in total, 2,613 residential dwelling units are expected at buildout of the Specific Plan. In addition, 36 acres of the Specific Plan area will be used for an elementary school site, a City park, and a church.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 1998-2*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 1998-2 (Resolution No. 98-582) was adopted by the City Council on November 3, 1998. After a public hearing and a successful election by landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of CFD 1998-2

As mentioned above, the initial boundaries of the CFD include portions of both the Carver-Bangs and Pelandale-Snyder Specific Plans. Additional property is expected to annex into the CFD in future years as development in the area expands. It is anticipated that property subsequently annexed into the CFD will be subject to the same special tax formula as property in the CFD from the start, with a maximum Facilities Special Tax (discussed further below) assigned to the property when it is annexed. Property in the Carver-Bangs Specific Plan is included within Tax Area A of the CFD, and parcels in Pelandale-Snyder make up Tax Area B of the CFD. A separate maximum tax has been calculated for each tax area, as discussed further in Section C below.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Volume 3, page 5 of the Book of Maps of Assessment Districts and Community Facilities Districts in the Stanislaus County Recorder's Office. A copy of the CFD boundary map is provided as Appendix A of this CFD Public Report.

C. CFD Special Tax Structure

1. Facilities Special Tax

Each year, special taxes will be levied and collected from parcels within the CFD to pay costs associated with storm drainage and road improvements, as well as maintenance of these improvements (authorized facilities and maintenance costs are discussed in more detail below). The Rate and Method of Apportionment of Special Tax and Reimbursements ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in Sections D and E of the RMA, two different special taxes will be levied within the CFD. First, a "Facilities Special Tax" will be levied to pay for capital improvements and appurtenant expenses, such as design, planning, engineering and inspection. The entire Facilities Special Tax will be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction on a parcel within the CFD. Because each Specific Plan area is responsible for only the facilities required to serve that area, separate "tax areas" were established within the CFD to avoid any crossover of responsibility for the funding of required infrastructure. A separate Facilities Special Tax has been determined for each assessor's parcel that was included within each tax area at the time CFD No. 1998-2 was formed; Attachment 2 of Appendix B identifies the maximum Facilities Special Tax assigned to each parcel.

Section C.1 of the RMA (Appendix B) explains how the Facilities Special Tax obligation assigned to each original assessor's parcel will be reallocated when subdivision occurs. Regardless of changes in land use in future years, the maximum Facilities Special Tax revenues that can be collected from property in the CFD will never be reduced. In January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each assessor's parcel will be increased by four percent of the amount in effect in the prior year.

Section D of Appendix B sets forth a credit/reimbursement program which allows developers who have constructed and dedicated public improvements to take credits against the Facilities Special Taxes that would otherwise be paid until such credits equal the cost set forth in Appendix C of this CFD Public Report for the public improvements provided by the developer. Regardless of the actual cost incurred by the developer for construction of the public improvement(s), credits against the Facilities Special Tax can be taken until the amount credited is equal to the facility cost shown in Appendix C for that improvement(s). If the developer's project is built out and a balance remains to be credited, the developer will instead receive a cash reimbursement from Facilities Special Taxes collected from other property owners in the CFD until the combined amount of fee credits and cash reimbursements is equal to the cost of the public improvement(s) as shown in Appendix C of this report. All costs and reimbursements are subject to a four percent increase in January 2002 and each January thereafter.

Facility Special Tax credits and reimbursements will be applied based on a specified order of priority, which is identified in Attachment 1 of Appendix B. Until all facilities of a higher priority have been fully funded, a developer who builds an improvement that is of a lower priority will not receive fee credits or reimbursements. The order of priority is specific to each tax area, which means facilities of a lower priority may be funded in one tax area even if the higher priority facilities in the other tax area have not yet been fully funded. Appendix B provides a more detailed description of the credit/reimbursement program.

2. Maintenance Special Tax

The second special tax that can be levied in the CFD is the "Maintenance Special Tax", which will be collected to pay costs associated with maintaining parkways and open space in both Specific Plan areas. Again, a separate maximum Maintenance Special Tax has been determined for Tax Area A and Tax Area B, as shown in the following table:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

The Maintenance Special Tax will be collected each fiscal year on the property tax bills of all parcels in the CFD that have had a final building permit inspection conducted or a certificate of occupancy issued prior to June 1 of the preceding fiscal year.

III. FACILITIES AND SERVICES TO BE FUNDED BY CFD NO. 1998-2

The facilities and services described below are all facilities which the City of Modesto is authorized to finance and which are required to adequately meet the needs of CFD No. 1998-2. The special taxes required to pay for these facilities and services will be apportioned according to the "Rate and Method of Apportionment of Special Tax" included as Appendix B of this report.

Capital Improvements

A. Carver-Bangs (Tax Area A)

Following is a summary of the capital improvements to be funded through CFD No. 1998-2 to serve the Carver-Bangs Specific Plan. A detailed breakdown of facility components and the corresponding cost estimates is provided in Appendix C of this report.

Storm Drainage Improvements	$1,494,750
Prescott Road	145,422
American Avenue	24,033
Bangs Avenue	254,305
Carver Road	57,270
American Avenue Canal Overcrossing	295,066
Class I Bike Trail	142,500
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$2,480,847**

B. Pelandale-Snyder (Tax Area B)

Storm Drainage Improvements	$4,389,042
Dale Road	531,075
Prescott Road	628,297
Tully Road	1,011,016
Snyder Avenue	504,283
Class I Bike Trail	752,675
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$7,883,888**

Annual Maintenance Costs

A. Carver-Bangs

Item	Quantity	Unit	Unit Cost	Total Cost
Bangs Avenue (South Side)				
8' Landscape Strip (4,680 LF x 8' = 37,400 SF)	37,400	SF	$0.72	$26,957
American Avenue (East Side)				
8' Landscape Strip (1,200 LF x 8' =9,600 SF)	9,600	SF	$0.72	$6,912
Prescott Road 16' Center Median	10,500	SF	$0.72	$7,740
Prescott Road Treewell and Vine Blockouts with 10' Sidewalk and Masonry Wall (56 Each 5' x 5' Treewalls + 56 each 3' x 10' vine blockouts)	3,080	SF	$0.72	$2,218
Class I Bike Trail	1,308	SF	$0.72	$942
Pelandale Avenue (North Side) Landscape Strip	1,996	SF	$0.72	$1,437
Carver Road (West Side) (1, 194 L.F. x 8' = 9,552 S.F.)	9,552	SF	$0.72	$6,877
Total Annual Maintenance Costs				$53,083

B. Pelandale-Snyder

Item	Quantity	Unit Unit	Total Cost	Cost
Dale Road (East Side), 12' Wide Landscape Strip (1,255 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road (East Side), 12' Wide Landscape Strip (1,225 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road 16' Center Median	10,750	SF	$0.72	$7,740
Tully Road (Both Sides), 12' Wide Landscape Strip (2,650 LF x 12' = 21,800 SF)	31,800	SF	$0.72	$22,896
Tully Road 16' Center Median	10,750	SF	$0.72	$7,740
Class I Bike Trail	8,820	SF	$0.72	$6,350
Pelandale Avenue (South Side)	10,400	SF	$0.72	$7,488
Carver West Side Back-up Lots South of Pelandale Avenue (515 L.F. x 5' = 2,575)	2,575	SF	$0.72	$1,854
Landscaping Surrounding Storm Drain Basins	35,000	SF	$0.72	$25,200
Total Annual Maintenance Costs				**$100,436**

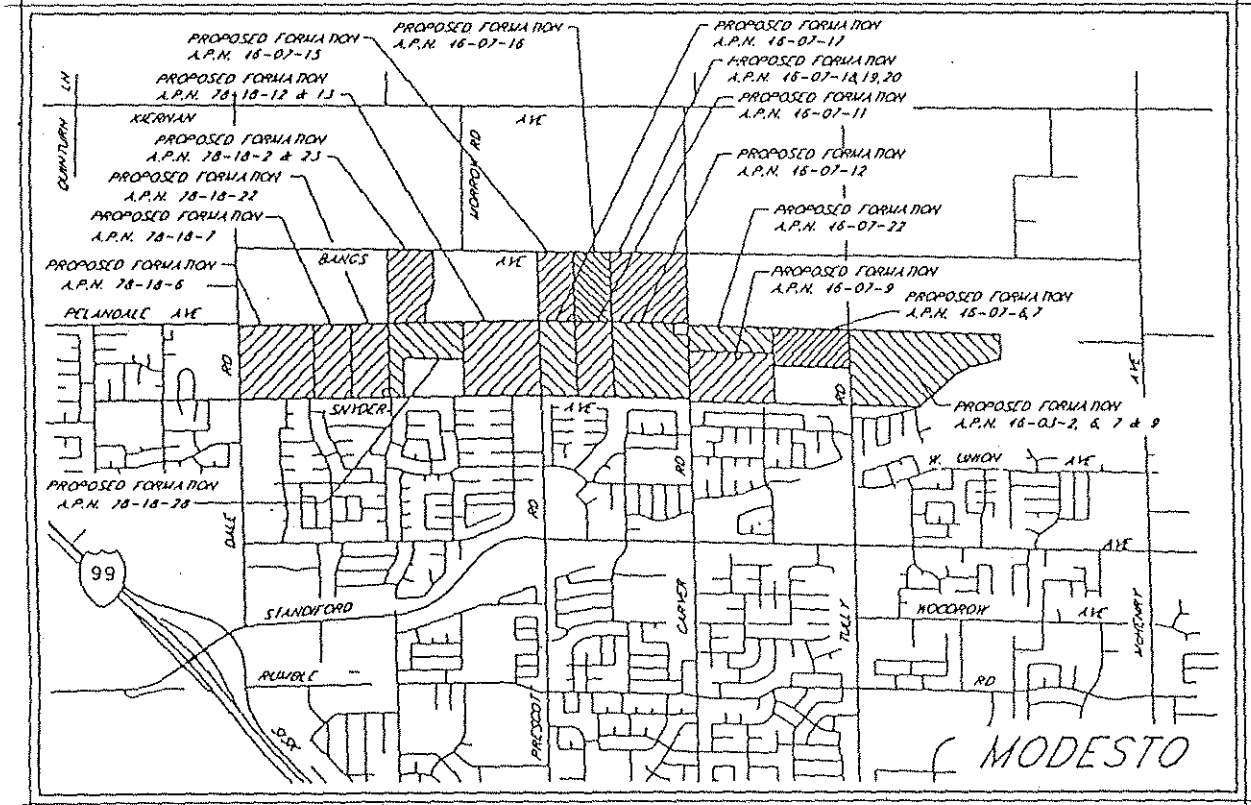
The description of facilities and services, as set forth herein, is general in nature. The final nature and location of improvements will be determined upon the preparation of final plans and specifications.

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

BOUNDARY MAP

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



CFD 1998-2 FORMATION MAP

NO SCALE

BASIS OF BEARINGS:
THE BEARING OF SOUTH 89°37'39" WEST ALONG THE LINE BETWEEN CPS MONUMENTS 3723 AND 3721 AS SHOWN IN BOOK 33 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTE:
THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY THE GRID FACTOR (.9999303334) TO OBTAIN GRID DISTANCES.

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP. I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED IN DIVISION 4.5 OF THE STREETS AND HIGHWAYS CODE.

DATED THIS ___ DAY OF _____, 1998

_____
ROY A. GALLI, R.C.E. 16024

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS ___ DAY OF _____, 1998.

_____
JEAN ZAHR, CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2, (CARVER-BANGS/PELANDALE-SNYDER), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, AT A MEETING THEREOF, HELD ON THE ___ DAY OF ____, 1998, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

RECORDER'S STATEMENT:

FILED THIS ___ DAY OF _____, 1998, AT THE HOUR OF _____ O'CLOCK, ___ M., UNDER RECORDER'S INSTRUMENT NO. _____, IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE ____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

KAREN MATHEWS, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

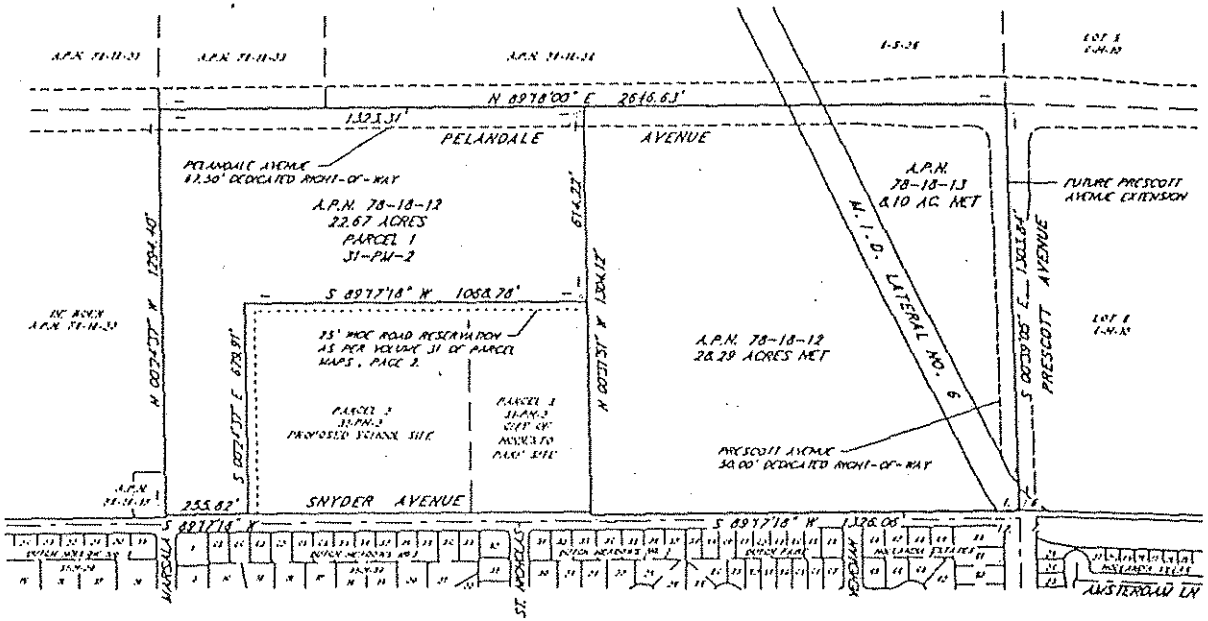
BY: _____
DEPUTY

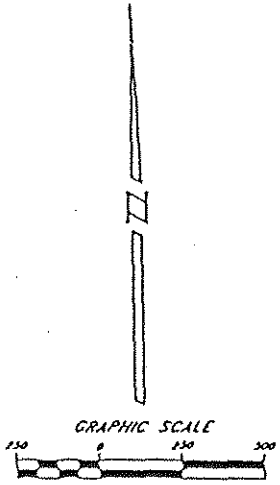
mid-valley engineering
LAND PLANNING • ENGINEERING • SURVEYING

98-333/CFD/CFD1.DWG

SHEET 1 OF 1

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA





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10-333/CFD/CFD3.DWG

SHEET 3 OF 6

APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

RATE AND METHOD OF APPORTIONMENT OF
SPECIAL TAX AND REIMBURSEMENTS

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-2 (herein "CFD No. 1998-2") 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. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"**Acre or Acreage**" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, parcel map, or other recorded County parcel map.

"**Administration Component**" means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants' fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

"**Administrator**" shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

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

"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.

"Authorized Facilities" or "Authorized Facility" means those public improvements (including portions of such public improvements) to be funded by CFD No. 1998-2 as identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements, including appurtenant expenses such as planning, design, engineering and inspection.

"Buildable Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued.

"CFD Costs" means the total amount shown in the CFD Public Report to cover costs associated with CFD formation, CFD administration, and engineering, legal services, planning and geotechnical studies related to the Authorized Facilities.

"CFD Public Report" means the report filed with the City Clerk on behalf of CFD No. 1998-2 pursuant to Section 53321.5 of the Mello-Roos Community Facilities Act of 1982.

"Church Property" means any Parcel within the CFD that is exempt from ad valorem property taxes because it is owned by a religious organization.

"City" means the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

"Credit/Reimbursement Amount" means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

"Facilities Special Tax" means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*).

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

"**Maintenance Special Tax Requirement**" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of 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.

"**Non-Residential Property**" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

"**Order of Priority**" means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"**Original Parcel**" means an Assessor's Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

"**Public Agency**" means the federal government, State of California or other local governments or public agencies.

"**Reimbursable Cost**" means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

"**Special Tax Credit**" means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

"**Subdivided Property**" means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

"**Successor Parcel**" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.

"Taxable Property" means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

"Tax Area A" means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Tax Area B" means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor's Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor's Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;

Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. Annual Maintenance Special Tax

All Subdivided Property within the CFD shall be subject to an Annual 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. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

On an Ongoing Basis

- n January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.

- The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

- The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

- For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

Step 1. The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

Step 2. The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

Step 3. By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

Step 4. Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.

Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. **If there is an outstanding Credit/Reimbursement Amount for the builder/developer,** the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

- *If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer*, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

- *If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer*, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared

for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. **If there is <u>not</u> an outstanding Credit/Reimbursement Amount for the builder/developer,** the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- *If there <u>are</u> outstanding Credit/Reimbursement Amounts*, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" was issued to each

builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- *If there are no outstanding Credit/Reimbursement Amounts due any builder/developer*, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1;

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 on all Subdivided Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 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 levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax 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. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of

1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract 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.

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ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority

- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority

- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority

- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority

- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)

- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modest Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)

- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal

ATTACHMENT 2
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
MAXIMUM FACILITIES SPECIAL TAX

	Carver-Bangs	Pelandale-Snyder
Infrastructure Costs, other than Storm Drainage	$986,097	$3,494,846
Plus: Administration 7.00%	$69,027	$244,639
Subtotal, Costs other than Storm Drainage	$1,055,124	$3,739,485
Storm Drainage Costs	$1,494,750	$4,389,042
Plus: Administration 7.00%	$104,633	$307,233
Subtotal, Storm Drainage Costs	$1,599,383	$4,696,275
Total Costs Assigned to Tax Area	*$2,654,506*	*$8,435,760*
Total Net Acreage Contributing to Non-Drainage Facilities	137.44	298.40
One-Time Special Tax per Net Acre for non-Drainage	$7,677	$12,532
Total Net Acreage Contributing to Storm Drainage	137.44	317.73
One-Time Special Tax per Net Acre for Storm Drainage	$11,637	$14,781

Assessor Parcel No.	Property Owner	Net Acreage	1998 Maximum Facilities Special Tax/1
Tax Area A, Carver-Bangs			
78 12 02	Calvary Chapel	0.89	$17,189
78 18 23	Calvary Chapel	14.19	$274,065
78 18 24	William Han	28.90	$558,173
78 18 14	Lowry, Luscher, Donovan	22.60	$436,495
46 07 15	Kaufman & Broad	16.39	$316,555
46 07 16	Elaine Fowler	18.11	$349,775
46 07 18	Ronald Malik	8.75	$168,997
46 07 19	Ronald Malik	19.30	$372,759
46 07 20	Ronald Malik	8.31	$160,499
Total, Carver-Bangs		*137.44*	*$2,654,506*
Tax Area B, Pelandale-Snyder			
78 18 06	TRS Enterprises	35.45	$968,228
78 18 7	Vossoughi Investments	18.67	$509,924
78 18 22	Rodney K. Lowe, Inc.	18.35	$501,184
78 18 28	Corn-Harris Development	20.62	$563,184
78 18 12	Resource Development	24.08	$657,685
46 07 17	Marlene Johnston, et. al.	16.22	$443,009
46 07 11	Verna Mae Johnson Trust	17.95	$490,259
46 07 12	William P. Couture	35.65	$973,691
46 07 22	Red Rock Ranch	13.05	$356,428
46 07 09	Walker Family Partnership	26.90	$734,706
46 07 07	Resource Development	13.89	$379,371
46 07 06	Resource Development	4.58	$125,091
46 07 08	Brent & Diana Holtz	18.62	$508,559
46 03 02	Big Valley Grace Comm. Church	7.20	$196,650
46 03 06	Big Valley Grace Comm. Church	9.07	$247,724
46 03 07	Big Valley Grace Comm. Church	18.10	$494,356
46 03 09	Big Valley Grace Comm. Church	19.33	$285,711
Total, Pelandale-Snyder		*317.73*	$8,435,760

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

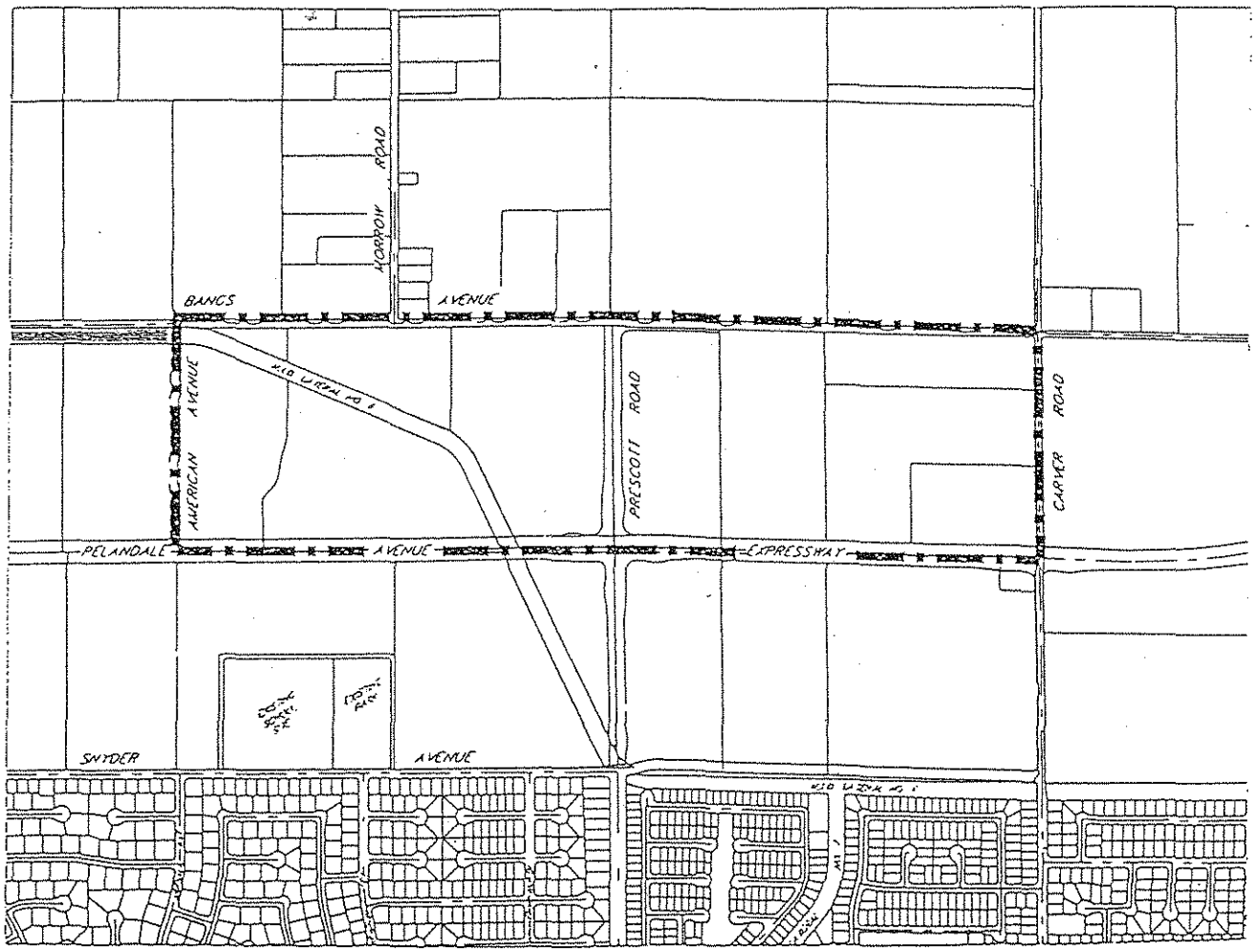
ATTACHMENT 3

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)

IDENTIFICATION OF TAX AREA A AND TAX AREA B

COMMUNITY FACILITIES DISTRICT NO. 1998-2

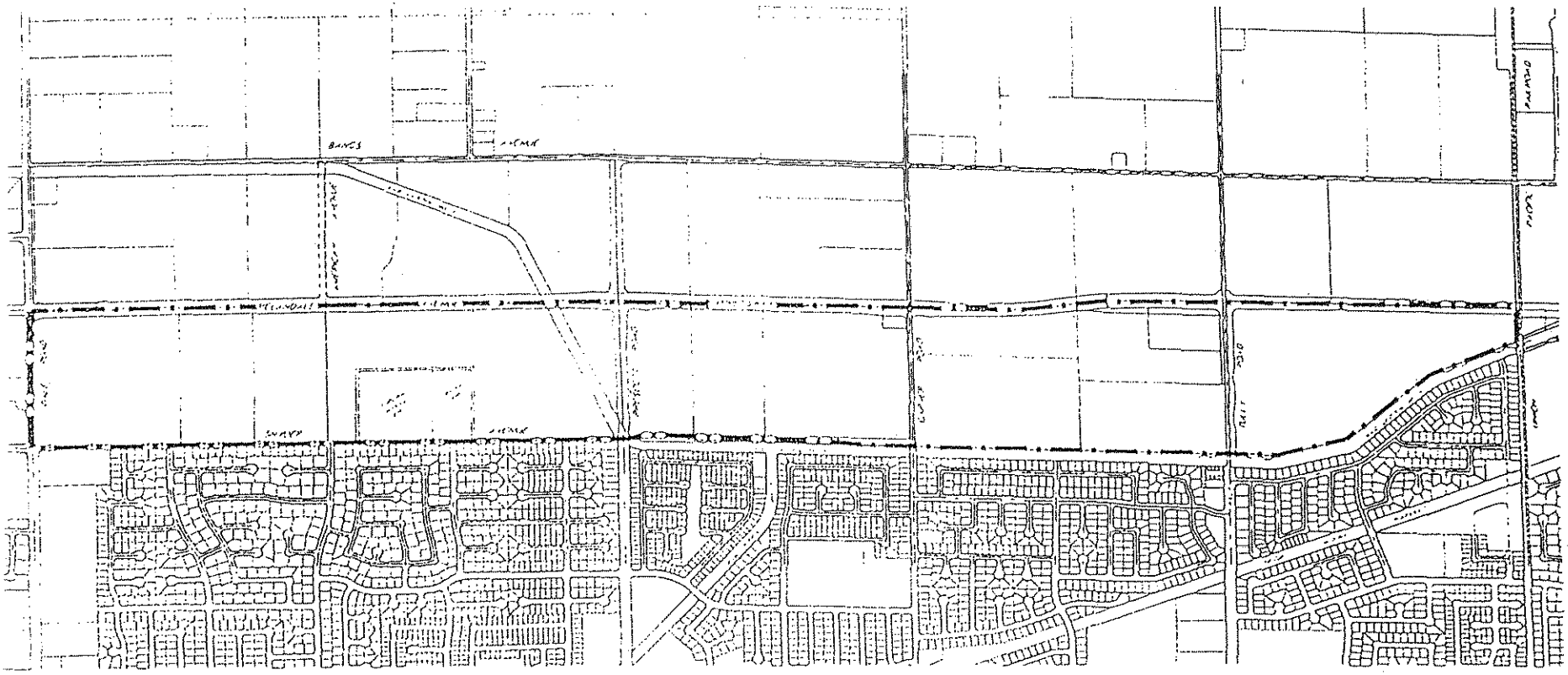
TAX AREA "A"



Drawn J.R.M.	C.F.D. 1998-2 (CARVER-BANGS/ PELANDALE-SNYDER)	FAX (209) 526-0803
Date 10-14-98	mid-valley engineering	SHEET 1
Scale		

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "B"



NORTH

Drawn	SRM
Date	10-14-98
Scale	
Job No.	1998
Ext.	1998

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)

ATTACHMENT 3B

mid-valley engineering
900 H ST STE C MODESTO, CALIFORNIA 95354
(209) 526-4214
FAX (209) 526-0803

SHEET 1 OF 1

APPENDIX C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

DETAILED FACILITY COST ESTIMATES

Carver-Bangs
(Tax Area A)

Detailed Facility Cost Estimates

23-Oct-98
JOB 71159

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS ~~$2,424,418~~ $2,480,847

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE ========> $17,640

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE ==========> $715

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
3. ALL CFD RELATED FORMATION COSTS (I.E., CITY OF MODESTO, DAVID TAUSSIG AND ASSOCIATES, KAUFMAN & BROAD, RON MALIK, MID-VALLEY ENGINEERING, J.B. ANDERSON LAND PLANNING, RUSSELL A. HARRISON, CONSULTING CIVIL ENGINEER, INC., AND HERUM, CRABTREE, DYER, ZOLEZZI AND TERPSTRA).
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYNENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
6. AMERICAN AVENUE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

23-Oct-98
JOB 71159

CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$1,494,750
B.	PRESCOTT ROAD	$145,422
C.	AMERICAN AVENUE	$24,033
D.	BANGS AVENUE	$254,305
E.	CARVER ROAD	$57,270
F.	AMERICAN AVENUE CANAL CROSSING	$295,066
G.	CLASS I BIKE TRAIL	$142,500
H.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS ====	$2,480,847

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIV WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF PELANDALE-SNYDER
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	STORM DRAIN TRUNK LINES				
A.	CONSTRUCTION				
1.	30" STORM	2,549	LF	$100.00	$254,900
2.	36" STORM	1,279	LF	$121.00	$154,759
3.	48" STORM	597	LF	$161.00	$96,117
4.	SHARE OF 54" STORM DRAIN TO BASIN	46	LF	$182.00	$8,372
5.	MANHOLES	14	EA	$5,750.00	$80,500
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$594,648
	10% CONTINGENCY =====>				$59,465
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$654,113
II.	STORM DRAINAGE BASIN FACILITIES				
A.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	42,628	CY	$6.00	$255,768
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$165,445.00	$165,445
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$8,943.00	$8,943
4.	FENCING	1,227	LF	$16.00	$19,632
5.	LANDSCAPING	10,433	SF	$2.80	$29,212
6.	INLETS	LUMP SUM	LS	$2,981.00	$2,981
7.	STRIPPING / CLEARING / DISCING	LUMP SUM	LS	$2,981.00	$2,981
	SUB-TOTAL STORM DRAIN BASIN FACILITIES =====>				$484,962
	10% CONTINGENCY =====>				$48,496
	TOTAL STORM DRAIN BASIN FACILITIES =====>				$533,459
B.	FEES				
1.	ENGINEERING	1	EST	$29,808.00	$29,808
2.	STAKING	1	EST	$14,755.00	$14,755
3.	CONSTRUCTION MANAGEMENT	1	EST	$19,873.00	$19,873
4.	GEOTECHNICAL	1	EST	$5,365.00	$5,365
	TOTAL FEES =====>				$64,436

Carver-Bangs Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	LAND PURCHASE	29.61% OF TOTAL COST OF $1,030,239 =			$305,054
2.	ADMINISTRATION	LUMP SUM	LS	$2,125.00	$2,125
		TOTAL LAND ACQUISITION ==========>			$307,179
		GRAND TOTAL ==========>			$1,494,750

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCE WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ==========>	509.26

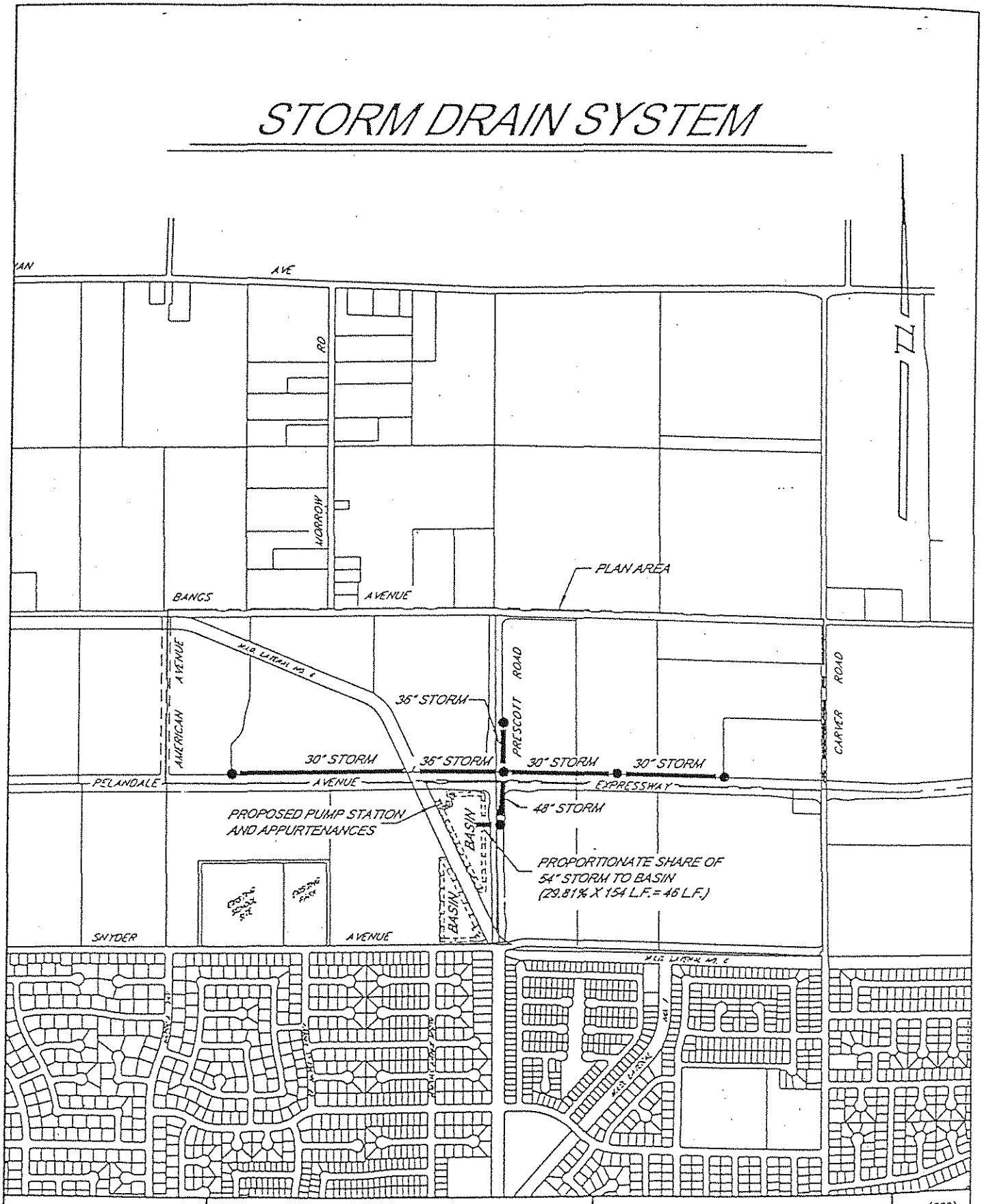
   B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 =	29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOW DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

STORM DRAIN SYSTEM



Drawn J.FREITAS	FIGURE 1	FAX (209) 526-0803
Date 4-29-98	CARVER BANGS	SHEET 1
Scale		

mid-valley engineering

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (20' CFD PORTION)				
1.	CLEARING AND GRADING	24,675	SF	$0.60	$14,805
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	24,675	SF	$2.00	$49,350
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	200	LF	$30.00	$6,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	24,675	SF	$0.02	$494
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COST)	1	EST	$3,207.75	$3,208
				CONSTRUCTION TOTAL =====>	$81,856
				15% CONTINGENCY =====>	$12,278
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$94,135
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$5,648.08	$5,648
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$2,824.04	$2,824
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$3,765.39	$3,765
				TOTAL FEES =====>	$12,238
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.57	AC	$65,000.00	$37,050
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$39,050
				GRAND TOTAL =====>	$145,422

NOTES:

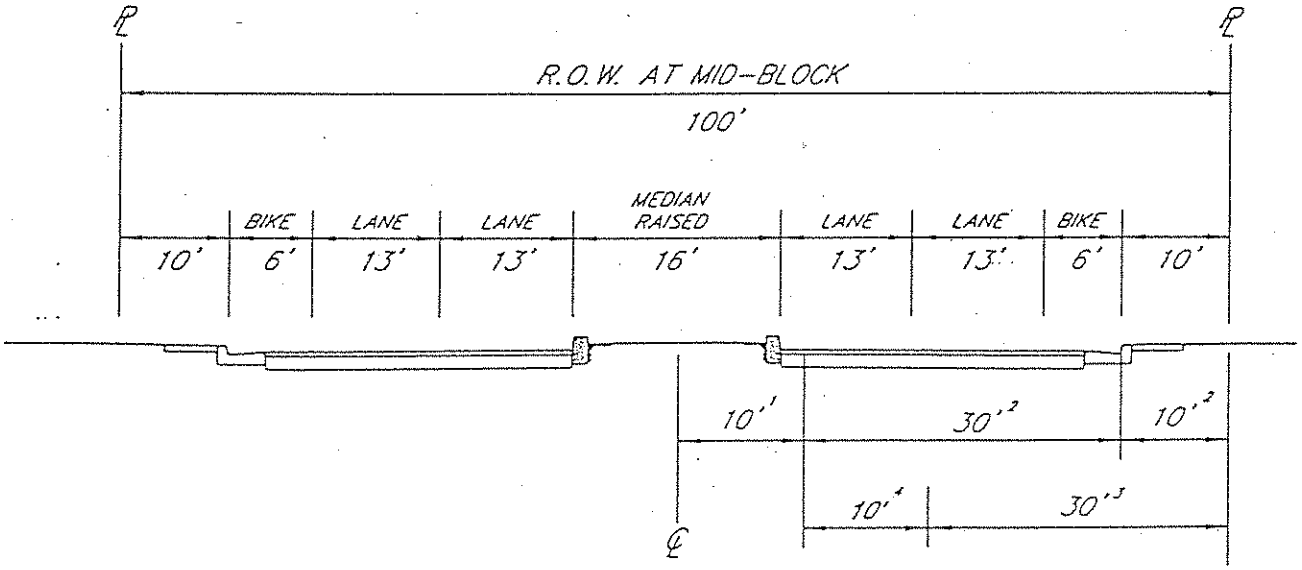
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

PRESCOTT ROAD SECTION

(MID-BLOCK)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.FREITAS	FIGURE 2	FAX (209) 526-0803
Date 4-29-98	CARVER BANGS	SHEET 1
Scale		

mid-valley engineering

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	2,535	SF	$0.35	$887
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	2,535	SF	$1.75	$4,436
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	LUMP SUM	LS	$100.00	$100
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	LUMP SUM	LS	$300.00	$300
				CONSTRUCTION TOTAL =====>	$14,724
				15% CONTINGENCY =====>	$2,209
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$16,932
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$1,015.92	$1,016
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$507.96	$508
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$677.28	$677
				TOTAL FEES =====>	$2,201
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.06	AC	$65,000.00	$3,900
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,000.00	$1,000
				TOTAL LAND ACQUISITION =====>	$4,900
				GRAND TOTAL =====>	$24,033

NOTES:

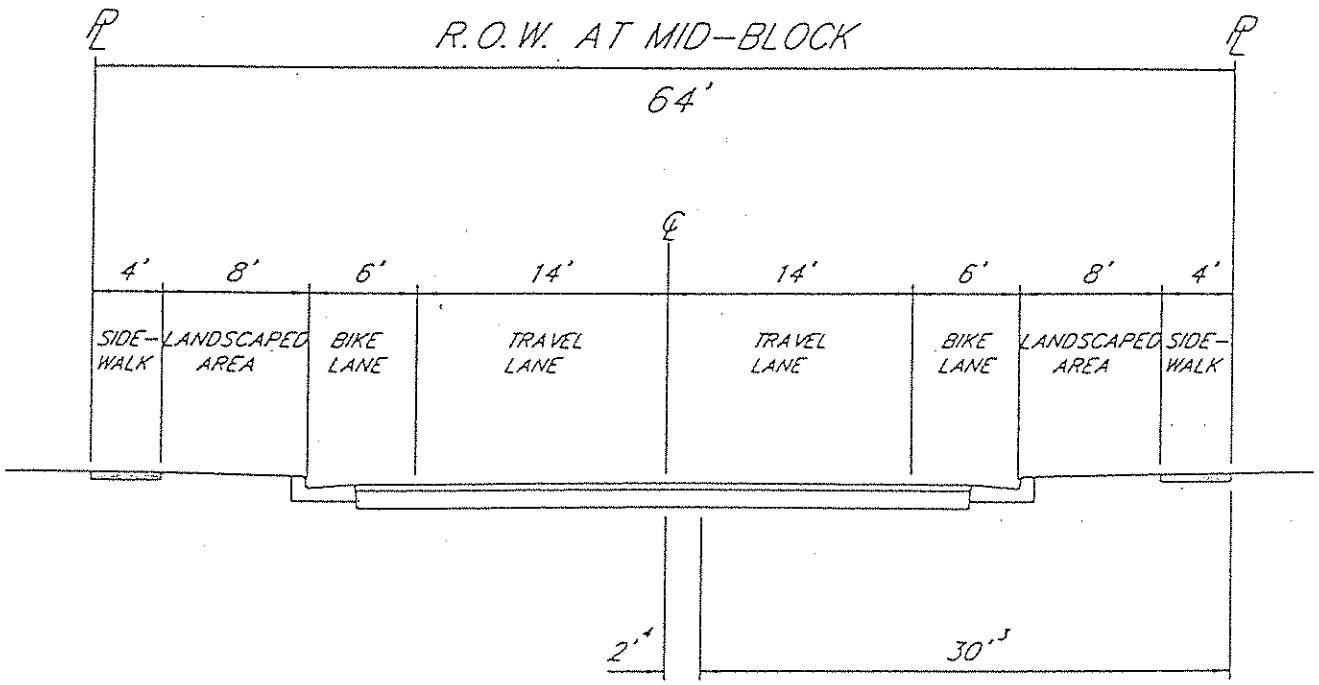
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

AMERICAN AVENUE SECTION

(MID-BLOCK-LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 3	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS	SHEET 1
Scale		

mid-valley engineering

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	48,150	SF	$0.35	$16,853
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	48,150	SF	$1.75	$84,263
3.	STORM DRAINAGE				
a.	CATCH BASINS	7	EA	$1,000.00	$7,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	350	LF	$30.00	$10,500
c.	MANHOLES	7	EA	$2,000.00	$14,000
4.	PRIME COAT	48,150	SF	$0.02	$963
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$5,055.75	$5,056
				CONSTRUCTION TOTAL =====>	$138,634
				15% CONTINGENCY =====>	$20,795
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$159,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,565.73	$9,566
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,782.86	$4,783
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,377.15	$6,377
				TOTAL FEES =====>	$20,726
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.11	AC	$65,000.00	$72,150
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$74,150
				GRAND TOTAL =====>	$254,305

NOTES:

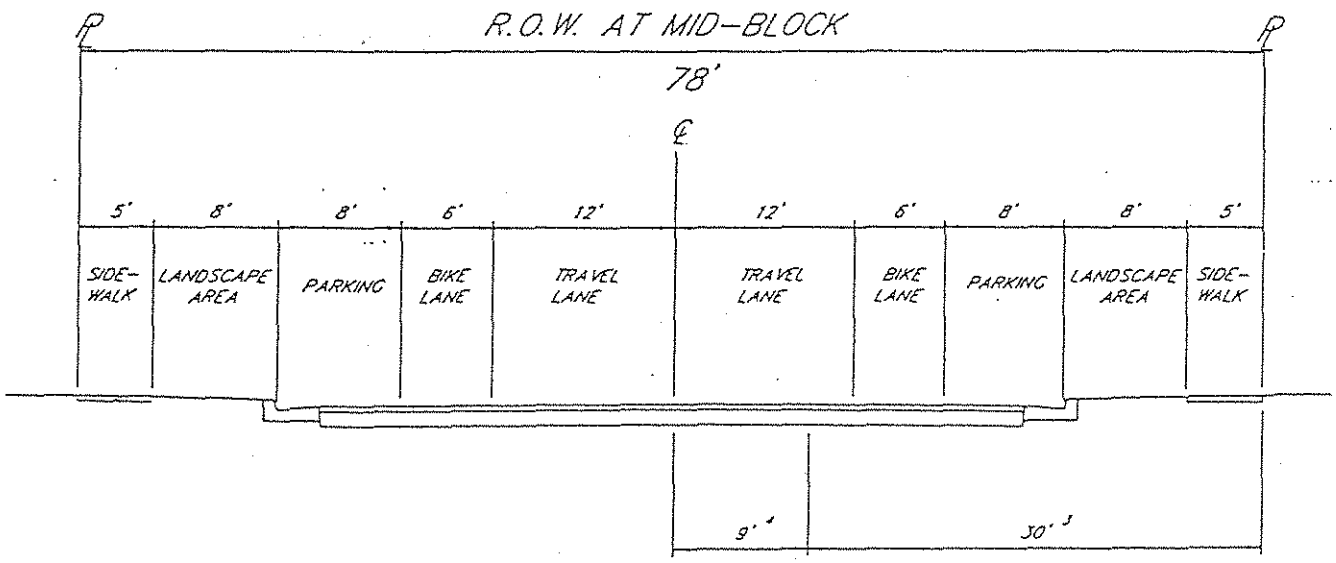
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

BANGS AVENUE SECTION

(MID-BLOCK LOOKING EAST)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 4	mid-valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS		SHEET 1
Scale			
Job No. 71-150.15			

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (6' CFD PORTION)				
1.	CLEARING AND GRADING	9,900	SF	$0.35	$3,465
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	9,900	SF	$1.75	$17,325
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	9,900	SF	$0.02	$198
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$1,039.50	$1,040
				CONSTRUCTION TOTAL =====>	$31,028
				15% CONTINGENCY =====>	$4,654
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$35,682
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,140.90	$2,141
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,070.45	$1,070
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,427.27	$1,427
				TOTAL FEES =====>	$4,639
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.23	AC	$65,000.00	$14,950
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$16,950
				GRAND TOTAL =====>	$57,270

NOTES:

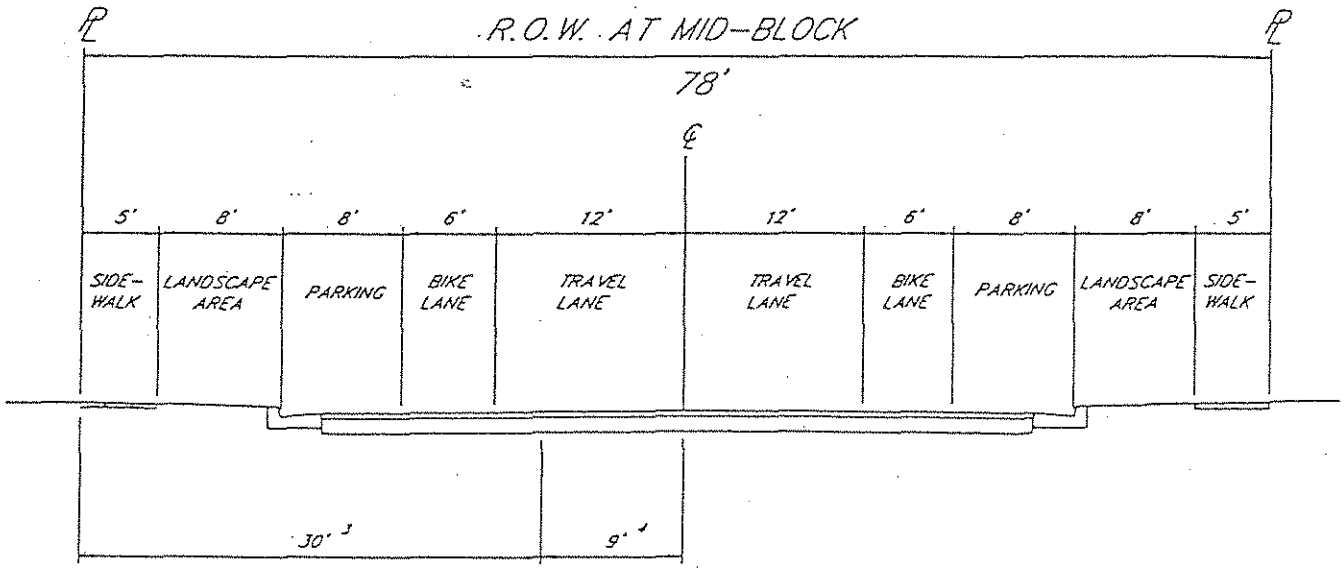
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER ROAD SECTION

(MID-BLOCK LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 5	mid-valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS		SHEET 1
Scale			
Job No. 71-150.16			

23-Oct-98
JOB 71159

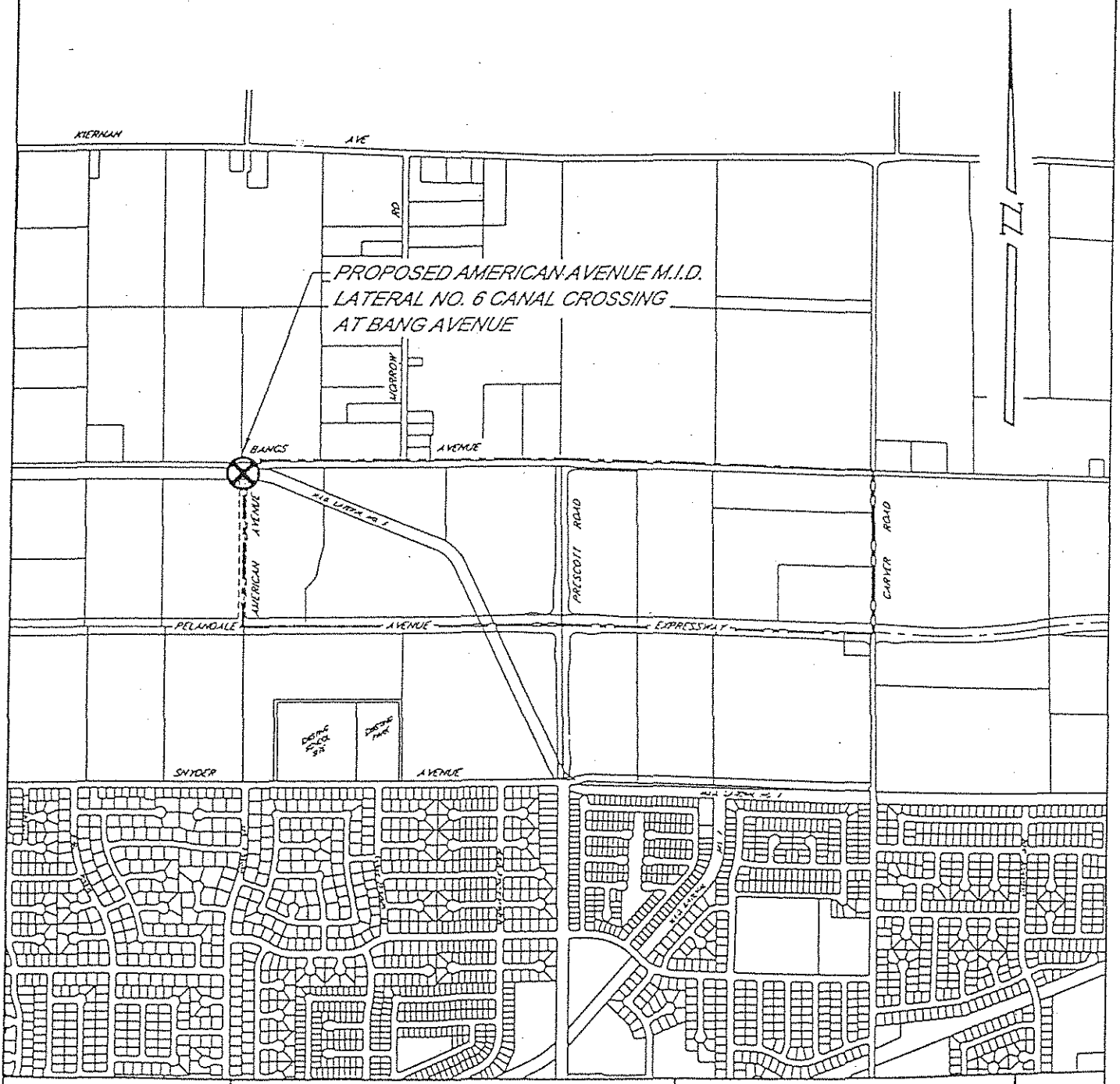
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	LUMP SUM	LS	$15,000.00	$15,000
2.	EARTHWORK	LUMP SUM	LS	$23,750.00	$23,750
3.	CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT	LUMP SUM	LS	$125,000.00	$125,000
4.	INLET STRUCTURE	1	EA	$21,200.00	$21,200
5.	OUTLET STRUCTURE	1	EA	$21,200.00	$21,200
6.	FENCING	LUMP SUM	LS	$4,370.00	$4,370
7.	UTILITY RELOCATION	1	EST	$10,000.00	$10,000
				CONSTRUCTION TOTAL =====>	$220,520
				15% CONTINGENCY =====>	$33,078
				TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =====>	$253,598
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,215.88	$15,216
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,607.94	$7,608
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,143.92	$10,144
4.	GEOTECHNICAL	1	EST	$5,000.00	$5,000
5.	MID PERMITTING	1	EST	$3,500.00	$3,500
				TOTAL FEES =====>	$41,468
				GRAND TOTAL =====>	$295,066

NOTES:

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.

M.I.D. LATERAL NO. 6
AMERICAN AVENUE CANAL CROSSING



Drawn	J.FREITAS
Date	4-29-98
Scale	

FIGURE 6

CARVER BANGS

mid-valley engineering

FAX (209) 526-0803

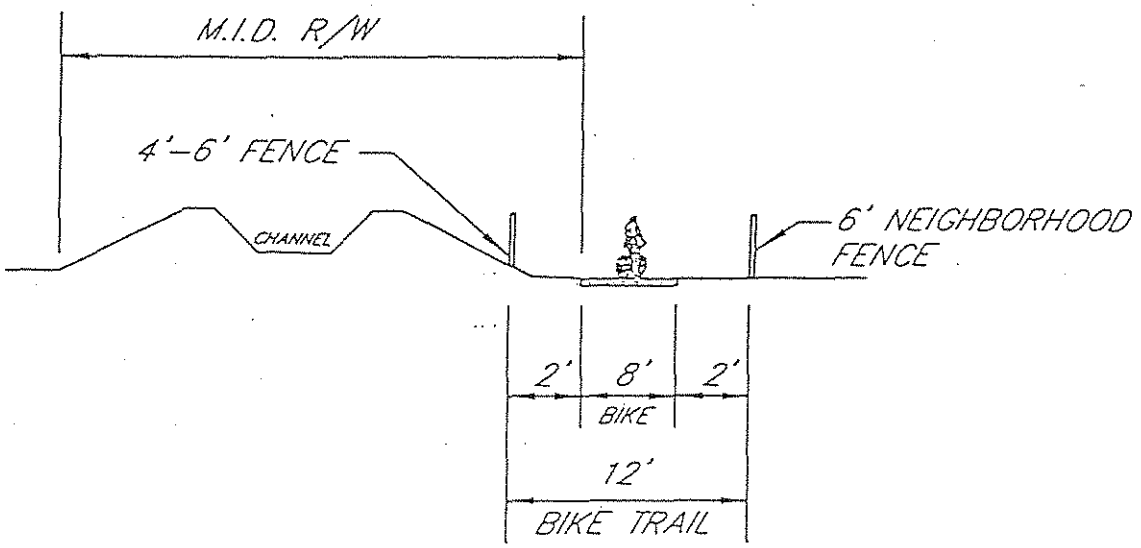
SHEET 1

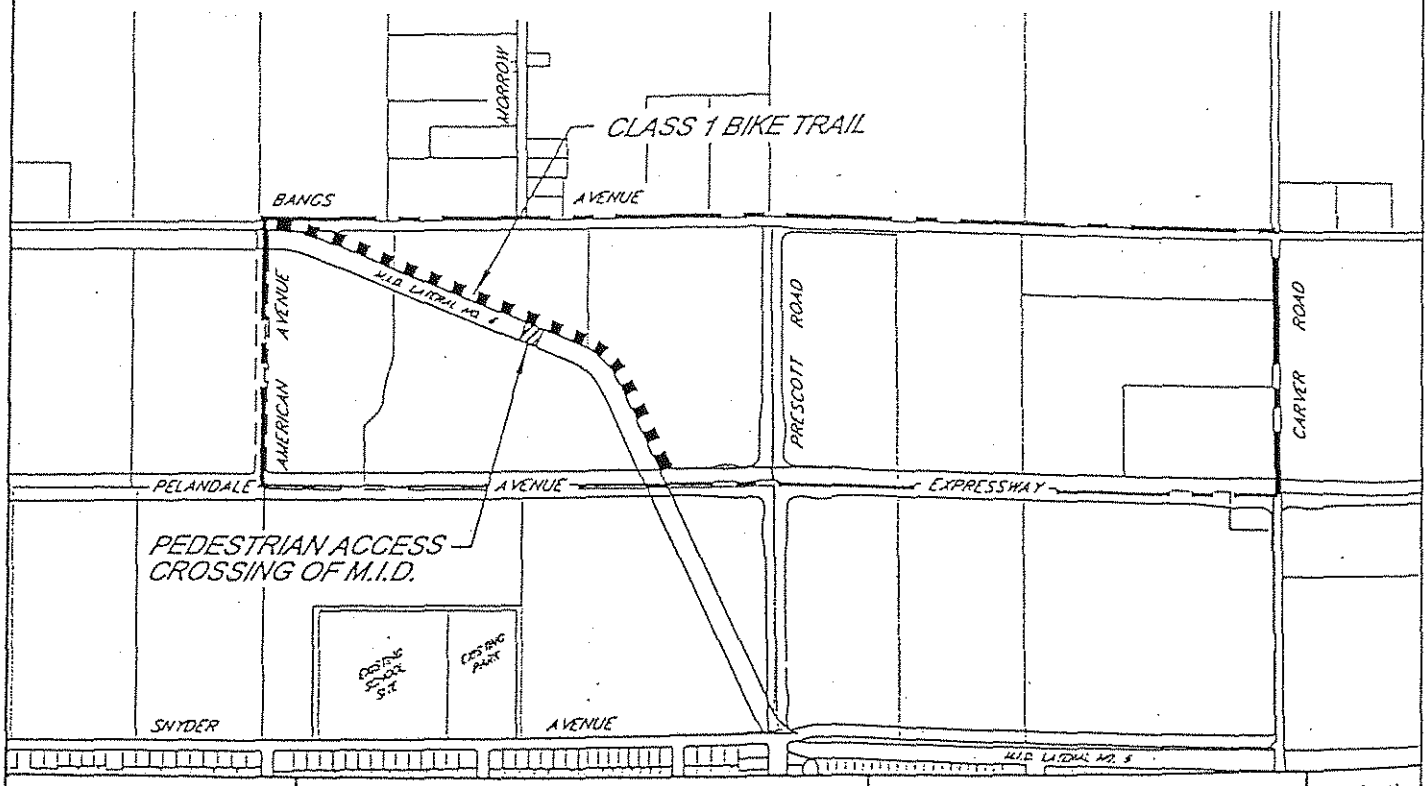
23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DESIGN PARAMETERS				
1.	INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN				
2.	TOTAL LENGTH 2180 L.F. OR 0.413 MILES				
3.	THE CITY'S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:				
	Existing CFF Portion				
	0.413 Miles x $105,600 =	$43,613			
II.	CLASS I BIKE TRAIL				
A.	CONSTRUCTION				
1.	8' BIKE PATH	17,440	SF	$2.00	$34,880
2.	2' GRAVEL SHOULDER EACH SIDE (2" DECOMPOSED GRANITE)	8,720	SF	$0.30	$2,616
3.	4-6' FENCE	2,180	LF	$16.00	$34,880
4.	PEDESTRIAN ACCESS CROSSING	LUMP SUM	LS	$50,000.00	$50,000
				CONSTRUCTION TOTAL =====>	$122,376
				10% CONTINGENCY =====>	$12,238
				TOTAL BIKE PATH =====>	$134,614
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$8,076.82	$8,077
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,038.41	$4,038
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,384.54	$5,385
				TOTAL FEES =====>	$17,500
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)	0.50	AC	$65,000.00	$32,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,500.00	$1,500
				TOTAL LAND ACQUISITION =====>	$34,000
				GRAND TOTAL =====>	$186,113
				CFF PORTION =====>	$43,613
				TOTAL CARVER BANGS CFD PORTION =====>	$142,500

CLASS 1 BIKE PATH / PEDESTRIAN ACCESS CROSSING OF M.I.D. NO.6





Drawn J.R.M.	FIGURE 7	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS	SHEET 1
Scale		

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PELANDALE-SNYDER
(TAX AREA B)

DETAILED FACILITY COST ESTIMATES

23-Oct-98
JOB 71159

PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

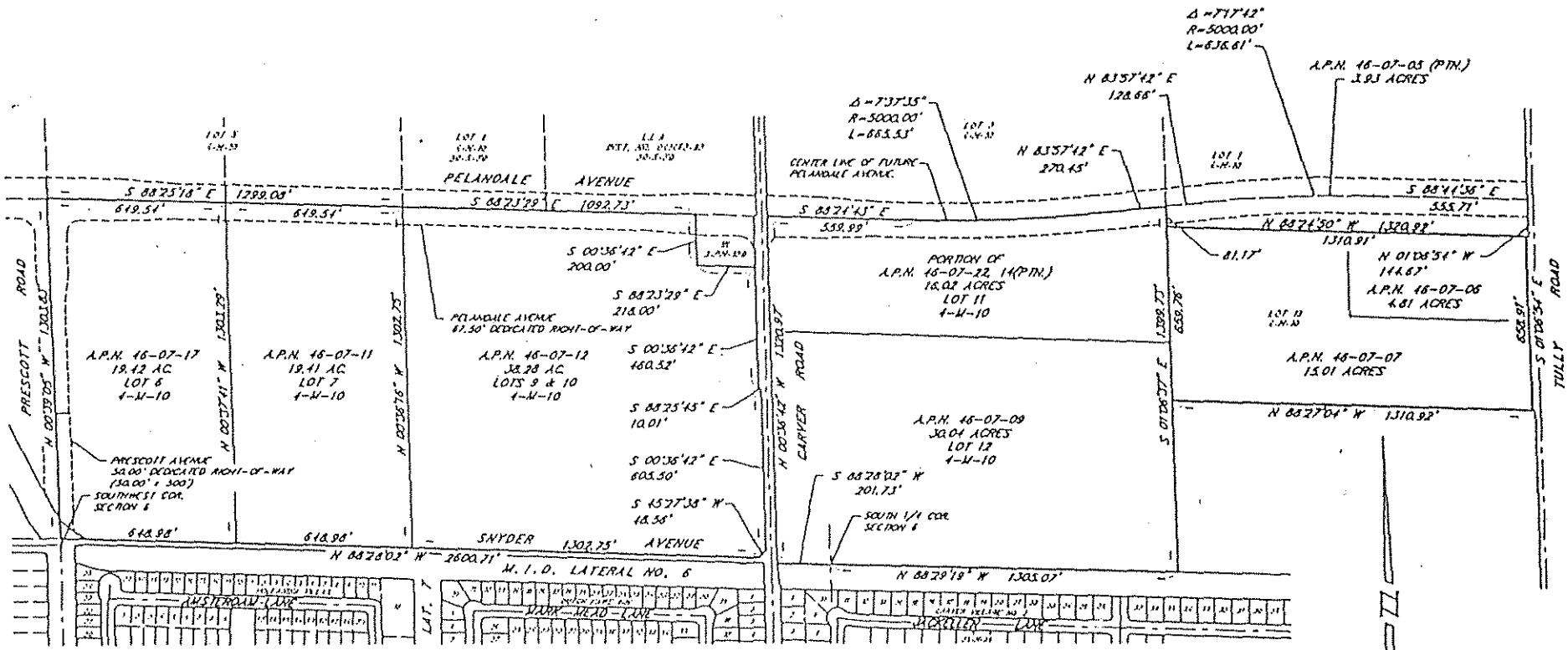
A.	STORM DRAINAGE	$4,389,042 ~~$4,000,232~~
B.	DALE ROAD	$531,075
C.	PRESCOTT ROAD	$628,297
D.	TULLY ROAD	$1,011,016
E.	SNYDER AVENUE	$504,283 ~~$52,743~~
F.	CLASS I BIKE TRAIL	$752,675
G.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS =====>	~~$7,043,538~~ $7,883,888

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



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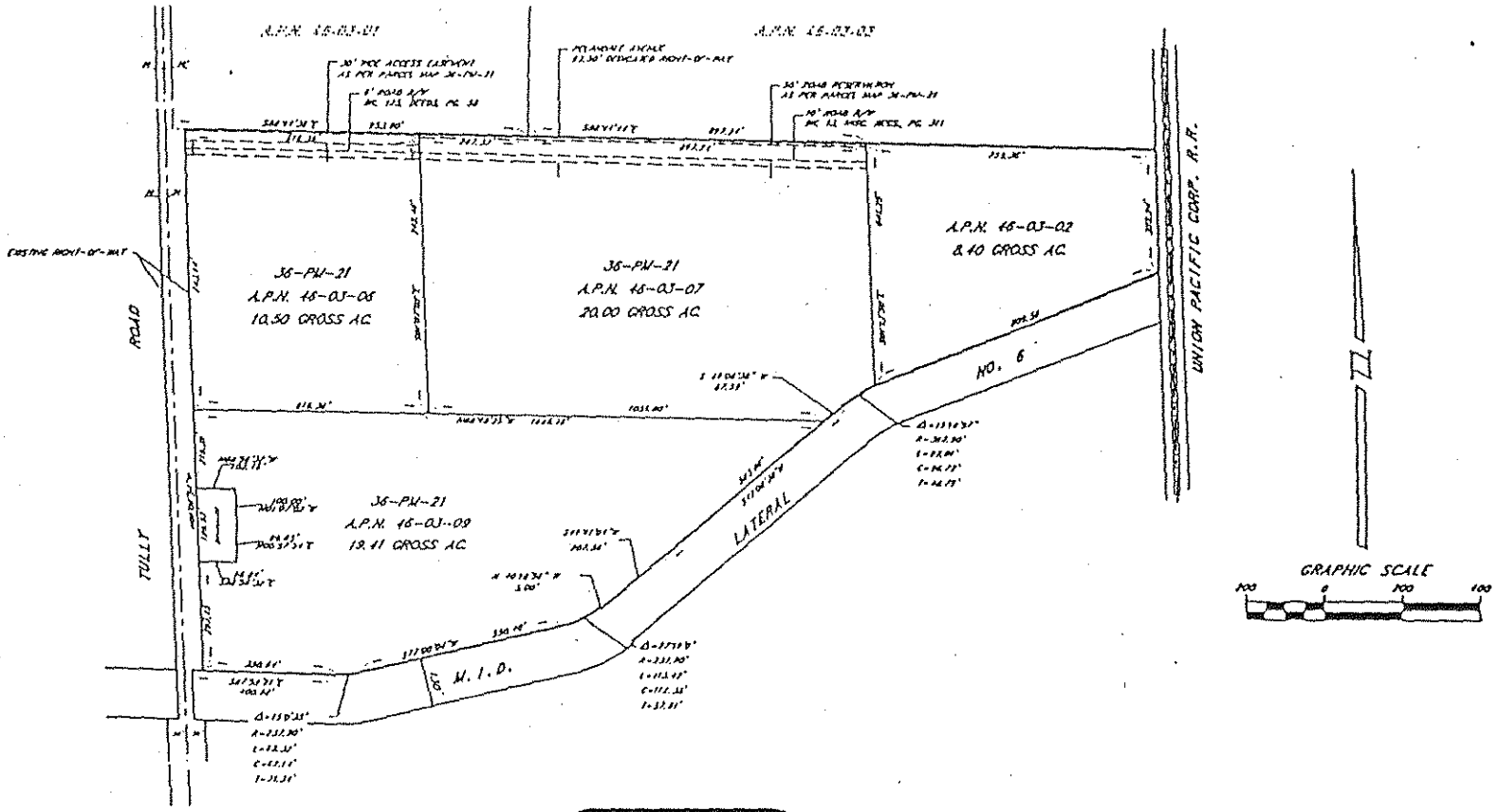
20-333/DD/ATD1.DWG

SHEET 1 OF 6

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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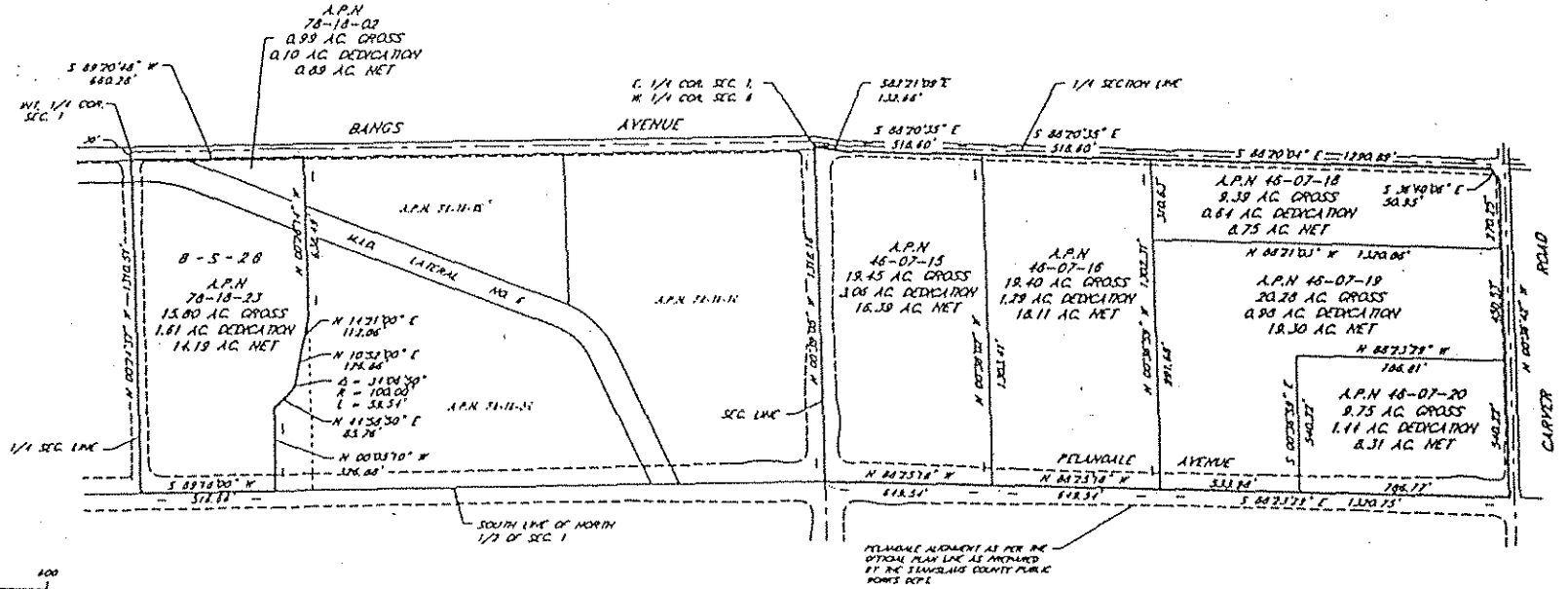
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	STORM DRAIN TRUNK LINES				
A.	CONSTRUCTION				
1.	36" STORM	400	LF	$121.00	$48,400
2.	42" STORM	1,874	LF	$155.00	$290,470
3.	48" STORM	3,661	LF	$161.00	$589,421
4.	54" STORM	5,242	LF	$182.00	$954,044
5.	PROPORTIONATE SHARE 54" TO BASIN	108	LF	$182.00	$19,656
6.	MANHOLES	29	EA	$5,750.00	$166,750
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$2,068,741
	10% CONTINGENCY =====>				$206,874
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$2,275,615
II.	STORM DRAINAGE BASIN FACILITIES				
B.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	100,372	CY	$6.00	$602,232
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$389,555.00	$389,555
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$21,057.00	$21,057
4.	FENCING	2,890	LF	$16.00	$46,240
5.	LANDSCAPING	13,170	SF	$2.80	$36,876
6.	INLETS	LUMP SUM	LS	$7,019.00	$7,019
6.	CLEARING / DISCING / STRIPPING	LUMP SUM	LS	$7,019.00	$7,019
	SUB-TOTAL				$1,109,998
	10% CONTINGENCY =====>				$111,000

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	FEES				
1.	ENGINEERING	1	EST	$70,192.00	$70,192
2.	STAKING	1	EST	$34,746.00	$34,746
3.	CONSTRUCTION MANAGEMENT	1	EST	$46,796.00	$46,796
4.	GEOTECHNICAL	1	EST	$12,635.00	$12,635
				TOTAL FEES ====>	$164,369
D.	LAND ACQUISITION				
1.	LAND PURCHASE	70.39% OF TOTAL COST OF $1,030,239 =			$725,185
2.	ADMINISTRATION	LUMP SUM	LS	$2,875.00	$2,875
				TOTAL LAND ACQUISITION ====>	$728,060
				PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL ====>	$4,389,042

NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRE THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ====>	509.26

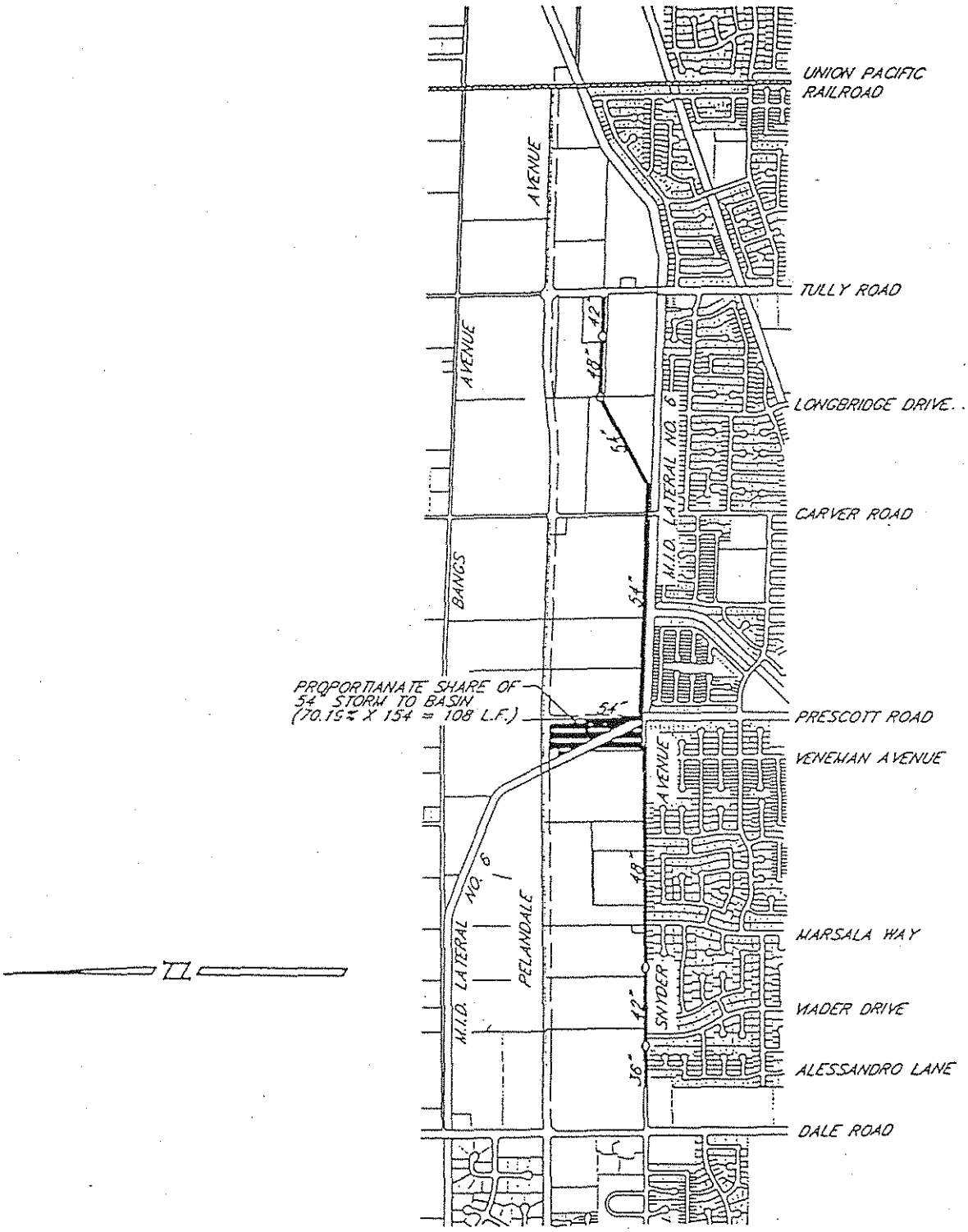
   B. PELANDALE / SNYDER PROPORTIONATE SHARE

357.46 / 509.26 =	70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER A CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE D DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AR GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

BACKBONE STORM DRAIN SYSTEM



Drawn J.R.M.	FIGURE 1	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98			SHEET 1
Scale	PELANDALE SNYDER		
Job No. 70-332			

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DALE ROAD CENTER 20 FEET				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	26,400	SF	$1.50	$39,600
2.	MEDIAN CURB	2,690	LF	$15.00	$40,350
3.	MEDIAN COVER	17,520	SF	$3.50	$61,320
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)	5,280	SF	$2.00	$10,560
5.	STRIPING	LUMP SUM	LS	$5,000.00	$5,000
				CONSTRUCTION TOTAL =====>	$156,830
				10% CONTINGENCY =====>	$15,683
				TOTAL DALE ROAD CONSTRUCTION =====>	$172,513
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$10,350.78	$10,351
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$5,175.39	$5,175
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,900.52	$6,901
				TOTAL FEES =====>	$22,427
				DALE ROAD CENTER 20 FEET GRAND TOTAL =====>	$194,940

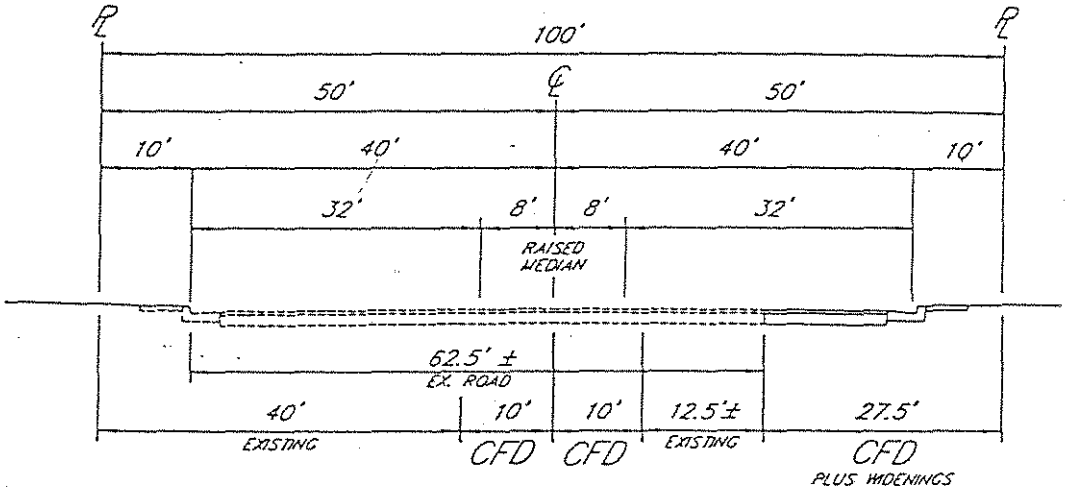
Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II. EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS					
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	30,492	SF	$0.60	$18,295
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	22,104	SF	$2.00	$44,208
3.	STORM DRAINAGE				
a.	12" STORM DRAIN	800	LF	$30.00	$24,000
b.	15" STORM DRAIN	420	LF	$37.00	$15,540
c.	CATCH BASINS	2	EA	$1,000.00	$2,000
d.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
e.	MANHOLES	2	EA	$2,000.00	$4,000
4.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,300	SF	$3.00	$36,900
5.	6" VERTICAL CURB AND GUTTER	1,230	LF	$9.00	$11,070
6.	RETURN AT PELANDALE AVENUE	1	EA	$1,000.00	$1,000
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,760	SF	$2.80	$41,328
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$3,125.16	$3,125
10.	TRAFFIC CONTROL	LUMP SUM	LS	$4,500.00	$4,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,230	LF	$10.00	$12,300
12.	PRIMECOAT	22,104	SF	$0.02	$442
				CONSTRUCTION TOTAL =====>	$232,208
				10% CONTINGENCY =====>	$23,221
				TOTAL DALE ROAD CONSTRUCTION =====>	$255,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,325.76	$15,326
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,662.88	$7,663
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,217.17	$10,217
				TOTAL FEES =====>	$33,206
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.70	AC	$65,000.00	$45,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$47,500
				DALE ROAD FRONTAGE GRAND TOTAL =====>	$336,135
				DALE ROAD GRAND TOTAL =====>	$531,075

NOTE:

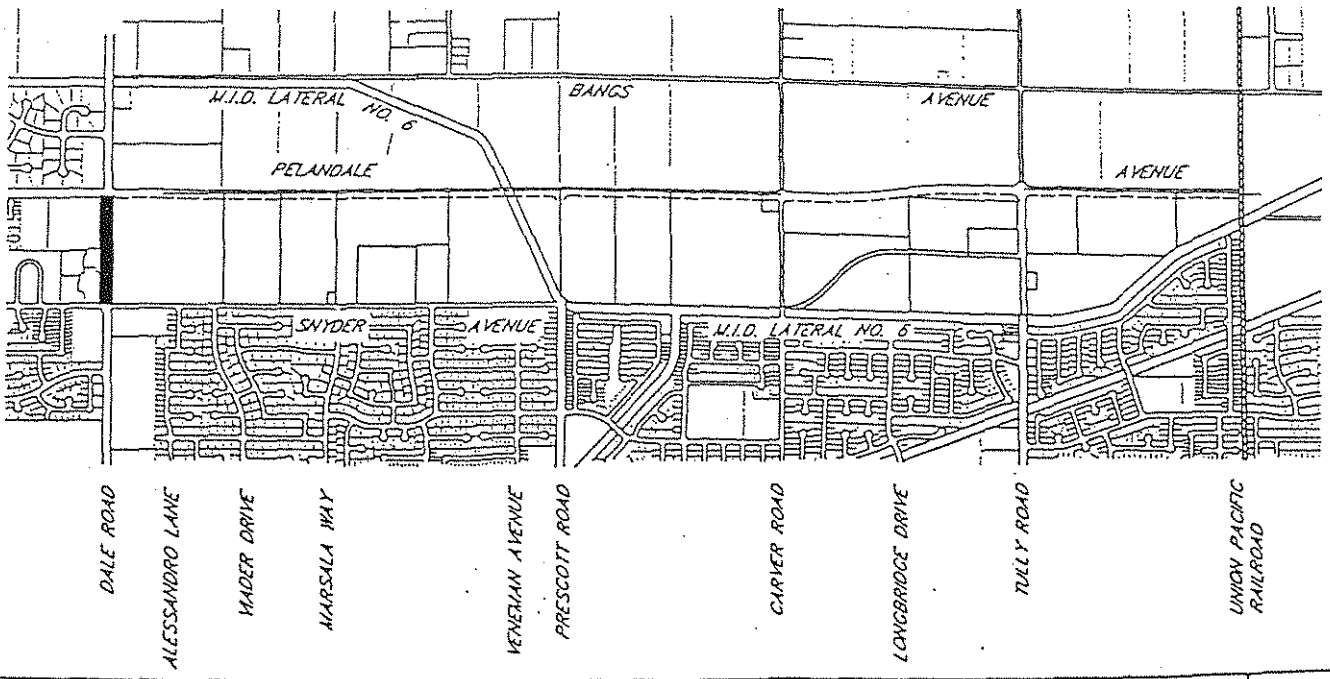
1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY

DALE ROAD



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

SNYDER AVENUE TO PELANDALE AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 2

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

FAX (209) 526-0803

SHEET 1

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	18,525	SF	$2.00	$37,050
3.	2" A.C. OVERLAY (EXISTING INTERIM PRESCOTT)	17,100	SF	$0.60	$10,260
4.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
5.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
6.	10' SIDEWALK	12,000	SF	$3.00	$36,000
7.	RETURNS	2	EA	$1,000.00	$2,000
8.	ELECTROLIERS	4	EA	$3,500.00	$14,000
9.	PRIMECOAT	18,525	SF	$0.02	$371
				CONSTRUCTION TOTAL =====>	$139,999
				10% CONTINGENCY =====>	$14,000
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$153,998
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,239.90	$9,240
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,619.95	$4,620
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,159.93	$6,160
				TOTAL FEES =====>	$20,020
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.20	AC	$65,000.00	$78,000
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$80,000
				PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL =====>	$254,018

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	41,400	SF	$2.00	$82,800
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
4.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
5.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,000	SF	$3.00	$36,000
6.	RETURNS	4	EA	$800.00	$3,200
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,400	SF	$2.80	$40,320
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,265.90	$5,266
10.	TRAFFIC CONTROL	LUMP SUM	LS	$2,500.00	$2,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,200	LF	$10.00	$12,000
12.	PRIMECOAT	41,400	SF	$0.02	$828
				CONSTRUCTION TOTAL =====>	$233,732
				10% CONTINGENCY =====>	$23,373
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$257,105
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,426.31	$15,426
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,713.15	$7,713
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,284.20	$10,284
				TOTAL FEES =====>	$33,424
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.25	AC	$65,000.00	$81,250
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$83,750
				PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL =====>	$374,279
				PRESCOTT ROAD GRAND TOTAL =====>	$628,297

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

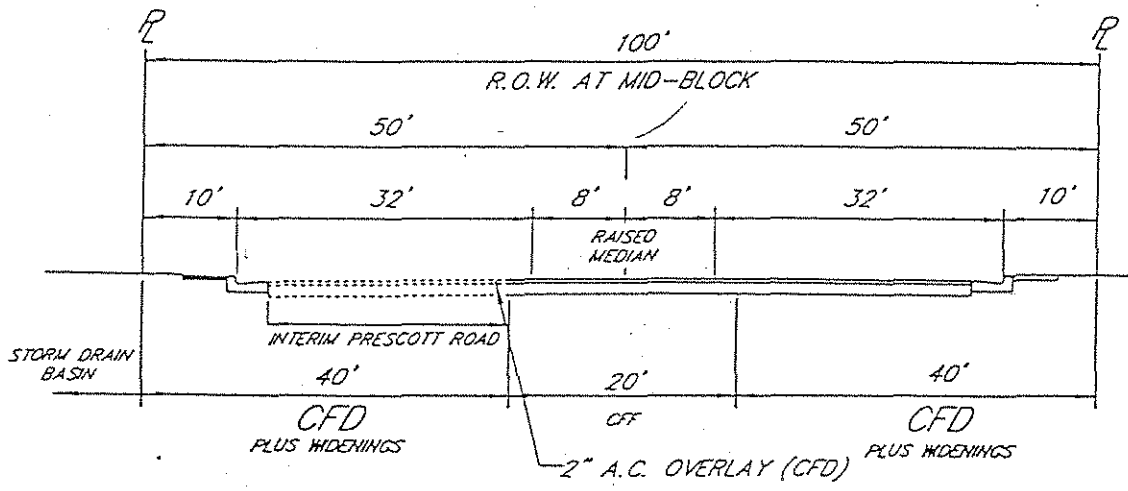
2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

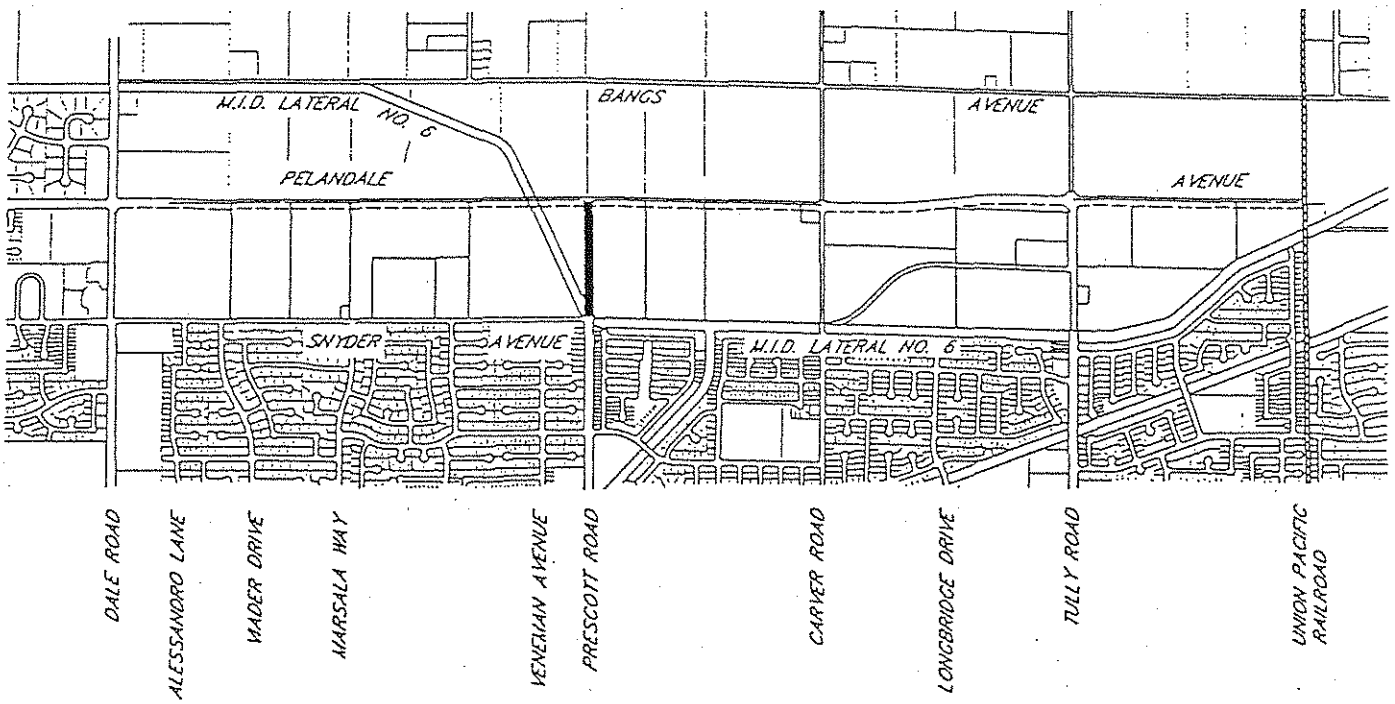
4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PRESCOTT ROAD



SNYDER AVENUE TO PELANDALE AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-132

FIGURE 3

PELANDALE SNYDER

mid-valley engineering

FAX (209) 526-0803

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	87,245	SF	$0.60	$52,347
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	81,410	SF	$2.00	$162,820
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" STORM DRAIN	600	LF	$30.00	$18,000
c.	12" CATCH BASIN RUNS	200	LF	$30.00	$6,000
d.	MANHOLES	3	EA	$2,000.00	$6,000
4.	6" VERTICAL CURB AND GUTTER	2,432	LF	$9.00	$21,888
5.	10' SIDEWALK	24,320	SF	$3.00	$72,960
6.	REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD	717	LF	$20.00	$14,340
7.	CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)	LUMP SUM	LS	$20,000.00	$20,000
8.	ELECTROLIERS	9	EA	$3,500.00	$31,500
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$10,758.35	$10,758
10.	TRAFFIC CONTROL	LUMP SUM	LS	$7,000.00	$7,000
11.	TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)	1,400	LF	$10.00	$14,000
12.	RELOCATE OVERHEAD POWER LINES	4	EA	$7,000.00	$28,000
13.	LANDSCAPING (12' WIDE STRIP BOTH SIDES)	36,996	SF	$2.80	$103,589
14.	PRIMECOAT	81,410	SF	$0.02	$1,628
				CONSTRUCTION TOTAL =====>	$574,830
				15% CONTINGENCY =====>	$86,225
				TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE =====>	$661,055

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$39,663.29	$39,663
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$19,831.65	$19,832
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$26,442.20	$26,442
				TOTAL FEES =====>	$85,937
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.776	AC	$65,000.00	$50,440
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$52,440
				TOTAL TULLY ROAD FRONTAGE =====>	$799,432
II.	TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	27,360	SF	$1.50	$41,040
2.	MEDIAN CURB	3,090	LF	$15.00	$46,350
3.	MEDIAN LANDSCAPING	23,120	SF	$3.50	$80,920
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50)	27,360	SF	$2.00	$54,720
5.	STRIPING	LUMP SUM	LS	$6,000.00	$6,000
				CONSTRUCTION TOTAL =====>	$229,030
				10% CONTINGENCY =====>	$22,903
				TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET =====>	$251,933
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,115.98	$15,116
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,557.99	$7,558
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,077.32	$10,077
				TOTAL FEES =====>	$32,751
				TOTAL TULLY ROAD CENTER 34 FEET =====>	$284,684
				TOTAL AMOUNT FUNDED BY CFF =====>	$220,000
				TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD =====>	$64,684
III.	TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE				
A.	CONSTRUCTION				
1.	TRAFFIC SIGNAL	LUMP SUM	LS	$130,000.00	$130,000

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$7,800.00	$7,800
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$3,900.00	$3,900
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,200.00	$5,200
				TOTAL FEES =====>	$16,900
				TOTAL TRAFFIC SIGNAL TULLY AND SNYDER =====>	$146,900
				TULLY ROAD GRAND TOTAL =====>	$1,011,016

NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

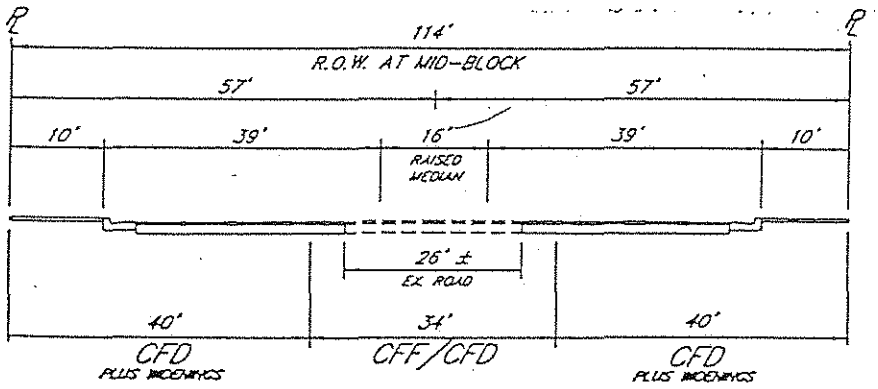
3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

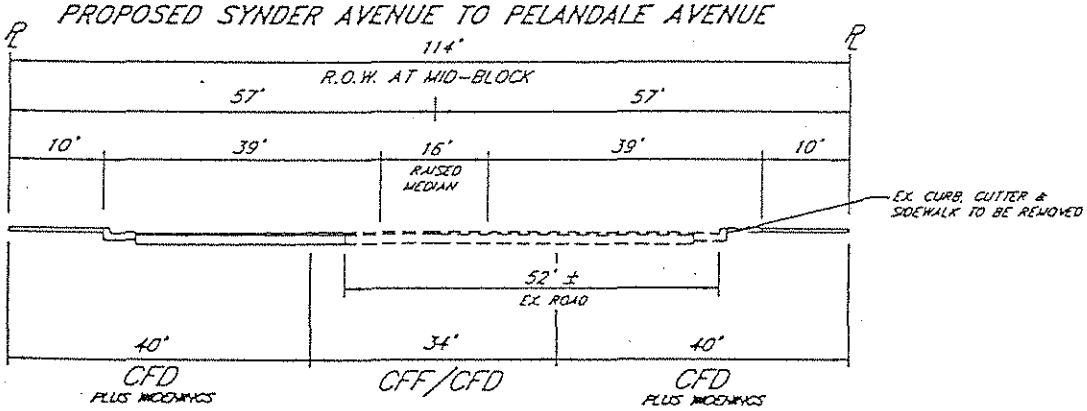
6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

TULLY ROAD



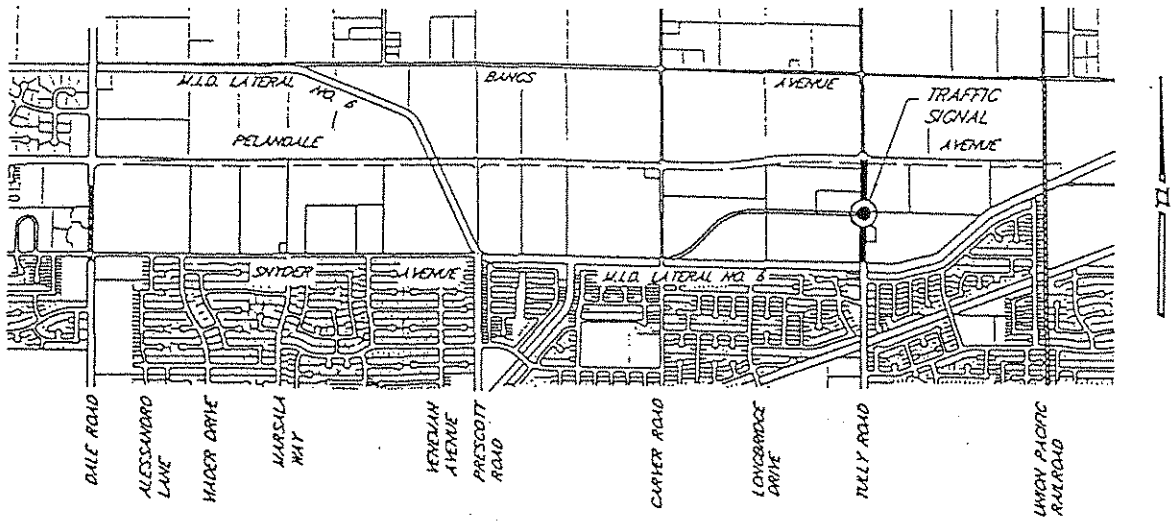
NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

PROPOSED SYNDER AVENUE TO PELANDALE AVENUE



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

M.I.D. LATERAL NO. 6 TO PROPOSED SYNDER AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 4

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

900 H ST. STE. C MODESTO CALIFORNIA 95354

FAX (209) 526-0803

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
SNYDER AVENUE
NORTH SIDE ADJACENT TO STORM DRAIN BASIN,
WEST OF PRESCOTT ROAD (352'), SOUTH SIDE
ADJACENT TO BIKE TRAIL FROM
PRESCOTT ROAD TO CARVER ROAD (2,639' C.L. TO C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	4,960	SF	$0.35	$1,736
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B., T.I. = 8 R.V. = 46)	4,085	SF	$2.00	$8,170
3.	6" VERTICAL CURB AND GUTTER	352	LF	$9.00	$3,168
4.	5' SIDEWALK	1,760	SF	$3.00	$5,280
5.	STORM DRAINAGE				
a.	12" STORM DRAIN	265	LF	$30.00	$7,950
b.	CATCH BASIN	1	EA	$1,000.00	$1,000
c.	STORM MANHOLE	1	EA	$2,500.00	$2,500
6.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$495.30	$495
7.	TRAFFIC CONTROL	LUMP SUM	LS	$1,000.00	$1,000
8.	IRRIGATION REMOVAL	316	LF	$10.00	$3,160
				CONSTRUCTION TOTAL =====>	$34,459
				10% CONTINGENCY =====>	$3,446
				TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION =====>	$37,905
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,274.31	$2,274
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,137.16	$1,137
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,516.21	$1,516
				TOTAL FEES =====>	$4,928
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.11	AC	$65,000.00	$7,410
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$9,910
				SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL =====>	$52,743

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	51,575	SF	$0.35	$18,051
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B.; T.I. = 8, R.V. = 48)	47,020	SF	$2.00	$94,040
3.	PAVEMENT REMOVAL	59,730	SF	$1.50	$89,595
4.	6" VERTICAL CURB AND GUTTER	2,538	LF	$9.00	$22,842
5.	STORM DRAINAGE				
a.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	250	LF	$30.00	$7,500
b.	CATCH BASINS	5	EA	$1,000.00	$5,000
c.	STORM MANHOLE	5	EA	$2,500.00	$12,500
6.	ELECTROLIERS (660' INTERVALS)	4	EA	$3,500.00	$14,000
7.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,604.56	$5,605
8.	TRAFFIC CONTROL	LUMP SUM	LS	$5,000.00	$5,000
9.	ABANDON EXISTING PUMP STATION NO. 47	LUMP SUM	LS	$4,500.00	$4,500
				CONSTRUCTION TOTAL =====>	$278,633
				10% CONTINGENCY =====>	$27,863
				TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION =====>	$306,496
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$18,389.77	$18,390
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$9,194.88	$9,195
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$12,259.84	$12,260
				TOTAL FEES =====>	$39,844
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.58	AC	$65,000.00	$102,700
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$105,200
				SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL =====>	$451,541
				SNYDER AVENUE GRAND TOTAL =====>	$504,283

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

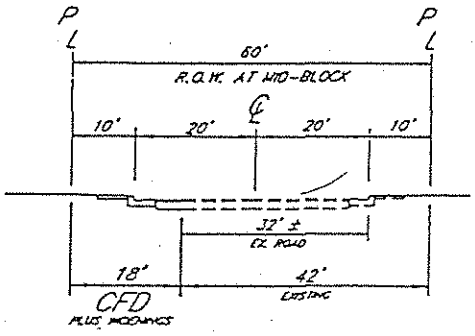
5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

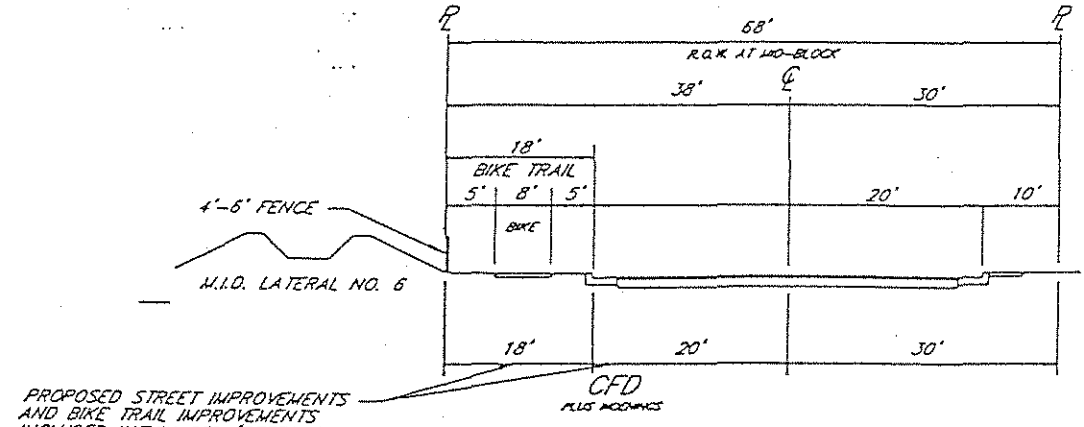
8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

SNYDER AVENUE



SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN (SEC. A)

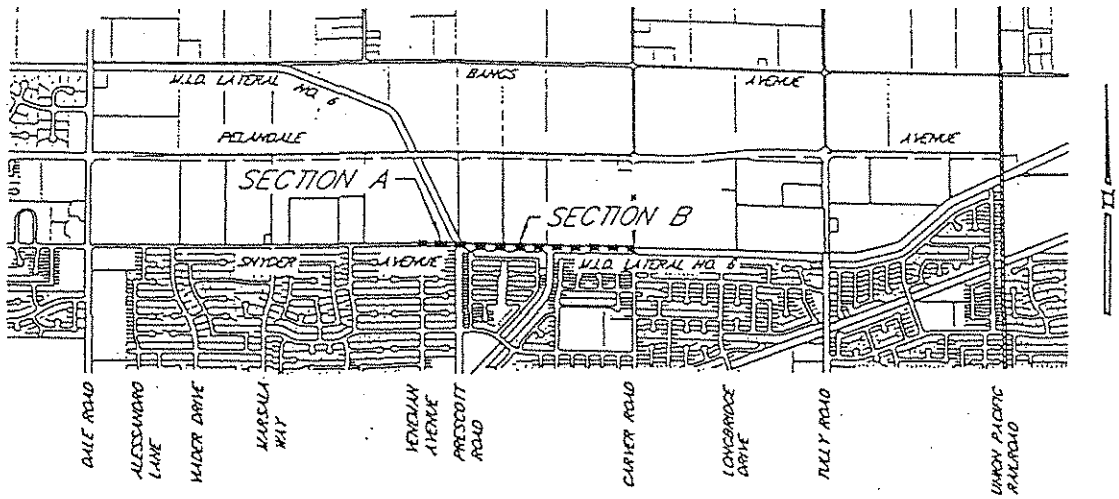
NOTES: 1) MATCH EXISTING PAVEMENT PER CITY STANDARDS



CARVER ROAD TO PRESCOTT ROAD (SEC. B)

NOTES:

1. REFER TO FIGURE 5A FOR A DETAILED CROSS SECTION OF THE PROPOSED NEW SNYDER ALIGNMENT
2. REFER TO FIGURE 5B FOR RIGHT-OF-WAY TAKE SUMMARY
3. REFER TO FIGURE 5C FOR PRESCOTT SNYDER INTERSECTION DETAIL

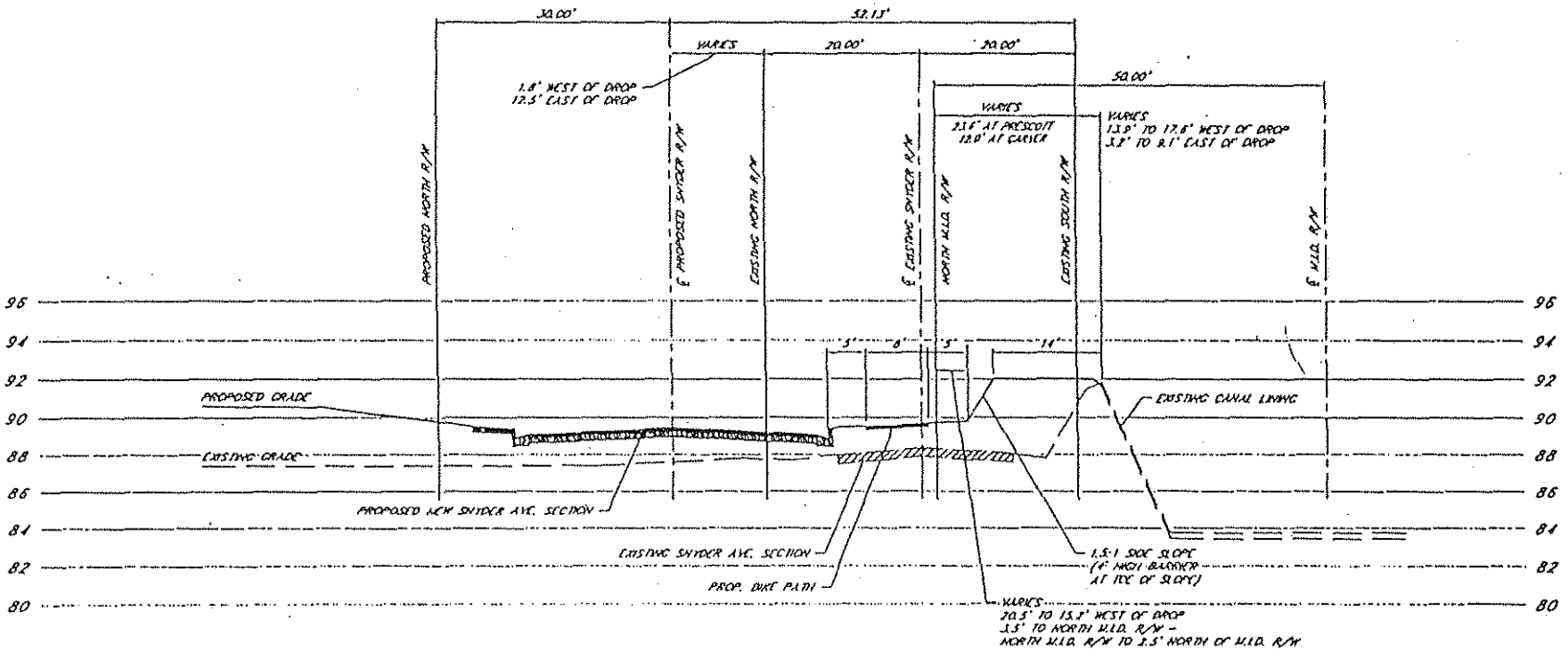


Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 5

PELANDALE SNYDER CFD FORMATION

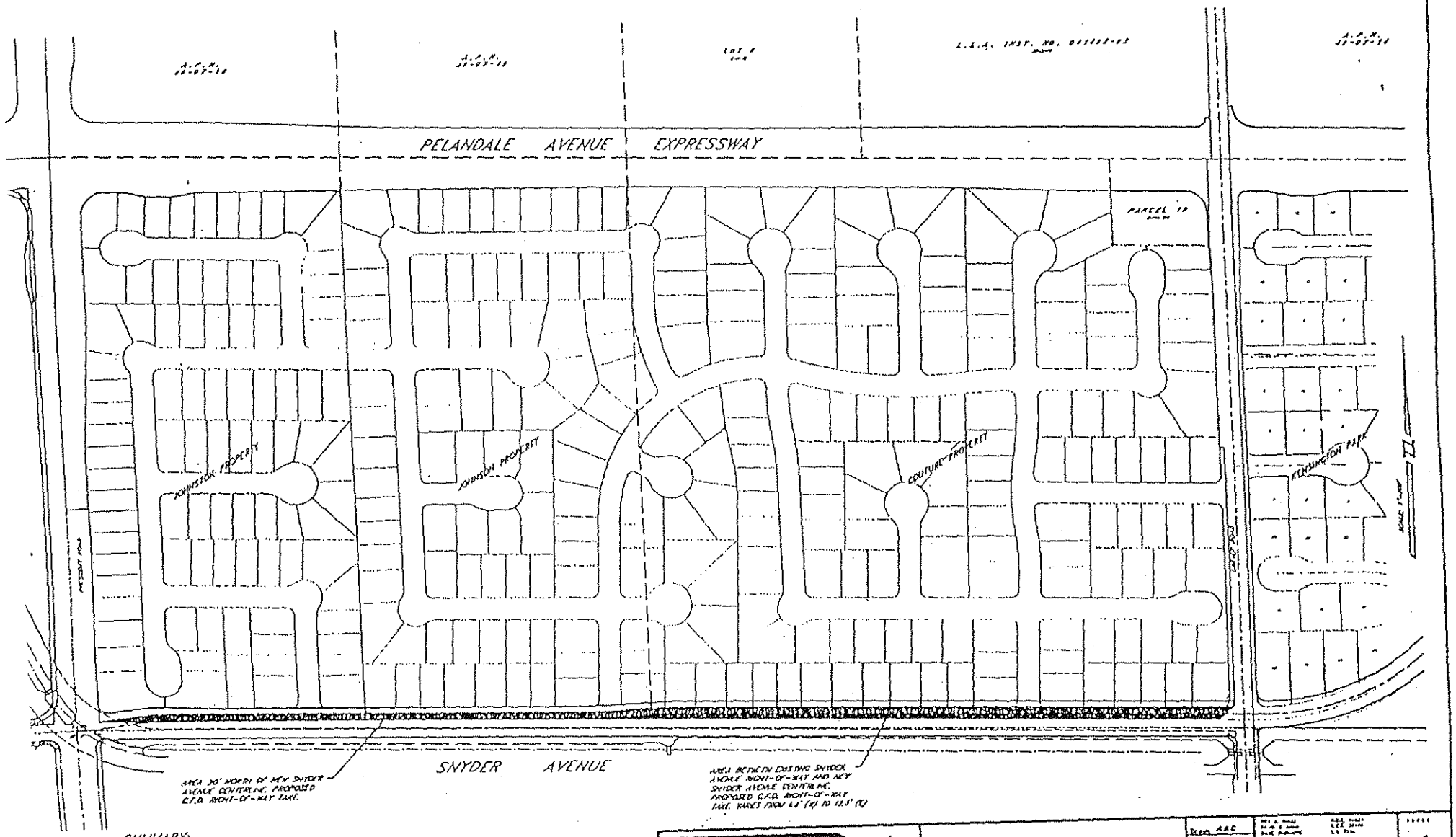
mid-valley engineering
900 H ST. STE. C MODESTO, CALIFORNIA 95354
FAX (209) 526-0803



TYPICAL SECTION ALONG THE M.I.D. RIGHT-OF-WAY
BETWEEN
PRESCOTT ROAD AND CARVER ROAD

PROPOSED SNYDER AVENUE

FIGURE 5A



SUMMARY:

TOTAL AREA OF C.F.D. RIGHT-OF-WAY TAKE: 69857 S.F.

- JOHNSTON PROPERTY (A.P.N. 46-07-12) RIGHT-OF-WAY TAKE: 11916 S.F.
- JOHNSON PROPERTY (A.P.N. 46-07-11) RIGHT-OF-WAY TAKE: 14643 S.F.
- COUTURE PROPERTY (A.P.N. 46-07-12) RIGHT-OF-WAY TAKE: 42398 S.F.

mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
1012 H STREET, SUITE G
MODESTO, CALIFORNIA, 95354
(209) 526-1216
FAX 526-0003

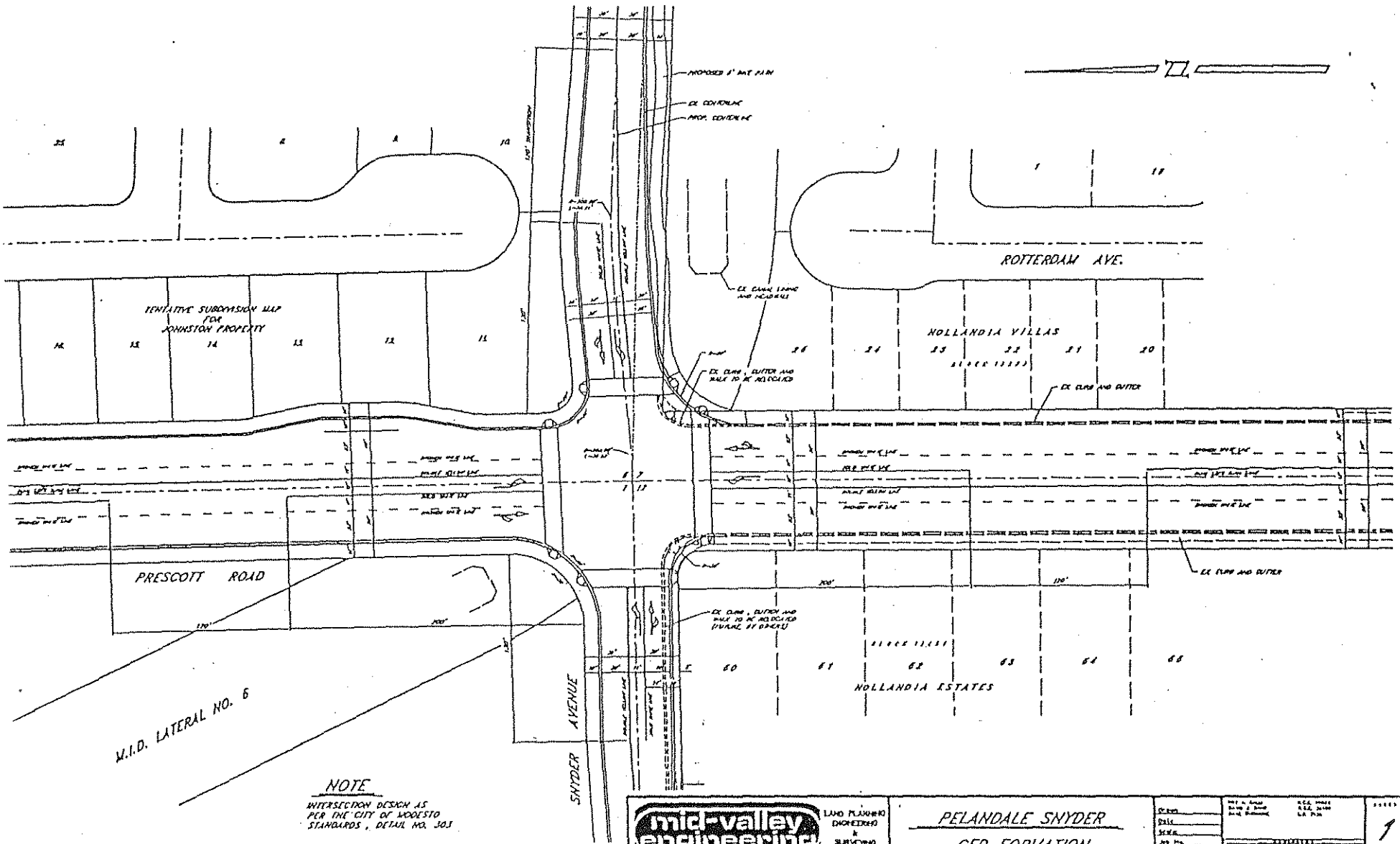
C.F.D. RIGHT-OF-WAY TAKE

SNYDER AVENUE

MODESTO CALIFORNIA

SHEET 1. of 1.

PRELIMINARY SNYDER / PRESCOTT INTERSECTION LAYOUT



23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DESIGN PARAMETERS				
1.	INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.				
2.	INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.				
3.	TOTAL LENGTH 8276 L.F. OR 1.567 MILES				
	EXISTING CFF PORTION	1.567	MILES	$105,600.00	$165,475
II.	CLASS I BIKE TRAIL				
A.	CONSTRUCTION				
1.	8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. x 8')	66,208	SF	$2.00	$132,416
2.	4'-6' FENCE	8,276	LF	$16.00	$132,416
3.	LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))	88,198	SF	$2.80	$246,954
				CONSTRUCTION TOTAL =====>	$511,786
				10% CONTINGENCY =====>	$51,179
				TOTAL BIKE PATH =====>	$562,965
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$33,777.90	$33,778
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$16,888.95	$16,889
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$22,518.60	$22,519
				TOTAL FEES =====>	$73,185

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	4.30	AC	$65,000.00	$279,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$282,000
				BIKE PATH GRAND TOTAL =====>	$918,150
				CFF PORTION TOTAL =====>	$165,475
				TOTAL PELANDALE-SNYDER CFD PORTION =====>	$752,675

NOTES:

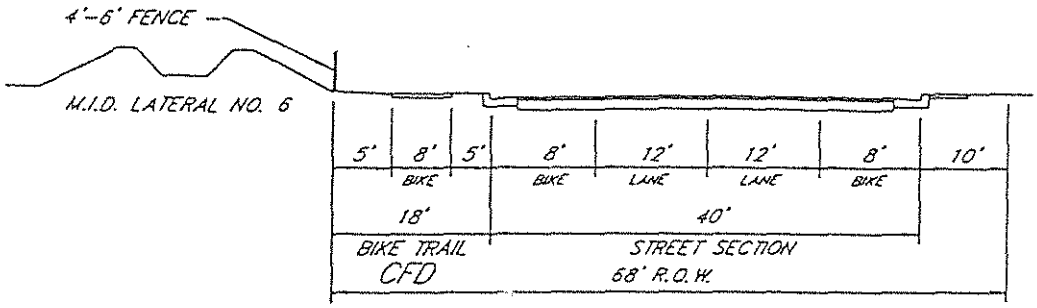
1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

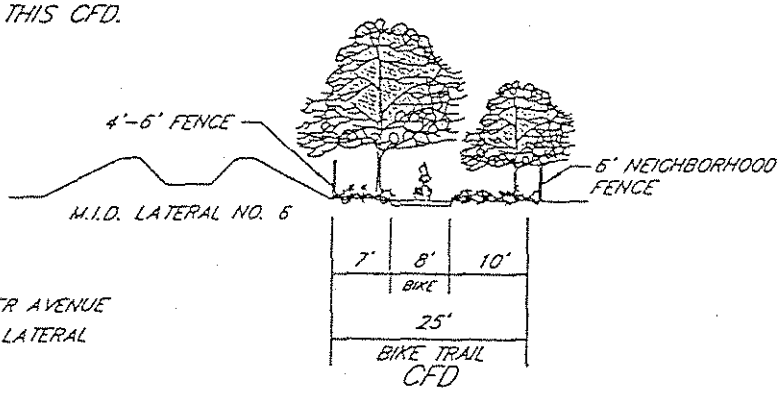
2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.

BIKE TRAIL



BIKE TRAIL ALONG SNYDER AVENUE

NOTE: SEE SNYDER AVENUE CROSS-SECTIONS FIGURE 5A FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS INCLUDED WITHIN THIS CFD.



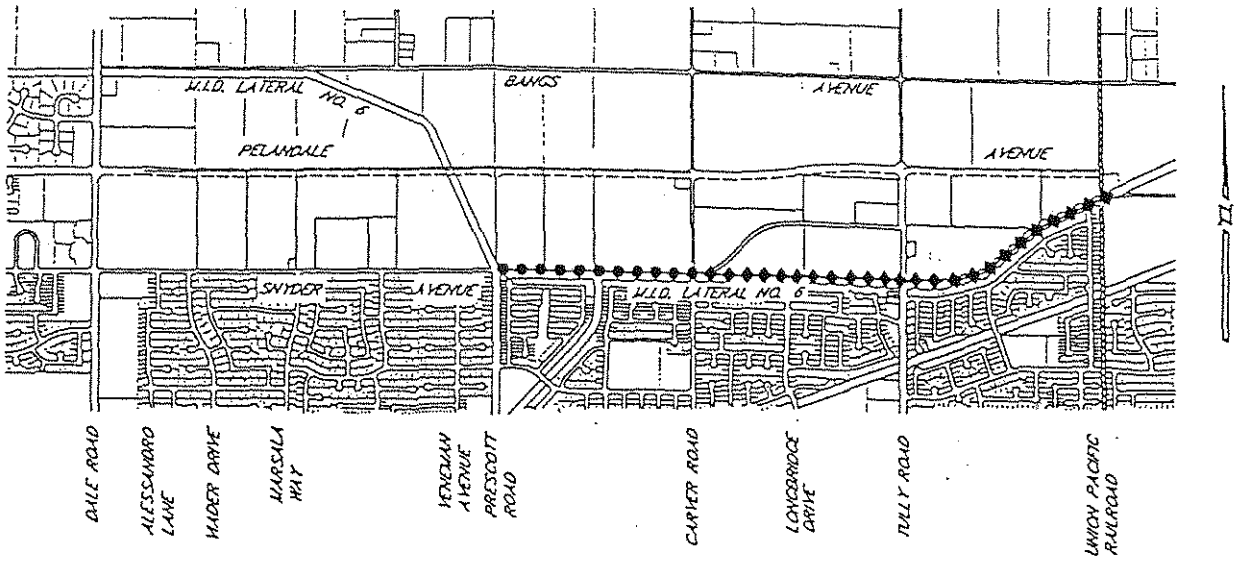
BIKE TRAIL ALONG M.I.D. LATERAL

LEGEND

IMPROVEMENTS:

●●●●● = BIKE TRAIL ALONG SNYDER AVENUE

◆◆◆◆◆ = BIKE TRAIL ALONG M.I.D. LATERAL



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 6

PELANDALE SNYDER CFD FORMATION

mid valley engineering

FAX (209) 526-0803

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-167

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES & STOKES ASSOCIATES INC FOR UPDATING OF THE MASTER ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO GENERAL PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jones & Stokes Associates Inc. for updating of the Master Environmental Impact Report for the Modesto General Plan for $129,285 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 11th day of April, 2000, 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. 2000-168

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "CARVER/STANDIFORD LIST STATION REPLACEMENT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carver/Standiford Lift Station Replacement, has been completed by Crutchfield Construction Company, in accordance with the contract agreement dated August 10, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Carver/Standiford Lift Station be accepted from said contractor, Crutchfield Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $303,981.49 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 18th day of April, 2000, 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. 2000-169

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "MODESTO AMTRAK STATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Modesto Amtrak Station, has been completed by Shoemate Building Inc., in accordance with the contract agreement dated October 27, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Amtrak Station be accepted from said contractor, Shoemate Buildings Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,813,419.62 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 18th day of April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-170

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:

Administrative Services Officer

The specifications for the classification of Administrative Services Officer, 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 CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Operations and Maintenance Supervisor

The specification for the classification of Operations and Maintenance Supervisor (Range 432), 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. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Building Maintenance Supervisor

Fleet Maintenance Supervisor

Parks Maintenance Supervisor

Public Works Supervisor

Tree Maintenance Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after April 18, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO APRIL, 2000
No. 3706

ADMINISTRATIVE SERVICES OFFICER

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 general administrative direction, to plan, organize, and direct the administrative services of a department; provide administrative support to the Department Director in assigned program areas; and perform related work as assigned.

SUPERVISION RECEIVED AND EXERCISED

General direction is provided by the department Director.

May exercise direct supervision over managerial, technical and other subordinate staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Directs the budgetary and fiscal control process, and prepares the department capital and operating budgets; develops proformas for the department; serves as lead on financial items with the Finance Department.

Supervises the preparation of personnel documents and payroll.

Supervises and directs managerial, technical, and support staff; participate in the selection of staff, provide or coordinate staff training; work with employees to correct deficiencies; implement disciplinary procedures.

Develops and improves programs for the effective utilization of office space, forms and supplies, equipment, and other property.

Develops time and cost studies of unit operations and recommends changes to promote more efficient production.

Develops production standards.

EXHIBIT "A"

EXAMPLES OF DUTIES (Continued)

Identifies, analyzes, and recommends solutions to a variety of administrative and fiscal problems.

Coordinates all personnel-related matters; organizes and conducts personnel investigations for the department; reviews and makes recommendations on notices of discipline; serves as liaison with the Personnel and City Attorney's Departments and MCEA in these matters; may conduct personnel investigations for other departments.

Coordinates the overall clerical and analytical support effort for the department; may oversee and coordinate the activities of a unit/division within the department; provides supervision over other analytical positions within a department.

Conducts comprehensive cost benefit analyses.

Negotiates terms and conditions of various service contracts.

Prepares and revises departmental rules and manuals of procedure; directs the instruction of their use; coordinates and monitors the department's workplan. Implements the performance management guidelines within a department and coordinates coaching and mentoring efforts associated with PMG.

Reviews and analyzes applicable state and federal legislation for departmental impact.

Coordinates departmental training activities.

Conducts special projects and administrative studies; prepares complex research and analytical reports.

Attends various City Council, Board, Commission, and other governmental meetings; prepare and present agenda items to the City Council; coordinates all agenda items and City Council reports for all divisions.

Supervises the keeping of property records and recommends the granting of requests for purchase of major items of new property, or repair of existing property.

Confers with representatives of other agencies on administrative services problems; and negotiates and administers leases, including rental properties; works with the city Property Agent on the purchase of land for city projects.

Essential Functions, Continued:

May serve as the Acting Director for the department in the absence of the Director.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and modern methods of public and business administration with special reference to organization, fiscal, and budgetary preparation and control.

Principles and practices of supervision, training and performance evaluation.

Modern office methods, forms, and equipment.

Technical report writing procedures and grant proposal development.

Applications of statistical methods to management analysis.

Advanced methods of report preparation and presentation.

English usage, spelling, grammar, punctuation at an advanced level.

Administrative research techniques, sources and availability of information.

Applicable Federal, State, and local laws and regulations related to the department

Ability to:

Plan, organize, and direct the diverse and complex administrative program of the department.

Research, analyze, and make recommendations on administrative, management, and procedural practices.

Conduct administrative, disciplinary and fact-finding investigations.

Perform advanced professional level work in designated areas of the work of the department.

Ability to, Continued:

Perform budget analysis, preparation, and monitoring.

Delegate authority and responsibility.

Schedule and program work on a long and short-term basis.

Devise and operate effective internal control procedures.

Analyze a variety of complex technical and administrative problems; make sound policy and procedural recommendations.

Prepare, review, and approve comprehensive analyses and reports; make effective presentations of conclusions and recommendations orally and in writing.

Formulate and recommend policies and budgets.

Interpret and make sound decisions in accordance with laws, regulations, and policies.

Read, understand, and apply complex materials.

Establish comprehensive record keeping systems.

Administer contract services.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective relationships with those contacted during the course of work.

Experience and Training Guidelines:

Any combination of training, experience, and education which demonstrates the possession of the knowledge and abilities stated above, and the ability to perform the duties of this position. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of administrative experience at an advanced level in a public agency, including one year of supervisory experience.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in public administration, business administration, economics, accounting, management, personnel, or a related field.

WORK 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.

CITY OF MODESTO
NO. 2723

APRIL, 2000

OPERATIONS AND MAINTENANCE 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 assign and supervise the work of crews engaged in a variety of water, storm/wastewater, street, parks, urban forestry, fleet and building operations, maintenance, repair and/or construction work; and to provide staff assistance to higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance and repair staff.

May provide supervision to technical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Plan, prioritize, assign, supervise and review the work of staff involved in the operations, maintenance, repair and reconstruction of City facilities, infrastructure, equipment, grounds, and public area landscaping.

Coach and evaluate subordinate staff on work performance.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Assist in developing and administering work unit and/or Division budget.

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

EXHIBIT "B"

Essential Functions: (Continued)

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate work unit safety program including ensuring that training is provided as appropriate.

Provide training for staff in the full range of operations, maintenance, repair and construction duties including performing the most difficult duties assigned to the work unit.

Oversee operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, rollers, tractors, vactor trucks, aerial towers and various trucks.

Oversee subordinate staff in the Inspection of work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner.

Provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of construction technology as they relate to the assigned operations, construction, maintenance and repair activities.

Types and level of maintenance and repair activities generally performed in a streets, water, wastewater collection, fleet, park or urban forestry program.

Principles of supervision, training and performance evaluation.

Safe work practices.

Pertinent sections of health, safety and labor codes.

Word processing and spreadsheet applications, and internet usage necessary for job performance.

English composition and technical report writing.

Cost accounting.

Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work; use lead by example methodology.

Keep records and make reports.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Coordinate work assignments with other divisions, departments, agencies and volunteer groups.

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 performing utility operations, construction and maintenance work in the assigned area of

Experience, Continued:

responsibility (such as facilities, infrastructure, fleet, parks, and urban forestry), including two years of supervisory or four years of lead responsibility.

Training:

Equivalent to completion of 30 college units is required, supplemented by specialized training in personnel supervision and/or subjects directly related to the specific position. (Completion of 60 college units is desirable).

License or Certificate:

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

When Assigned to Streets and Traffic Operations:

Possession of a work zone safety certificate from IMSA, TCSA, International Transportation Engineers (ITE), American Public Works Association (APWA), or the American Traffic Safety Services Association (ATSSA) at time of appointment.

Possession of, or the ability to obtain, a Level I and Level II signs and markings certification from the International Municipal Signal Association (IMSA) or the Traffic Control Supervisor Association (TCSA) within two years of appointment.

When Assigned to Water Distribution:

Possession of a Grade I water treatment certificate issued by the State of California at time of appointment.

Possession of a Grade II water distribution operator certificate issued by the State of California at the time of appointment.

Possession of a Grade II water treatment certificate issued by the State of California within one year of appointment.

Possession of a certificate issued by the American Water Works Association (AWWA) for backflow device testing and/or a Grade I Water conservation Practitioner is highly desirable.

When Assigned to Parks:

Possession of a Pesticide Applicator's Certificate within one year of appointment.

Pest Control Advisor's License issued by the State of California is highly desirable.

Playground Safety Certificate issued by the national Recreation Parks Association is highly desirable.

When Assigned to Urban Forestry:

Possession of a Pesticide Applicator's Certificate within one year of appointment.

International Society of Arboriculture (ISA) certification as an Arborist is highly desirable.

When Assigned to Fleet:
Possession of Master ASE rating in either Heavy Truck or Automotive at time of appointment.

When Assigned to Wastewater Collections:
Possession of a Grade II certification in Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time of appointment.

When Assigned to Wastewater Collections - Pumps:
Possession of a Grade II certification in Mechanical Technologist issued by the California Water Environment Association (CWEA) at time of appointment.

Possession of a Grade I certification in Wastewater Collection System Maintenance Technologist issued by the California Water Environment Association (CWEA) at time 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-171

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATION OF OPERATIONS AND MAINTENANCE SUPERVISOR AND TO REVISE THE SALARY RANGE FOR POLICE SUPPORT SERVICES SUPERVISOR AND ADMINISTRATIVE SERVICES OFFICER.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 99-175. Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 22, 1999", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective April 18, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Operations and Maintenance Supervisor (Range 432) to the Class Range Table and revises the salary range for Police Support Services Supervisor (Range 426) and Administrative Services Officer (Range 439).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 18, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective April 18, 2000

RANGE	TITLE
403	Administrative Clerk (Confidential)
404	
405	
406	
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)

EXHIBIT "A"

041800

RANGE	TITLE
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
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	Events Supervisor Legal Services Administrator
428	Senior Buyer Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Airport Operations and Maintenance Supervisor

RANGE	TITLE
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime analyst Social Services Program 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
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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator

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 Parks Planning and Development Manager Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator
439	**Administrative Services Officer**
440	Purchasing Officer 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)

RANGE	TITLE
441	(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Senior Fire Equipment Mechanic
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 Assistant Parks & Recreation Director – Civic Center Assistant Parks & Recreation Director – Parks Assistant Parks & Recreation Director – Recreation Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-172

Print

A RESOLUTION APPROVING A THREE-YEAR OPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER, DBA SKYTREK AVIATION FOR A HANGAR SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the three-year option agreement between the City of Modesto and Modesto Executive Air Charter, dba Skytrek Aviation for a hangar site 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 18th day of April, 2000, 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. 2000-173

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS AND INCREASE THE FY 2000-01 ABS TARGET AND ALLOCATION BY $25,000

WHEREAS, in 1992, the City Council approved the Youth Financial Assistance Program for the purpose of providing financial assistance to low-income youth; and

WHEREAS, staff is recommending that an additional $25,000 be allocated to increase the budget to $109,000 for the 1999-2000 fiscal year; and

WHEREAS, staff is further recommending that the allocation for this program, as well as the ABS target for the Department, for fiscal year 2000-01 be increased by $25,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From #0100-800-8000-8003 $(25,000)
To: #0100-370-3715-1060 $ 25,000

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 18th day of April, 2000, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-174

A RESOLUTION APPROVING A POLICY FOR ACCEPTING, DISPLAYING AND DEACCESSIONING ARTWORK PRESENTED TO THE CITY OF MODESTO.

WHEREAS, the Culture Commission has proposed a formal policy to provide criteria and procedures for accepting, displaying and deaccessioning works of art presented to the City of Modesto, a copy of the proposed policy is marked Exhibit "A", attached hereto and incorporated herein by reference, and

WHEREAS, the Human Services Committee met on April 5, 2000, and supported the recommended policy, and

WHEREAS, the Recreation and Neighborhoods Department, by report dated April 11, 2000, to the Mayor and City Council, a copy of which is on file in the office of the City Clerk, recommended adoption of a resolution approving the proposed policy relating to artwork presented to the City of Modesto, and

WHEREAS, at its City Council meeting which was held on April 18, 2000, the Council considered the proposed policy relating to artwork presented to the City of Modesto as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed policy relating to artwork presented to the City of Modesto, a copy of which is marked Exhibit "A", attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

City of Modesto Policy No._____

ACQUISITION AND DEACCESSIONING CRITERIA AND PROCEDURES FOR WORKS-OF-ART GIVEN TO THE CITY OF MODESTO

Purpose:

To establish criteria and procedures for accepting, acquiring and deaccessioning art works for the City of Modesto.

Policy:

Objective: To provide a set of flexible criteria and procedures so that City of Modesto can present quality works of art in the best possible setting.

1. All art works will be accepted only as unconditional gifts.

2. All art works may not always be on exhibit.

3. The Culture Commission or its designated committee on Public Art will act as an acquisition committee. It will recommend to the City Council whether a work of art should be accepted based on the criteria below.

4. Criteria for accepting works of art:
   a. A work of art should be compatible with its intended setting whether this is a park or City of Modesto facility.
   b. Selected works of art should strive to be of the highest quality that can be afforded if purchased or selected. Before a group makes a purchase or selection with the intent of giving it to the City of Modesto, the group should consult the acquisition committee as to its appropriateness.
   c. The acquisition committee will determine the placement of works of art.

5. The acquisition committee, based on failure to meet the acquisition criteria, can recommend to the City Council the deaccessioning of works of art already owned by the City of Modesto. Upon approval by the City Council, the work of art can be given back to the donor or sold. If sold, the funds can only be used to acquire other artwork. The artwork acquired with the funds will credit the donor of the sold artwork "by exchange".

6. Any acquisition committee member who is a member of a group presenting a work of art for consideration must step down due to a conflict-of-interest.

7. The Cultural Services Manager or staff will catalog all works of art owned by the City of Modesto or jointly owned by the City of Modesto and other agencies such as Stanislaus County.

8. The Cultural Services Manager or staff will monitor the condition of all works of art owned by the City of Modesto or jointly owned by the City of Modesto and other agencies such as Stanislaus County. The manager will notify the appropriate authorities concerning any adverse conditions.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-175

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SEVEN-UP BOTTLING COMPANY FOR INSTALLATION OF SODA VENDING MACHINES AT SEVEN ADDITIONAL PARK SITES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Seven-Up Bottling Company for installation of soda vending machines at seven additional park sites 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 18th day of April, 2000, 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
NOES:	Councilmembers:	Serpa, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-176

A RESOLUTION APPROVING AN AMENDED AND RESTATED PUBLIC AGENCY RETIREMENT SYSTEM (PARS) TRUST AGREEMENT RELATING TO PROVIDING TAX QUALIFIED RETIREMENT BENEFITS, APPOINTING THE CITY'S PLAN ADMINISTRATOR FOR PARS, AND AUTHORIZING THE ADMINISTRATOR TO EXECUTE PARS LEGAL DOCUMENTS ON BEHALF OF THE CITY,.

WHEREAS, the City of Modesto ("City") is a member of the Public Agency Retirement System ("PARS"), which provides an alternate retirement system for our part-time, seasonal and temporary employees who are ineligible for participation in CAL-PERS, and

WHEREAS, the City provides a Qualifying Retirement System for its employees, thereby meeting the requirements of Section 11332 of the Omnibus Budget Reconciliation Act (OBRA 90) and Section 3121(b)(7)(F) of the Internal Revenue Code, and

WHEREAS, PARS, a governmental trust, has been adopted by the City that qualifies under California Government Code Sections 53,000 and 20,000, OBRA 90 Section 11332, IRC Sections 312(b)(7)(F) and 401(a), and meets the meaning of the term "retirement system" as given by Section 218(b)(4) of the Federal Social Security Act, and

WHEREAS, the City is a member of the PARS TRUST, and

WHEREAS, by an Agenda Report to the City Council dated April 6, 2000, the City Council considered the staff recommendations relating to approval of an Amended and Restated PARS Trust Agreement, appointment of the Risk Manager as the Plan Administrator, and authorizing the Plan Administrator to execute PARS legal documents 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 18th day of April, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-177

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PATRICK T. PHILLIPS FROM THE GOLF COURSE COMMITTEE, EFFECTIVE APRIL 18, 2000

WHEREAS, Patrick Phillips was appointed a member of the Golf Course Committee on April 14, 1998 ; and

WHEREAS, Patrick Phillips has tendered his resignation from the Golf Course Committee, effective April 18, 2000; and

WHEREAS, Patrick Phillips 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 Patrick Phillips from the Golf Course 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 Patrick T. Phillips 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 18th day of April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-178

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KELLER GROUP FOR PURCHASE OF FURNITURE FOR THE NEW POLICE HEADQUARTERS BUILDING AT 600 TENTH STREET FOR $283,384.43 AND APPROVING A 5% CONTINGENCY AUTHORIZATION ABOVE THE CONTRACT AMOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Keller Group for purchase of furniture for the New Police Headquarters Building at 600 Tenth Street for $283,384.43 and approving a 5% contingency authorization above the contract amount 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 18th day of April, 2000, 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. 2000-179

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KELLER GROUP FOR FURNITURE FOR THE EXISTING POLICE HEADQUARTERS AT 601 ELEVENTH STREET FOR $83,901.45 AND APPROVING A 5% CONTINGENCY AUTHORIZATION ABOVE THE CONTRACT AMOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Keller Group for furniture for the existing Police Headquarters at 601 Eleventh Street for $83,901.45 and approving a 5% contingency authorization above the contract amount 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 18th day of April, 2000, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-180

A RESOLUTION APPROVING THE PLEDGE OF $25,000 TO PURCHASE TICKETS FROM AMERICA WEST AIRLINES AND REQUESTING THE AIRPORT COMMITTEE TO RENEW DISCUSSIONS REGARDING SERVICE TO LOS ANGELES.

WHEREAS, at the request of Councilmember Smith, the City Council considered pledging money to purchase tickets from America West Airlines to encourage the service of 135 cities at the Stockton Airport, and

WHEREAS, said matter was considered by the City Council at its meeting held on April 18, 2000,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the pledge of $25,000 to purchase tickets from America West Airlines to encourage America West Airlines to provide service to the Stockton Airport.

BE IT FURTHER RESOLVED that the Airport Committee is hereby requested to renew discussions regarding service to Los Angeles.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 18th day of April, 2000, 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, Friedman, Frohman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Fisher, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-181

A RESOLUTION ACCEPTING THE PROJECT TITLED "WOODLAND LIFT STATION REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Woodland Lift Station Rehabilitation, has been completed by Kirkwood-Bly Inc., in accordance with the contract agreement dated January 19, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Woodland Lift Station Rehabilitation be accepted from said contractor, Kirkwood-Bly Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $212,221.80 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 25th day of May, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-182

A RESOLUTION ACCEPTING THE PROJECT TITLED "NORTH TRUNK SEWER – MARSALA TO BANGS TO CARVER" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled North Trunk Sewer – Marsala to Bangs to Carver, has been completed by K. J. Woods Construction Inc., in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the North Trunk Sewer – Marsala to Bangs to Carver be accepted from said contractor, K. J. Woods Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $2,492,425.48 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 25th day of April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-183

A RESOLUTION APPROVING A REVISED POLICY FOR INVESTMENT OF PUBLIC FUNDS, POLICY NO. 1.019.

WHEREAS, pursuant to Section 2-3.401 of the Modesto Municipal Code, it is the function of the City of Modesto ("City") Finance Department to deposit and invest funds in accordance with sound treasury management, and

WHEREAS, the City is also governed by Sections 53600 et seq. of the California Government Code, and

WHEREAS, by an Agenda Report to the Mayor and City Council dated April 12, 2000, from the Finance Director/Treasurer, the recommendation has been made to revise Policy No. 1.019 relating to the Investment of Public Funds, and

WHEREAS, the proposed changes appear under "Authorized Investment Personnel" on page 3 of said Policy, and reflect recent changes in Finance Department personnel, a copy of the proposed policy is marked Exhibit "A", attached hereto and incorporated herein by reference, and

WHEREAS, said Agenda Report provides that the recommended text revisions provide for greater flexibility in the designation of Finance Department personnel authorized to execute investments, and

WHEREAS, at its City Council meeting which was held on April 25, 2000, the Council considered the proposed revised policy relating to Investment of Public Funds, Policy No. 1.019,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in order to provide greater flexibility in the designation of personnel authorized to execute investments on behalf of the City of Modesto, the Council hereby approves the revised policy for Investment of Public Funds, Policy No. 1.019, a copy of which policy is marked Exhibit "A", attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, 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, City Attorney

CITY OF MODESTO	CITY COUNCIL POLICY	EFFECTIVE DATE:	POLICY NO.: 1.019
		CITY DEPARTMENT:	Finance

Subject: Investment Policy

PURPOSE

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

BACKGROUND

Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the "prudent investor" rule which states that:

> "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not of speculation, but for investments, considering the probable safety of their capital as well as the probable cause to be derived."

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

INVESTMENT REPORT

The Finance Director/Treasurer shall render a quarterly report to the City Council, City Manager and the internal auditor within 30 days following the end of the quarter. The report shall contain the following:

1. The type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and monies.

2. The weighted average maturity of the portfolio.

3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.

4. The market value as of the date of the report, and the source of the valuation.

5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.

6. A statement denoting the City's ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

INVESTMENT CRITERIA

Public funds are invested in the following manner in order of priority:

1. **Safety of Principal**
   The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. **Liquidity**
   The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. **Yield**
   Yield is the potential dollar earnings, or rate of return, an investment can provide. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

AUTHORIZED INVESTMENTS

Commencing with Section 53601 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

A. Bonds issued by the City.

B. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.

C. Registered State of California warrants, treasury notes or bonds.

D. Bonds, notes, warrants or other evidence of indebtedness of any local agency within

California.

E. Obligations issued by a federal agency or United States government-sponsored enterprise.

F. Bills of exchange or time drafts (bankers acceptances) drawn on and accepted by a commercial bank.

G. Commercial paper of "prime" quality.

H. Certificates of deposit (CD) and negotiable certificates of deposit (NCD) issued by a nationally or state-chartered bank or a state or federal association or a state-licensed branch of a foreign bank.

I. Investment in repurchase agreements or reverse repurchase agreements of any authorized securities.

J. Medium-term corporate notes of a maximum of five years maturity issued by corporations operating within the United States.

K. Shares of beneficial interest issued by diversified management companies as defined in Section 23701(m) of the Revenue and Taxation Code (mutual funds).

L. State of California Local Agency Investment Fund (LAIF).

M. Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond of a maximum of five years maturity.

Detailed descriptions of investment instruments and terms are provided in Appendix A - Glossary.

AUTHORIZED INVESTMENT PERSONNEL

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The ~~Financial/ Investment Officer, who is accountable to the~~ Finance Director/Treasurer *may designate an individual ("Designee") to be* ~~is~~ responsible for the daily management of the City's portfolio of treasury investments. The ~~Financial/Investment Officer~~ *Designee may also be directed to* ~~will also~~ monitor and forecast the City's cash flows, and prepare periodic investment reports that are submitted to the City Council. ~~A Senior Accountant from the~~ *The* Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity.

The Finance Director/Treasurer or Designee is authorized to make all investment transactions allowed by the Investment Policy. The Finance Director/Treasurer may authorize the ~~Financial/Investment Officer~~ *Designee* to enter into investments within specified parameters. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

As part of each year's financial audit of the City, the external auditors shall review the Authorized Investment Personnel arrangement, and convey to the City Council any problems or recommended changes therein.

RESTRICTIONS SET BY GOVERNMENT CODE

A. General

Maximum maturity of an authorized investment is limited to five years.

Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.

Investment in any security that could result in a zero interest accrual if held to maturity is prohibited.

B. Bankers Acceptance (Bills of Exchange or Time Drafts)

Required to be eligible for purchase by the Federal Reserve System.

Must not exceed 270 days maturity.

Must not exceed 40% of the City's surplus funds. No more than 30% of the City's surplus funds can be invested in the Bankers Acceptance of any one commercial bank.

C. Commercial Paper

Must be "prime" quality of the highest ranking as provided by Moody's Investment Service, Inc. or Standard and Poor's Corporation (A-1, P-1).

Limited to issuing corporations that are organized and operating within the United States with total assets in excess of $500,000,000.

Must not exceed 180 days maturity.

Must not represent more than 10% of the outstanding paper of an issuing corporation.

Must not exceed 15% of the City's surplus funds.

May invest an additional 15% if the dollar-weighted average maturity of the entire amount of commercial paper outstanding does not exceed 31 days.

D. Certificates of Deposit

Require 110% government security collateralization by the institution.

E. Negotiable Certificates of Deposit

Must not exceed 30% of the City's surplus funds.

F. Repurchase Agreements

Must not exceed 365 days maturity.

Market value of collateral shall be 102 percent of the funds borrowed against those securities, adjusted at least on a quarterly basis.

G. Reverse Repurchase Agreements

Require prior approval of the City Council.

Must not exceed 20% of the City's surplus funds.

Security must have been held for a minimum of 30 days.

Term must not exceed 92 days unless the agreement matches a matching codicil guaranteeing a minimum earning spread.

H. Medium Term Corporate Notes

Notes must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Issuer must be organized and operating within the U.S. or be a depository institution licensed by the U.S. or any state and operating within the U.S.

Must not exceed 30% of the City's surplus funds.

I. Diversified Management Companies (Mutual Funds)

Fund must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Must not exceed 15% of the City's surplus funds.

RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER

A. Prior approval of the Finance Director is required for the following transactions:

Sale of securities
Swaps and trades
Purchase of collateralized mortgage obligations (CMO)
Purchase of mortgage-backed obligations
Purchase transaction in excess of $3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

Futures and options
Small Business Administration notes

APPENDIX A - GLOSSARY

Bankers Acceptances (BAs)
Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

Certificates of Deposit (CDS)
A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A **negotiable certificate of deposit** may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A **non-negotiable certificate of deposit** is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)
A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)
This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives
A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term "derivative products" refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

Federal Agency Securities
Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major

federal agencies are described as follows:

Federal National Mortgage Association (FNMA, "Fannie Mae") provides funds to the mortgage market primarily by purchasing loans from local lenders.

Federal Home Loan Mortgage Corporation (FHLMC, "Freddie Mac") purchases conventional mortgages and sells mortgage-backed securities.

Student Loan Marketing Association (SLMA, "Sallie Mae") facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

Federal Farm Credit System (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

Federal Home Loan Bank (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

Futures
Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

Local Agency Investment Fund (LAIF)
State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

Medium-Term Notes
Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

Options
A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock's price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

Repurchase Agreement
As authorized in Government Code Section 53601(I), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government

securities to be resold at a specific date and for a specific amount.

Reverse Repurchase Agreement
This transactions is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer interest for the use of the funds. The money "borrowed" on a "reverse repo" can be reinvested in higher yielding instruments.

U.S. Treasury Securities
The highest quality, most liquid debt investments available in the fixed income market-place; unconditionally backed by the "full faith and credit" of the U.S.Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.

Print

RESCINDED
2000-204
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-184

A RESOLUTION APPROVING A CONSTITUTION AND BYLAWS FOR THE COMMUNITY QUALITIES FORUM.

WHEREAS, the City of Modesto ("City") Community Qualities Forum ("CQF") has developed a proposed Constitution and Bylaws, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Human Services Committee met on April 5, 2000, to discuss the proposed Constitution and Bylaws for the Modesto Community Qualities Forum, and the Human Services Committee has recommended that the CQF be composed of 23 members, with 7 members appointed at large, and four members appointed from each of the City's four areas, and

WHEREAS, by an Agenda Report to the Mayor and City Council dated April 17, 2000, from the Recreation and Neighborhoods Department, the Community Qualities Forum has recommended that it shall consist of 19 members, 7 of which are to be appointed at large by the City Council and the other 12 are to be appointed by the City Council based on neighborhood representation (three from each area as delineated by the Police and Recreation and Neighborhoods Departments), and

WHEREAS, the Community Qualities Forum has also recommended that the proposed Community Qualities Forum Constitution and Bylaws be approved, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at its City Council meeting which was held on April 25, 2000, the Council considered the proposed Constitution and Bylaws relating to the Community Qualities

Forum,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby determines that in order to allow the Community Qualities Forum to function more efficiently and to address parliamentary issues and committee structure, the Council approves the Constitution and Bylaws, a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, 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

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO COMMUNITY QUALITIES FORUM

CONSTITUTION AND BYLAWS

Article I

Definitions

Section 1 There is created a Committee to be known and designated as the City of Modesto Community Qualities Forum.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Community Qualities Forum.

B. "Community Qualities Forum" and "Forum" shall mean the City of Modesto Community Qualities Forum.

C. "Regular meeting" shall mean the monthly Forum meetings held on the second Wednesday of every month.

Section 3 The fiscal year shall coincide with the City's fiscal year, July 1 to June 30.

Article II

Objectives

Section 1 The mission of the Forum shall be to discuss and debate, from a citizen and neighborhood perspective, issues related to the improvement and enhancement of Modesto's urban environment.

Section 2 The Forum shall be charged with identifying potential solutions to major community needs, developing future representatives to boards, commissions and Forums, creating a diverse sounding board for policy issues of major importance, and empowering citizens to enhance their neighborhoods through proven problem solving techniques.

Section 3 The Forum shall act as liaison between the general public, the City of Modesto Recreation and Neighborhoods Department, and other City departments, and shall

1. serve as a sounding board for the Modesto City Council and as a forum for discussing public policy.

2. identify solutions to major community needs and ways to increase citizen involvement in decisions affecting the City.

3. explore and develop other means for gathering public input.

Section 4 The Forum shall encourage and promote high standards of citizen participation.

Section 5 The Forum shall perform such other duties relating to its mission as may be assigned by the City Council or suggested by the Director of Recreation and Neighborhoods.

Section 6 Nothing in this article shall be deemed to invest the Forum with any supervisory powers over the actions and duties of City employees, or of any its agents or officers.

Article III

Membership

Section 1 The City of Modesto Community Qualities Forum shall consist of 19 members.

Section 2 The Members of the Forum shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Forum.

Section 3 None of the members shall hold any paid office, employment, or be currently a contractor with the City of Modesto.

Section 4 Seven members of the Forum shall be appointed by the Modesto City Council to serve at large. Twelve members shall be appointed by the City Council on the basis of neighborhood representation, with three members being from each of the City's four areas, as delineated by the Police Department and the Recreation and Neighborhoods Department Area Office boundaries.

Section 5 All appointments shall be approved by a majority vote of the City Council.

Section 6 The Director of Recreation and Neighborhoods or his/her designee will serve as staff to the Forum and represent the City of Modesto, within the limits dictated by fiscal constraints.

Section 7 Should a Forum member wish to resign, he/she shall write a letter of resignation to the Director of Recreation and Neighborhoods. The letter will then be forwarded to the City Council for action.

Article IV

Terms of Office

Section 1 The term of office shall be effective as of the first of January.

Section 2 The term of office shall be four years for each Member of the Forum. Members may be re-appointed after their initial term, but in no event shall any person who has served two consecutive terms on the Forum be eligible for re-appointment to the Forum. Forum members are eligible for re-appointment to the Forum after a two-year absence from the Forum has transpired.

Section 3 Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for re-appointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Article III Membership of these bylaws. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4 The Members of the Forum shall receive no compensation for the performance of their official duties.

Section 5 Appointments to fill vacancies on the Forum shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 6 After a majority vote of the Forum, members of the Forum may be removed by a majority vote of the City Council for the following reason:

A. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude.

Members of the Forum may be removed by a majority vote of the City Council after a recommendation by the Director of Recreation and Neighborhoods for the following reasons:

A. Refusal to resign from the Forum when no longer a resident of the City of Modesto.

B. When a member is absent from three meetings within a 12-month period without official permission expressed in the official minutes (automatic removal from the Forum).

Article V

Attendance at Meetings

Section 1 It shall be the responsibility of each Member to know the dates and times of all regular meetings of the Forum. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Forum Chair or Staff Liaison at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 2 The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.

Section 3 Timely attendance at meetings is expected and necessary to carry out the mission of the forum.

Article VI

Officers and Their Duties

Section 1 Officers shall consist of Chair and Vice-chair, elected by a majority vote of the Members of the Forum. Officers shall serve a one-year term commencing on January 1. The election shall be held at the January meeting, or the first meeting of the year.

Section 2 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 3 The Chair shall not serve more than two consecutive one-year terms. The Vice-chair shall not serve more than two consecutive one-year terms.

Section 4 The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Forum are properly enforced.

Section 5 The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6 The Recreation and Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary. He/she shall supply the Members of the Forum and the Director of Recreation and Neighborhoods and his/her designee(s) with copies of all records taken within three weeks after a meeting takes place. He/she shall also assist in publicity releases concerning Forum activities.

Article VII

Meetings

Section 1 Regular meetings of the Forum shall be held on the second Wednesday of every month.

Section 2 In the event that a regular meeting falls on a holiday, the meeting shall be scheduled by a vote of the Forum. Special meetings shall be called by the Chair as necessary.

Section 3 Notices of all meetings, including an agenda, shall be given to all members of the Forum, to the City Clerk, to the City Manager, to the Director of Recreation and Neighborhoods and to all others as provided by law. All such notices shall be furnished to the Forum in writing at least seventy-two hours prior to the time of such meeting.

Section 4 All meeting agendas will be posted at Tenth Street Place and will be available at the following public facilities: Tenth Street Place and at the Main Branch of the Stanislaus County Free Library.

Section 5 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 6 A quorum is necessary for the Forum to transact any business. A quorum shall be defined as a simple majority of active Forum members.

Section 7 All meetings of the Forum shall be open to the public and shall be held at a public facility which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

Section 1 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Forum meetings.

Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

1. Call to order
2. Approval of Minutes
3. Written Communications
4. Old Business
5. New Business
6. Oral Communications
7. Matters Too Late for the Agenda
8. Adjournment

Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names and addresses before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

Article IX

Report to the City

Section 1 The Forum shall present a written Annual Report of its activities for the past year to the Mayor and City Council. The Annual Report may include new recommendations and shall include the following:

A. The name of the Forum
B. Its objectives and function
C. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council
D. The number of meetings held
E. Attendance records of all members
F. The number of public hearings conducted
G. A list of City personnel who regularly assisted the Forum.

Section 2 The City Clerk shall forward the annual Report to the City Council. Such reports shall be open to public inspection and made available through the Director of Recreation and Neighborhoods.

Article X

Amendments

Section 1 The Constitution and Bylaws may be recommended for amendment at a regularly scheduled meeting of the Forum. A written notice containing the proposed changes shall be provided to each member at least sixty (60) days prior to the meeting. When all other conditions are met, an amendment requires a simple majority vote of the active members of the Forum.

Section 2 The Constitution and Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Forum by the City Council.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-185

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE THE ALLOCATION OF FOUR LOTS PURCHASED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO DESARROLLO-LATINO-AMERICANO.

WHEREAS, the City of Modesto ("City") has adopted a program to acquire vacant and deteriorated properties in the Airport neighborhood, to eliminate blighted properties, and to provide for the development of new single-family homes in the Airport neighborhood, and

WHEREAS, by an Agenda Report to the City Council dated April 17, 2000, from the Recreation and Neighborhoods Department, the Council was advised that on March 6, 2000, the Recreation and Neighborhoods Department distributed a request for notice of interest relating to four city-owned lots located at 742 Kerry Avenue, 730 Benson Avenue, 634 South Conejo Drive, and Parcel 035 45 17, and

WHEREAS, said notice of interest went to the City's three designated Community Housing Development Organizations and to other non-profit affordable housing developers, and a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, on March 12, 2000, a legal notice was published in the Modesto Bee soliciting proposals for these properties, and

WHEREAS, Desarrollo-Latino-Americano was the only organization that replied and submitted a letter of interest, and

WHEREAS, at its City Council meeting which was held on April 25, 2000, the Council considered the proposed recommendation to allocate four lots purchased with

Community Development Block Grant Funds to Desarrollo-Latino-Americano, a not for profit agency,

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

SECTION 1. That the City is committed to addressing the housing needs of low-income residents, alleviating blighting conditions, and providing home ownership opportunities.

SECTION 2. That the Council hereby authorizes City staff to negotiate an agreement for the allocation of four lots purchased with Community Development Block Grant Funds to Desarrollo-Latino-Americano, a not for profit agency, with the understanding that the agreement will be brought back to the City Council for final approval. Said lots are located as follows:

742 Kerry Avenue

730 Benson Avenue

634 South Conejo Drive

Parcel 035 45 17

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, 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

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-186

Print

A RESOLUTION ACCEPTING THE TECHNICAL PROPOSAL REVIEW TEAM'S RECOMMENDATION THAT GAME RELATED MAINTENANCE ACTIVITIES AT JOHN THURMAN BASEBALL STADIUM CONTINUE TO BE PROVIDED BY CITY STAFF.

WHEREAS, the January 26, 1999, agreement between the Modesto A's and the City of Modesto committed the City to initiate a Request for Proposals for game-related maintenance activities at John Thurman Baseball Stadium, consisting of the following:

- Pre-game and post-game field maintenance
- Clubhouse, press box, and box suites janitorial service
- Grandstand, concourse, parking lots, and public restroom cleaning, and

WHEREAS, the technical proposal evaluation was provided by the Modesto A's and City staff, and based on the information provided in the proposal, the evaluation team concluded that the one vendor that responded to the proposal did not meet the experience or qualifications for stadium maintenance, and

WHEREAS, the vendor's proposal for janitorial services were 64% higher than City costs for maintenance of the private areas, 20% higher than the City's costs in the maintenance of grandstands and public areas, and no proposals were submitted by the vendor for field maintenance, and

WHEREAS, as a result of this process, the Modesto A's expressed their desire to have maintenance services at John Thurman Baseball Stadium continue to be performed by City

staff, and

WHEREAS, by an Agenda Report to the City Council dated April 11, 2000, from the Operations and Maintenance Director and the Recreation and Neighborhoods Director, the recommendation was submitted to consider accepting the Technical Proposal Review Team's recommendation that game related maintenance activities at John Thurman Baseball Stadium continue to be provided by City staff, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, at its meeting which was held on April 25, 2000, the City Council considered the proposed recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Technical Proposal Review Team's recommendation that game related maintenance activities at John Thurman Baseball Stadium continue to be provided by City staff, as requested by the Modesto A's.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, 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,
NOES:	Councilmembers:	Serpa, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-187

A RESOLUTION APPOINTING MEMBERS AND AUTHORIZING EXPANSION OF THE MEMBERSHIP OF THE MAYOR'S AD HOC DISTRICT ELECTIONS AND TERM LIMITS COMMITTEE AND PROVIDING A CHARGE TO THE COMMITTEE.

WHEREAS, by Resolution No. 2000-114 adopted on March 7, 2000, the City Council appointed Councilmembers Tim Fisher, Armour Smith, and Vice-Mayor Kenni Friedman to the Mayor's Ad Hoc District Elections and Term Limits Committee (hereafter referred to as ("Committee"), and

WHEREAS, by an Agenda Report dated April 19, 2000, the Committee recommended to the City Council that the membership of the Committee be expanded to include interested citizens, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, the Committee recommended that certain citizens be appointed to the Committee by the City Council as set forth in said Agenda Report, and

WHEREAS, in addition, said Committee also recommended that a charge be given to the Committee as set forth in said Agenda Report, and

WHEREAS, at the Council Meeting held on April 25, 2000, the Council considered the recommendations of the Committee to appoint citizens, expand the membership of the Committee and to provide a charge to the Committee, as set forth in said Agenda Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints the following citizens to the Mayor's Ad Hoc District Elections and Term Limits Committee as recommended in the Agenda Report, a copy of which report is on file in the office of the City Clerk, with the condition that Joel Broumas shall not serve on the Committee until Modesto Police Management Association negotiations are complete:

Pat Dobbs
Dan Hopkins
Frank Muratore
Joel Broumas
Bob Shook
Gladys Williams
Richard Navarro
Kate Nygaard
Megan Gowans
Robert Fores

BE IT FURTHER RESOLVED that the Council hereby approves expansion of the membership of the Committee to include the appointment of four additional members from the four Councilmembers that are not members of said Committee.

BE IT FURTHER RESOLVED by the Council that the following charge is hereby submitted to the Committee:

> The Committee is hereby charged by the City Council to provide the Council with the Committee's perspective on the following issues and report back to the City Council within ninety (90) days:
>
> - What electoral process will result in the greatest amount of voter participation in Modesto?
> - What is the best election system to ensure that the City Council is representative of the entire community?

- What is the least expensive election system for Modesto?
- What election system will result in the best allocation of City resources among all sectors of the community by the City Council?

BE IT FURTHER RESOLVED that the Council hereby directs the City Attorney to attend all meetings of the Committee serving in an advisory capacity.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, 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:	Fisher, Friedman, Frohman, Serpa, Smith,
NOES:	Councilmembers:	Conrad, Frohman, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Clerk

Print

RESCINDED
2001-143
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-188

A RESOLUTION REVISING RATES AT THE DRYDEN PARK MUNICIPAL GOLF COURSE AND THE CREEKSIDE MUNICIPAL GOLF COURSE, RESTATING 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 NOS. 99-68, 99-438 AND 99-439.

For many years, the City has had a policy to provide municipal water at no cost to all of its facilities, including parks, buildings and the City's golf courses. Recently, the question has been raised as to whether this practice is in violation of Proposition 218, which requires that all users of utilities shall pay for the actual cost of their usage. Based on a review of this practice with the authors of Proposition 218, it has been determined that continuing to provide water to City facilities without charge is not within the spirit of the law. As a result, the City has undergone an audit of past water usage at facilities to determine what, if any, charge is warranted. Effective April 19, 2000, the City facilities that use municipal water will be charged for water usage at a rate consistent with municipal water rates. In that most facilities are not yet metered, an estimate of charges will be used until meters can be installed, and

WHEREAS, the Golf Courses Committee met on April 3, 2000, to consider a proposed green fee increase for Dryden Park and Creekside Golf Courses, and

WHEREAS, the Golf Courses Committee did not support staff's recommendations to increase the green fees by $1.00 per round for Dryden Park and Creekside Golf Courses, and

WHEREAS, the Human Services Committee met on April 5, 2000, and supported the recommendations of City staff to increase green fees to $1.00 per round at Dryden Park and Creekside Golf Courses, and

WHEREAS, by an agenda report to the City Council from the Recreation and Neighborhoods Department, dated April 17, 2000, City staff recommended a rate increase of green fees at $1.00 per round for Dryden Park and Creekside Golf Courses in order for the Golf Fund to be self-supporting and in order to pay the new water charges, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on April 25, 2000, 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 increased golf fees, and

WHEREAS, the Council of the City of Modesto finds that green fees for golfers at the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course need 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 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. (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) Multiple Play Cards. Golfers can purchase a weekday 6, 8 or 10 multiple play card for Dryden/Creekside or Muni. The multiple play card will be good for the calendar month issued 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) Valu-Play Discounts. Valu-Play Discounts are effective for sixty (60) days from the date of purchase.

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. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 1, 2000.

SECTION 9. REPEALS. Resolution Nos. 99-68, 99-439, and 99-438, are hereby rescinded effective April 30, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2000, by Councilmember Fisher, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE MAY 1, 2000

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

*Available first 1½ hours of the day.

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

EXHIBIT "B"

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE MAY 1, 2000

	FEE PER PLAYER		
	Regular Tee Time Style	Full Shotgun Tee Time Style	Modified Shotgun Tee Time Style
CREEKSIDE			
Weekday	$28.00	$49.00	$49.00
Weekends	$35.00	$57.00	$57.00
DRYDEN			
Weekday	$26.00	$47.00	$47.00
Weekends	$32.00	$54.00	$54.00
MUNI			
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 144 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 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.

EXHIBIT "C"

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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-189

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS RICCI PRESENTS INC. FOR THE EXCLAMATION FEST IN DOWNTOWN MODESTO ON SATURDAY, JULY 22, 2000 AND AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and Chris Ricci Presents Inc. for the Exclamation Fest in downtown Modesto on Saturday, July 22, 2000 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 25th day of April, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-190

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET BY ADJUSTING THE CONTINGENCY RESERVES TO REIMBURSE THE BUILDING SERVICES FUND FOR EXPENSES RELATED TO TENTH STREET PLACE

WHEREAS, in November 1999, the City of Modesto and County of Stanislaus moved into Tenth Street Place; and

WHEREAS, at that time, a budget to pay for the City's portion of building maintenance, utilities and custodial activities for the new building had not been established; and

WHEREAS, as the square footage occupied by the City at the new building is significantly higher than that at the prior sites, the costs for building maintenance, utilities and custodial services have increased.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From: #0100-800-8000-8003	$(200,000)
To: #7800-800-8000-8003	$ 200,000

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 25th day of April, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Sabatino, was upon roll call carried and the resolution adopted by the following votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-191

A RESOLUTION ESTABLISHING TELECOMMUNICATIONS POLICIES TO GUIDE THE MODIFICATIONS OF EXISTING ORDINANCES AND THE DEVELOPMENT OF NEW ORDINANCES FOR THE FUTURE DEVELOPMENT OF TELECOMMUNICATIONS WITHIN THE CITY THAT ARE CONSISTENT WITH THE TELECOMMUNICATIONS ACT OF 1996 AND THE NEEDS OF RESIDENTS AND BUSINESSES OF THE CITY.

WHEREAS, the Council of the City of Modesto ("City") desires to see the deployment of advanced telecommunications within the City to benefit residents, businesses and schools, and

WHEREAS, the Council recognizes the value of business and residential consumers having a variety of service options to meet telecommunication needs, and

WHEREAS, the Council recognizes the need to make special efforts to assure the deployment of advanced telecommunications technology, and

WHEREAS, the Council recognizes the value of improved access to, and better service from, government and education through advanced technology, and

WHEREAS, the Congress of the United States has enacted the Telecommunications Act of 1996 which has specific objectives of promoting competition and investment in telecommunications and changed the regulatory environment of the telecommunications industry,

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

The following policies shall guide a review of existing ordinance provisions or development of new ones, as well as guide staff in carrying-out its daily responsibilities:

SECTION 1. As manager of certain public assets or as a regulator through its police powers or delegated authority, the City will not adopt policies, ordinances or regulations that prohibit or have the effect of prohibiting the entry of qualified competitors into its telecommunications marketplace. Further, consistent with the requirements of the Telecommunications Act of 1996, the City shall take every reasonable, legal and appropriate action to encourage the deployment of competitive telecommunications infrastructure within its boundaries.

SECTION 2. To reduce costs and improve marketability of the City to telecommunications competition, the City shall work with other governmental entities to develop shared ordinances, documents, facilities and processes, whenever it is reasonable and cost-effective to do so.

SECTION 3. As a user of telecommunications services, the City shall identify areas where new technology may enhance its provision of services to the public or reduce the costs of such services. The City recognizes that governmental expenditures may contribute to the development of the marketplace and may so include these factors in attracting telecommunications competitors.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, 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

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-192

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET APPROPRIATING FUNDS FROM THE GENERAL RESERVE

WHEREAS, staff has recognized a need to have access to high-speed telecommunications, which is becoming an infrastructure necessity to the City; and

WHEREAS, the City's negotiations with Cable One focus on the provision of video services, with limited commitment for high-speed data services to the community; and

WHEREAS, staff believes that our community has the potential to attract high-tech companies. Additional funding is needed to contract with qualified legal and technical experts to provide guidance in this ever-changing arena.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

From:	#0100-800-8000-8003	$50,000
To:	#0100-020-0201-0235	$50,000

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 25th day of April, 2000, 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 votes:

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

NOES: Councilmembers:None

ABSENT: Councilmembers:None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-193

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A SERVICE AGREEMENT WITH THE LAW FIRM OF MC DONOUGH, HOLLAND & ALLEN, OR OTHER CONSULTANTS, AS DEEMED APPROPRIATE TO ASSIST WITH CABLE PROVIDER CONTRACT NEGOTIATIONS.

WHEREAS, the Federal Telecommunications Act of 1996 is revolutionizing marketplace competition, and

WHEREAS, the Council recognizes the value of business and residential consumers having a variety of service options to meet telecommunication needs, and

WHEREAS, on April 25, 2000, the City Council adopted Resolution No. 2000-191 establishing telecommunication policies to ensure that the future development of telecommunications within the City of Modesto are consistent with the Telecommunications Act of 1996 and the needs of residents and businesses of the City, and

WHEREAS, concurrently with the adoption of the above Resolution, the Council considered appropriating funding and authorizing the city Manager to negotiate a service agreement with the Law Firm of McDonough, Holland & Allen, Sacramento, California, or other consultants, as deemed appropriate to meet the objectives of Resolution No. 2000-191 and to assist with cable provider contract negotiations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the City Manager to negotiate a service agreement with the Law Firm of McDonough, Holland & Allen, Sacramento, California, or other consultants, as

deemed appropriate to meet the objectives of Resolution No. 2000-191, and to assist with cable provider contract negotiations.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the four tasks set forth in the staff report dated April 20, 2000, which is attached hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 25th day of April, 2000, 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

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

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City of Modesto
Office of the City Manager
MEMORANDUM

TO: City Council

FROM: Donna L. Hansen
Assistant to the City Manager

SUBJECT: **Competitive Telecommunications Policy, Cable TV Franchise Renewal and Funding**

DATE: April 20, 2000

RECOMMENDED COUNCIL ACTION

(1) Adopt the attached resolution establishing telecommunications policies to guide the modifications of existing ordinances and the development of new ordinances for future development of telecommunications within the city.

(2) Appropriate $50,000 from General Fund reserves and authorize the City Manager to negotiate service agreement with the Law Firm of McDonough, Holland & Allen, Sacramento, California, or other consultants as deemed appropriate to met the objectives of the resolution and assist with cable provider contract negotiations.

REASON FOR RECOMMENDATION

We live in a changing world, where access to high-speed telecommunications for Internet, video and voice is becoming an infrastructure necessity similar to having water, power, storm drains, sewer treatment and roads. Internet traffic doubles every 100 days which has raised expectations in our community and region to connect to technology.

City negotiations with Cable One focus on the provision of video services, with limited commitment for high-speed data, (broadband) services to our Community. This franchise demonstrates the continuing frustration experienced with cable TV agreements without a full range of services.

The Federal Telecommunications Act of 1996 is revolutionizing marketplace competition. Just recently, the Sacramento Bee reported that Sacramento City and County, including the Cities of Citrus Heights, Galt and Folsom, successfully negotiated and awarded a license to a company intending to build a broadband, digital network to every home and business. Reports indicate that additional jurisdictions in the Sacramento area are also processing applications for telecommunications competition from the same company.

Staff believes that our area has the potential to attract the same or similar companies as Sacramento. To achieve that potential, it will be necessary to take some proactive steps.

Based on our research and recommendations to the Utility Services and Franchise Committee, we proposed the concept of a model Telecommunications resolution. This resolution establishes a policy encouraging deployment of competitive broadband telecommunications, in accordance with the Telecommunications Act of 1996, throughout the City, provides policy direction for staff to assertively market this community to competitors, and includes working cooperatively with other local government jurisdictions.

Funding in the amount of $50,000 will be needed to contract with qualified legal and technical experts to provide guidance in this fast paced ever-changing arena.

The following is an outline of tasks to be accomplished:

Task I: Cable Television –Update and Expand Assessment: Provide Direction.
This process would involve workshops on current cable television issues and services and would include the City Council, the Local Programming Cable Committee and other appropriate committees, and the cable franchise negotiating team. Issues likely to be presented are:

* Cable system design, and upgrade or rebuild of the system
* Expanded services
* Broadband services
* PEG, including services and channel capacity
* I-Net
* Customer service
* Franchise enforcement
* "Open Net" issues
* Timing commitments for new services

This is the "Get Educated" step of the renewal process. It will provide a good working understanding of current cable issues and developments and developing policy objectives for the renewal negotiations that reflect the values of the community.

Task II: Community Input Plan
The City will seek community input through a variety of sources and would include feedback from the Utility Services and Franchise Committee as well as other adjacent government entities that will be impacted by future decisions. Public meetings, development of questionnaires, seeking input via the Internet, and seeking input from existing community based groups could also be used to provide information and encourage community participation.

Among the issues that might be included in the community input process are public, education and government access and television broadcast capabilities, and access to cable or broadband Internet access by the citizens in their homes and businesses and the public facilities, including schools and libraries.

The community input process needs to be responsive to the City and the normal ways that the City seeks and obtains the input of its citizens.

Task III: City Competitive Readiness Assessment
The City staff need to identify the strategic steps necessary to make Modesto marketable thus laying the foundation for an overbuilder (a competing telecommunications company). This will likely include:

* Internal task force
* Complete inventory of broadband network in the City and County and include as part of the geographic information system (GIS) program.
* Review needs and trench cut mitigation
* Review subdivision requirements for broadband connectivity.
* Review and establish right-of-way (ROW) protection requirements
* View the process as an economic development venture as opposed to a franchise renewal.
* Establish right-of-way management tools to expedite deployment
* Cooperate with neighboring jurisdictions and develop consortium options similar to those uses by cities in the Bay area.
* Develop RFP for technically competent overbuilder.
* External assessment and coalition building.

Task IV: Assist with the Current Cable TV Contract Negotiations
The City's franchising ordinance may require updating to account for changes in the law and the policy directions that the City determines to pursue. City staff and Council, through the Ordinance update, discuss and set direction. This step may also include the City's vision for telecommunications and technology in its community.

What follows is the process of working through the issues with the current cable provider. This can be a time-consuming process and includes preparing and analyzing term sheets, and refining negotiating strategy and franchise documents. Numerous meetings and conference calls as well as numerous redrafts of documents prior to completion of the renewal process are likely.

STEPS FOLLOWING COUNCIL REVIEW
Staff will implement Council Directives

Prepared by:
Donna Hansen
Submitted by:
Paul Baxter
Deputy City Manager

DLH/dh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-194

A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL INDUSTRIES INC. FOR THE PROJECT TITLED "DOWNEY PARK AND MODESTO HIGH SCHOOL TENNIS COURT RENOVATION"

WHEREAS, the bids received for Downey Park and Modesto High School Tennis Court Renovation were opened at 11:00 a.m. on April 18, 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 $74,811.00 received from Southwest Recreational Industries 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 Industries 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 2nd day of May, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-195

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR ADMINISTERING STATE FUNDED TRANSPORTATION PROJECTS

WHEREAS, the City of Modesto has been the direct recipient of State Transportation Improvement Program (STIP) funding as a result of recent legislation, and;

WHEREAS, the source funds received under the STIP are considered to be State funds only, and;

WHEREAS, previous funding received for transportation projects was a mixture of State and Federal funds.

NOW, THEREFORE, a new master agreement shall be executed to address the State only funds that are being received, specifying the framework for administering the funds for these projects.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the master agreement between the City of Modesto and State of California for administration of State funded transportation projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said master 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 the2nd day of May, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-196

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PROGRAM SUPPLEMENTS ON A PROJECT-BY-PROJECT BASIS BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR AUGMENTATION TO THE MASTER AGREEMENT FOR USE OF STATE TRANSPORTATION IMPROVEMENT PROGRAM FUNDS

WHEREAS, the City of Modesto has been the direct recipient of State Transportation Improvement Program (STIP) funding as a result of recent legislation, and;

WHEREAS, the source funds received under the STIP are considered to be State funds only, and;

WHEREAS, previous funding received for transportation projects was a mixture of State and Federal funds.

WHEREAS, a new master agreement has been executed to address the State only funds that are being received, specifying the framework for administering the funds for these projects.

NOW, THEREFORE, it is necessary to augment the master agreement specifically for each project on a project-by-project basis.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the program supplements to the master agreement between the City of Modesto and the State of California on a project-by-project basis 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 2nd day of May, 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
JEAN ZAHR, City Clerk

Clerk 9

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-197

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 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 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 Nos. 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 2nd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk
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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-198

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 Nos. 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 2nd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-199

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY TO EXPAND THE SCOPE OF ENGINEERING SERVICES FOR THE 9TH STREET RAILROAD RELOCATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and DeLeuw, Cather & Company to expnad the scope of engineering services for the 9th Street Railroad Relocation project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 2nd day of May, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-200

Print

A RESOLUTION PROCLAIMING MAY 14-20, 2000 "BIKE COMMUTE WEEK 2000".

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 by 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 20, 2000, 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.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 2nd day of May, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-201

Print

A RESOLUTION APPROVING THE MODESTO CITY/COUNTY AIRPORT USED OIL RECYCLING PROGRAM POLICY.

WHEREAS, for the past several years, Modesto residents have been able to recycle their used motor oil by a variety of grant-funded programs, with one of the main factors for developing the various programs being to reduce the amount of illegal dumping in the City's rockwells, positive storm drains and retention basins, and,

WHEREAS, essentially, all three systems affect the City's drinking water in one way or another, and

WHEREAS, the City recently received $94,000 in Used Oil Opportunity Grant funds from the California Integrated Waste Management Board, and

WHEREAS, in part, the funds are designated to establish an oil recycling program at the City-County Airport, and a formal policy regarding participation in the program has been developed, and

WHEREAS, by an Agenda Report dated April 21, 2000, to the City Council from the Engineering and Transportation Department, City staff recommended establishing a formal Airport Oil Recycling Program Policy, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, at its City Council meeting which was held on May 2, 2000, the Council considered the proposed policy relating to said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto City/County Airport Used Oil Recycling Program Policy dated March 15, 2000, a copy of which policy is marked Exhibit "A", attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY/COUNTY AIRPORT
USED OIL RECYCLING PROGRAM POLICY
March 15, 2000

Scope: This policy covers the procedures for general aviation aircraft owners to participate in the Used Oil Recycling Program.

Purpose: The Program provides aircraft owners and pilots with a safe, proper, and convenient means of disposing their used oil and used oil filters. It is imperative to keep hazardous materials out of the storm drains as the airport is located adjacent to the Tuolumne River Regional Park, a sensitive environmental area. This grant-funded Program provides a safe alternative for the disposal of used oil and oil filters.

Location: The used oil recycling tank and filter collection container is located on the west end of T-Hangar C. Exhibit A, attached as part of this policy, identifies the specific location.

Procedure: The Used Oil Recycling Program is available to general aviation hangar and tie-down tenants only. The private aircraft owners may dispose of their used oil and filters for free via this grant-funded Program. The Program is provided as a courtesy to the owners and rules of proper disposal must be adhered to, or otherwise the privilege will be revoked.

The 400-gallon oil tank will operate on a double lock system. Airport maintenance personnel will unlock one side of the tank each day and during operational hours, aircraft owners can open the other side to dispose of their oil and filters with a City issued key. Keys will be distributed to each participant by Airport Administration staff. A deposit of $5.00 will be required. Keys may not be duplicated or loaned to others.

The hours of operation are as follows:
Monday – Friday, 8AM – 8PM
Saturday – Sunday and holidays, 10AM – 3PM
No after hours disposal of oil or filters is allowed. There will be no disposal allowed during the collection procedure by the waste hauler.

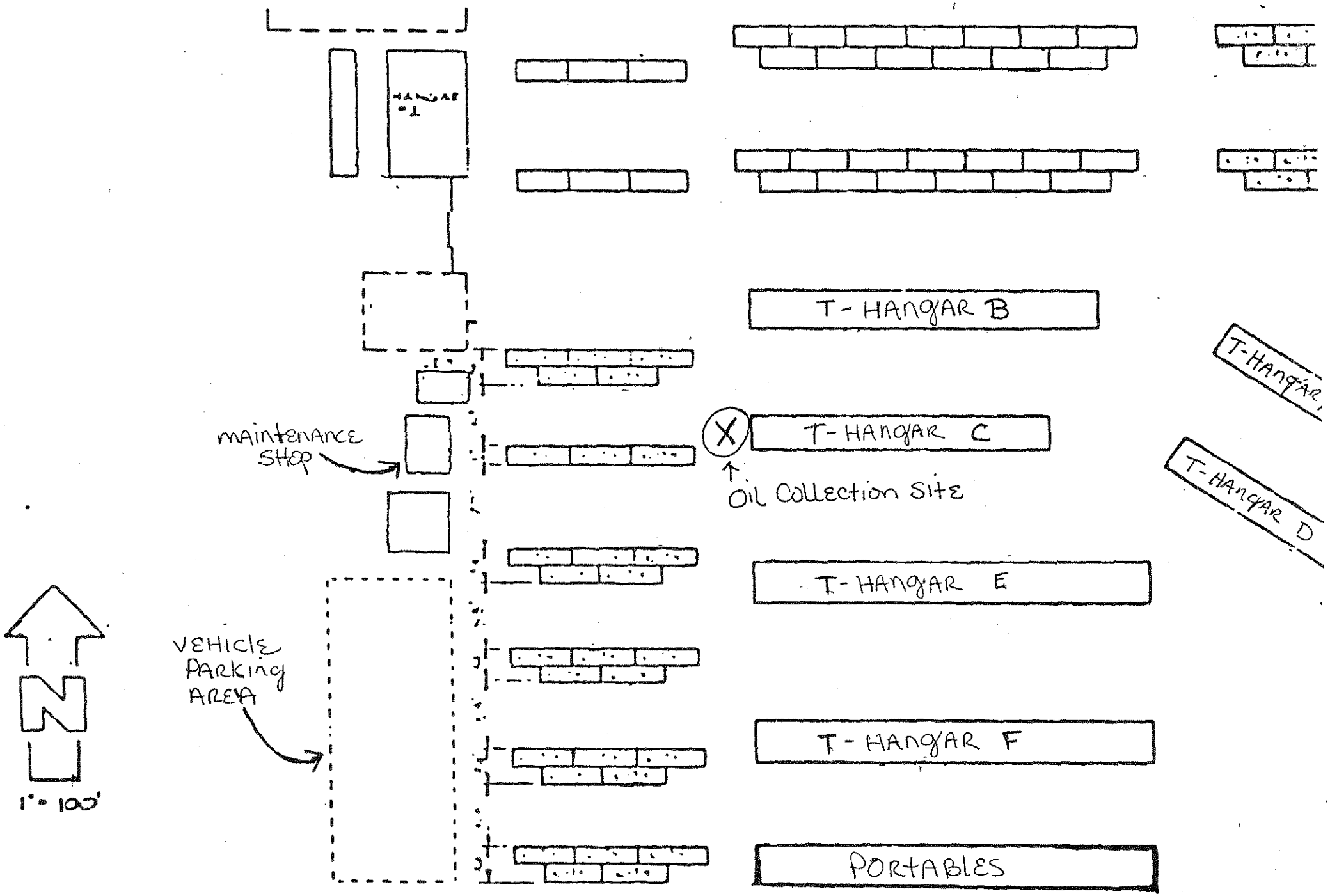
Participants will be responsible to ensure that proper disposal methods are followed so that no excessive maintenance or clean up is necessary. Specific disposal steps are listed at the site. Each participant is responsible for locking the container when disposal is completed.

The first 200 participating T-Hangar tenants will receive a free 15qt. oil drain pan. The pan will be labeled with the corresponding hangar number and should remain with the hangar when the tenant vacates or relocates to another hangar. Tie-down tenants must contact Airport Maintenance staff to obtain a drain pan for temporary use. When finished

EXHIBIT "A"

servicing their aircraft, they must clean the pan and return it. Airport Maintenance staff will direct tie-down tenants to a specified location where they can service their aircraft.

This policy was approved by the Modesto City Council on _____.



Attachment A

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-202

Print

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS 4, PHASE 1, SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, INLAND VILLAGE, a California general partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.56 acres, known as VILLAGE HIGHLANDS 4, PHASE 1 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th 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 VILLAGE HIGHLANDS 4, PHASE 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 2nd day of May, 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
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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-203

A RESOLUTION AUTHORIZING THE USE OF A BANNER PROGRAM FOR THE MODESTO CERTIFIED FARMERS MARKET IN AND NEAR THE DOWNTOWN AREA FOR DIRECTIONAL AND/OR INFORMATIONAL PURPOSES.

WHEREAS, on May 2, 2000, the City Council considered the request of the Modesto Certified Farmer's Market for authorization to hang four (4) two-sided banners from light posts in the downtown area, identical to those banners currently used by the Downtown Improvement District ("DID"), said banners being deemed informational signs pursuant to Section 10-2.2102(qq)(2) of the Modesto Municipal Code, and

WHEREAS, Article 21, of Chapter 2 of Title X provides for the regulation of signs in the City of Modesto, and Section 10-2.2102(qq) of the Modesto Municipal Code defines signs, and Section 10-2.2102(qq)(2) exempts directional, warning or informational signs authorized by federal, state or municipal authority or public utility, and

WHEREAS, at its meeting on April 19, 2000, the Community Development and Housing Committee recommended approval of said banners,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Certified Farmer's Market is hereby authorized to hang four (4) two-sided banners from downtown light posts, said banners being deemed informational signs pursuant to Section 10-2.2102(qq)(2) 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 2nd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-204

Print

A RESOLUTION APPROVING THE BYLAWS FOR THE COMMUNITY QUALITIES FORUM AND RESCINDING RESOLUTION NO. 2000-184.

WHEREAS, the City of Modesto ("City") Community Qualities Forum ("CQF") has developed proposed Bylaws, using the constitution and bylaws of several other City Council appointed committees as examples, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Human Services Committee met on April 5, 2000, to discuss the proposed Bylaws for the Modesto CQF, and the Human Services Committee has recommended that the CQF be composed of 23 members, with 7 members appointed at large, and four members appointed from each of the City's four areas, and

WHEREAS, by an Agenda Report to the Mayor and City Council dated April 26, 2000, from the Recreation and Neighborhoods Department, the CQF has recommended that it shall consist of 19 members, 7 of which are to be appointed at large by the City Council and the other 12 are to be appointed by the City Council based on neighborhood representation (three from each area as delineated by the Police and Recreation and Neighborhoods Departments), and

WHEREAS, the CQF has also recommended that the proposed CQF Bylaws be approved, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at its City Council meeting which was held on May 2, 2000, the Council considered the proposed Bylaws relating to the CQF,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby determines that in order to allow the Community Qualities Forum to function more efficiently and to address parliamentary issues and committee structure, the Council approves the Bylaws, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that effective May 2, 2000, Resolution No. 2000-184 adopted on April 25, 2000, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, 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

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO COMMUNITY QUALITIES FORUM

BYLAWS

Article I

Definitions

Section 1 There is created a Committee to be known and designated as the City of Modesto Community Qualities Forum.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Community Qualities Forum.

B. "Community Qualities Forum" and "Forum" shall mean the City of Modesto Community Qualities Forum.

C. "Regular meeting" shall mean the monthly Forum meetings held on the second Wednesday of every month.

Section 3 The fiscal year shall coincide with the City's fiscal year, July 1 to June 30.

Article II

Objectives

Section 1 The mission of the Forum shall be to discuss and debate, from a citizen and neighborhood perspective, issues related to the improvement and enhancement of Modesto's urban environment.

Section 2 The Forum shall be charged with identifying potential solutions to major community needs, developing future representatives to boards, commissions and Forums, creating a diverse sounding board for policy issues of major importance, and empowering citizens to enhance their neighborhoods through proven problem solving techniques.

Section 3 The Forum shall act as liaison between the general public, the City of Modesto Recreation and Neighborhoods Department, and other City departments, and shall

1. serve as a sounding board for the Modesto City Council and as a forum for discussing public policy.

2. identify solutions to major community needs and ways to increase citizen involvement in decisions affecting the City.

3. explore and develop other means for gathering public input.

Section 4 The Forum shall encourage and promote high standards of citizen participation.

Section 5 The Forum shall perform such other duties relating to its mission as may be assigned by the City Council or suggested by the Director of Recreation and Neighborhoods.

Section 6 Nothing in this article shall be deemed to invest the Forum with any supervisory powers over the actions and duties of City employees, or of any its agents or officers.

Article III

Membership

Section 1 The City of Modesto Community Qualities Forum shall consist of 23 members.

Section 2 The Members of the Forum shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Forum.

Section 3 None of the members shall hold any paid office, employment, or be currently a contractor with the City of Modesto.

Section 4 Seven members of the Forum shall be appointed by the Modesto City Council to serve at large. Sixteen members shall be appointed by the City Council on the basis of neighborhood representation, with four members being from each of the City's four areas, as delineated by the Police Department and the Recreation and Neighborhoods Department Area Office boundaries.

Section 5 All appointments shall be approved by a majority vote of the City Council.

Section 6 The Director of Recreation and Neighborhoods or his/her designee will serve as staff to the Forum and represent the City of Modesto, within the limits dictated by fiscal constraints.

Section 7 Should a Forum member wish to resign, he/she shall write a letter of resignation to the Director of Recreation and Neighborhoods. The letter will then be forwarded to the City Council for action.

Article IV

Terms of Office

Section 1 The term of office shall be effective as of the first of January.

Section 2 The term of office shall be four years for each Member of the Forum. Members may be re-appointed after their initial term, but in no event shall any person who has served two consecutive terms on the Forum be eligible for re-appointment to the Forum. Forum members are eligible for re-appointment to the Forum after a two-year absence from the Forum has transpired.

Section 3 Serving any portion of an unexpired term shall not be counted as service of one term. Members not eligible for re-appointment may continue to serve until their successors are appointed and meet all of the qualifications outlined in Article III Membership of these bylaws. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4 The Members of the Forum shall receive no compensation for the performance of their official duties.

Section 5 Appointments to fill vacancies on the Forum shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 6 After a majority vote of the Forum, members of the Forum may be removed by a majority vote of the City Council for the following reason:

A. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude.

Members of the Forum may be removed by a majority vote of the City Council after a recommendation by the Director of Recreation and Neighborhoods for the following reasons:

A. Refusal to resign from the Forum when no longer a resident of the City of Modesto.

B. When a member is absent from three meetings within a 12-month period without official permission expressed in the official minutes (automatic removal from the Forum).

Article V

Attendance at Meetings

Section 1 It shall be the responsibility of each Member to know the dates and times of all regular meetings of the Forum. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Forum Chair or Staff Liaison at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 2 The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.

Section 3 Timely attendance at meetings is expected and necessary to carry out the mission of the forum.

Article VI

Officers and Their Duties

Section 1 Officers shall consist of Chair and Vice-chair, elected by a majority vote of the Members of the Forum. Officers shall serve a one-year term commencing on January 1. The election shall be held at the January meeting, or the first meeting of the year.

Section 2 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 3 The Chair shall not serve more than two consecutive one-year terms. The Vice-chair shall not serve more than two consecutive one-year terms.

Section 4 The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Forum are properly enforced.

Section 5 The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6 The Recreation and Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary. He/she shall supply the Members of the Forum and the Director of Recreation and Neighborhoods and his/her designee(s) with copies of all records taken within three weeks after a meeting takes place. He/she shall also assist in publicity releases concerning Forum activities.

Article VII

Meetings

Section 1 Regular meetings of the Forum shall be held on the second Wednesday of every month.

Section 2 In the event that a regular meeting falls on a holiday, the meeting shall be scheduled by a vote of the Forum. Special meetings shall be called by the Chair as necessary.

Section 3 Notices of all meetings, including an agenda, shall be given to all members of the Forum, to the City Clerk, to the City Manager, to the Director of Recreation and Neighborhoods and to all others as provided by law. All such notices shall be furnished to the Forum in writing at least seventy-two hours prior to the time of such meeting.

Section 4 All meeting agendas will be posted at Tenth Street Place and will be available at the following public facilities: Tenth Street Place and at the Main Branch of the Stanislaus County Free Library.

Section 5 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 6 A quorum is necessary for the Forum to transact any business. A quorum shall be defined as a simple majority of active Forum members.

Section 7 All meetings of the Forum shall be open to the public and shall be held at a public facility which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

Section 1 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Forum meetings.

Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

1. Call to order
2. Approval of Minutes
3. Written Communications
4. Old Business
5. New Business
6. Oral Communications
7. Matters Too Late for the Agenda
8. Adjournment

Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names and addresses before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

Article IX

Report to the City

Section 1 The Forum shall present a written Annual Report of its activities for the past year to the Mayor and City Council. The Annual Report may include new recommendations and shall include the following:

A. The name of the Forum
B. Its objectives and function
C. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council
D. The number of meetings held
E. Attendance records of all members
F. The number of public hearings conducted
G. A list of City personnel who regularly assisted the Forum.

Section 2 The City Clerk shall forward the annual Report to the City Council. Such reports shall be open to public inspection and made available through the Director of Recreation and Neighborhoods.

Article X

Amendments

Section 1 The Bylaws may be recommended for amendment at a regularly scheduled meeting of the Forum. A written notice containing the

proposed changes shall be provided to each member at least sixty (60) days prior to the meeting. When all other conditions are met, an amendment requires a simple majority vote of the active members of the Forum.

Section 2 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Forum by the City Council.

RESCINDED
Print
2000-576
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-205

A RESOLUTION AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY LOCATED AT 308 RUBERTO STREET TO THE Y.M.C.A. FOR DEVELOPMENT OF A CHILDCARE AND YOUTH PROGRAM CENTER, AND AUTHORIZING CITY STAFF TO NEGOTIATE ALL NECESSARY BINDING AGREEMENTS, SUBJECT TO CERTAIN CONDITIONS AND SUBJECT TO RETURNING TO THE CITY COUNCIL FOR FINAL APPROVAL.

WHEREAS, the City acquired property located at 308 Ruberto Street in the City of Modesto when the property was recorded as a foreclosure at the Stanislaus County Recorder's Office on December 17, 1999, and

WHEREAS, on January 6, 2000, Notices of Interest and Proposed Use for the property was sent to approximately 90 non-profit agencies including the Housing Authority of the County of Stanislaus in an effort to solicit information for the proposed use of the property, and

WHEREAS, upon receiving proposals relating to the uses for this property, the Housing Rehabilitation Loan Committee met on March 16, 2000, and the Community Development and Housing Committee met on April 19, 2000, and said Committees recommended approval of transferring the City-owned property located at 308 Ruberto Street to the Y.M.C.A. for the purpose of developing the property as a Childcare and Youth Program Center, based on certain conditions, and

WHEREAS, by an Agenda Report dated April 27, from the Recreation and

Neighborhoods Department, the City Council considered this matter at its meeting which was held on May 2, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the transfer of City-owned property located at 308 Ruberto Street to the Y.M.C.A. for development of a Childcare and Youth Program Center, subject to the following conditions:

1. Any lead-based paint concerns shall be addressed and brought into compliance with appropriate regulations.

2. Zoning approval shall be addressed and brought into compliance with the Modesto Municipal Code.

3. The City shall not be requested to provide funding in relation to acquisition, operation or rehabilitation of the property.

4. Rehabilitation of the property shall be completed and the proposed program shall be operational within one year of approval.

5. An Agreement shall be entered into to bind the City and the Y.M.C.A. until "1 through 4 above have been completed, after which time title to the property would transfer to the YMCA organization.

BE IT FURTHER RESOLVED that City staff is hereby authorized to negotiate all necessary binding Agreements, subject to returning to the City Council for approval of the final agreements.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 2nd day of May, 2000, by Councilmember Conrad, 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, Smith, Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

AMENDED exhibit A on 3-6- By Resolution Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-206

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 93-352

WHEREAS, upon request, documents and transcripts are made available to the public by various department of the City, and;

WHEREAS, City staff has recommended an increase in said fees and charges to reflect increased costs, and;

WHEREAS, the City Council held a public hearing at its regular meeting on May 2, 2000 to consider the recommended changes;

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

SECTION 1. The fees and charges set forth on Exhibit A, which is attached hereto and made a part hereof as if set forth herein, are hereby established for the documents and transcripts listed thereon, and which are obtained from the City of Modesto.

SECTION 2. The City Clerk may charge governmental agencies for copies of documents as mandated by law except when required to produce such documents in the performance of an official service.

SECTION 3. Resolution No. 93-352 adopted by the Council on July 1, 1993 is hereby rescinded.

SECTION 4. Rates established by this resolution shall become effective on and after May 2, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, 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

Exhibit A

Modesto Municipal Code ..... $125.00/+tax
Continuing Code Service, per year $129.00/year
City Council Agendas **or** Minutes $61.25/year

Copies of any official City documents ..... $.35/pg
(Other than maps or plates)
(FPPC regulation sets $.10 each for copies of Economic Interest and campaign statements)

(The City Clerk is authorized to not charge persons requesting a small number of individual code pages)

Council Meeting Cassette Tape Copy ..... $10.00/+
..... $2.00/tape

Council Meeting Video Tape Copy $10.00/tape

City Street Maps ..... Free/1st one
Additional street maps to same person ..... $1.50 ea

Request To Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance..... $18.50

Transcripts -- Actual Cost & Indirect Costs

Base Map/Zoning Map ..... $9.00/ea+tax

Notice of Intent to Circulate Initiative Petition $200.00
To be refunded after Clerk certifies sufficiency of petition

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-207

Print

A RESOLUTION APPROVING A PROPERTY TAX SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PROPOSED NORTH 99/WOODLAND REORGANIZATION AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the property tax sharing agreement between the City of Modesto and Stanislaus County for the proposed North 99/Woodlan reorganization 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 2nd day of May, 2000, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-208

A RESOLUTION APPROVING THE CLOSURE OF TENTH STREET BETWEEN J STREET AND K STREET TO VEHICULAR TRAFFIC AND APPROVING THE INSTALLATION OF REMOVABLE BOLLARDS AT BOTH J STREET AND K STREET SO THE STREET CAN BE OPENED UP FOR SPECIAL NEEDS AND EVENTS.

WHEREAS, since the early stages of the Brenden Theater and Tenth Street Place construction, Tenth Street, located between J Street and K Street, has been closed to vehicular traffic, and

WHEREAS, since the opening of Brenden Theater, other commercial establishments and Tenth Street Place, all tenants along Tenth Street have enjoyed pedestrian traffic only and having the street closed to vehicular traffic, and

WHEREAS, City staff is recommending the closure of Tenth Street between J Street and K Street to vehicular traffic, and

WHEREAS, City staff is also recommending that removable bollards be installed on Tenth Street at both J Street and K Street so the street can be opened up for special needs and events, and

WHEREAS, pursuant to California Vehicle Code Division 11, Section 21101(1), the local authority, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution, and

WHEREAS, Section 21101(1)(a), provides for "closing any highway to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the highway is . . . no longer needed for vehicular traffic", and

WHEREAS, staff solicited comments from the tenants along Tenth Street about keeping Tenth Street closed between J Street and K Street to vehicular traffic, and

WHEREAS, the proposal includes the recommendation for a loading zone to be established on K Street west of Tenth Street, Monday through Sunday, 6:00 a.m. – 11:00 a.m. for delivery trucks, and

WHEREAS, the Transportation Policy Committee considered the closure of Tenth Street between J Street and K Street to vehicular traffic at their meeting of March 16, 2000, and endorsed the proposed recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the closure of Tenth Street between J Street and K Street to vehicular traffic, subject to the following conditions:

1. That removable bollards shall be installed on Tenth Street located at both J Street and K Street so the street can be opened up for special needs and events.

2. That, pursuant to Section 21103 of the California Vehicle Code, this resolution shall not become effective until signs giving notice of the local traffic laws are posted at entrances to Tenth Street at J Street and Tenth Street at K Street.

3. That a loading zone on K Street west of Tenth Street, Monday through Sunday, 6:00 a.m. – 11:00 a.m. shall be established.

4. That the Human Services Committee shall develop guidelines for the use of Tenth Street between J and K Streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-209

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO TRANSFER FUNDS TO ESTABLISH A NEW CIP PROJECT FOR RAILROAD CONCRETE CROSSING WORK

WHEREAS, in February 2000, the Union Pacific Railroad announced plans to install concrete crossings on all its crossings from Chowchilla to Sacramento; and

WHEREAS, the UPRR has requested the cities to provide the traffic control, preparation work, off haul of asphalt and excess dirt and repaving; and

WHEREAS, to pay for this new project, funds need to be transferred and a new CIP account needs to be established.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Expenses:	
#0700-430-L036-6040	$(54,240)
#0100-480-4612-0360	$(41,760)
#0700-430-L128-6040	$ 96,000
Transfer:	
#0700-700-7000-9010	$ 41,760
#0100-700-7000-7070	$ 41,760

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 5th day of May, 2000, 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 votes:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-210

Print

A RESOLUTION ACCEPTING THE BID OF SEMCO FOR THE PROJECT TITLED "COLLEGE AVENUE STORM DRAIN – M.I.D. LATERAL NO. 4 TO PRINCETON AVENUE"

WHEREAS, the bids received for College Avenue Storm Drain – MID Lateral No. 4 to Princeton Avenue were opened at 11:00 a.m. on April 24, 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 $353,740.00 received from SEMCO be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of SEMCO 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 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-211

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $288,413.20 TO FULLY FUND A PROJECT TITLED "COLLEGE AVENUE STORM DRAIN – M.I.D. LATERAL NO. 4 TO PRINCETON AVENUE"

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

FROM: 6280-480-l091 6040; $110,413.20
Annual Catch Basin & Valley Gutter
TO: 628-480-K013 6040; $100,413.20
College/Coldwell Storm Lift Station
FROM: 628-480-K014 6040; $100,000.00
Cavil Drain Study
TO: 628-480-K013 6040; $100,000.00
Co9llege/Coldwell Storm Lift Station
FROM: 628-480-H085 6040; $78,000.00
Drain Rock Recycling
TO: 628-480-K013 6040; $78,000.00
College/Coldwell Storm Lift Station

Additional funds are needed because the original project concept was an upgrade to the existing storm drain lift station. However, during the detailed design of the project it was determined that it would be more efficient in the long term to replace the existing lift station with a gravity storm drain line. The storm drain line requires more initial capital but will reduce maintenance and provide better service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-212

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "CALIFORNIA AVENUE SEWER LIFT STATION REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled California Avenue Sewer Lift Station Rehabilitation, has been completed by Conco-West Inc., in accordance with the contract agreement dated May 4, 1999.

NOW, THEREFORE, BE IT RESOLVED that the California Avenue Sewer Lift Station Rehabilitation be accepted from said contractor, Conco-West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $214,533.10 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 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-213

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "TULLY ROAD SEWAGE LIFT STATION REPLACEMENT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Tully Road Sewage Lift Station Replacement, has been completed by Howk System Inc., in accordance with the contract agreement dated June 22, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Tully road Sewage Lift Station Replacement be accepted from said contractor, Howk System Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $218,500.00 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 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-214

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR STOP SIGN REPLACEMENT

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 Stop Sign Replacement, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 20, 2000 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 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-215

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR STREET NAME SIGN REPLACEMENT

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 Street Name Sign Replacement, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 27, 2000 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 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-216

Print

A RESOLUTION APPROVING ITEMS 1 AND 2 OF EXHIBIT "A" OF THE AMENDMENT TO THE CITY OF MODESTO 1999-2000 ANNUAL ACTION PLAN, RELATING TO THE STANCO PROJECT AND THE RANDAZZO AVENUE HOUSING AUTHORITY PROJECT, AND ALLOCATING BOTH 1999-2000 PROGRAM FUNDING AND 1998-1999 CARRYOVER FUNDS TO OTHER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE ACTIVITIES.

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) conducted a meeting on April 3, 2000, and recommended that the City Council approve the proposed Amendment to the Annual Action Plan as recommended by City staff, a copy of which is attached hereto as Exhibit "A", and

WHEREAS, the City must notify the community of any substantial amendments to the Annual Action Plan, and

WHEREAS, a 30-day comment period began on April 3, 2000, and will end on May 9, 2000, at the City Council meeting, and

WHEREAS, notice of a public hearing was duly published in the local newspaper on Friday, March 31, 2000, and Sunday, April 9, 2000, and

WHEREAS, said duly noticed public hearing was held by the City Council at its meeting of May 9, 2000, to consider submittal of the Amendment to the Regional Office of the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, except for the capital improvement projects, staff has completed the carryover financial analysis for FY 1998-99 CDBG funds, and

WHEREAS, said excess funds are not the result of additional program income received, but are the result of unspent CDBG funds, and

WHEREAS, said funds should be allocated to eligible activities during this fiscal year or carried over to the next fiscal year, and

WHEREAS, on April 28, 2000, the final de-obligation amount of HOME funds was finalized from $344,000 to $292,298.95, said change being incorporated into the approved amendment to the Annual Plan, and

WHEREAS, new projects have emerged that require CDBG funding for success,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves items 1 and 2 of Exhibit "A" of the Amendment to the 1999/2000 Annual Action Plan relating to the STANCO Project and the Randazzo Avenue Housing Authority Project, and authorizes City staff to forward items 1 and 2 of Exhibit "A" of said Amendment to the 1999/2000 Annual Action Plan to the Regional Office of the U.S. Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all agreements necessary in relation to items 1 and 2 of Exhibit "A" of the Amendment to the 1999-2000 Annual Action Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit A

Proposed Amendment to the City of Modesto 1999/2000 Annual Action Plan

Housing Rehabilitation Projects:

1. Property located at the corner of Fifth and F streets (STANCO) $290,000

   This is a project that involves funding allocations for property acquisition and property rehabilitation of a proposed STANCO project. The project is an affordable housing apartment complex that will serve transitional and homeless households. Specifically, the amendment consists of a $200,000 allocation of CDBG funds for rehabilitation purposes and $90,000 for acquisition purposes. This will be accomplished by committing $200,000 from the Revolving Loan Fund and adding and committing $90,000 in grant funds to this project from the already adopted Nonprofit Acquisition Program.

2. Properties located along Randazzo Avenue (Housing Authority) $200,000

   This is a housing rehabilitation project involving properties located on Randazzo Avenue. Initially $500,000 in CDBG funds was committed to this project. Recent repair estimates project that an additional $200,000 will be needed to complete the project. Together, the Randazzo Avenue rehabilitation project should be allocated a total of $700,000. This additional funding will come from carryover housing loan program income.

3. Loan Guarantee – Prescott Estates $30,000

   This is a project that supports the private housing rehabilitation efforts in the Prescott Estates neighborhood. The proposed funding would serve as security to guarantee a private rehabilitation loan. The funds would serve to pay for the debt service for the balance of the fiscal year. The projected debt service for each fiscal year will be approximately $150,000. A loan guarantee for the whole year will be considered as part of the FY 2000-20001 Annual Action Plan. The last quarter of this fiscal year will require a loan guarantee of approximately $30,000. This funding for this project will be committed from the carryover of the housing loan program income.

4. Emergency Home Repair Program (city-wide) $30,000

   The Emergency Home Repair Program was used extensively this year and additional funding is needed to meet current application cases. The program was originally budgeted with $75,000. The funding for this program will come from 1998-99 housing rehabilitation program carryover.

Elimination of Slum/Blight

5. Disaster Relief Project – in the Airport Neighborhood located in Southeast Modesto $290,000

This project involves the close out of the Disaster Relief Grant (DRG) project. The City initially received a DRG amount of $650,426. The estimated cost to complete all project components totals $1,240,300. A total of approximately $590,000 CDBG funds will be needed to complete this project. Of this amount, $300,000 in CDBG funds has already been committed and spent. The balance of $290,000 needs to be committed to complete this project. Funding from this project will come from the down payment assistance program allocation and from carryover 98/99 CDBG funds.

The amendment also includes a proposal to eliminate the provision of a community garden as part of the project. The entire acquired territory will be transferred to the Tuolumne River Regional Park and maintained as open space. Staff is proposing relocating the community garden to the planned park site south of Orville Wright Elementary school.

6. Crime Free Multi-housing Program $21,000

The Modesto Police Department is proposing a new crime free multi-housing program that will address illegal activity and blighting conditions in low-income neighborhoods. The policing activity is eligible under the public service category. The enforcement of building codes is eligible under code enforcement. A total of $21,000 of unspent 1998-99 public services funds is available to pay for the Police Department's administrative costs to set-up the program. The police department will be proposing this program as part of the next Annual Action Plan.

Economic Development

7. Creation of Community Development Based Organization Program $0

This is the introduction of a new program that will be eligible for CDBG funding. The Community Based Development Organization program will enable local nonprofit organizations to propose and implement activities that increase economic opportunities in low-income neighborhoods. The funding for this program will be considered outside of the public services funding cap. Presently, there are a couple of efforts that are developing a workforce development program for west Modesto residents. Creating this program will enable this agency and similar agencies to apply for funding under this HUD approved activity during this and subsequent fiscal years.

8. Funding of a Workforce Development Program $90,000

The City Council approved funding a workforce development effort last spring. This activity was not reflected in the adopted Annual Action Plan. A total of $44,000 in CDBG funding was allocated and spent on developing this program. This amendment is simply a housekeeping item.

The amendment also involves allocating an additional $90,000 from the economic loan activity to fund the implementation of the workforce development program during this and the next fiscal year. The $90,000 in economic funds are expected to be replaced with next year's grant funding.

CDBG Administration

9 Funding of Debt Service for Administrative Office Space $42,000

The costs for office space for the Housing and Neighborhoods Division in Tenth Street Place is approximately $85,000 per year. This cost increased from $21,000 at the previous location. The office costs for this FY is just under $42,000 since the Housing & Neighborhoods Division moved in after the first quarter of the fiscal year. This cost will increase the administrative costs but will not reach the 20% cap. This cost will be funded from carryover CDBG grant funds previously earmarked for housing rehab.

10. Funding of partial cost for a vehicle used by the Code Enforcement Staff $7,500

The Neighborhood Preservation Unit has five Code Enforcement Officers that enforce the City's municipal codes. The staff has used vehicles that were surplused by other departments. These vehicles have not been scheduled for replacement and a new vehicle is needed. This cost represents half of the cost for a new vehicle, the balance of the cost will be provided for by the Recreation and Neighborhoods Department budget. These funds will be committed from the public services carry-over funds of FY1998-99.

11. Administrative costs for Consultants $92,000

Due to the vacancies of three administrative staff members since the end of the last fiscal year, staff has had to contract with two consultants to assist in the administration of the Community Development Block Grant and HOME programs. One consultant, Wes Kulm was hired to assist in the review and execution of loan agreements for affordable housing proposals. His Contract for $34,000 was funded out of the HOME administrative cap. A second Consultant, Vernazza-Wolfe Associates was contracted to assist in the development of update to the five-year Consolidate Plan. The contract amount for this consultant is $15,000. This consultant will be funded from the salary savings of vacant staff positions.

Staff is also proposing to hire a consultant to assist in the recruitment of the vacant Recreation and Neighborhoods Deputy Director position. CDBG funds were used to pay for 60% ($18,000) of the consultant's contract of $30,000. The funding for this consultant was provided from 98/99 carry-over of Public Services. This cost allocation is an administrative expense and should be included in the administrative cap.

Lastly, staff is proposing to contract with an accounting firm to provide an accounting and status of all CDBG, HOME and ESG expenditures for the activities during the last three years. With the departure of key staff and the loss of institutional knowledge, the Recreation and Neighborhoods Department desires to have a firm accounting of all funded projects and the status of actual expenditures to date. The cost for this effort is estimated at $25,000. This proposal if approved will be funded from the carryover CDBG grant allocation to housing rehab program.

HOME Program

12. Funding of a non profit Affordable Housing Developer $66,600

During FY 1998-99, DLA was awarded $66,600 in HOME funds to carry out affordable housing development activities. It included a $29,000 operating grant, a $14,600 loan for predevelopment costs, and a $23,000 loan for site acquisition. This activity was not specifically identified and carried forward in the 1999-2000 Annual Action Plan and will need to be included. A balance of $37,600 remains and the entire amount should be identified as an activity. Funds were already budgeted and this is a housekeeping item

13. Recognition of the Recapture of 98/99 HOME funds. -$344,000

HUD has been in a position to recapture $344,000 in HOME funds because the City and a developer were unable to enter into binding agreements and commit HOME funds within the two-year limit. This involved the two sweat-equity project proposed by Self-help Enterprises (SHE). SHE experienced great difficulty in finding eligible families. Only after the City increased the amount of individual household assistance and agreed to more favorable terms for the project participants, was the project able to proceed. This loss, although still not official, appears to be eminent and should eventually be reflected in the 1999-2000 Annual Action Plan.

(On April 28, 2000, HUD reported that the final de-obligation amount would not be $344,000, but $292,298.25)

Attachment

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Miligation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
CDBG-Operating Grant	534,035	1,199,644	0	747,321	0	0	2,481,000	0	550,000	30,000	1,050,000	0	1,050,000	4,111,000
"HOME" Grant							0						0	0
Emergency Shelter Grant	88,000						88,000						0	88,000
Glendale							0						0	0
State Share of Street Project						26,933	26,933						0	26,933
Carryover Revenue	0	311,820	259,608	0	0	1,145,932	1,717,360	0	648,973	451,208	1,373,188	0	1,373,188	4,190,729
Interest						0	0						0	0
Miscellaneous Revenue	0						0						0	0
							0						0	0
Working Capital 98-99	0	0	0	1,347	0	0	1,347	5,695	1,009,643	228,531	19,423	0	19,423	1,264,639
							0						0	0
TOTAL REVENUE	(622,035)	(1,511,464)	(259,608)	(748,668)	0	(1,172,865)	(4,314,640)	(5,695)	(2,208,616)	(709,739)	(2,442,611)	0	(2,442,611)	(9,681,301)
Salaries & Wages, Regl	178,184	0		354,196			532,380				48,654		48,654	581,034
Salaries & Wages, O/T	467	0		1,267			1,734				52		52	1,786
Fringe Benefits plus	47,966	0		74,694			122,660				10,135		10,135	132,795
Objs 0162/0163/0189	0	0		0			0				0		0	0
TOTAL APPR UNIT	226,617	0	0	430,157	0	0	656,774				58,841	0	58,841	715,615

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Mitigation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
Postage	200	0		200			400				100		100	500
Mail Svcs - Inside	1,000	0		1,865			2,865				200		200	3,065
Record Svcs - Inside		0		110			110				0		0	110
Copier Chgs - Inside	495	0		167			662				0		0	662
Printing & Binding	1,500	0		1,500			3,000				1,000		1,000	4,000
Conference Exp	6,500	0		3,500			10,000				4,500		4,500	14,500
Business Exp	1,750	0		1,500			3,250				2,500		2,500	5,750
Training Exp	2,000	0		1,500			3,500				2,000		2,000	5,500
Utilities	1,967	0		3,049			5,016				824		824	5,840
Technology & Information Svc		0		0			0				0		0	0
Rental of Real Property	1,968	0		2,952			4,920				984		984	5,904
Photocopy-Rent, Svc, Supply	100	0		0			100				0		0	100
Equip Pool Rtl	3,973	0		9,943			13,916				2,870		2,870	16,786
Record Svcs - Outside				211			211				0		0	211
Copy Machine Mtc	1,000	0		1,000			2,000				500		500	2,500
Repair & Maint-Outside	1,000	0		1,000			2,000				600		600	2,600
Stores Services - Inside	326	0		289			615				213		213	828
Advertising	3,500	0		2,000			5,500				3,000		3,000	8,500
Svcs, Prof & Other	55,285	40,000		30,000			125,285				6,650		6,650	131,935
Building Services	3,700	0					3,700				0		0	3,700
Indirect Cost	110,340	0					110,340				0		0	110,340
Info Svc charges	14,056	0		12,122			26,178				8,080		8,080	34,258
Svcs Cty Forces	93,836	125,487	2,000	9,378	0	0	230,701	0	0	0	27,127	0	27,127	257,828
0401 Contract/Loan Reviews				0			0				0		0	0
1400 Dept Head							0				0		0	0
1401 Development Services				0			0				0		0	0
1406 Housing Demolition & Board-Up							0				0		0	0
1421 Business Development							0				0		0	0
1405 Code Enforcement	0	0					0				0		0	0
1452 CDBG Administration							0				0		0	0
1456 CDBG Admin							0				0		0	0
Other Service Credits			0				0				0		0	0
Miscellaneous Services	7,498	495,977	189,917	66,283		640,165	1,399,840	5,695	616,901	22,373	226,196		226,196	2,271,005
TOTAL APPR UNIT	311,994	661,464	191,917	148,569	0	640,165	1,954,109	5,695	616,901	22,373	287,344	0	287,344	2,886,422
Office Supplies	3,750	0		3,000			6,750				1,000		1,000	7,750
Books & Periodicals	1,500	0		1,200			2,700				1,000		1,000	3,700
Custodial & Institutional Supply		0					0				0		0	0
PC Software	750	0					750				1,000		1,000	1,750
Tools, Shop & Field Supplies		0					0				0		0	0
Tool Bank Supplies		0		8,500			8,500				0		0	8,500
TA Cleanup		0		30,000			30,000				0		0	30,000
TOTAL APPR UNIT	6,000	0	0	42,700	0	0	48,700				3,000	0	3,000	51,700

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Mitigation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
Memberships & Dues	2,300	0		700			3,000				0		0	3,000
Property Ins	3,813	0					3,813				0		0	3,813
Other Liability Ins	2,696	0		4,532			7,228				708		708	7,936
CDBG-Temporary Relocations			0	20,000			20,000				40,000		40,000	60,000
Housing Demolition			67,691	30,000			97,691				0		0	97,691
Loan Principal Payouts-EHRP				75,000			75,000				0		0	75,000
Direct Grants	88,000	500,000					588,000				0		0	588,000
Loan Principal Payouts		0					0				0		0	0
Housing Rehabilitation			0				0		0		0		0	0
Small Business Loan Program							0			337,366	0		0	337,366
Downpayment Assistance Pool	0	300,000					300,000				0		0	300,000
Home Housing Development							0				2,063,000		2,063,000	2,063,000
Program Income							0		550,000	30,000	0		0	580,000
Fair Housing Svcs	30,000	0					30,000				0		0	30,000
Temp Shelter Exp							0				0		0	0
Paint/Insulation Rebates				25,000			25,000				0		0	25,000
Glendale (Balance Sheet)							0		465,186		0		0	465,186
TOTAL APPR UNIT	126,809	800,000	67,691	155,232	0	0	1,149,732	0	1,015,186	367,366	2,103,708	0	2,103,708	4,635,992
Office Furniture				0			0							0
Computer Equipment	5,000	0		5,000			10,000							10,000
Property for Trustee Sale	0	50,000					50,000							50,000
TOTAL APPR UNIT	5,000	50,000	0	5,000	0	0	60,000	0	0	0	0	0	0	60,000
Svc Credits	(54,385)	0	0	(73,520)	0	0	(127,905)	0	0	0	(10,282)	0	(10,282)	(138,187)
1400 Comm Dev Administration				0			0						0	0
1452 CDBG Administration				0			0				0		0	0
1456 CDBG Admin							0						0	0
1457 Small Business Prog							0						0	0
1458 Housing Development				0			0						0	0
1491 RDA Low & Moderate Income							0						0	0
Other Service Credits							0						0	0
SUBTL APPR	622,035	1,511,464	259,608	708,138	0	640,165	3,741,410	5,695	1,632,087	389,739	2,442,611	0	2,442,611	8,211,542
CIP'S						0	0							
SUBTL NEW CIP	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Miligation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
CARRYOVER—	0	0	0	0	0	26,933	26,933	0	576,529	320,000	0	0	0	923,462
Transfers for CIP														
113-140-K017 Street Paving									190,724					190,724
113-140-K018 Economic Development										320,000				320,000
113-140-K020 T/Signal Sisk/Earl									110,000					110,000
113-140-K021 T/Signal Prescott/Chrysler									66,169					66,169
113-140-K022 Street Lights									110,000					110,000
113-140-K024 Curb Ramps									9,999					9,999
113-140-K025 Monterey/Empire Impts									25,000					25,000
113-140-K026 Audible Pedestrian Signals									15,000					15,000
113-140-K027 Flashing Beacon									11,761					11,761
113-140-K028 Sidewalk Improvements						26,933			17,876					17,876
113-140-K160 Handicap Barrier Removal Curbs									20,000					20,000
CIP	0	0	0	0	0	505,767	505,767	0	0	0	0	0	0	505,767
113-430-J026 Sisk Road Landscaping						23,000	23,000				0	0	0	23,000
113-480-J233 Hillside Drive Fencing						8,500	8,500				0	0	0	8,500
113-480-J234 Airport (con, ben, kerr)						362,267	362,267				0	0	0	362,267
113-480-J238 Hillside Dr Street Improvements						112,000	112,000							
113-480-J239 Street Paving						0	0							
SUBTL CARRYOVER CIP	0	0	0	0	0	532,700	532,700	0	576,529	320,000	0	0	0	1,429,229
TOTAL APPR	622,035	1,511,464	259,608	708,138	0	1,172,865	4,274,110	5,695	2,208,616	709,739	2,442,611	0	2,442,611	9,640,771
	0													
TRANSFER OUT		0	0	40,530	0	0	40,530							40,530
Contingency Reserve for Project							0	0	0	0	0		0	0
EXPENSES OVER/ (UNDER) REVENUE	0	0	0	0	0	0	0	0	0	0	0	0	0	0 0

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-217

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO 1999-2000 ANNUAL ACTION PLAN ALLOCATING BOTH 1999-2000 PROGRAM FUNDING, AND 1998-1999 CARRYOVER FUNDS TO OTHER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE ACTIVITIES, WITH THE EXCEPTION OF ITEMS 1 AND 2 OF EXHIBIT "A" OF SAID AMENDMENT RELATING TO THE STANCO PROJECT AND THE RANDAZZO AVENUE HOUSING AUTHORITY PROJECT.

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) conducted a meeting on April 3, 2000, and recommended that the City Council approve the proposed Amendment to the Annual Action Plan as recommended by City staff, a copy of which is attached hereto as Exhibit "A", and

WHEREAS, the City must notify the community of any substantial amendments to the Annual Action Plan, and

WHEREAS, a 30-day comment period began on April 3, 2000, and will end on May 9, 2000, at the City Council meeting, and

WHEREAS, notice of a public hearing was duly published in the local newspaper on Friday, March 31, 2000, and Sunday, April 9, 2000, and

WHEREAS, said duly noticed public hearing was held by the City Council at its meeting of May 9, 2000, to consider submittal of the Amendment to the Regional Office of the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, except for the capital improvement projects, staff has completed the carryover financial analysis for FY 1998-99 CDBG funds, and

WHEREAS, said excess funds are not the result of additional program income received, but are the result of unspent CDBG funds, and

WHEREAS, said funds should be allocated to eligible activities during this fiscal year or carried over to the next fiscal year, and

WHEREAS, on April 28, 2000, the final de-obligation amount of HOME funds was finalized from $344,000 to $292,298.95, said change being incorporated into the approved amendment to the Annual Plan, and

WHEREAS, new projects have emerged that require CDBG funding for success,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the 1999/2000 Annual Action Plan as set forth in Exhibit "A" attached hereto, with the exception of items 1 and 2 of Exhibit "A" of said Amendment relating to the STANCO Project and the Randazzo Avenue Housing Authority Project, and authorizes City staff to forward said Amendment to the 1999/2000 Annual Action Plan, with the exception of items 1 and 2 of Exhibit "A" as stated above, to the Regional Office of the U.S. Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all agreements necessary in relation to the Amendment to the 1999-2000 Annual Action Plan, with the exception of items 1 and 2 of Exhibit "A" as stated above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, 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, 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

Proposed Amendment to the City of Modesto 1999/2000 Annual Action Plan

Housing Rehabilitation Projects:

1. Property located at the corner of Fifth and F streets (STANCO) $290,000

   This is a project that involves funding allocations for property acquisition and property rehabilitation of a proposed STANCO project. The project is an affordable housing apartment complex that will serve transitional and homeless households. Specifically, the amendment consists of a $200,000 allocation of CDBG funds for rehabilitation purposes and $90,000 for acquisition purposes. This will be accomplished by committing $200,000 from the Revolving Loan Fund and adding and committing $90,000 in grant funds to this project from the already adopted Nonprofit Acquisition Program.

2. Properties located along Randazzo Avenue (Housing Authority) $200,000

   This is a housing rehabilitation project involving properties located on Randazzo Avenue. Initially $500,000 in CDBG funds was committed to this project. Recent repair estimates project that an additional $200,000 will be needed to complete the project. Together, the Randazzo Avenue rehabilitation project should be allocated a total of $700,000. This additional funding will come from carryover housing loan program income.

3. Loan Guarantee – Prescott Estates $30,000

   This is a project that supports the private housing rehabilitation efforts in the Prescott Estates neighborhood. The proposed funding would serve as security to guarantee a private rehabilitation loan. The funds would serve to pay for the debt service for the balance of the fiscal year. The projected debt service for each fiscal year will be approximately $150,000. A loan guarantee for the whole year will be considered as part of the FY 2000-20001 Annual Action Plan. The last quarter of this fiscal year will require a loan guarantee of approximately $30,000. This funding for this project will be committed from the carryover of the housing loan program income.

4. Emergency Home Repair Program (city-wide) $30,000

   The Emergency Home Repair Program was used extensively this year and additional funding is needed to meet current application cases. The program was originally budgeted with $75,000. The funding for this program will come from 1998-99 housing rehabilitation program carryover.

Elimination of Slum/Blight

5. Disaster Relief Project – in the Airport Neighborhood located in Southeast Modesto $290,000

This project involves the close out of the Disaster Relief Grant (DRG) project. The City initially received a DRG amount of $650,426. The estimated cost to complete all project components totals $1,240,300. A total of approximately $590,000 CDBG funds will be needed to complete this project. Of this amount, $300,000 in CDBG funds has already been committed and spent. The balance of $290,000 needs to be committed to complete this project. Funding from this project will come from the down payment assistance program allocation and from carryover 98/99 CDBG funds.

The amendment also includes a proposal to eliminate the provision of a community garden as part of the project. The entire acquired territory will be transferred to the Tuolumne River Regional Park and maintained as open space. Staff is proposing relocating the community garden to the planned park site south of Orville Wright Elementary school.

6. Crime Free Multi-housing Program $21,000

The Modesto Police Department is proposing a new crime free multi-housing program that will address illegal activity and blighting conditions in low-income neighborhoods. The policing activity is eligible under the public service category. The enforcement of building codes is eligible under code enforcement. A total of $21,000 of unspent 1998-99 public services funds is available to pay for the Police Department's administrative costs to set-up the program. The police department will be proposing this program as part of the next Annual Action Plan.

Economic Development

7. Creation of Community Development Based Organization Program $0

This is the introduction of a new program that will be eligible for CDBG funding. The Community Based Development Organization program will enable local nonprofit organizations to propose and implement activities that increase economic opportunities in low-income neighborhoods. The funding for this program will be considered outside of the public services funding cap. Presently, there are a couple of efforts that are developing a workforce development program for west Modesto residents. Creating this program will enable this agency and similar agencies to apply for funding under this HUD approved activity during this and subsequent fiscal years.

8. Funding of a Workforce Development Program $90,000

The City Council approved funding a workforce development effort last spring. This activity was not reflected in the adopted Annual Action Plan. A total of $44,000 in CDBG funding was allocated and spent on developing this program. This amendment is simply a housekeeping item.

The amendment also involves allocating an additional $90,000 from the economic loan activity to fund the implementation of the workforce development program during this and the next fiscal year. The $90,000 in economic funds are expected to be replaced with next year's grant funding.

CDBG Administration

9 Funding of Debt Service for Administrative Office Space $42,000

The costs for office space for the Housing and Neighborhoods Division in Tenth Street Place is approximately $85,000 per year. This cost increased from $21,000 at the previous location. The office costs for this FY is just under $42,000 since the Housing & Neighborhoods Division moved in after the first quarter of the fiscal year. This cost will increase the administrative costs but will not reach the 20% cap. This cost will be funded from carryover CDBG grant funds previously earmarked for housing rehab.

10. Funding of partial cost for a vehicle used by the Code Enforcement Staff $7,500

The Neighborhood Preservation Unit has five Code Enforcement Officers that enforce the City's municipal codes. The staff has used vehicles that were surplused by other departments. These vehicles have not been scheduled for replacement and a new vehicle is needed. This cost represents half of the cost for a new vehicle, the balance of the cost will be provided for by the Recreation and Neighborhoods Department budget. These funds will be committed from the public services carry-over funds of FY1998-99.

11. Administrative costs for Consultants $92,000

Due to the vacancies of three administrative staff members since the end of the last fiscal year, staff has had to contract with two consultants to assist in the administration of the Community Development Block Grant and HOME programs. One consultant, Wes Kulm was hired to assist in the review and execution of loan agreements for affordable housing proposals. His Contract for $34,000 was funded out of the HOME administrative cap. A second Consultant, Vernazza-Wolfe Associates was contracted to assist in the development of update to the five-year Consolidate Plan. The contract amount for this consultant is $15,000. This consultant will be funded from the salary savings of vacant staff positions.

Staff is also proposing to hire a consultant to assist in the recruitment of the vacant Recreation and Neighborhoods Deputy Director position. CDBG funds were used to pay for 60% ($18,000) of the consultant's contract of $30,000. The funding for this consultant was provided from 98/99 carry-over of Public Services. This cost allocation is an administrative expense and should be included in the administrative cap.

Lastly, staff is proposing to contract with an accounting firm to provide an accounting and status of all CDBG, HOME and ESG expenditures for the activities during the last three years. With the departure of key staff and the loss of institutional knowledge, the Recreation and Neighborhoods Department desires to have a firm accounting of all funded projects and the status of actual expenditures to date. The cost for this effort is estimated at $25,000. This proposal if approved will be funded from the carryover CDBG grant allocation to housing rehab program.

HOME Program

12. Funding of a non profit Affordable Housing Developer $66,600

During FY 1998-99, DLA was awarded $66,600 in HOME funds to carry out affordable housing development activities. It included a $29,000 operating grant, a $14,600 loan for predevelopment costs, and a $23,000 loan for site acquisition. This activity was not specifically identified and carried forward in the 1999-2000 Annual Action Plan and will need to be included. A balance of $37,600 remains and the entire amount should be identified as an activity. Funds were already budgeted and this is a housekeeping item

13. Recognition of the Recapture of 98/99 HOME funds. -$344,000

HUD has been in a position to recapture $344,000 in HOME funds because the City and a developer were unable to enter into binding agreements and commit HOME funds within the two-year limit. This involved the two sweat-equity project proposed by Self-help Enterprises (SHE). SHE experienced great difficulty in finding eligible families. Only after the City increased the amount of individual household assistance and agreed to more favorable terms for the project participants, was the project able to proceed. This loss, although still not official, appears to be eminent and should eventually be reflected in the 1999-2000 Annual Action Plan.

(On April 28, 2000, HUD reported that the final de-obligation amount would not be $344,000, but $292,298.25)

Attachment

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Miligation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
CDBG-Operating Grant	534,035	1,199,644	0	747,321	0	0	2,481,000	0	550,000	30,000	1,050,000	0	1,050,000	4,111,000
"HOME" Grant							0						0	0
Emergency Shelter Grant	88,000						88,000						0	88,000
Glendale							0						0	0
State Share of Street Project						26,933	26,933						0	26,933
Carryover Revenue	0	311,820	259,608	0	0	1,145,932	1,717,360	0	648,973	451,208	1,373,188	0	1,373,188	4,190,729
Interest						0	0						0	0
Miscellaneous Revenue	0						0						0	0
							0						0	0
Working Capital 98-99	0	0	0	1,347	0	0	1,347	5,695	1,009,643	228,531	19,423	0	19,423	1,264,639
							0						0	0
TOTAL REVENUE	(622,033)	(1,511,464)	(259,608)	(748,668)	0	(1,172,865)	(4,314,640)	(5,695)	(2,208,616)	(709,739)	(2,442,611)	0	(2,442,611)	(9,681,301)
Salaries & Wages, Regl	178,184	0		354,196			532,380				48,654		48,654	581,034
Salaries & Wages, O/T	467	0		1,267			1,734				52		52	1,786
Fringe Benefits plus	47,966	0		74,694			122,660				10,135		10,135	132,795
Objs 0162/0163/0189	0	0		0			0				0		0	0
TOTAL APPR UNIT	226,617	0	0	430,157	0	0	656,774				58,841	0	58,841	715,615

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Mitigation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
Postage	200	0		200			400				100		100	500
Mail Svcs - Inside	1,000	0		1,865			2,865				200		200	3,065
Record Svcs - Inside		0		110			110				0		0	110
Copier Chgs - Inside	495	0		167			662				0		0	662
Printing & Binding	1,500	0		1,500			3,000				1,000		1,000	4,000
Conference Exp	6,500	0		3,500			10,000				4,500		4,500	14,500
Business Exp	1,750	0		1,500			3,250				2,500		2,500	5,750
Training Exp	2,000	0		1,500			3,500				2,000		2,000	5,500
Utilities	1,967	0		3,049			5,016				824		824	5,840
Technology & Information Svc		0		0			0				0		0	0
Rental of Real Property	1,968	0		2,952			4,920				984		984	5,904
Photocopy-Rent, Svc, Supply	100	0		0			100				0		0	100
Equip Pool Rtl	3,973	0		9,943			13,916				2,870		2,870	16,786
Record Svcs - Outside				211			211				0		0	211
Copy Machine Mtc	1,000	0		1,000			2,000				500		500	2,500
Repair & Maint-Outside	1,000	0		1,000			2,000				600		600	2,600
Stores Services - Inside	326	0		289			615				213		213	828
Advertising	3,500	0		2,000			5,500				3,000		3,000	8,500
Svcs, Prof & Other	55,285	40,000		30,000			125,285				6,650		6,650	131,935
Building Services	3,700	0					3,700				0		0	3,700
Indirect Cost	110,340	0					110,340				0		0	110,340
Info Svc charges	14,056	0		12,122			26,178				8,080		8,080	34,258
Svcs City Forces	93,836	125,487	2,000	9,378	0	0	230,701	0	0	0	27,127	0	27,127	257,828
0401 Contract/Loan Reviews				0			0				0		0	0
1400 Dept Head							0				0		0	0
1401 Development Services				0			0				0		0	0
1406 Housing Demolition & Board-Up							0				0		0	0
1421 Business Development							0				0		0	0
1405 Code Enforcement	0	0					0				0		0	0
1452 CDBG Administration							0				0		0	0
1456 CDBG Admin							0				0		0	0
Other Service Credits			0				0				0		0	0
Miscellaneous Services	7,498	495,977	189,917	66,283		640,165	1,399,840	5,695	616,901	22,373	226,196		226,196	2,271,005
TOTAL APPR UNIT	311,994	661,464	191,917	148,569	0	640,165	1,954,109	5,695	616,901	22,373	287,344	0	287,344	2,886,422
Office Supplies	3,750	0		3,000			6,750				1,000		1,000	7,750
Books & Periodicals	1,500	0		1,200			2,700				1,000		1,000	3,700
Custodial & Institutional Supply		0					0				0		0	0
PC Software	750	0					750				1,000		1,000	1,750
Tools, Shop & Field Supplies		0					0				0		0	0
Tool Bank Supplies		0		8,500			8,500				0		0	8,500
TA Cleanup		0		30,000			30,000				0		0	30,000
TOTAL APPR UNIT	6,000	0	0	42,700	0	0	48,700				3,000	0	3,000	51,700

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Mitigation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
Memberships & Dues	2,300	0		700			3,000				0		0	3,000
Property Ins	3,813	0					3,813				0		0	3,813
Other Liability Ins	2,696	0		4,532			7,228				708		708	7,936
CDBG-Temporary Relocations			0	20,000			20,000				40,000		40,000	60,000
Housing Demolition			67,691	30,000			97,691				0		0	97,691
Loan Principal Payouts-EHRP				75,000			75,000				0		0	75,000
Direct Grants	88,000	500,000					588,000				0		0	588,000
Loan Principal Payouts		0					0				0		0	0
Housing Rehabilitation			0				0		0		0		0	0
Small Business Loan Program							0			337,366	0		0	337,366
Downpayment Assistance Pool	0	300,000					300,000				0		0	300,000
Home Housing Development							0				2,063,000		2,063,000	2,063,000
Program Income							0		550,000	30,000	0		0	580,000
Fair Housing Svcs	30,000	0					30,000				0		0	30,000
Temp Shelter Exp							0				0		0	0
Paint/Insulation Rebates				25,000			25,000				0		0	25,000
Glendale (Balance Sheet)							0		465,186		0		0	465,186
TOTAL APPR UNIT	126,809	800,000	67,691	155,232	0	0	1,149,732	0	1,015,186	367,366	2,103,708	0	2,103,708	4,635,992
Office Furniture				0			0							0
Computer Equipment	5,000	0		5,000			10,000							10,000
Property for Trustee Sale	0	50,000					50,000							50,000
TOTAL APPR UNIT	5,000	50,000	0	5,000	0	0	60,000	0	0	0	0	0	0	60,000
Svc Credits	(54,385)	0	0	(73,520)	0	0	(127,905)	0	0	0	(10,282)	0	(10,282)	(138,187)
1400 Comm Dev Administration				0			0						0	0
1452 CDBG Administration				0			0				0		0	0
1456 CDBG Admin							0						0	0
1457 Small Business Prog							0						0	0
1458 Housing Development				0			0						0	0
1491 RDA Low & Moderate Income							0						0	0
Other Service Credits							0						0	0
SUBTL APPR	622,035	1,511,464	259,608	708,138	0	640,165	3,741,410	5,695	1,632,087	389,739	2,442,611	0	2,442,611	8,211,542
CIP'S						0	0							
SUBTL NEW CIP	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BUDGET FOR FY 1999-2000

DESC	Admin 1452	Public Services 1454	Flood Mitigation 1455	Housing Rehab 1456	Small Business Program 1457	CIP 1462	Total FD 113	Rental Rehab 1465 114	Housing Loan 1466 115	Housing Econo Dev 1467 116	Housing Developmt 1458	Home Housing Rehab 1459	Total FD 117	Total
CARRYOVER—	0	0	0	0	0	26,933	26,933	0	576,529	320,000	0	0	0	923,462
Transfers for CIP														
113-140-K017 Street Paving									190,724					190,724
113-140-K018 Economic Development										320,000				320,000
113-140-K020 T/Signal Sisk/Earl									110,000					110,000
113-140-K021 T/Signal Prescott/Chrysler									66,169					66,169
113-140-K022 Street Lights									110,000					110,000
113-140-K024 Curb Ramps									9,999					9,999
113-140-K025 Monterey/Empire Impts									25,000					25,000
113-140-K026 Audible Pedestrian Signals									15,000					15,000
113-140-K027 Flashing Beacon									11,761					11,761
113-140-K028 Sidewalk Improvements						26,933			17,876					17,876
113-140-K160 Handicap Barrier Removal Curbs									20,000					20,000
CIP	0	0	0	0	0	505,767	505,767	0	0	0	0	0	0	505,767
113-430-J026 Sisk Road Landscaping						23,000	23,000				0	0	0	23,000
113-480-J233 Hillside Drive Fencing						8,500	8,500				0	0	0	8,500
113-480-J234 Airport (con, ben, kerr)						362,267	362,267				0	0	0	362,267
113-480-J238 Hillside Dr Street Improvements						112,000	112,000							
113-480-J239 Street Paving						0	0							
SUBTL CARRYOVER CIP	0	0	0	0	0	532,700	532,700	0	576,529	320,000	0	0	0	1,429,229
TOTAL APPR	622,035	1,511,464	259,608	708,138	0	1,172,865	4,274,110	5,695	2,208,616	709,739	2,442,611	0	2,442,611	9,640,771
	0													
TRANSFER OUT		0	0	40,530	0	0	40,530							40,530
Contingency Reserve for Project							0	0	0	0	0		0	0
EXPENSES OVER/ (UNDER) REVENUE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
														0

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-218

A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR THIRD QUARTER OF THE FISCAL YEAR 1999-2000 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 1999-00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations and revenue for the 1999-00 budget have been adjusted as shown in Attachment C.

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 4th day of May, 2000, 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 votes:

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 SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Attachment C

Fiscal Year 1999-2000 Third Quarter Budget Adjustments

	Adjustment #	App/ Rev	Fund	Agency	Orgn	Appr Unit	Object	Current Budget	New Budget	Adjustment	Title and Justification	Approved
1	**Utility Bills Printer**											Yes
	1	App	6100	800	8000	6100R	8003	441,993	427,413	**(14,580)**	Water Fund Reserve	
		App	6100	700	7000	6100G	7713	21,382	35,962	**14,580**	Transfer out to Fund 7130	
		Rev	7130	700	7000	n/a	9610	21,382	35,962	**14,580**	Transfer in from Fund 6100	
	2	App	6150	800	8000	6150R	8003	(97,971)	(102,106)	**(4,135)**	Del Este MID Service Areas Fund Reserve	
		App	6150	700	7000	6150G	7713	10,305	14,440	**4,135**	Transfer out to Fund 7130	
		Rev	7130	700	7000	n/a	9615	10,305	14,440	**4,135**	Transfer in from Fund 6150	
	3	App	6160	800	8000	6160R	8003	(734,066)	(737,112)	**(3,046)**	Del Este Non-MID Service Areas Fund Reserve	
		App	6160	700	7000	6160G	7713	2,461	5,507	**3,046**	Transfer out to Fund 7130	
		Rev	7130	700	7000	n/a	9616	2,461	5,507	**3,046**	Transfer in from Fund 6160	
	4	App	6210	800	8000	6210R	8003	655,048	639,394	**(15,654)**	Wastewater Fund Reserve	
		App	6210	700	7000	6210G	7713	20,847	36,501	**15,654**	Transfer out to Fund 7130	
		Rev	7130	700	7000	n/a	9621	20,847	36,501	**15,654**	Transfer in from Fund 6210	
	5	App	6280	800	8000	6280R	8003	(200,419)	(204,604)	**(4,185)**	Storm Drainage Fund Reserve	
		App	6280	700	7000	6280G	7713	6,184	10,369	**4,185**	Transfer out to Fund 7130	
		Rev	7130	700	7000	n/a	9628	6,184	10,369	**4,185**	Transfer in from Fund 6280	
	6	App	0100	800	8000	0100R	8003	(1,075,415)	(1,098,815)	**(23,400)**	General Fund Reserve	Yes
		App	0100	700	7000	0100G	7713	-	23,400	**23,400**	Transfer out to Fund 7130	
		Rev	7130	700	7000	n/a	9010	-	23,400	**23,400**	Transfer in from Fund 0100	
		App	7130	120	1244	1240C	5391	-	65,000	**65,000**	Printer Downpayment	
2	**Golf**											
	1	App	6600	330	3311	3300A	0206	90	5,538	**5,448**	Environmental Golf and FM Golf Adjustment	Yes
	2	App	6600	330	3311	3300A	0208	-	103	**103**	Environmental Golf and FM Golf Adjustment	
	3	App	6600	330	3311	3300A	0235	55,500	62,607	**7,107**	Environmental Golf and FM Golf Adjustment	
	4	App	6600	330	3311	3300A	0301	-	55	**55**	Environmental Golf and FM Golf Adjustment	
	5	App	6600	330	3311	3300A	0401	-	110	**110**	Environmental Golf and FM Golf Adjustment	
	6	App	6600	800	8000	6600R	8003	(20,667)	(33,490)	**(12,823)**	Golf Fund Reserve	
3	**Scenic Avenue Corridor CIP**											
	3	App	1430	800	8000	1430R	8003	-	(21,000)	**(21,000)**	Local share to support Scenic Avenue Corridor Project	
	4	App	1430	700	7000	1430G	7052	40,000	61,000	**21,000**	Transfer out to Fund 0520	
	5	Rev	0520	700	7000	n/a	9143	40,000	61,000	**21,000**	Transfer in from Fund 1430	
	2	Rev	0520	510	9510	n/a	3504	540,694	628,934	**88,240**	Local Transportation Fund (Federal Revenue)	
	1	App	0520	430	L923	L923	6030	546,760	656,000	**109,240**	Scenic Avenue Corridor Project	
4	**Property Insurance Premium**											
	1	App	7340	800	8000	n/a	8003	-	(9,500)	**(9,500)**	Property Insurance Fund Reserve	Yes
	2	App	7340	030	6612	n/a	0408	124,470	133,970	**9,500**	Property Insurance Premium Adjustment	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-219

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO ADOPT THE 2000-2001 OPERATING BUDGET AND 2000-2001 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 23, 2000, at 7:00 p.m., in the Council Chambers, Basement Level, Tenth Street Place, 1010 Tenth Street, Modesto, California, is hereby set as the time and place for a hearing to adopt the 2000-2001 Operating Budget and 2000-2001 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

CITY OF MODESTO
RESOLUTION 2000-220

WAS NOT USED

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-221

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR RESERVATION SOFTWARE FOR THE RECREATION AND NEIGHBORHOODS DEPARTMENT TO BE OPENED ON JUNE 20, 2000 AT 11:00 A.M.

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 reservation software for the Recreation and Neighborhoods Department, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 20,2000 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 16th day of May, 2000, 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. 2000-222

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR TRAFFIC CONTROL SIGN REPLACEMENT FOR ENGINEERING & TRANSPORTATION DEPARTMENT ON JUNE 27, 2000 AT 11;00 A.M.

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 traffic control sign replacement for Engineering and Transportation Department, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 27, 2000 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 16th day of May, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-223

A RESOLUTION ACCEPTING THE PROJECT TITLED "BRIGGSMORE AVENUE ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Briggsmore Avenue Road Construction and Drainage Improvements, has been completed by George Reed Inc., in accordance with the contract agreement dated July 6, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore Avenue Road Construction and Drainage Improvements project be accepted from said contractor, Goerge Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,676,164.52 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 16th day of May, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-224

A RESOLUTION ACCEPTING THE BID OF VALLEY COLOR GRAPHICS FOR FURNISHING PRINTING OF THE MONTHLY NEWSLETTER FOR FISCAL YEAR 2000-2001 AND AUTHORIZING PRINTING OF THE MONTHLY NEWSLETTER FOR TWO YEARS, UP TO AND INCLUDING FISCAL YEAR 2000-2003

WHEREAS, the bids received for printing of the monthly newsletter, were opened at 11:00 a.m. on April 11, 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 Valley Color Graphics for a total amount of $29,694 for FY 2000-2001 and an additional two years, up to and including FY 2002-2003, for a total three-year cost of $89,670 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Valley Color Graphics 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 16th day of May, 2000, 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

Clerk 6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-225

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION, OR THROUGH THE INTERNET.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses an HP9000 Server which has been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold through the internet, and

WHEREAS, a description of the HP9000 Server to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the HP9000 Server, a

description of which is on file in the City Clerk's office and which is hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process, or at a public auction then said property may be sold through the internet.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 2000, 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, City Attorney

SURPLUS

1	Attorney
1	Purchasing
2	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-226

A RESOLUTION AUTHORIZING THE PURCHASE OF THE BRASS BUDGET SOFTWARE AND IMPLEMENTATION SERVICES FROM AMERICAN MANAGEMENT SYSTEMS INC.

WHEREAS, Finance Department staff conducted an informal nationwide search for suitable municipal budgeting systems; and

WHEREAS, it has been determined that BRASS emerged as the premier independent budgeting solution, interfacing with most of the larger financial systems, including our current Financial/Human Resource system providers, American Management Systems; and

WHEREAS, the Finance Director has recommended that the bid of American Management Systems for the BRASS software for a total amount of $226,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Management Systems 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 16th day of May, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-227

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY OFFICE OF EDUCATION FOR USE OF THE SURFACE PARKING LOT AT 11TH AND H STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Office of Education for use of the surface parking lot at 11th and H Streets 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 16th day of May, 2000, 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. 2000-228

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND D'ANDRE, PETERSON, BOBUS & BRUSCINO TO REPRESENT THE CITY IN WORKERS' COMPENSATION LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and D'Andre, Peterson, Bobus & Bruscino to represent the City in workers' compensation litigation 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 16th day of May, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-229

A RESOLUTION APPROVING THE SUBMITTAL OF TWO AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATIONS TOTALING $650,000.00 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO COMPLETE AN UPDATE OF THE AIRPORT MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT, AND TO COMPLETE REPAVING OF TAXIWAY A & B, FOR EXPANSION OF AIR CARRIER AND TRANSIENT APRON, AND SEAL COATING THE GENERAL AVIATION AND TERMINAL SERVICE ROAD AT THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID APPLICATIONS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the City recently submitted to the Federal Aviation Administration (FAA) an Airport Capital Improvement Plan (ACIP) for which federal funds will be needed to complete future Modesto City-County Airport improvements, and

WHEREAS, the FAA has notified the City that funding allocation has been approved in the amount of $650,000 for the AIP program for FY 2000, which includes $270,000 for the completion of an update to the airport master plan and environmental impact report, and $380,000 to complete repaving Taxiway A and B, for the expansion of the air carrier and transient apron, and seal coating the general aviation and terminal service road, and

WHEREAS, the City's request for funds to expand the air carrier and transient apron was only partially funded, and the remainder of the project will be received in FY 2001, and

WHEREAS, the Transportation Policy Committee recommended in September,

1999, that the City submit to the FAA an ACIP, which included the aforementioned projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of two federal fund applications to the FAA, one in the amount of $270,000 for completing an update to the airport master plan and environmental impact report, and the other in the amount of $380,000 to complete repaving of Taxiway A & B, for the expansion of the air carrier and transient apron, and seal coating the general aviation and terminal service road.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute said applications 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 16th day of May, 2000, 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, City Attorney

Clerk (11)

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-230

Print

A RESOLUTION APPROVING THE FINAL MAP OF NOTTINGHAM 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, McHENRY RANCH JOINT VENTURE, a California Joint Venture, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.096 acres, known as NOTTINGHAM 5 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 26th day of January, 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 NOTTINGHAM 5 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 16th day of May, 2000, 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

Clerk (12)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-231

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF RIGHTS UNDER THE DEVELOPMENT AGREEMENT BETWEEN COSTA LIMITED PARTNERS AND THE CITY OF MODESTO, RELATED TO THE DEVELOPMENT OF P-D(532), TO LOWE'S HOME IMPROVEMENT STORE.

WHEREAS, on December 16, 1999, the City Council approved a Development Agreement with Costa Limited Partners relating to the development of P-D(532), Costa's retail center, which includes the new Lowe's home improvement store, and

WHEREAS, the Development Agreement (a copy of which is on file in the Office of the City Clerk) dated February 3, 2000, allows for the assignment of the provisions of the Development Agreement to another party, provided said assignment has the written approval of the City Council, and

WHEREAS, Lowe's is in the process of purchasing the property upon which said home improvement store is being developed and wishes to close escrow in the near future, and

WHEREAS, Lowe's desires to have the rights and obligations of the previous Development Agreement assigned to it, and

WHEREAS, Lowe's is a well-established, financially responsible business with the ability and willingness to carry out its responsibilities under said Development Agreement, and

WHEREAS, said assignment of rights under the Development Agreement between Costa Limited Partners and the City of Modesto, related to the development of P-D(532), to Lowe's will allow Lowe's and the City to implement the provisions of the

Development Agreement, consistent with the approved zoning for said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the assignment of rights under the Development Agreement between Costa Limited Partners and the City of Modesto, related to the development of P-D(532), to Lowe's home improvement store.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of May, 2000, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

AMENDED
on Mar. 22, 2011
By Resolution 2011-104

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-232

Print

A RESOLUTION APPROVING REVISING THE METHOD OF ASSESSMENT OF STREET TREE FEES IN SUBDIVISIONS.

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code requires each subdivider of a subdivision to pay the City for street trees required in subdivisions, at the time of approval of the final map, as a condition of such approval, and

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code also provides that the Council may establish by resolution the fee imposed for street trees required in subdivisions, and

WHEREAS, Resolution No. 96-227 adopted by the City Council on May 7, 1996, provides that for each street tree required to be planted in a subdivision, the fee shall be $66.00, and

WHEREAS, a proposal has been made by City staff to revise the method of assessment for the $66.00 street tree fees charged to developers in subdivisions, and

WHEREAS, the City's Financial Policy Committee reviewed and endorsed the proposal to revise the method of assessment of street tree fees, and

WHEREAS, City staff and the BIA are in agreement in relation to revising the method of assessing the $66.00 street tree fee at the time of final map filing, and said proposal is consistent with the proposed revision of the City Street Tree Plan, which is scheduled to be considered by the City Council in July 2000, and parallels the Modesto Municipal Code relating to Street Tree Planting, and

RESCINDED
SEP 25 2012
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2012-384

WHEREAS, by an Agenda Report dated May 1, 2000, to the Mayor and Councilmembers from the Operations and Maintenance Director, City staff recommended to the Council accepting staff's recommendation to revise the method of assessing the $66.00 street tree fee at the time of final subdivision map filing, 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 May 16, 2000, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which public hearing all interested persons were given an opportunity be heard relative to the proposal to revise the method of assessing the $66.00 street tree fee,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the proposal to revise the method of assessing the $66.00 street tree fee at the time of final subdivision map filing, to prevent overcharges from occurring, is hereby approved and the following calculations shall be used:

1. Residential and commercial lots with less than 70 feet of frontage, shall be charged for one tree per lot.

2. Residential, commercial and other lots with greater than 70 feet of frontage, shall be charged for one tree per every 55 feet of frontage.

3. Backup landscape walls, shall be charged for one tree per every 40 feet of frontage.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 16th day of May, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-233

A RESOLUTION LIMITING ADMINISTRATIVE COSTS TO BINGO OPERATORS OF NO MORE THAN ONE (1) PERCENT OF EACH OPERATION'S ANNUAL GROSS.

WHEREAS, California Penal Code Section 326.5 permits a municipal entity to impose a fee for law enforcement and public safety costs that are directly related to bingo operations, and

WHEREAS, said fee shall not exceed the actual costs incurred in providing the services, and

WHEREAS, City staff is recommending administrative costs to bingo operators of no more than one (1) percent of each operation's annual gross, and

WHEREAS, the Financial Policy Committee met on April 25, 2000, and supported the recommendation of City staff, and

WHEREAS, on May 16, 2000, a duly noticed public hearing was held by the City Council, at which time the City Council considered this matter, including the introduction of an ordinance amending Article 10 of Chapter 1 of Title 4 of the Modesto Municipal Code to regulate bingo operations in the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the administrative costs to bingo operators of no more than one (1) percent of each operation's annual gross.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after the effective date of Ordinance No. 3176-C.S. adopted May 16, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 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, 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, City Attorney

Distribution List For
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney's Office
1 - Finance Department
1 - Police Department - Judy Tognolini

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-234

A RESOLUTION ACCEPTING WITH STATEMENTS OF CONCERN THE REVISED CITIES/COUNTY VISION FOR THE CITIES AND COUNTY OF STANISLAUS.

WHEREAS, in September 1999, the City Council adopted Resolution 99-460 approving the 1999 Visioning Project, which represents countywide effort to develop a collaborative vision for the future of Stanislaus County and its nine incorporated cities, and

WHEREAS, the 1999 Visioning Project for the Cities and County of Stanislaus is broadly worded and open to varied interpretation, and

WHEREAS, during the adoption process, concerns were expressed about some of the action statements found within the Vision document, and

WHEREAS, further clarification and intent of the Vision are needed prior to agreement on implementation, and to address these concerns, the Vision Team (composed of the Mayors and City Managers of all nine cities in the County, the County's Executive Officer, and a Board of Supervisors Representative) convened a subcommittee to develop revised statements, and

WHEREAS, following the Vision Team's endorsement of proposed revisions, representatives were asked to take the revised Vision back to their governing bodies for consideration, and

WHEREAS, on January 13, 2000, City staff took the revised Vision to the

Economic Development Community and Intergovernmental Relations (EDCIR) Committee for review and recommendation to the City Council, and

WHEREAS, the revised Vision was also considered at the Council retreat for further discussion, and

WHEREAS, following the Council retreat, City staff was directed to modify the Vision so that Transportation was a separate section (removing this section from the Economy portion of the Vision), and

WHEREAS, at its meeting held on February 15, 2000, the City Council considered adoption of the revised Vision; however, during the Council meeting, the Council identified certain concerns regarding some of the action statements, and

WHEREAS, the City of Modesto has been an active participant in the Countywide Visioning process, and Visioning Project 2000 represents an important first step toward achieving collaborative planning for the future of Stanislaus County and its residents, and also supports several ongoing projects the City Council has already endorsed including the Regional Revenue Sharing Agreement, a Countywide Expressway System and a Regional Sports complex, and

WHEREAS, by an Agenda Report, dated May 8, 2000, to the City Council from the Engineering and Transportation Director, City staff recommended approval of the revised Visioning Project 2000, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, at its meeting held on May 16, 2000, the City Council considered the Revised Cities/County Vision for the Cities and County of Stanislaus, California, a copy of which document is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts the City-County Visioning Statement, subject to the following understanding, reservations and concerns:

1. That the Visioning Project 2000 document may be amended from time to time by the participant cities and the County.

2. That residential land uses in the absence of a proportionate share of commercial and industrial land uses represent a revenue drain for cities.

3. That revenue-generating land uses in non-urban areas should not be implemented without first having a county-wide tax-sharing agreement in place.

4. That the City Councils for all nine cities in Stanislaus County and the County Board of Supervisors are encouraged to convene a meeting to discuss the Visioning Project 2000 document prior to embarking on the implementation phase of the project.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 16th day of May, 2000, 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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITIES/COUNTY VISION

for the Cities and County of Stanislaus, California

OUR CHALLENGE

With an existing county population of over four hundred thousand and predictions of another ten million people expected to arrive in the Central Valley from all over the world within the next thirty years, how will we in Stanislaus County cope with the scale, complexity and pace of these changes? We can succeed if citizens act now to endorse a set of shared visions that will serve as guiding principles for governmental and citizen actions now and in the future.

Below is a set of visions highlighting key factors that affect our ability to become the most desirable region in the Valley for investment, employment and residential living. In creating visions we understand that they represent the ideal condition and therefore may not be totally achievable. However, they will keep us focussed as we address the variety of issues, problems and opportunities that will arise incrementally over time. They will also serve as the barometer for assessing progress toward achieving our goals.

Following each vision are action statements that describe implementation steps for achieving the vision. The vision and action statements serve as interdependent guiding principles that, when combined, can lead to a regional plan of action.

LAND USE

VISION: **We will demonstrate our resolve to produce a world class example of "DOING IT RIGHT" so that Stanislaus County remains blessed with a bounty of fertile land for agriculture. Population growth will be accommodated in communities of varying sizes ranging from larger metropolitan areas to mid-sized cities, to small rural towns and enclaves. Communities will plan, grow and evolve in a compact, efficient fashion. Large expanses of agricultural land and other open space will secure buffers between urban areas and preserve the beauty of views and vistas throughout the County.**

Actions: *The cities and County of Stanislaus will adopt general plans, policies and agreements that will achieve the following:*

1. More compact and clearly defined urban boundaries that avoid unnecessary conversion of farmlands.
2. Protection of farmland outside the urban boundaries.
3. Expansion of city limits to include urbanized unincorporated areas that are substantially surrounded by a city.
4. Compact urban development which encourages redevelopment of blighted areas, "in fill" development of vacant and underutilized land, and a variety of affordable housing.
5. Urban limit lines, providing for areas of open space, agriculture, very low density, rural development, or green belts in which urban development cannot occur.
6. Tax and revenue policies that will support and encourage good land use decisions.
7. Transportation policies that support and implement the land use vision.

ENVIRONMENT

VISION: **Our precious natural resources will be used wisely. The air will be healthy to breathe, the water pure to drink and sufficient for our needs. We will enjoy an abundance of open space and a diversity of plant and animal life that is sustained in a variety of natural habitats.**

Actions: *The cities and County of Stanislaus will protect and enhance the environment by:*

1. Restoration of riparian environments and preservation of river corridors for public access and use including regional park facilities and trail systems.
2. Ensuring that environmental policies affecting the region are developed with the involvement of local governments in Stanislaus County.

3. Protection, conservation and development of water resources for local domestic use and irrigation.

ECONOMY

VISION: **We will have a highly competitive, vibrant and diverse regional economy that provides economic opportunity for everyone close to home and results in both individual and regional prosperity.**

Actions: *A. The cities and County of Stanislaus will foster economic growth and develop a diversified economic base which provides maximum employment opportunities and jobs/housing balance, including:*

1. Stanislaus County serving as a hub for large-scale business and financial services such as agribusiness and other regional-serving facilities in the northern San Joaquin valley. The economic strength of Stanislaus County will be enhanced by a strong central city.
2. New jobs in a variety of industries and at all wage levels.
3. Adequate housing for all residents of the County.
4. A competitive workforce prepared to meet the needs of a world class economy.
5. A tourist destination attraction highlighting the region's major products and natural resources.
6. Regional retail commercial centers along Highway corridors in urbanized areas.
7. Expansion of other major economic sectors which are compatible with agriculture.
8. Development of freeway-oriented industrial and commercial uses in the I-5 corridor at the Westley, Patterson, Crows Landing, and Newman interchanges to provide expanded employment centers for the residents of Stanislaus County. (See Government, Sections B.1. and B.2.)
9. Conversion of rural areas into large urban residential communities will be avoided. New residential development will be located within incorporated cities, Diablo Grande and other existing planned development communities.

B. The cities and County of Stanislaus will develop policies to maintain a strong agricultural economy including:

1. Preservation of farming, food processing and agricultural business services.
2. Ongoing research and analysis of the agriculture industry in order to sustain it as a major economic engine and source of employment.

C. The cities and County of Stanislaus will adopt policies and practices to take full advantage of advances in communication technologies including:

1. Establishment and maintenance of a state-of-the-art network serving all areas of the county.
2. Use of technology to engage citizens more actively in public issues and to improve inter-agency communication.
3. Establishment of sites and services to attract technology-based business.

TRANSPORTATION

VISION: **We will have an efficient, integrated transportation system that provides internal and external linkages and facilitates economic growth.**

Actions *The cities and County of Stanislaus will develop a regional transportation system that will include the following:*

1. A countywide expressway system with connector roads to provide access to other regions and to enhance mobility within Stanislaus County.
2. An efficient, well-coordinated countywide public transportation system.
3. Bicycle and pedestrian trails linking neighborhoods and regional bikeways using existing public rights of way.
4. Development of the abandoned military airfield at Crows Landing, including air cargo facilities to expand the market for Stanislaus County agricultural products.
5. Enhancement of major regional air passenger service at the Modesto Airport.
6. A system of rail passenger services including inter-urban light rail and access to interregional commuter rail services.

EDUCATION

VISION: **Everyone, especially our children, will have opportunities to stimulate the mind, inspire the spirit and develop healthy bodies**

Actions: *All the educational institutions of Stanislaus County will provide:*

1. Facilities that will adequately accommodate the growth in student population.

2. Pre-school and childcare facilities that address the needs of both parents and children.
3. An education at all levels taught by competent and qualified instructors for the student to achieve academic success or to exercise choice whether it be occupational, vocational, apprentice, or literacy training programs as options for career success.
4. A workforce capable of meeting the needs of employers by providing graduates with core skills, a proper work ethic, and the ability to learn new skills.
5. Affordable and accessible continuing education programs for adults.
6. Academically-competitive college/university preparatory students who gain admission to the nation's best schools.
7. A safe environment on all campuses in compliance with existing law.

COMMUNITY

VISION: **Stanislaus County will contain diverse, interesting and unique social and cultural characteristics that strengthen the bonds within and between our communities, preserve local identity and enhance regional pride. Individuals and groups will commit to contributing to the well being of their community.**

Actions:

A. *The cities and County of Stanislaus will support local and regional cultural, library, recreation and parks facilities which provide a unique and rich quality of life, including:*

1. A wide variety of cultural events, including the performing and visual arts, in modern facilities.
2. Community and regional facilities for community recreation including sports complexes for soccer, softball, baseball, track and field, etc.
3. A responsive, customer–oriented countywide library system.

B. *The cities and County of Stanislaus support a positive socio-economic environment that will include the following:*

1. All cultures fully incorporated into the social and economic fabric of the region.
2. An integrated system of community and social services focused on cooperative efforts among public, private and volunteer organizations to provide a "safety net" for those in need.
3. A network of satellite medical and social services in the outlying communities.

4. Well-trained, staffed, and equipped public safety providers that are proactive in promoting preventative measures and are responsive to all emergency situations.

GOVERNMENT

VISION: **Our local governments will govern based on the principle of stewardship. Elected officials and government employees will hold public resources and processes in trust for citizens and they will act in service of citizens and the community, not in self-interest.**

Actions:

A. The cities and County of Stanislaus will collaborate and cooperate in conducting the public's business, including:

1. Developing service delivery strategies such as contracting out or consolidating duplicated services in cases where benefits to customer service, efficiency, effectiveness, and accountability would be realized.
2. Agreement on a countywide framework for implementation of the land use and transportation visions.

B. The cities and County will be sustained by reliable funding sources for essential public services, and will collaborate to accomplish:

1. Revenue investment agreements among cities, special districts, and the County which:
   a. Encourage cooperation on economic development projects of benefit to the entire region;
   b. Encourage good land use decisions;
   c. Address differences in financial capacity while providing sufficient resources to meet basic responsibilities.
2. A broad based regional financing system for regional serving capital projects (transportation, recreation, cultural facilities and flood control projects).

DISTRIBUTION LIST

2 - Clerk
1 - Attorney
1 - Related Department - E & T, Jana Coons

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-235

Print

A RESOLUTION REJECTING BIDS FOR THE PROJECT TITLED "PRIMARY CLARIFIERS NO. 1 & 2 RENEWAL", OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 11, 2000

WHEREAS, the bids received for Primary Clarifiers No. 1 & 2 Renewal were opened at 11:00 a.m. on April 11, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing was for equipment that does not meet the specifications, therefore staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Primary Clarifiers No. 1 & 2 Renewal, opened in the office of the City Clerk on April 11, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-236

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE FUNDS TO CAPITAL PROJECT, MCHENRY MUSEUM STAIRS

WHEREAS, there is a capital improvement project to replace the exterior stairs at the McHenry Museum; and

WHEREAS, part of the funding for this project will be from a donation from the McHenry Museum Society, which was placed in Fund 130 and needs to be transferred to the appropriate account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

To: #1300-510-9510-8107	$40,466
To: #130-310-H006-6040	$40,466

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 23rd day of May, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-237

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST UNDER THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT TO THE CALIFORNIA DEPARTMENT OF CONSERVATION'S DIVISION OF RECYCLING.

WHEREAS, the people of the State of California have enacted the California Beverage Container Recycling and Litter Reduction Act that provides funds to cities and counties for beverage container recycling and litter cleanup activities, and

WHEREAS, the California Department of Conservation's Division of Recycling has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures for cities and counties or their designees under the program, and

WHEREAS, per Section 14581(a)(4)(E) of the California Beverage Container Recycling and Litter Reduction Act, the eligible participant must submit the Funding Request Form by the due date and time in order to request funds from the Department of Conservation's Division of Recycling.

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council hereby authorizes the submittal of the Funding Request Form to the Department of Conservation's Division of Recycling.

BE IT FURTHER RESOLVED by the Modesto City Council that the City Manager, Mr. Jack Crist, is hereby authorized and empowered to execute in the name of the City of Modesto all necessary forms hereto for the purposes of securing payments and to

implement and carry out the purposes specified in Section 14581(a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act and provide information regarding this program to the Division upon request.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-238

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LEE DELAMARE FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE MAY, 2000

WHEREAS, Lee DeLaMare was appointed a member of the Landmark Preservation Commission on April 8, 1997; and

WHEREAS, Lee DeLaMare has tendered his resignation from the Landmark Preservation Commission, effective May 23, 2000; and

WHEREAS, Lee DeLaMare 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 Lee DeLaMare from the Landmark Preservation 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 Lee DeLaMare 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 23rd day of May, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-239

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE NEW REVENUE IN THE CAPITAL IMPROVEMENT PROGRAM AND CREATE EIGHT NEW PROJECTS

WHEREAS, staff successfully applied for Congestion Management and Air Quality (CMAQ) funding for fourteen projects. Six existing projects need to be adjusted to amend the appropriation and estimate the additional grant funds; and

WHEREAS, there are eight new CIP projects that need to be created, and additional grant funding estimated. The appropriation for the four existing CIP projects will need to be decreased to provide for additional matching funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated on Attachment A.

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 23rd day of May, 2000, 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 votes:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Attachment A

Gas Tax Fund	
Amending CIP	
0700-160-L905	15,000
0700-160-L907	20,000
0700-160-L908	20,000
0700-160-L921	5,000
070-160-I904	139,000
New CIP	
0700-160-L129	230,000
0700-160-L130	805,000
0700-160-L131	85,000
0700-160-L132	200,000
0700-160-L134	90,000
0700-160-L130	173,746
Decreasing CIP	
0700-160-L023	(50,000)
0700-160-L034	(22,500)
0700-160-L032	(752)
CFF Streets	
Amending CIP	
1410-160-L903	20,000
1410-160-L133	90,000
1410-160-L135	460,000
Decreasing CIP	
1410-160-L001	(16,088)
Revenue	
0700-510-3504	1,534,094
0700-510-3138	127,400
1410-510-3504	553,312
1410-510-3138	48,600

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-240

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO ALLOW DISCHARGE OF STORM WATER FROM THE KIERNAN BUSINESS PARK DRAINAGE BASIN TO THE MODESTO IRRIGATION DISTRICT LATERAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District to allow discharge of storm water from the Kiernan Business Park Drainage Basin to the Modesto Irrigation District lateral 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 23rd day of May, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-241

A RESOLUTION DESIGNATED DESARROLLO LATINO-AMERICANO, INC. AS A COMMUNITY BASED DEVELOPMENT ORGANIZATION.

WHEREAS, Desarrollo Latino-Americano, Inc. (hereafter referred to as "DLA") has applied for Community Based Development Organization (hereafter referred to as "CBDO") status, and

WHEREAS, formed in 1992, DLA is a 501(c)(3) nonprofit organization committed to producing affordable housing to low-income Stanislaus County Residents, and

WHEREAS, City staff has reviewed DLA's application and has determined that the organization meets the basic CBDO requirements, and

WHEREAS, by an Agenda Report dated May 12, 2000, to the Mayor and City Council from the Community Development Department, City staff recommended designating DLA as a CBDO,

WHEREAS, approval of DLA as a CBDO will allow DLA to continue to apply for funding fo the workforce development program, outside of the 15% public services funding cap, and

WHEREAS, at the Council meeting held on May 23, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as recommended, the Council hereby designates Desarrollo Latino-Americano, Inc. (referred to as "DLA") as a Community Based Development Organization (referred to as "CBDO").

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 23rd day of May, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

DISTRIBUTION LIST
RESOLUTION - COMMUNITY DEVELOPMENT

2 - Clerk
1 - Attorney
1 - Laurie Smith - CDD

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-242

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR A GRANT IN THE AMOUNT OF $90,000 BETWEEN THE CITY OF MODESTO AND DESARROLLO LATINO-AMERICANO FOR THE WORKFORCE DEVELOPMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for a grant in the amount of $90,000 between the City of Modesto and Desarrollo Latino-Americano for the Workforce Development Program 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 23rd day of May, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-243

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE FUNDS

WHEREAS, the City leases space at its community parks for cellular towers; and

WHEREAS, a check in the amount of $7,000 was received from AT&T Wireless as a development mitigation fee for relocation of antennas; and

WHEREAS, staff is requesting this revenue be appropriated to the Park Fund's Miscellaneous Improvements Project to be used to purchase park equipment and amenities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Revenue:	#1400-510-9510-8107	$7,000
Expense:	#1400-310-L014-6040	$7,000

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 23rd day of May, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-244

A RESOLUTION ESTABLISHING A POLICY FOR DESIGNATION OF MILLS ACT CONTRACT SITES.

WHEREAS, for a number of years, the Landmark Preservation Commission has nominated landmark preservation sites for Mills Act Contracts, and

WHEREAS, the City Council has recently questioned the worthiness of some of these sites, and

WHEREAS, in response, the Landmark Preservation Commission has developed the attached proposed Guidelines, to provide guidelines and procedures to screen potential Mills Act contract sites so that the best sites are selected and the number of sites is limited, and

WHEREAS, the Human Services Committee met on May 3, 2000, and supported the proposed policy, and

WHEREAS, by an Agenda Report dated May 12, 2000, the Recreation and Neighborhoods Department recommended to the City Council establishing a policy for designation of Mills Act contract sties, and

WHEREAS, at the Council meeting held on May 23, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Policy entitled "Mills Act Contract Guidelines" for the designation of Mills Act contract sites is hereby established, a copy of which is attached hereto and incorporated herein by

reference. Said policy will be used by the Landmark Preservation Commission in determining which sites receive Mills Act contracts.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 23rd day of May, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MILLS ACT CONTRACT
GUIDELINES

1. Sites will be considered only if they have substantial original features.

2. Sites will not be considered if they have been altered with major additions or modifications unless these additions or modifications are to be removed as part of the contract.

3. Sites will be considered if they reconstruct original elements that are missing such as porches, roofing materials, windows and other features.

4. Sites will be considered if elements such as electrical, plumbing, HVAC, etc., need to be upgraded or brought up to Code. This should be done in a sensitive manner. This could eliminate hazards that might have lead to the destruction of the building.

5. Sites will be considered if it would prevent the loss or alteration of major original features.

6. Sites will not be considered if general maintenance were the only element offered by the owner unless the property is in overwhelmingly original condition and that this would ensure the preservation of its original condition.

7. All Mills Act contracts will have a specific time line that determines when the improvements are to be completed.

8. Upon the potential sale of a Mills Act contract site, the owner must notify the potential buyer of the contract and notify the Landmark Preservation Commission of its sale.

POLICY RESOLUTION

2 Clerk
1 Attorney
1 Rec. & Neighborhoods - Wayne Mathes

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-245

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN NOTTINGHAM NO. 4 AND AUTHORIZING RELEASE OF SECURITIES

WHEREAS, Stewart W. and Betty J. Bradley, subdividers of Nottingham No. 4 have filed a Standby Letter of Credit faithful performance and a Standby Letter of Credit for labor and materials in the amount of $435,500 And $217,750 respectively to guarantee improvements in Nottingham No. 4 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 letters of credit upon expiration of the statutory period.

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

1. The improvements in Nottingham No. 4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Standby Letter of Credit for faithful performance in the amount of $435,500 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Standby Letter of Credit for labor and materials in the amount of $217,750 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 23rd day of May, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-246

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION MATERIALS TESTING SERVICES TO BE OPENED ON JUNE 6, 2000 AT 11:00 A.M.

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 Construction Testing Services, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 6, 2000 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 23rd day of May, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-247

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FIVE LIGHTED CROSSWALK-EMITTING SYSTEMS FROM JAM SERVICE INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Five Lighted Crosswalk-Emitting Systems from Jam Service Inc. for a total amount of $89,214 are hereby waived.

BE IT FURTHER RESOLVED that purchase of Five Lighted Crosswalk-Emitting Systems from Jam Service Inc. for a not to exceed price of $89,214 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 May, 2000, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-248

Print

A RESOLUTION GRANTING AN EXEMPTION OF CAPITAL FACILITIES FEES TO ACCESSIBLE SPACE INC. FOR A PROPOSED 20-UNIT SUPPORTIVE HOUSING DEVELOPMENT NEAR THE INTERSECTION OF SNYDER AVENUE AND DALE ROAD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXEMPTION AGREEMENT.

WHEREAS, Mike Ramos of Accessible Space Inc., submitted a letter on April 25, 2000, requesting a Waiver of Capital Facilities Fees (CFF) for 20 very low-income fully accessible apartment units, limited to less than 50% of the Median Area Income, totaling $59,000, and

WHEREAS, the proposed complex will be located at the intersection of Snyder Avenue and Dale Road, a southeast portion of Parcel 78-18-06 fronting on Snyder Avenue, and

WHEREAS, the proposed project will consist of one and two bedroom fully accessible apartments with supportive living services to persons with physical disabilities and/or traumatic brain injuries, and

WHEREAS, by an Agenda Report to the City Council from the Recreation and Neighborhoods Department dated May 17, 2000, 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

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on May 23, 2000, 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 Fees Exemption Agreement for the proposed project to be subsequently approved by the Council, the Council of the City of Modesto hereby grants an exemption of the Capital Facilities Fees to Accessible Space Inc., as requested, , which will consist of one and two bedroom fully accessible apartments with supportive living services within the complex, limited to less than 50% of the Median Area Income, totaling $59,000, and which will have affordable rent restrictions for ten years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

DISTRIBUTION
CFF RESOLUTION

2 Clerk
3 Attorney
1 - CFF File

1 Finance Director
1 CDD - Building Insp.
1 CDD - Phil Testa

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-249

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. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER, ANNEXATION #1)

WHEREAS, this Council did, on December April 11, 2000, adopt its Resolution No. 2000-166 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1998-2 (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 b 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 May 23, 2000, 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 30th day of May, 2000, 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. 98-0118243-00 on December 22, 1998, and subsequently amended by Document No. 99-0060033-00 on June 16, 1999.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 23rd day of May, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

CFD PUBLIC REPORT

March 25, 1999

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG AND ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

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APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Rate and Method of Apportionment of Special Tax and Reimbursements
Appendix C: Detailed Facility Cost Estimates

I. BACKGROUND

Community Facilities District (CFD) No. 1998-2 is being formed to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plans in the City of Modesto. Portions of both Specific Plan areas are included within the initial boundaries of the CFD, and the remainder of the property within both Plan areas is expected to annex into the CFD at a later date.

As a condition of development of the Specific Plan areas, the developers are required to install various public improvements which will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developers to build within the projects must install the improvements and receive fee credits or reimbursements in exchange for the facilities. CFD No. 1998-2 is the vehicle that will be used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. In addition, the CFD will generate funding for ongoing maintenance of landscaping and open space within the project areas.

Following is a brief description of both projects:

A. Carver-Bangs Specific Plan

On April 1, 1997, the City Council of the City of Modesto approved Resolution No. 97-161, thereby adopting the Carver-Bangs Specific Plan. The Specific Plan was subsequently amended by City Council Resolution 97-633. Carver-Bangs is a proposed 160-acre project bounded on the east by Carver Road, on the North by Bangs Avenue, on the south by the Pelandale-Snyder Specific Plan (discussed further below), and on the west by the Kiernan Business Park area. The Carver-Bangs Specific Plan will be developed under the City's Village Residential guidelines, which will yield approximately 800 single family residential units.

B. Pelandale-Snyder Specific Plan

The Pelandale-Snyder Specific Plan was approved by the City Council on January 16, 1996 by the adoption of Resolution No. 95-16, and was subsequently amended by City Council Resolutions 97-136 and 97-139. The Specific Plan area is bounded by Dale Road on the west, the extension of Pelandale Road on the north, Union Pacific Railroad on the east, and the Modesto Irrigation District canal and Snyder Avenue on the South. Approximately 227 acres of the project are designated Single Family Residential (SFR), and 57 acres are designated Multi-Family Residential; in total, 2,613 residential dwelling units are expected at buildout of the Specific Plan. In addition, 36 acres of the Specific Plan area will be used for an elementary school site, a City park, and a church.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 1998-2*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 1998-2 (Resolution No. 98-582) was adopted by the City Council on November 3, 1998. After a public hearing and a successful election by landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of CFD 1998-2

As mentioned above, the initial boundaries of the CFD include portions of both the Carver-Bangs and Pelandale-Snyder Specific Plans. Additional property is expected to annex into the CFD in future years as development in the area expands. It is anticipated that property subsequently annexed into the CFD will be subject to the same special tax formula as property in the CFD from the start, with a maximum Facilities Special Tax (discussed further below) assigned to the property when it is annexed. Property in the Carver-Bangs Specific Plan is included within Tax Area A of the CFD, and parcels in Pelandale-Snyder make up Tax Area B of the CFD. A separate maximum tax has been calculated for each tax area, as discussed further in Section C below.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Volume 3, page 5 of the Book of Maps of Assessment Districts and Community Facilities Districts in the Stanislaus County Recorder's Office. A copy of the CFD boundary map is provided as Appendix A of this CFD Public Report.

C. CFD Special Tax Structure

1. Facilities Special Tax

Each year, special taxes will be levied and collected from parcels within the CFD to pay costs associated with storm drainage and road improvements, as well as maintenance of these improvements (authorized facilities and maintenance costs are discussed in more detail below). The Rate and Method of Apportionment of Special Tax and Reimbursements ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in Sections D and E of the RMA, two different special taxes will be levied within the CFD. First, a "Facilities Special Tax" will be levied to pay for capital improvements and appurtenant expenses, such as design, planning, engineering and inspection. The entire Facilities Special Tax will be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction on a parcel within the CFD. Because each Specific Plan area is responsible for only the facilities required to serve that area, separate "tax areas" were established within the CFD to avoid any crossover of responsibility for the funding of required infrastructure. A separate Facilities Special Tax has been determined for each assessor's parcel that was included within each tax area at the time CFD No. 1998-2 was formed; Attachment 2 of Appendix B identifies the maximum Facilities Special Tax assigned to each parcel.

Section C.1 of the RMA (Appendix B) explains how the Facilities Special Tax obligation assigned to each original assessor's parcel will be reallocated when subdivision occurs. Regardless of changes in land use in future years, the maximum Facilities Special Tax revenues that can be collected from property in the CFD will never be reduced. In January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each assessor's parcel will be increased by four percent of the amount in effect in the prior year.

Section D of Appendix B sets forth a credit/reimbursement program which allows developers who have constructed and dedicated public improvements to take credits against the Facilities Special Taxes that would otherwise be paid until such credits equal the cost set forth in Appendix C of this CFD Public Report for the public improvements provided by the developer. Regardless of the actual cost incurred by the developer for construction of the public improvement(s), credits against the Facilities Special Tax can be taken until the amount credited is equal to the facility cost shown in Appendix C for that improvement(s). If the developer's project is built out and a balance remains to be credited, the developer will instead receive a cash reimbursement from Facilities Special Taxes collected from other property owners in the CFD until the combined amount of fee credits and cash reimbursements is equal to the cost of the public improvement(s) as shown in Appendix C of this report. All costs and reimbursements are subject to a four percent increase in January 2002 and each January thereafter.

Facility Special Tax credits and reimbursements will be applied based on a specified order of priority, which is identified in Attachment 1 of Appendix B. Until all facilities of a higher priority have been fully funded, a developer who builds an improvement that is of a lower priority will not receive fee credits or reimbursements. The order of priority is specific to each tax area, which means facilities of a lower priority may be funded in one tax area even if the higher priority facilities in the other tax area have not yet been fully funded. Appendix B provides a more detailed description of the credit/reimbursement program.

2. *Maintenance Special Tax*

The second special tax that can be levied in the CFD is the "Maintenance Special Tax", which will be collected to pay costs associated with maintaining parkways and open space in both Specific Plan areas. Again, a separate maximum Maintenance Special Tax has been determined for Tax Area A and Tax Area B, as shown in the following table:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

The Maintenance Special Tax will be collected each fiscal year on the property tax bills of all parcels in the CFD that have had a final building permit inspection conducted or a certificate of occupancy issued prior to June 1 of the preceding fiscal year.

III. FACILITIES AND SERVICES TO BE FUNDED BY CFD NO. 1998-2

The facilities and services described below are all facilities which the City of Modesto is authorized to finance and which are required to adequately meet the needs of CFD No. 1998-2. The special taxes required to pay for these facilities and services will be apportioned according to the "Rate and Method of Apportionment of Special Tax" included as Appendix B of this report.

Capital Improvements

A. Carver-Bangs (Tax Area A)

Following is a summary of the capital improvements to be funded through CFD No. 1998-2 to serve the Carver-Bangs Specific Plan. A detailed breakdown of facility components and the corresponding cost estimates is provided in Appendix C of this report.

Storm Drainage Improvements	$1,494,750
Prescott Road	145,422
American Avenue	24,033
Bangs Avenue	254,305
Carver Road	57,270
American Avenue Canal Overcrossing	295,066
Class I Bike Trail	142,500
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$2,480,847**

B. Pelandale-Snyder (Tax Area B)

Storm Drainage Improvements	$4,389,042
Dale Road	531,075
Prescott Road	628,297
Tully Road	1,011,016
Snyder Avenue	504,283
Class I Bike Trail	752,675
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$7,883,888**

Annual Maintenance Costs

A. Carver-Bangs

Item	Quantity	Unit	Unit Cost	Total Cost
Bangs Avenue (South Side)				
8' Landscape Strip (4,680 LF x 8' = 37,400 SF)	37,400	SF	$0.72	$26,957
American Avenue (East Side)				
8' Landscape Strip (1,200 LF x 8' =9,600 SF)	9,600	SF	$0.72	$6,912
Prescott Road 16' Center Median	10,500	SF	$0.72	$7,740
Prescott Road Treewell and Vine Blockouts with 10' Sidewalk and Masonry Wall (56 Each 5' x 5' Treewalls + 56 each 3' x 10' vine blockouts)	3,080	SF	$0.72	$2,218
Class I Bike Trail	1,308	SF	$0.72	$942
Pelandale Avenue (North Side) Landscape Strip	1,996	SF	$0.72	$1,437
Carver Road (West Side) (1, 194 L.F. x 8' = 9,552 S.F.)	9,552	SF	$0.72	$6,877
Total Annual Maintenance Costs				**$53,083**

B. Pelandale-Snyder

Item	Quantity	Unit Unit	Total Cost	Cost
Dale Road (East Side), 12' Wide Landscape Strip (1,255 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road (East Side), 12' Wide Landscape Strip (1,225 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road 16' Center Median	10,750	SF	$0.72	$7,740
Tully Road (Both Sides), 12' Wide Landscape Strip (2,650 LF x 12' = 21,800 SF)	31,800	SF	$0.72	$22,896
Tully Road 16' Center Median	10,750	SF	$0.72	$7,740
Class I Bike Trail	8,820	SF	$0.72	$6,350
Pelandale Avenue (South Side)	10,400	SF	$0.72	$7,488
Carver West Side Back-up Lots South of Pelandale Avenue (515 L.F. x 5' = 2,575)	2,575	SF	$0.72	$1,854
Landscaping Surrounding Storm Drain Basins	35,000	SF	$0.72	$25,200
Total Annual Maintenance Costs				$100,436

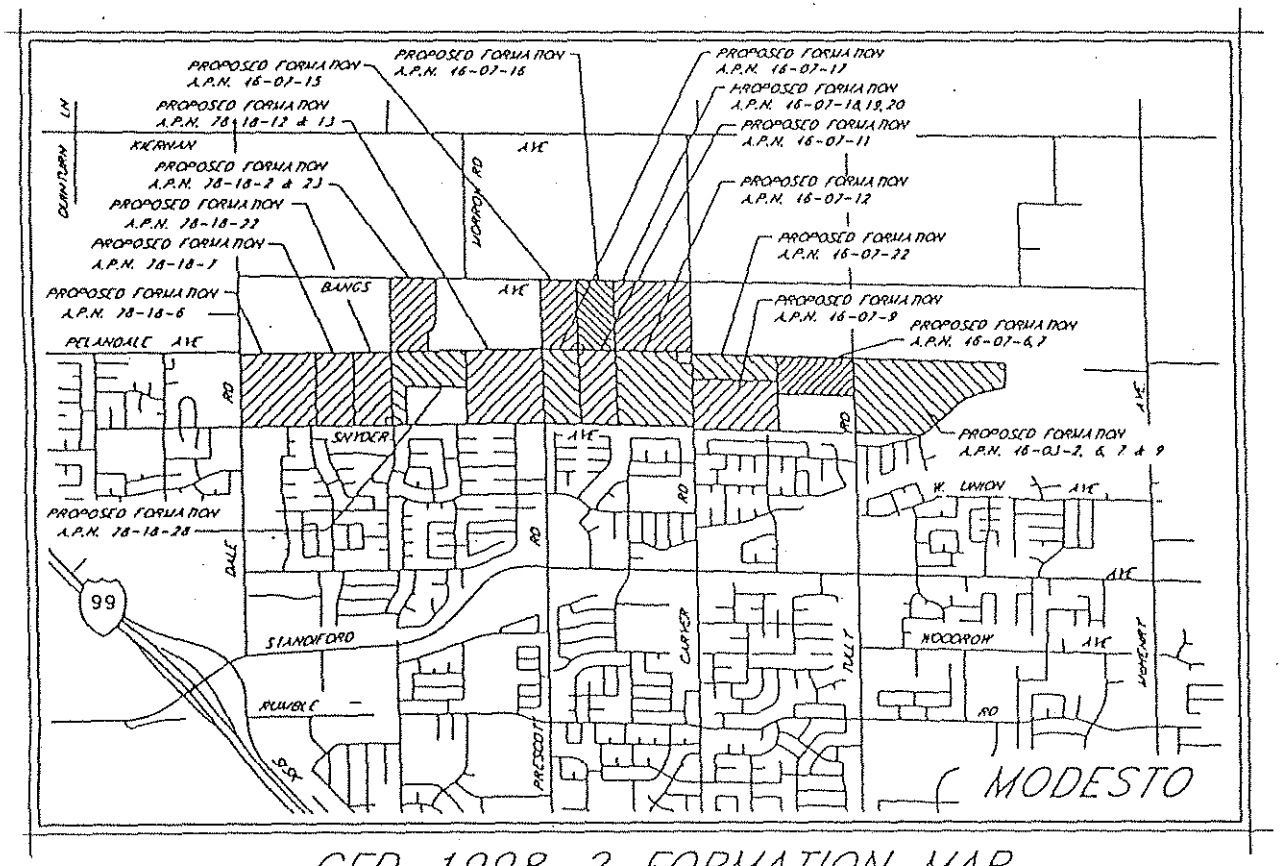
The description of facilities and services, as set forth herein, is general in nature. The final nature and location of improvements will be determined upon the preparation of final plans and specifications.

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

BOUNDARY MAP

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



CFD 1998-2 FORMATION MAP

NO SCALE

mid-valley engineering

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BASIS OF BEARINGS:
THE BEARING OF SOUTH 89°37'39" WEST ALONG THE LINE BETWEEN CPS MONUMENTS 3733 AND 3731 AS SHOWN IN BOOK 33 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON

NOTE:
THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY THE GRID FACTOR (.9999303334) TO OBTAIN GRID DISTANCES

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP. I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED IN DIVISION 4.5 OF THE STREETS AND HIGHWAYS CODE.

DATED THIS ___ DAY OF _____, 1998

_____
ROY A. GALLI, R.C.E. 16021

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS ___ DAY OF _____, 1998.

_____
JEAN ZAHR, CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2, (CARVER-BANGS/PELANDALE-SNYDER), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, AT A MEETING THEREOF, HELD ON THE ___ DAY OF ___, 1998, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

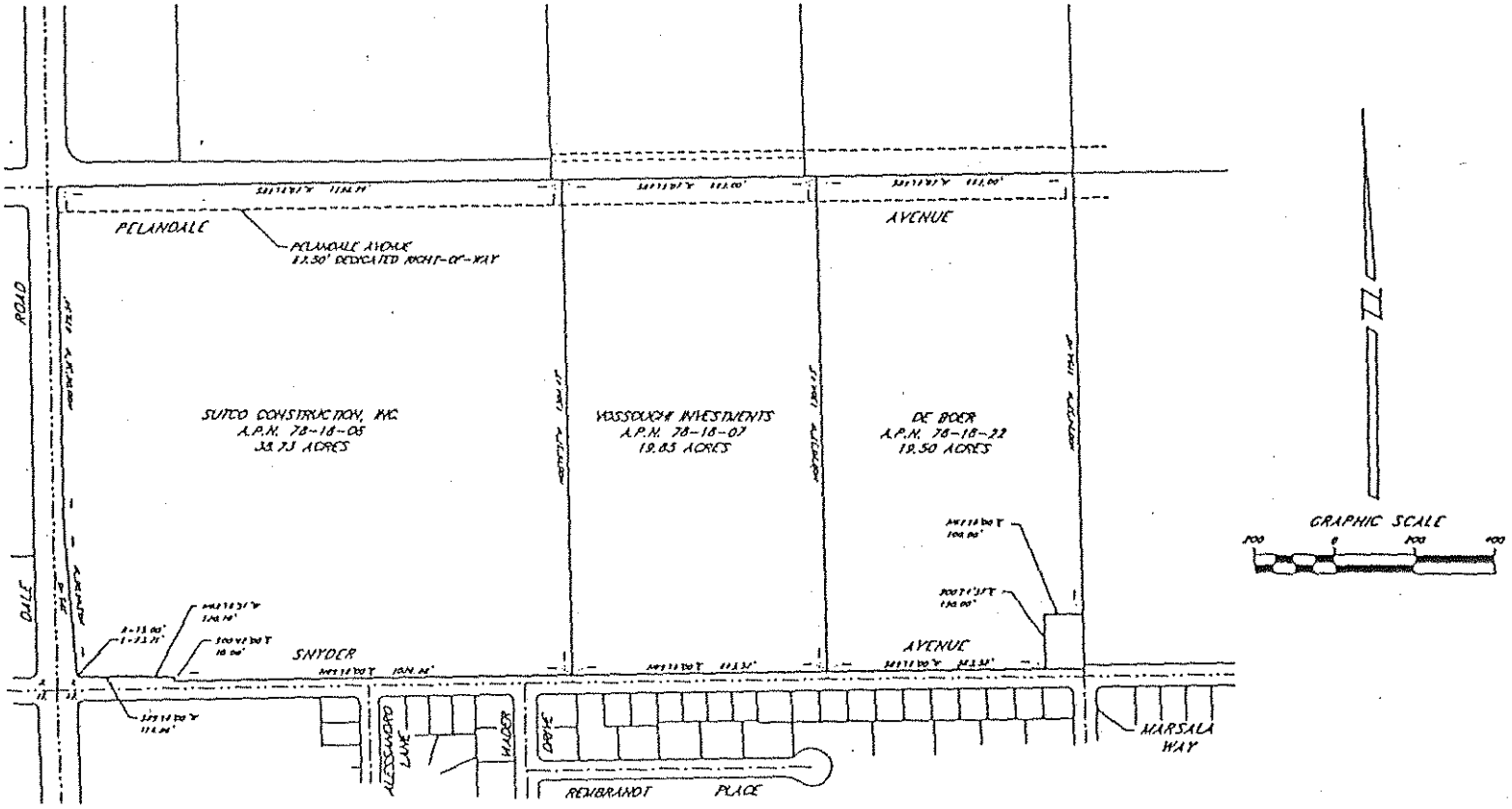
RECORDER'S STATEMENT:

FILED THIS ___ DAY OF _____, 1998, AT THE HOUR OF _____ O'CLOCK ___.M., UNDER RECORDER'S INSTRUMENT NO. _____, IN BOOK ___ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE ___, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

KAREN MATHEWS, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____
DEPUTY

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



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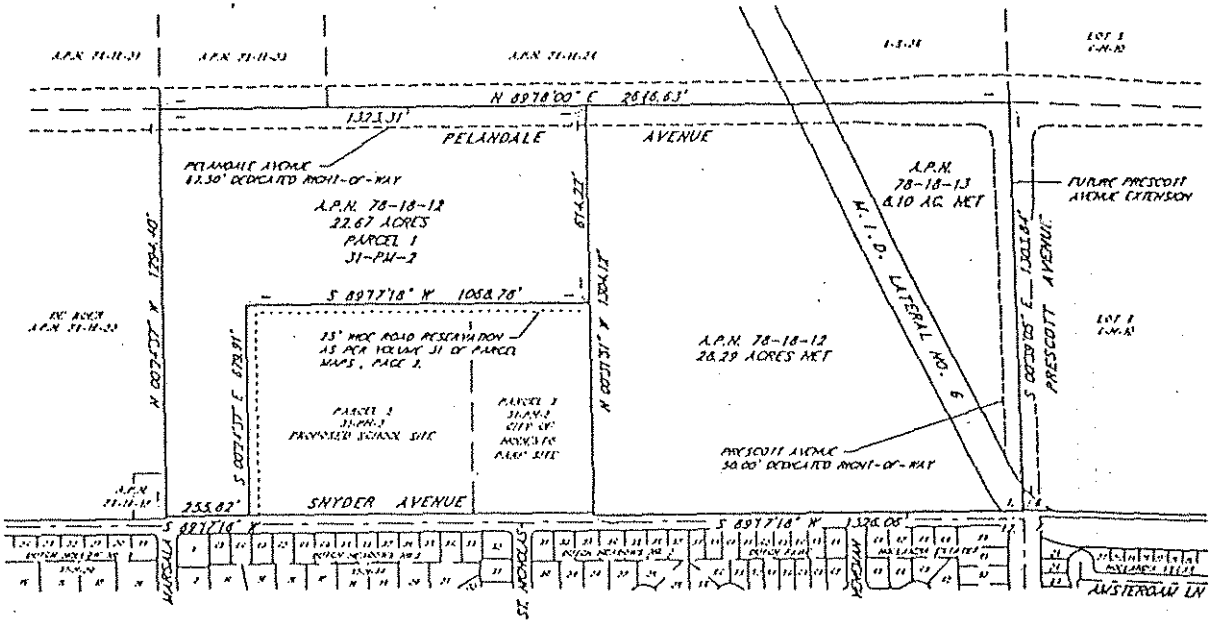
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



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APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

RATE AND METHOD OF APPORTIONMENT OF
SPECIAL TAX AND REIMBURSEMENTS

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-2 (herein "CFD No. 1998-2") 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. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, parcel map, or other recorded County parcel map.

"Administration Component" means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants' fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

"Administrator" shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

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

"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.

"Authorized Facilities" or "Authorized Facility" means those public improvements (including portions of such public improvements) to be funded by CFD No. 1998-2 as identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements, including appurtenant expenses such as planning, design, engineering and inspection.

"Buildable Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued.

"CFD Costs" means the total amount shown in the CFD Public Report to cover costs associated with CFD formation, CFD administration, and engineering, legal services, planning and geotechnical studies related to the Authorized Facilities.

"CFD Public Report" means the report filed with the City Clerk on behalf of CFD No. 1998-2 pursuant to Section 53321.5 of the Mello-Roos Community Facilities Act of 1982.

"Church Property" means any Parcel within the CFD that is exempt from ad valorem property taxes because it is owned by a religious organization.

"City" means the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

"Credit/Reimbursement Amount" means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

"Facilities Special Tax" means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*).

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of 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.

"Non-Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

"Order of Priority" means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Original Parcel" means an Assessor's Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Reimbursable Cost" means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

"Special Tax Credit" means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

"Subdivided Property" means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.

"Taxable Property" means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

"Tax Area A" means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Tax Area B" means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor's Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor's Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;

Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. Annual Maintenance Special Tax

All Subdivided Property within the CFD shall be subject to an Annual 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. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

On an Ongoing Basis

- n January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.

- The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

- The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

- For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

Step 1. The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

Step 2. The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

Step 3. By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

Step 4. Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.

Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. **If there is an outstanding Credit/Reimbursement Amount for the builder/developer**, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

- *If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer*, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

- *If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer*, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared

for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. **If there is <u>not</u> an outstanding Credit/Reimbursement Amount for the builder/developer,** the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- *If there <u>are</u> outstanding Credit/Reimbursement Amounts*, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" was issued to each

builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- *If there are no outstanding Credit/Reimbursement Amounts due any builder/developer*, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1;

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 on all Subdivided Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 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 levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax 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. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of

1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract 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.

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ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority

- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority

- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority

- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority

- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)

- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modest Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)

- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal

ATTACHMENT 2

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
MAXIMUM FACILITIES SPECIAL TAX

	Carver-Bangs	Pelandale-Snyder
Infrastructure Costs, other than Storm Drainage	$986,097	$3,494,846
Plus: Administration 7.00%	$69,027	$244,639
Subtotal, Costs other than Storm Drainage	$1,055,124	$3,739,485
Storm Drainage Costs	$1,494,750	$4,389,042
Plus: Administration 7.00%	$104,633	$307,233
Subtotal, Storm Drainage Costs	$1,599,383	$4,696,275
Total Costs Assigned to Tax Area	*$2,654,506*	*$8,435,760*
Total Net Acreage Contributing to Non-Drainage Facilities	137.44	298.40
One-Time Special Tax per Net Acre for non-Drainage	$7,677	$12,532
Total Net Acreage Contributing to Storm Drainage	137.44	317.73
One-Time Special Tax per Net Acre for Storm Drainage	$11,637	$14,781

Assessor Parcel No.	Property Owner	Net Acreage	1998 Maximum Facilities Special Tax/1
Tax Area A, Carver-Bangs			
78 12 02	Calvary Chapel	0.89	$17,189
78 18 23	Calvary Chapel	14.19	$274,065
78 18 24	William Han	28.90	$558,173
78 18 14	Lowry, Luscher, Donovan	22.60	$436,495
46 07 15	Kaufman & Broad	16.39	$316,555
46 07 16	Elaine Fowler	18.11	$349,775
46 07 18	Ronald Malik	8.75	$168,997
46 07 19	Ronald Malik	19.30	$372,759
46 07 20	Ronald Malik	8.31	$160,499
Total, Carver-Bangs		*137.44*	*$2,654,506*
Tax Area B, Pelandale-Snyder			
78 18 06	TRS Enterprises	35.45	$968,228
78 18 7	Vossoughi Investments	18.67	$509,924
78 18 22	Rodney K. Lowe, Inc.	18.35	$501,184
78 18 28	Corn-Harris Development	20.62	$563,184
78 18 12	Resource Development	24.08	$657,685
46 07 17	Marlene Johnston, et. al.	16.22	$443,009
46 07 11	Verna Mae Johnson Trust	17.95	$490,259
46 07 12	William P. Couture	35.65	$973,691
46 07 22	Red Rock Ranch	13.05	$356,428
46 07 09	Walker Family Partnership	26.90	$734,706
46 07 07	Resource Development	13.89	$379,371
46 07 06	Resource Development	4.58	$125,091
46 07 08	Brent & Diana Holtz	18.62	$508,559
46 03 02	Big Valley Grace Comm. Church	7.20	$196,650
46 03 06	Big Valley Grace Comm. Church	9.07	$247,724
46 03 07	Big Valley Grace Comm. Church	18.10	$494,356
46 03 09	Big Valley Grace Comm. Church	19.33	$285,711
Total, Pelandale-Snyder		*317.73*	$8,435,760

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

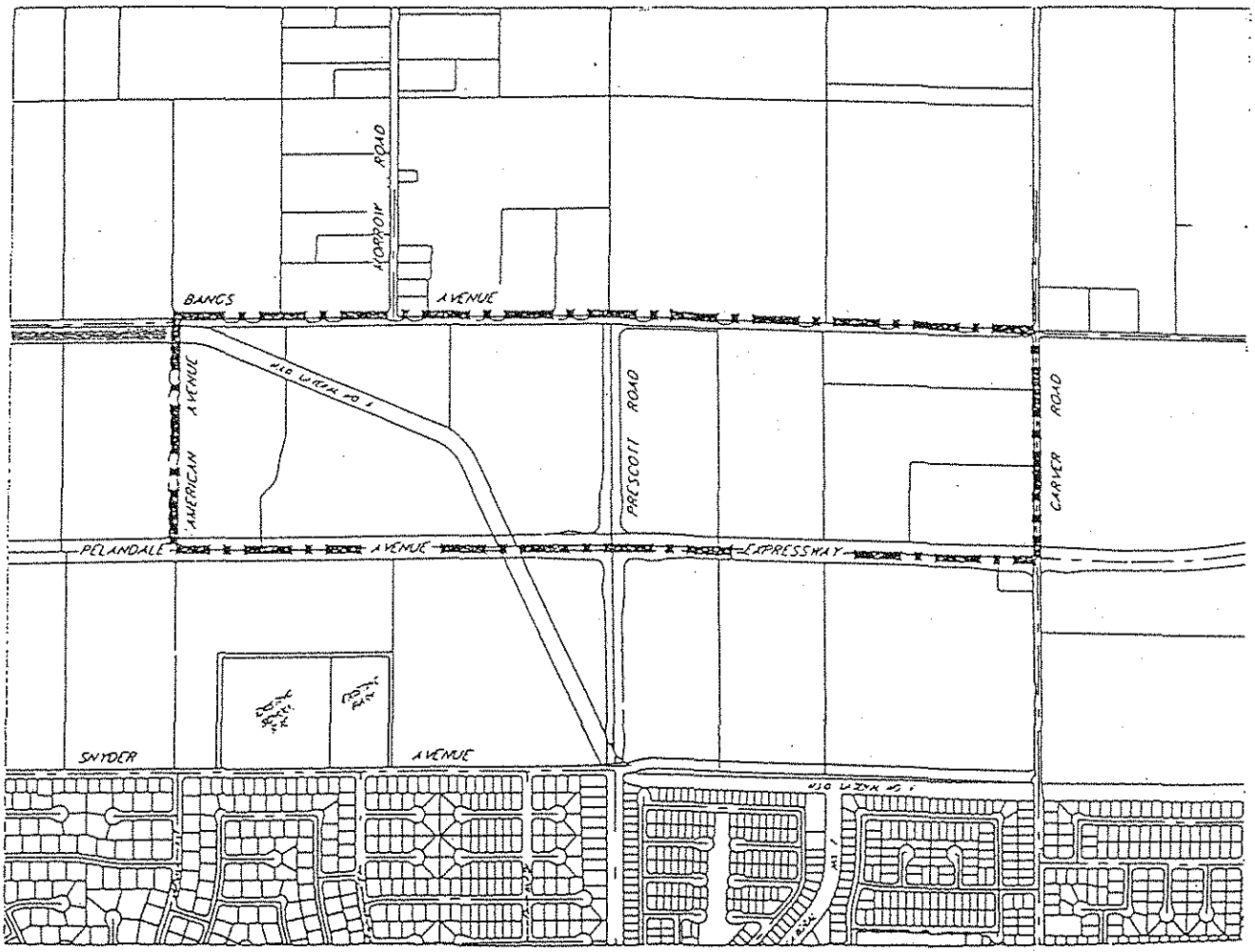
ATTACHMENT 3

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)

IDENTIFICATION OF TAX AREA A AND TAX AREA B

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "A"

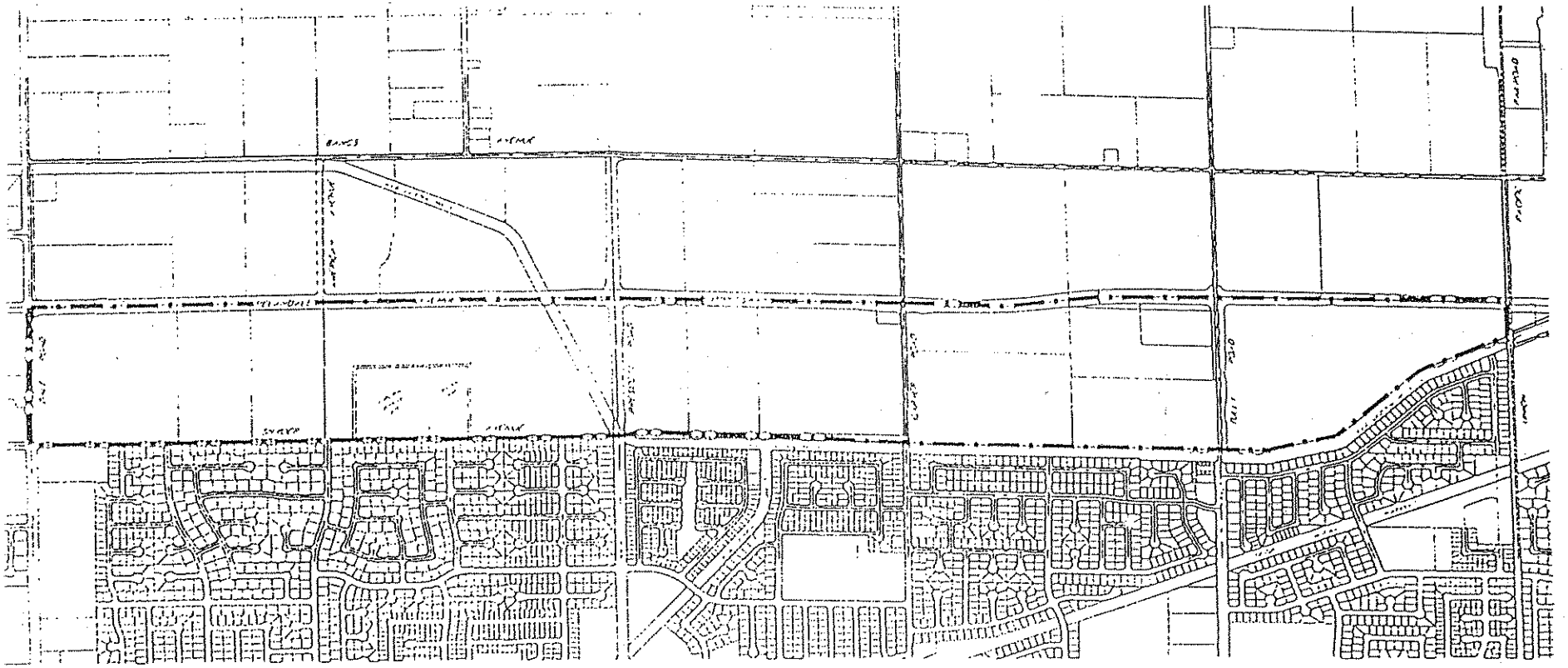


NORTH

Drawn J.R.M.	C.F.D. 1998-2 (CARVER-BANGS/ PELANDALE-SNYDER)	mid-valley engineering	FAX (209) 526-0803
Date 10-14-98			SHEET 1
Scale			

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "B"



NORTH

Drawn	JRM
Date	12-14-98
Scale	

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)

ATTACHMENT 3B

mid-valley engineering
900 H ST STE C MODESTO, CALIFORNIA 95354
(209) 526-4214
FAX (209) 526-0803

SHEET 1 OF 1

APPENDIX C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

DETAILED FACILITY COST ESTIMATES

CARVER-BANGS
(TAX AREA A)

DETAILED FACILITY COST ESTIMATES

23-Oct-98
JOB 71159

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS ~~$2,424,418~~ $2,480,847

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE ========> $17,640

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE ==========> $715

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
3. ALL CFD RELATED FORMATION COSTS (I.E., CITY OF MODESTO, DAVID TAUSSIG AND ASSOCIATES, KAUFMAN & BROAD, RON MALIK, MID-VALLEY ENGINEERING, J.B. ANDERSON LAND PLANNING, RUSSELL A. HARRISON, CONSULTING CIVIL ENGINEER, INC., AND HERUM, CRABTREE, DYER, ZOLEZZI AND TERPSTRA).
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYNENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
6. AMERICAN AVENUE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

23-Oct-98
JOB 71159

CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$1,494,750
B.	PRESCOTT ROAD	$145,422
C.	AMERICAN AVENUE	$24,033
D.	BANGS AVENUE	$254,305
E.	CARVER ROAD	$57,270
F.	AMERICAN AVENUE CANAL CROSSING	$295,066
G.	CLASS I BIKE TRAIL	$142,500
H.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS ====	$2,480,847

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIV WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF PELANDALE-SNYDER
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	STORM DRAIN TRUNK LINES				
A.	CONSTRUCTION				
1.	30" STORM	2,549	LF	$100.00	$254,900
2.	36" STORM	1,279	LF	$121.00	$154,759
3.	48" STORM	597	LF	$161.00	$96,117
4.	SHARE OF 54" STORM DRAIN TO BASIN	46	LF	$182.00	$8,372
5.	MANHOLES	14	EA	$5,750.00	$80,500
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$594,648
	10% CONTINGENCY =====>				$59,465
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$654,113
II.	STORM DRAINAGE BASIN FACILITIES				
A.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	42,628	CY	$6.00	$255,768
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$165,445.00	$165,445
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$8,943.00	$8,943
4.	FENCING	1,227	LF	$16.00	$19,632
5.	LANDSCAPING	10,433	SF	$2.80	$29,212
6.	INLETS	LUMP SUM	LS	$2,981.00	$2,981
7.	STRIPPING / CLEARING / DISCING	LUMP SUM	LS	$2,981.00	$2,981
	SUB-TOTAL STORM DRAIN BASIN FACILITIES =====>				$484,962
	10% CONTINGENCY =====>				$48,496
	TOTAL STORM DRAIN BASIN FACILITIES =====>				$533,459
B.	FEES				
1.	ENGINEERING	1	EST	$29,808.00	$29,808
2.	STAKING	1	EST	$14,755.00	$14,755
3.	CONSTRUCTION MANAGEMENT	1	EST	$19,873.00	$19,873
4.	GEOTECHNICAL	1	EST	$5,365.00	$5,365
	TOTAL FEES =====>				$64,436

Carver-Bangs Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	LAND PURCHASE	29.61% OF TOTAL COST OF $1,030,239 =			$305,054
2.	ADMINISTRATION	LUMP SUM	LS	$2,125.00	$2,125
		TOTAL LAND ACQUISITION ====>			$307,179
		GRAND TOTAL ====>			$1,494,750

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCE WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ====>	509.26

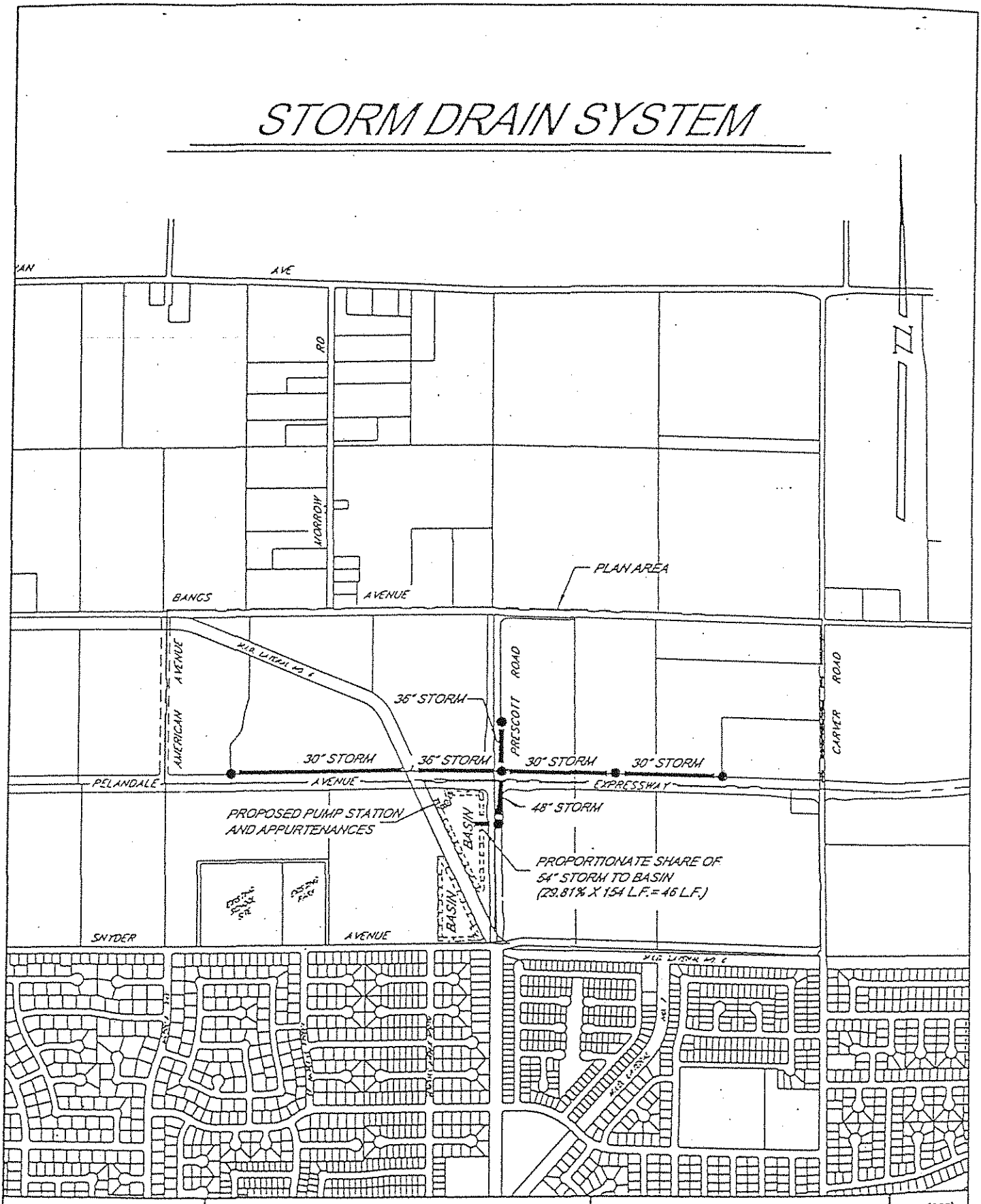
   B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 =	29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOW DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

STORM DRAIN SYSTEM



Drawn	J.FREITAS
Date	4-29-98
Scale	

FIGURE 1

CARVER BANGS

mid valley engineering

FAX (209) 526-0803

SHEET 1

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (20' CFD PORTION)				
1.	CLEARING AND GRADING	24,675	SF	$0.60	$14,805
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	24,675	SF	$2.00	$49,350
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	200	LF	$30.00	$6,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	24,675	SF	$0.02	$494
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COST)	1	EST	$3,207.75	$3,208
				CONSTRUCTION TOTAL =====>	$81,856
				15% CONTINGENCY =====>	$12,278
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$94,135
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$5,648.08	$5,648
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$2,824.04	$2,824
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$3,765.39	$3,765
				TOTAL FEES =====>	$12,238
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.57	AC	$65,000.00	$37,050
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$39,050
				GRAND TOTAL =====>	$145,422

NOTES:

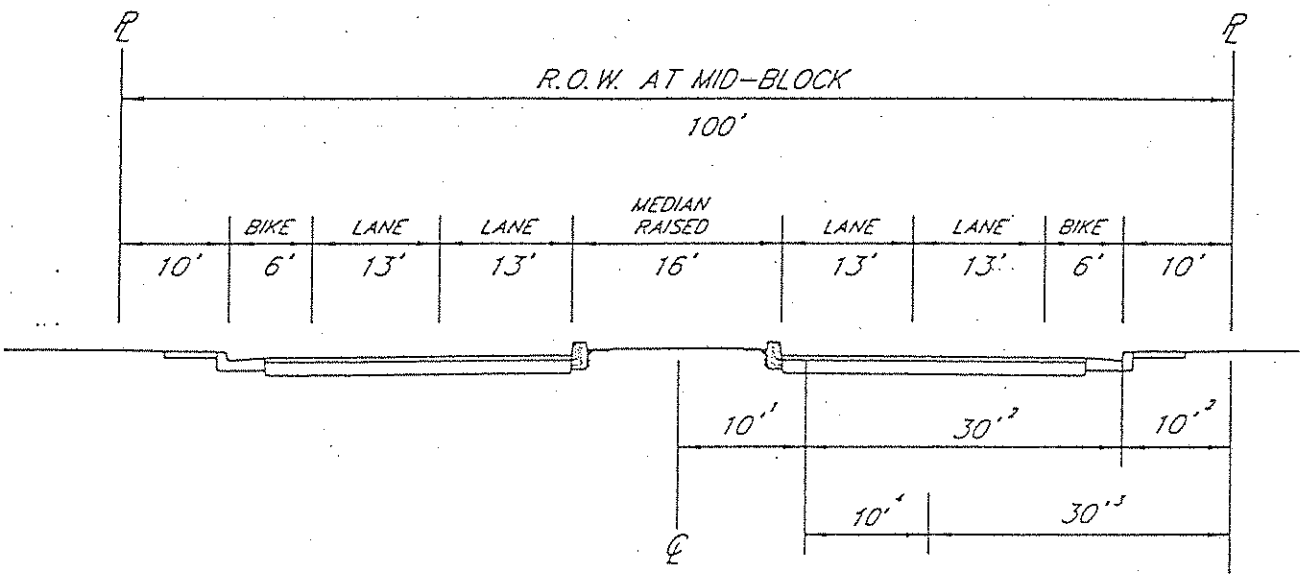
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, THORNHILL, EASTPORT AND ALMOND VALLEY

PRESCOTT ROAD SECTION

(MID-BLOCK)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.FREITAS	FIGURE 2	mid-valley engineering	FAX (209) 526-0803
Date 4-29-98	CARVER BANGS		SHEET 1
Scale			

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	2,535	SF	$0.35	$887
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	2,535	SF	$1.75	$4,436
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	LUMP SUM	LS	$100.00	$100
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	LUMP SUM	LS	$300.00	$300
				CONSTRUCTION TOTAL =====>	$14,724
				15% CONTINGENCY =====>	$2,209
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$16,932
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$1,015.92	$1,016
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$507.96	$508
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$677.28	$677
				TOTAL FEES =====>	$2,201
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.06	AC	$65,000.00	$3,900
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,000.00	$1,000
				TOTAL LAND ACQUISITION =====>	$4,900
				GRAND TOTAL =====>	$24,033

NOTES:

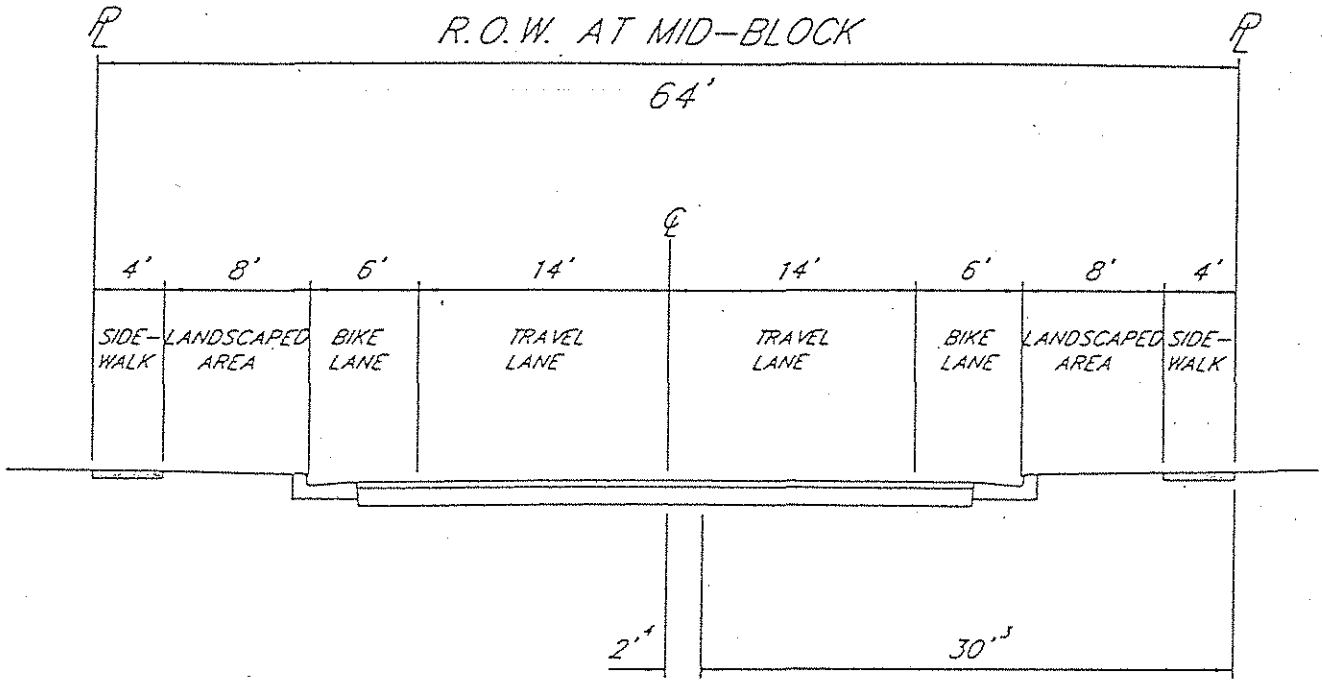
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

AMERICAN AVENUE SECTION

(MID-BLOCK-LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 3	mid-valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS		SHEET 1
Scale			

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	48,150	SF	$0.35	$16,853
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	48,150	SF	$1.75	$84,263
3.	STORM DRAINAGE				
a.	CATCH BASINS	7	EA	$1,000.00	$7,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	350	LF	$30.00	$10,500
c.	MANHOLES	7	EA	$2,000.00	$14,000
4.	PRIME COAT	48,150	SF	$0.02	$963
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$5,055.75	$5,056
				CONSTRUCTION TOTAL =====>	$138,634
				15% CONTINGENCY =====>	$20,795
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$159,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,565.73	$9,566
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,782.86	$4,783
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,377.15	$6,377
				TOTAL FEES =====>	$20,726
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.11	AC	$65,000.00	$72,150
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$74,150
				GRAND TOTAL =====>	$254,305

NOTES:

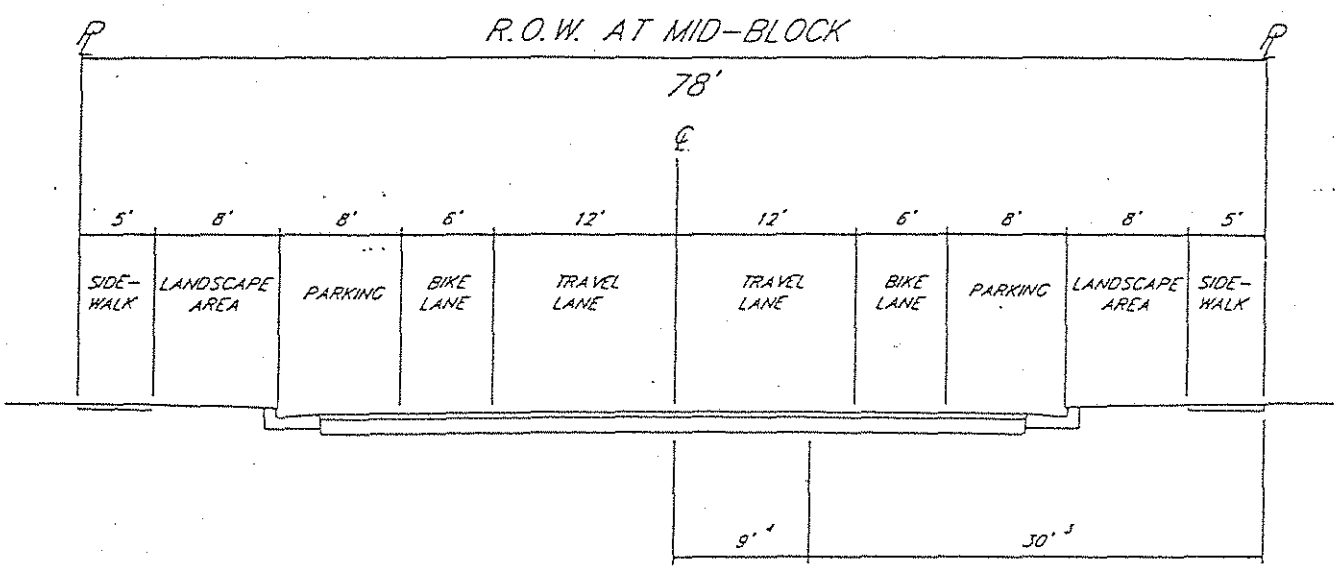
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

BANGS AVENUE SECTION

(MID-BLOCK LOOKING EAST)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 4	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS	SHEET 1
Scale	mid-valley engineering	

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (6' CFD PORTION)				
1.	CLEARING AND GRADING	9,900	SF	$0.35	$3,465
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	9,900	SF	$1.75	$17,325
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	9,900	SF	$0.02	$198
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$1,039.50	$1,040
				CONSTRUCTION TOTAL =====>	$31,028
				15% CONTINGENCY =====>	$4,654
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$35,682
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,140.90	$2,141
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,070.45	$1,070
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,427.27	$1,427
				TOTAL FEES =====>	$4,639
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.23	AC	$65,000.00	$14,950
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$16,950
				GRAND TOTAL =====>	$57,270

NOTES:

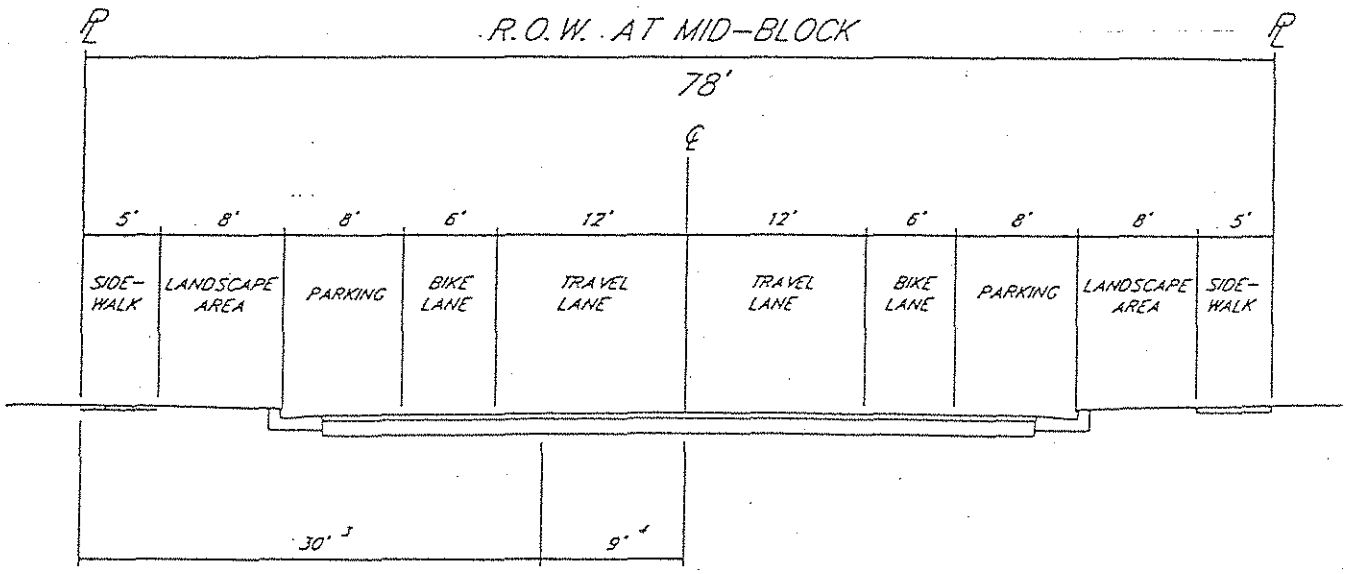
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER ROAD SECTION

(MID-BLOCK LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 5	mid valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS		SHEET 1
Scale			
Job No. 71-159.15			

23-Oct-98
JOB 71159

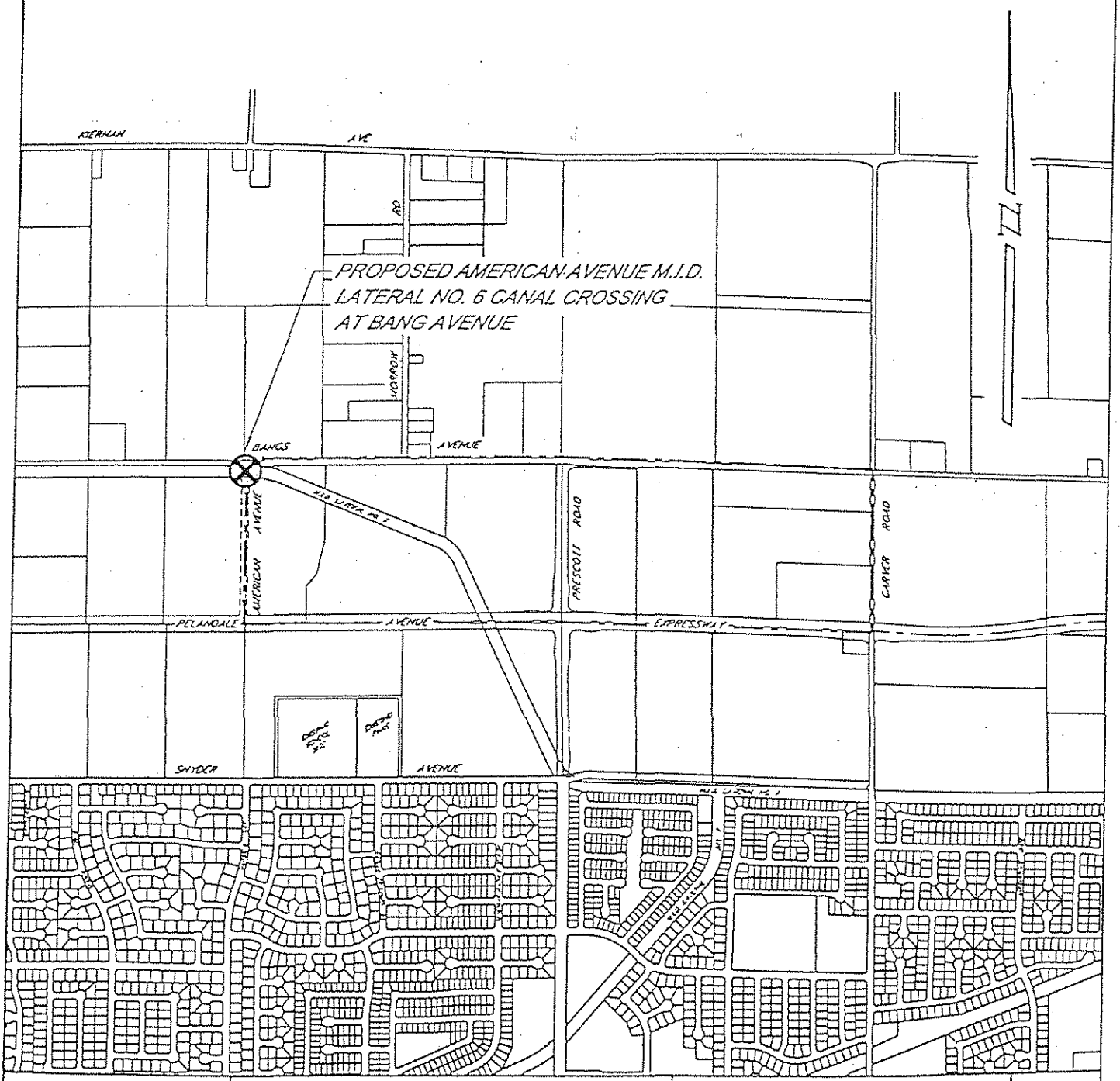
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	LUMP SUM	LS	$15,000.00	$15,000
2.	EARTHWORK	LUMP SUM	LS	$23,750.00	$23,750
3.	CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT	LUMP SUM	LS	$125,000.00	$125,000
4.	INLET STRUCTURE	1	EA	$21,200.00	$21,200
5.	OUTLET STRUCTURE	1	EA	$21,200.00	$21,200
6.	FENCING	LUMP SUM	LS	$4,370.00	$4,370
7.	UTILITY RELOCATION	1	EST	$10,000.00	$10,000
				CONSTRUCTION TOTAL =====>	$220,520
				15% CONTINGENCY =====>	$33,078
				TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =====>	$253,598
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,215.88	$15,216
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,607.94	$7,608
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,143.92	$10,144
4.	GEOTECHNICAL	1	EST	$5,000.00	$5,000
5.	MID PERMITTING	1	EST	$3,500.00	$3,500
				TOTAL FEES =====>	$41,468
				GRAND TOTAL =====>	$295,066

NOTES:

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.

M.I.D. LATERAL NO. 6
AMERICAN AVENUE CANAL CROSSING



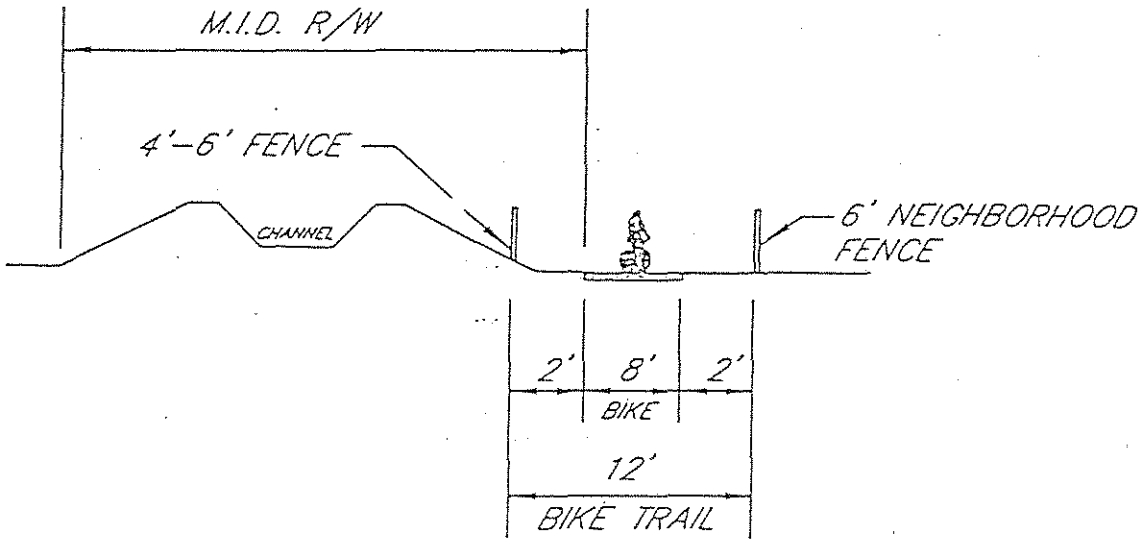
Drawn J.FREITAS	FIGURE 6	mid-valley engineering
Date 4-29-98	CARVER BANGS	FAX (209) 526-0803
Scale		SHEET 1

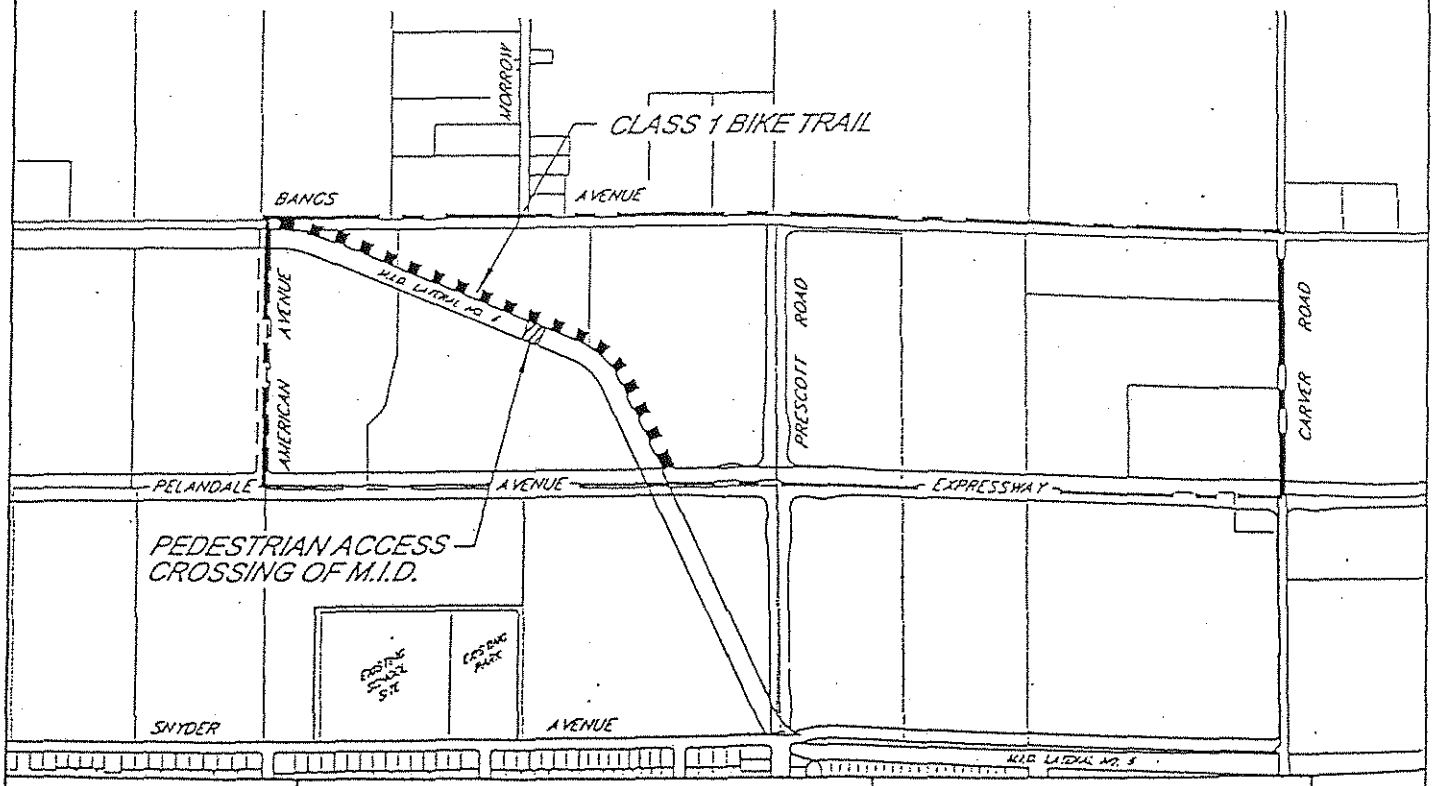
23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DESIGN PARAMETERS				
1.	INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN				
2.	TOTAL LENGTH 2180 L.F. OR 0.413 MILES				
3.	THE CITY'S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:				
	Existing CFF Portion				
	0.413 Miles x $105,600 =	$43,613			
II.	CLASS I BIKE TRAIL				
A.	CONSTRUCTION				
1.	8' BIKE PATH	17,440	SF	$2.00	$34,880
2.	2' GRAVEL SHOULDER EACH SIDE (2" DECOMPOSED GRANITE)	8,720	SF	$0.30	$2,616
3.	4-6' FENCE	2,180	LF	$16.00	$34,880
4.	PEDESTRIAN ACCESS CROSSING	LUMP SUM	LS	$50,000.00	$50,000
				CONSTRUCTION TOTAL =====>	$122,376
				10% CONTINGENCY =====>	$12,238
				TOTAL BIKE PATH =====>	$134,614
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$8,076.82	$8,077
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,038.41	$4,038
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,384.54	$5,385
				TOTAL FEES =====>	$17,500
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)	0.50	AC	$65,000.00	$32,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,500.00	$1,500
				TOTAL LAND ACQUISITION =====>	$34,000
				GRAND TOTAL =====>	$186,113
				CFF PORTION =====>	$43,613
				TOTAL CARVER BANGS CFD PORTION =====>	$142,500

CLASS 1 BIKE PATH / PEDESTRIAN ACCESS CROSSING OF M.I.D. NO.6





Drawn	J.R.M.
Date	7-28-98
Scale	

FIGURE 7

CARVER BANGS

mid-valley engineering

FAX (209) 526-0803

PELANDALE-SNYDER
(TAX AREA B)

DETAILED FACILITY COST ESTIMATES

23-Oct-98
JOB 71159

PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

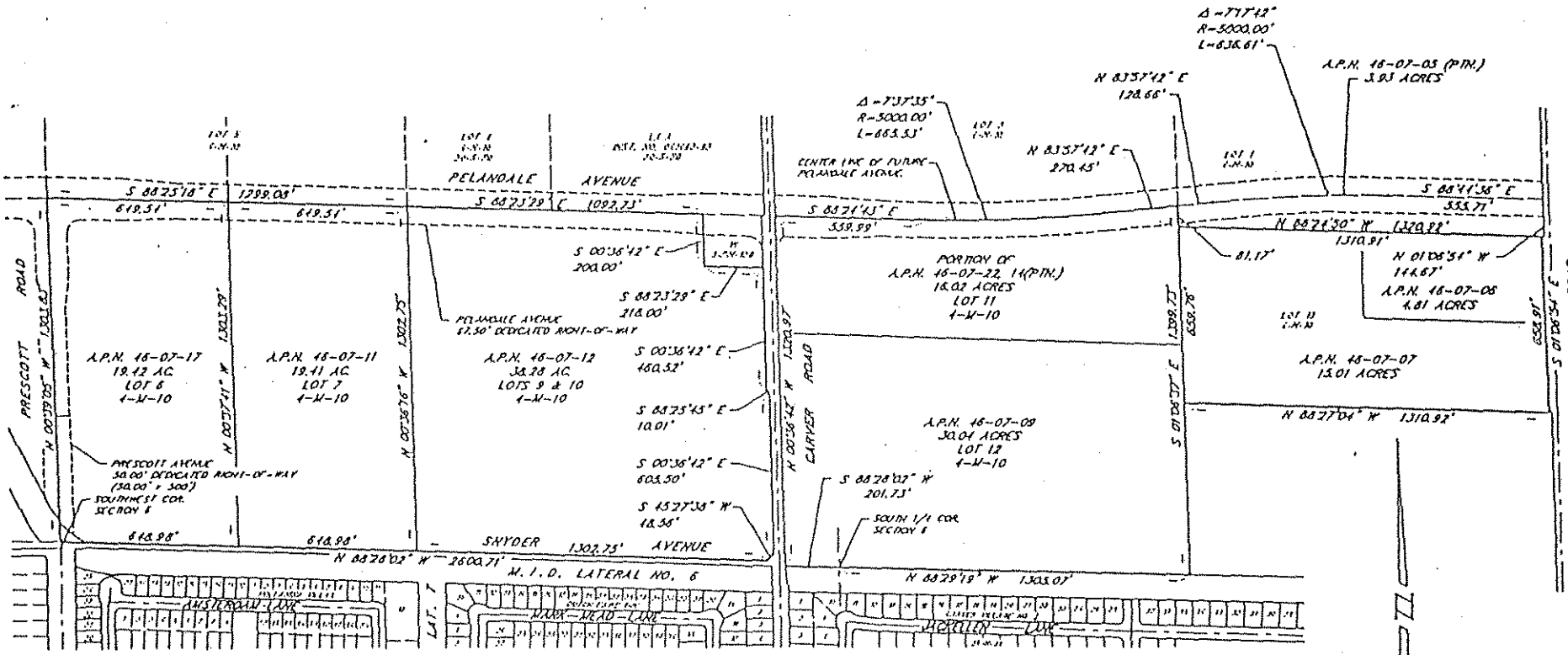
A.	STORM DRAINAGE	$4,389,042 ~~$4,000,232~~
B.	DALE ROAD	$531,075
C.	PRESCOTT ROAD	$628,297
D.	TULLY ROAD	$1,011,016
E.	SNYDER AVENUE	$504,283 ~~$52,743~~
F.	CLASS I BIKE TRAIL	$752,675
G.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS =====>	~~$7,043,538~~ $7,883,888

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



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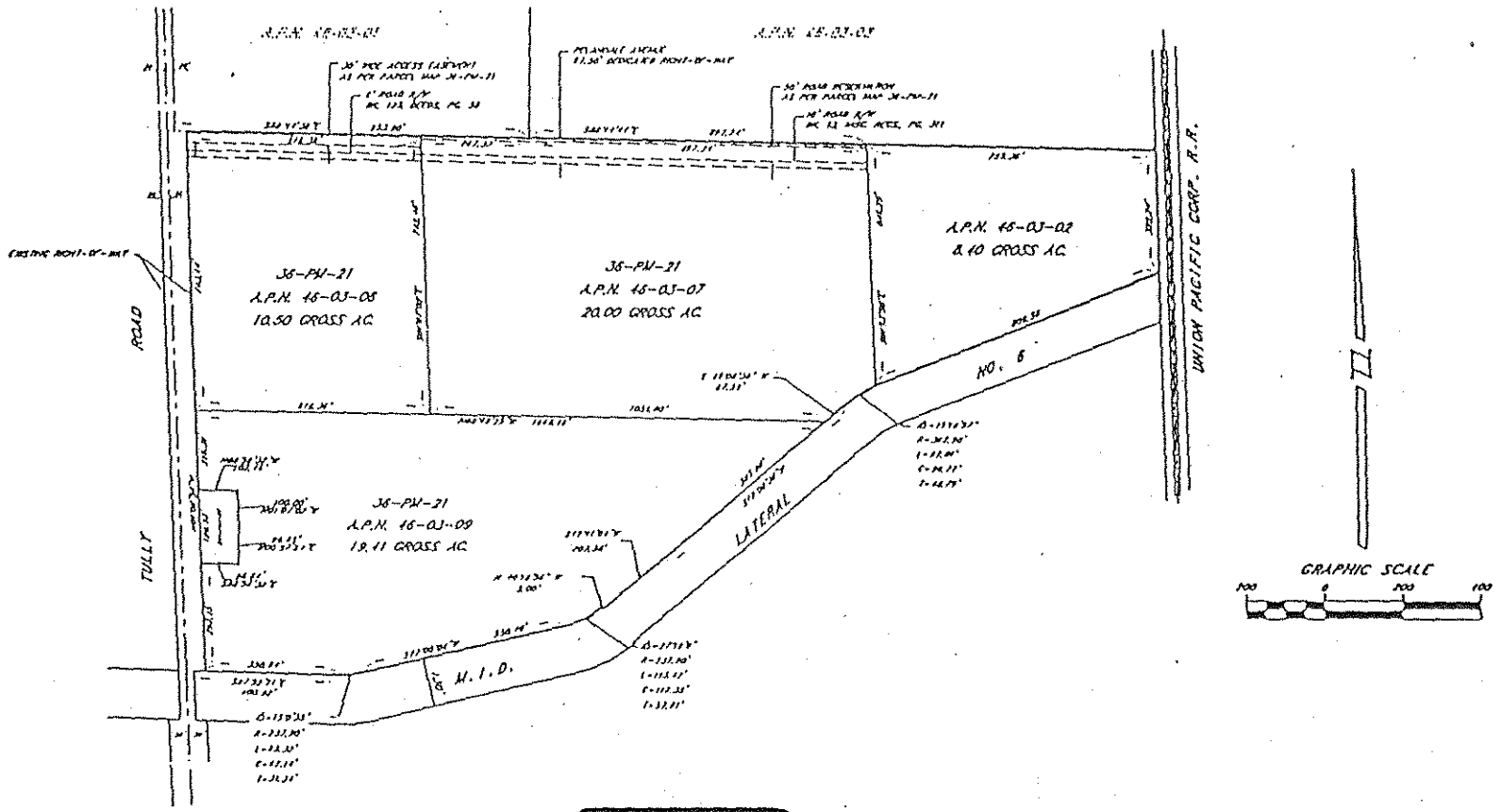
SHEET 1 OF 1

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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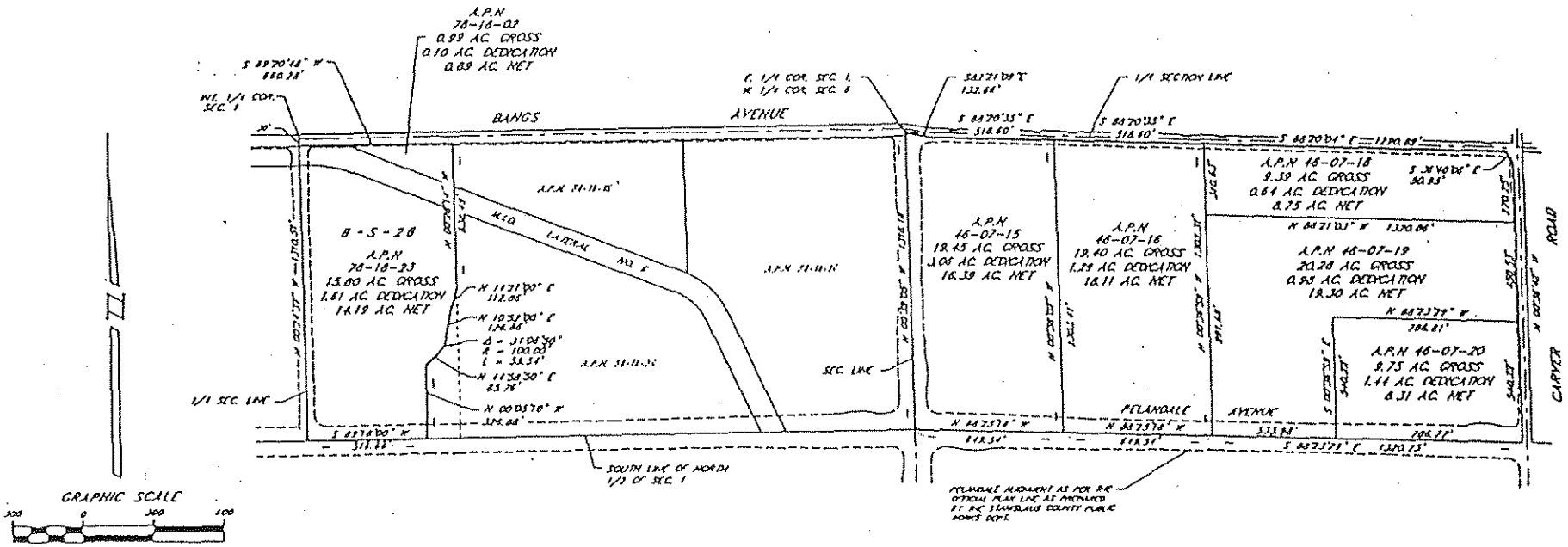
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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SHEET 1 OF 1

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	STORM DRAIN TRUNK LINES				
A.	CONSTRUCTION				
1.	36" STORM	400	LF	$121.00	$48,400
2.	42" STORM	1,874	LF	$155.00	$290,470
3.	48" STORM	3,661	LF	$161.00	$589,421
4.	54" STORM	5,242	LF	$182.00	$954,044
5.	PROPORTIONATE SHARE 54" TO BASIN	108	LF	$182.00	$19,656
6.	MANHOLES	29	EA	$5,750.00	$166,750
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$2,068,741
	10% CONTINGENCY =====>				$206,874
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$2,275,615
II.	STORM DRAINAGE BASIN FACILITIES				
B.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	100,372	CY	$6.00	$602,232
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$389,555.00	$389,555
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$21,057.00	$21,057
4.	FENCING	2,890	LF	$16.00	$46,240
5.	LANDSCAPING	13,170	SF	$2.80	$36,876
6.	INLETS	LUMP SUM	LS	$7,019.00	$7,019
6.	CLEARING / DISCING / STRIPPING	LUMP SUM	LS	$7,019.00	$7,019
	SUB-TOTAL				$1,109,998
	10% CONTINGENCY =====>				$111,000

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	FEES				
1.	ENGINEERING	1	EST	$70,192.00	$70,192
2.	STAKING	1	EST	$34,746.00	$34,746
3.	CONSTRUCTION MANAGEMENT	1	EST	$46,796.00	$46,796
4.	GEOTECHNICAL	1	EST	$12,635.00	$12,635
				TOTAL FEES ====>	$164,369
D.	LAND ACQUISITION				
1.	LAND PURCHASE	70.39% OF TOTAL COST OF $1,030,239 =			$725,185
2.	ADMINISTRATION	LUMP SUM	LS	$2,875.00	$2,875
				TOTAL LAND ACQUISITION ====>	$728,060
				PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL ====>	$4,389,042

NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRE THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ====>	509.26

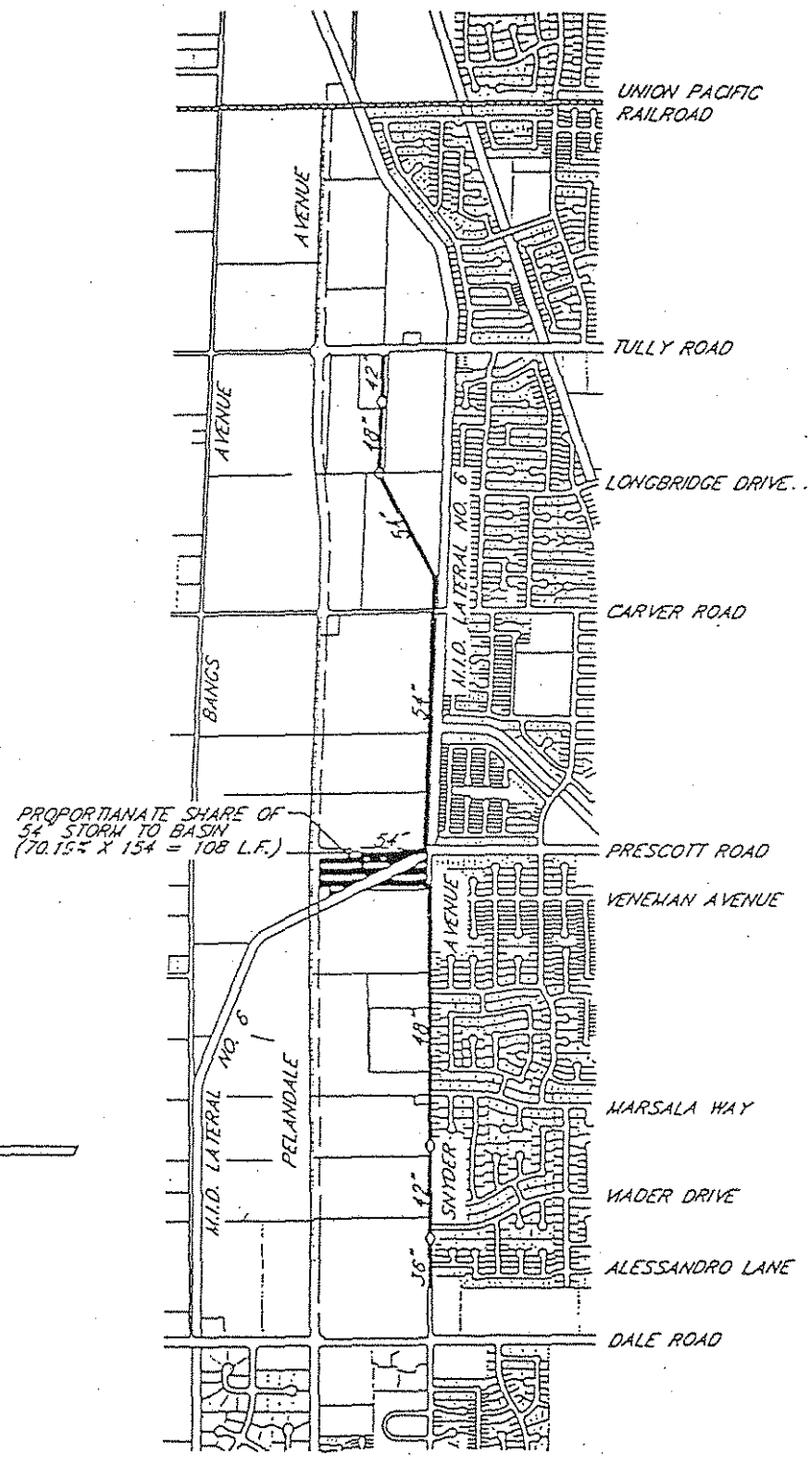
   B. PELANDALE / SNYDER PROPORTIONATE SHARE

357.46 / 509.26 =	70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER A CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE D DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AR GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

BACKBONE STORM DRAIN SYSTEM



Drawn J.R.M.	FIGURE 1	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER		SHEET 1
Scale			
Job No. 70-332			

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DALE ROAD CENTER 20 FEET				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	26,400	SF	$1.50	$39,600
2.	MEDIAN CURB	2,690	LF	$15.00	$40,350
3.	MEDIAN COVER	17,520	SF	$3.50	$61,320
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)	5,280	SF	$2.00	$10,560
5.	STRIPING	LUMP SUM	LS	$5,000.00	$5,000
				CONSTRUCTION TOTAL =====>	$156,830
				10% CONTINGENCY =====>	$15,683
				TOTAL DALE ROAD CONSTRUCTION =====>	$172,513
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$10,350.78	$10,351
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$5,175.39	$5,175
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,900.52	$6,901
				TOTAL FEES =====>	$22,427
				DALE ROAD CENTER 20 FEET GRAND TOTAL =====>	$194,940

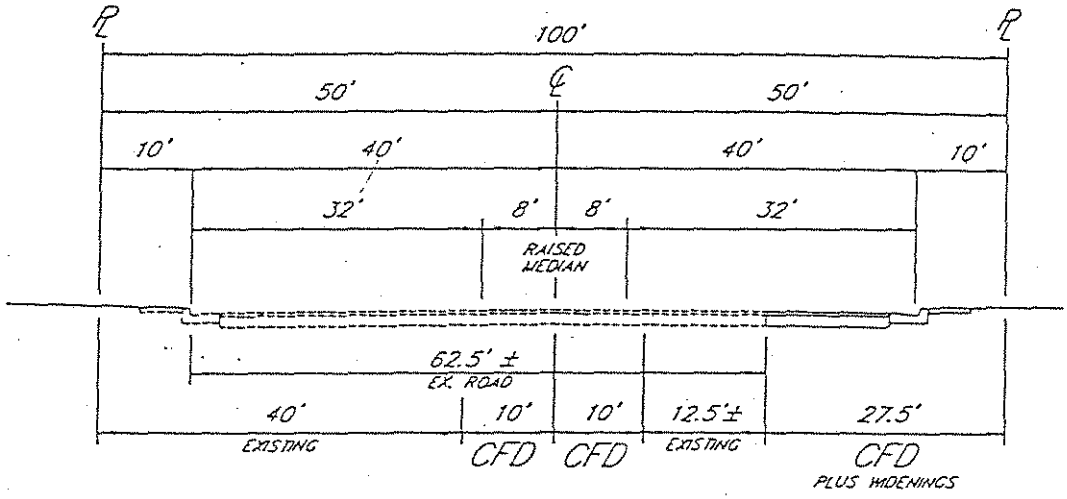
Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	30,492	SF	$0.60	$18,295
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	22,104	SF	$2.00	$44,208
3.	STORM DRAINAGE				
a.	12" STORM DRAIN	800	LF	$30.00	$24,000
b.	15" STORM DRAIN	420	LF	$37.00	$15,540
c.	CATCH BASINS	2	EA	$1,000.00	$2,000
d.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
e.	MANHOLES	2	EA	$2,000.00	$4,000
4.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,300	SF	$3.00	$36,900
5.	6" VERTICAL CURB AND GUTTER	1,230	LF	$9.00	$11,070
6.	RETURN AT PELANDALE AVENUE	1	EA	$1,000.00	$1,000
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,760	SF	$2.80	$41,328
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$3,125.16	$3,125
10.	TRAFFIC CONTROL	LUMP SUM	LS	$4,500.00	$4,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,230	LF	$10.00	$12,300
12.	PRIMECOAT	22,104	SF	$0.02	$442
				CONSTRUCTION TOTAL =====>	$232,208
				10% CONTINGENCY =====>	$23,221
				TOTAL DALE ROAD CONSTRUCTION =====>	$255,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,325.76	$15,326
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,662.88	$7,663
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,217.17	$10,217
				TOTAL FEES =====>	$33,206
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.70	AC	$65,000.00	$45,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$47,500
				DALE ROAD FRONTAGE GRAND TOTAL =====>	$336,135
				DALE ROAD GRAND TOTAL =====>	$531,075

NOTE:

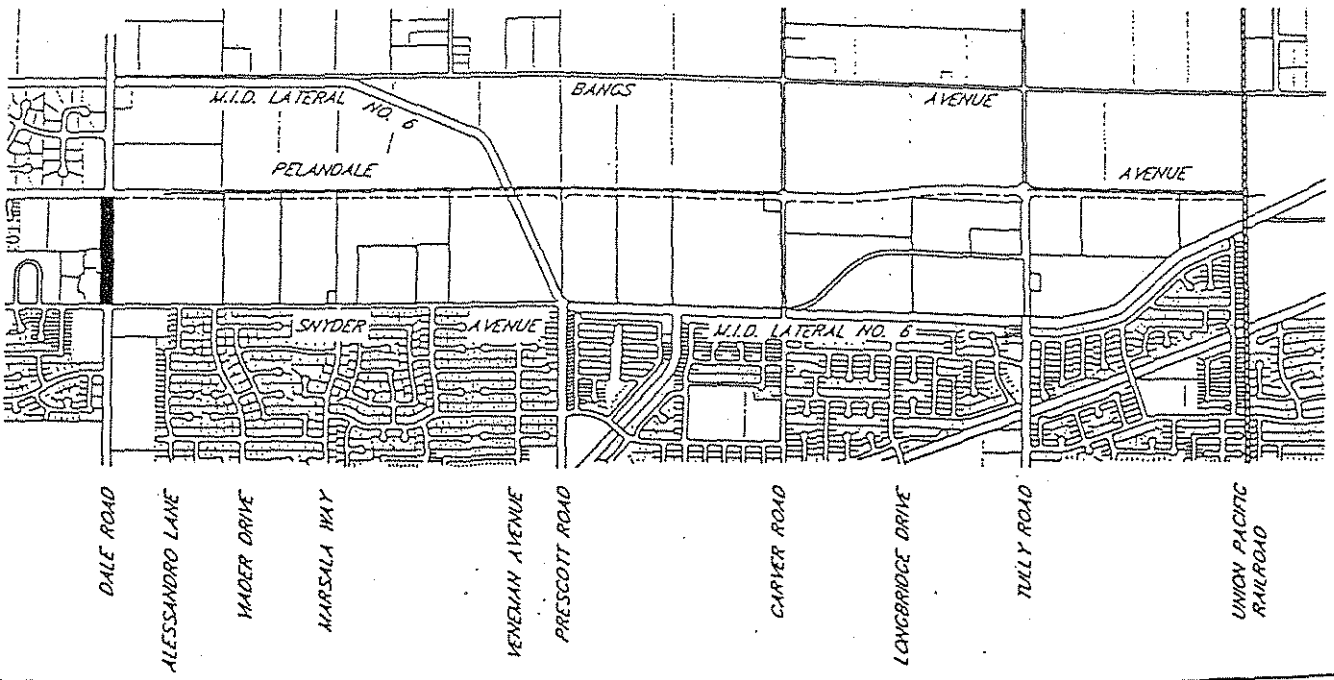
1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT, AND DIAMOND VALLEY

DALE ROAD



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

SNYDER AVENUE TO PELANDALE AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 2

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

FAX (209) 526-0803

SHEET 1

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	18,525	SF	$2.00	$37,050
3.	2" A.C. OVERLAY (EXISTING INTERIM PRESCOTT)	17,100	SF	$0.60	$10,260
4.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
5.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
6.	10' SIDEWALK	12,000	SF	$3.00	$36,000
7.	RETURNS	2	EA	$1,000.00	$2,000
8.	ELECTROLIERS	4	EA	$3,500.00	$14,000
9.	PRIMECOAT	18,525	SF	$0.02	$371
				CONSTRUCTION TOTAL =====>	$139,999
				10% CONTINGENCY =====>	$14,000
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$153,998
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,239.90	$9,240
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,619.95	$4,620
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,159.93	$6,160
				TOTAL FEES =====>	$20,020
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.20	AC	$65,000.00	$78,000
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$80,000
				PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL =====>	$254,018

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	41,400	SF	$2.00	$82,800
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
4.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
5.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,000	SF	$3.00	$36,000
6.	RETURNS	4	EA	$800.00	$3,200
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,400	SF	$2.80	$40,320
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,265.90	$5,266
10.	TRAFFIC CONTROL	LUMP SUM	LS	$2,500.00	$2,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,200	LF	$10.00	$12,000
12.	PRIMECOAT	41,400	SF	$0.02	$828
				CONSTRUCTION TOTAL =====>	$233,732
				10% CONTINGENCY =====>	$23,373
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$257,105
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,426.31	$15,426
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,713.15	$7,713
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,284.20	$10,284
				TOTAL FEES =====>	$33,424
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.25	AC	$65,000.00	$81,250
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$83,750
				PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL =====>	$374,279
				PRESCOTT ROAD GRAND TOTAL =====>	$628,297

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NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

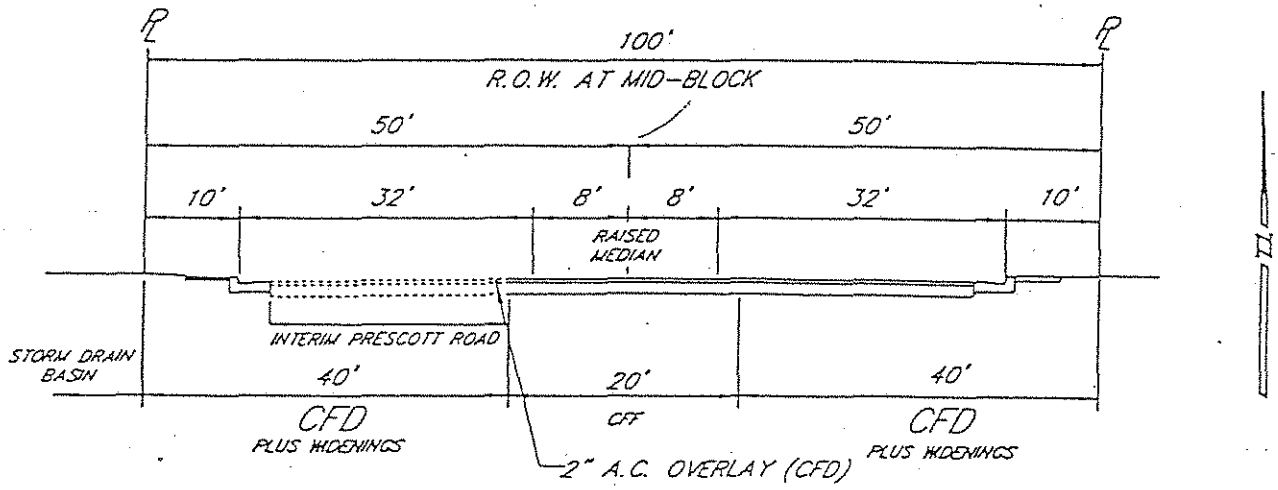
2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

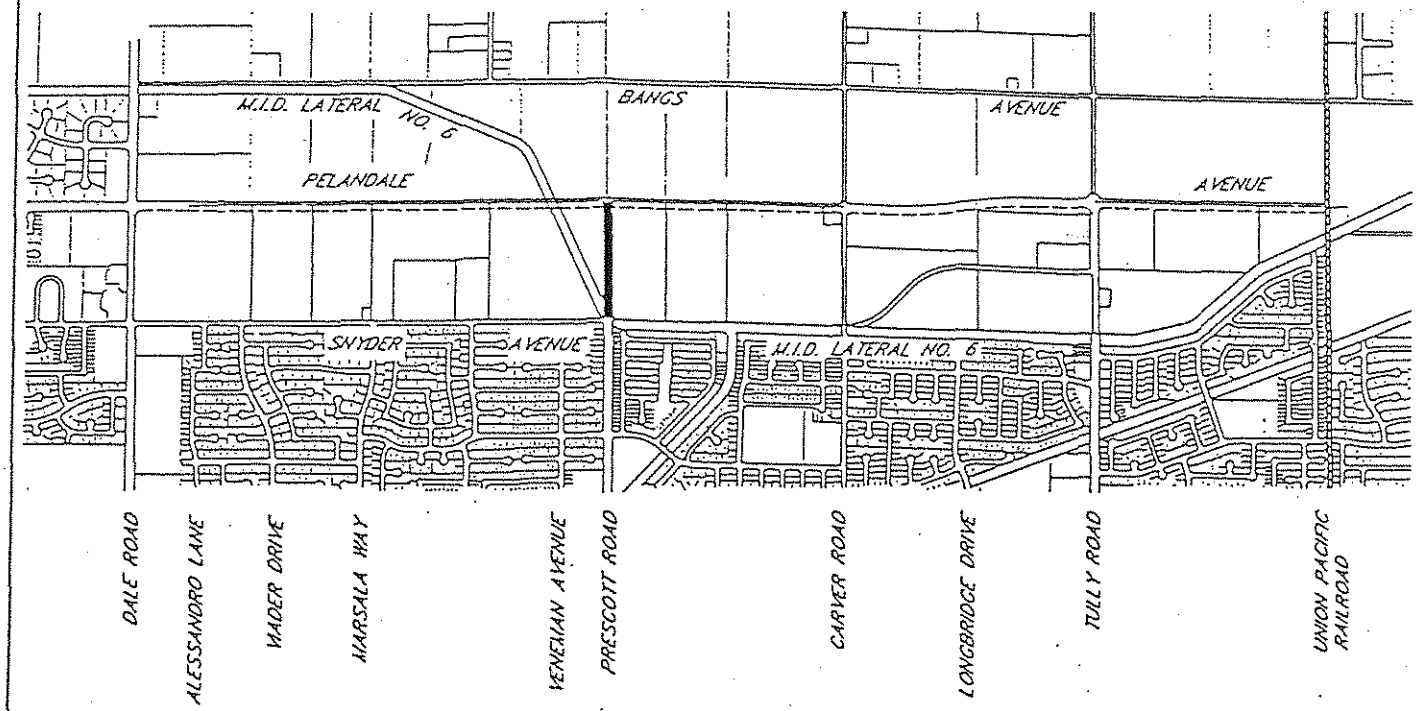
4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PRESCOTT ROAD



SNYDER AVENUE TO PELANDALE AVENUE



Drawn J.R.M.	FIGURE 3	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER		SHEET 1
Scale			
Job No. 70-332			

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	87,245	SF	$0.60	$52,347
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	81,410	SF	$2.00	$162,820
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" STORM DRAIN	600	LF	$30.00	$18,000
c.	12" CATCH BASIN RUNS	200	LF	$30.00	$6,000
d.	MANHOLES	3	EA	$2,000.00	$6,000
4.	6" VERTICAL CURB AND GUTTER	2,432	LF	$9.00	$21,888
5.	10' SIDEWALK	24,320	SF	$3.00	$72,960
6.	REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD	717	LF	$20.00	$14,340
7.	CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)	LUMP SUM	LS	$20,000.00	$20,000
8.	ELECTROLIERS	9	EA	$3,500.00	$31,500
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$10,758.35	$10,758
10.	TRAFFIC CONTROL	LUMP SUM	LS	$7,000.00	$7,000
11.	TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)	1,400	LF	$10.00	$14,000
12.	RELOCATE OVERHEAD POWER LINES	4	EA	$7,000.00	$28,000
13.	LANDSCAPING (12' WIDE STRIP BOTH SIDES)	36,996	SF	$2.80	$103,589
14.	PRIMECOAT	81,410	SF	$0.02	$1,628
				CONSTRUCTION TOTAL =====>	$574,830
				15% CONTINGENCY =====>	$86,225
				TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE =====>	$661,055

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Community Facilities District
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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$39,663.29	$39,663
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$19,831.65	$19,832
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$26,442.20	$26,442
				TOTAL FEES =====>	$85,937
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.776	AC	$65,000.00	$50,440
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$52,440
				TOTAL TULLY ROAD FRONTAGE =====>	$799,432
II.	TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	27,360	SF	$1.50	$41,040
2.	MEDIAN CURB	3,090	LF	$15.00	$46,350
3.	MEDIAN LANDSCAPING	23,120	SF	$3.50	$80,920
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50)	27,360	SF	$2.00	$54,720
5.	STRIPING	LUMP SUM	LS	$6,000.00	$6,000
				CONSTRUCTION TOTAL =====>	$229,030
				10% CONTINGENCY =====>	$22,903
				TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET =====>	$251,933
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,115.98	$15,116
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,557.99	$7,558
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,077.32	$10,077
				TOTAL FEES =====>	$32,751
				TOTAL TULLY ROAD CENTER 34 FEET =====>	$284,684
				TOTAL AMOUNT FUNDED BY CFF =====>	$220,000
				TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD =====>	$64,684
III.	TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE				
A.	CONSTRUCTION				
1.	TRAFFIC SIGNAL	LUMP SUM	LS	$130,000.00	$130,000

Pelandale-Snyder Specific Plan Area
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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$7,800.00	$7,800
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$3,900.00	$3,900
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,200.00	$5,200
				TOTAL FEES =====>	$16,900
				TOTAL TRAFFIC SIGNAL TULLY AND SNYDER =====>	$146,900
				TULLY ROAD GRAND TOTAL =====>	$1,011,016

NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

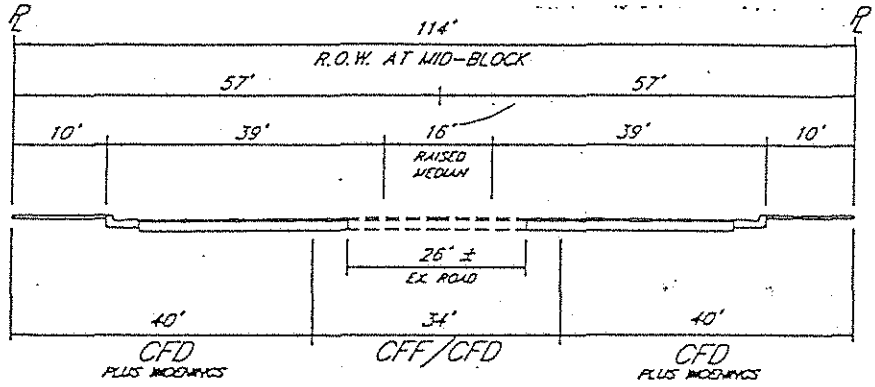
3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

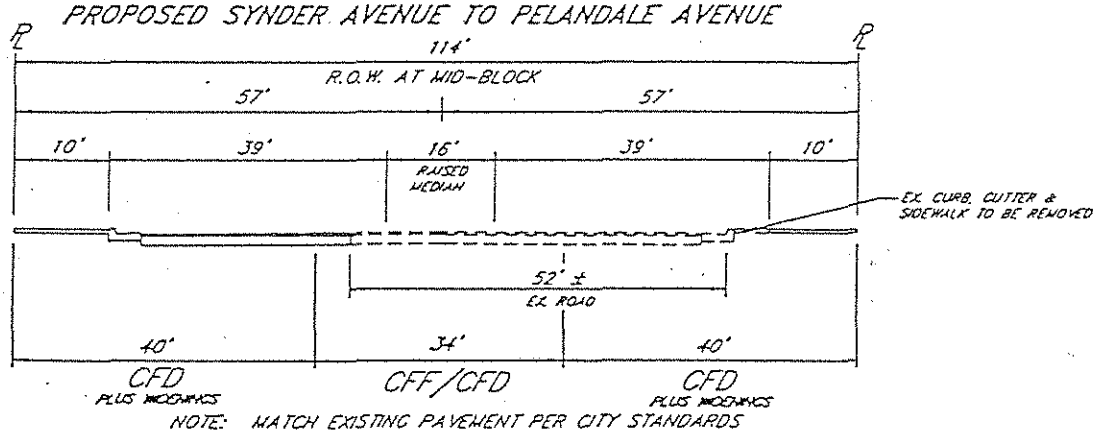
6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

TULLY ROAD



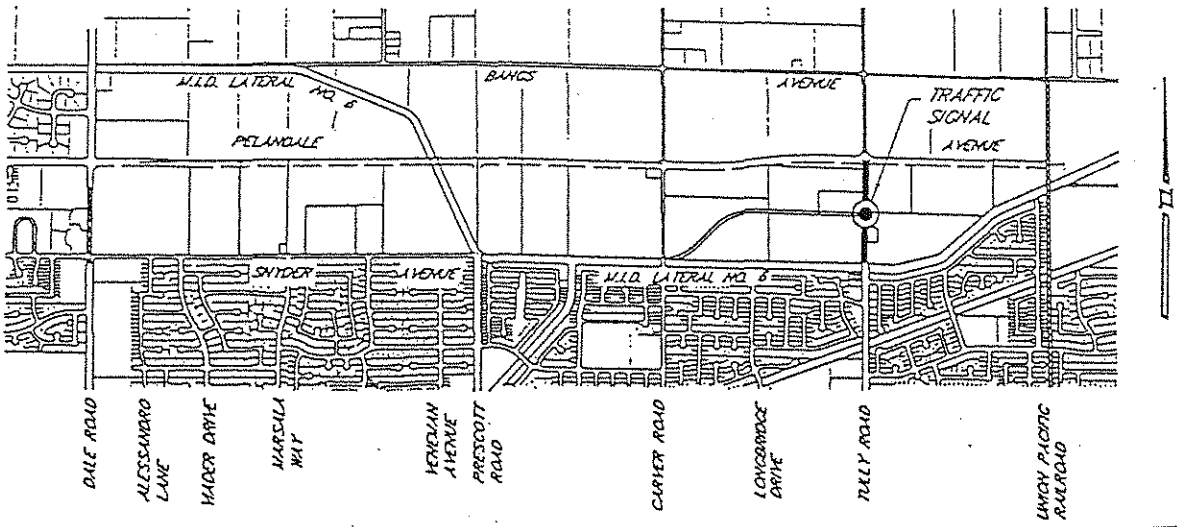
NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

PROPOSED SYNDER AVENUE TO PELANDALE AVENUE



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

M.I.D. LATERAL NO. 6 TO PROPOSED SYNDER AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 4

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

900 H ST. STE. C MODESTO CALIFORNIA 95354

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23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
SNYDER AVENUE
NORTH SIDE ADJACENT TO STORM DRAIN BASIN,
WEST OF PRESCOTT ROAD (352'), SOUTH SIDE
ADJACENT TO BIKE TRAIL FROM
PRESCOTT ROAD TO CARVER ROAD (2,639' C.L. TO C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	4,960	SF	$0.35	$1,736
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B., T.I. = 8 R.V. = 46)	4,085	SF	$2.00	$8,170
3.	6" VERTICAL CURB AND GUTTER	352	LF	$9.00	$3,168
4.	5' SIDEWALK	1,760	SF	$3.00	$5,280
5.	STORM DRAINAGE				
a.	12" STORM DRAIN	265	LF	$30.00	$7,950
b.	CATCH BASIN	1	EA	$1,000.00	$1,000
c.	STORM MANHOLE	1	EA	$2,500.00	$2,500
6.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$495.30	$495
7.	TRAFFIC CONTROL	LUMP SUM	LS	$1,000.00	$1,000
8.	IRRIGATION REMOVAL	316	LF	$10.00	$3,160
				CONSTRUCTION TOTAL =====>	$34,459
				10% CONTINGENCY =====>	$3,446
				TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION =====>	$37,905
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,274.31	$2,274
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,137.16	$1,137
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,516.21	$1,516
				TOTAL FEES =====>	$4,928
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.11	AC	$65,000.00	$7,410
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$9,910
				SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL =====>	$52,743

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	51,575	SF	$0.35	$18,051
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B.; T.I. = 8, R.V. = 48)	47,020	SF	$2.00	$94,040
3.	PAVEMENT REMOVAL	59,730	SF	$1.50	$89,595
4.	6" VERTICAL CURB AND GUTTER	2,538	LF	$9.00	$22,842
5.	STORM DRAINAGE				
a.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	250	LF	$30.00	$7,500
b.	CATCH BASINS	5	EA	$1,000.00	$5,000
c.	STORM MANHOLE	5	EA	$2,500.00	$12,500
6.	ELECTROLIERS (660' INTERVALS)	4	EA	$3,500.00	$14,000
7.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,604.56	$5,605
8.	TRAFFIC CONTROL	LUMP SUM	LS	$5,000.00	$5,000
9.	ABANDON EXISTING PUMP STATION NO. 47	LUMP SUM	LS	$4,500.00	$4,500
				CONSTRUCTION TOTAL =====>	$278,633
				10% CONTINGENCY =====>	$27,863
				TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION =====>	$306,496
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$18,389.77	$18,390
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$9,194.88	$9,195
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$12,259.84	$12,260
				TOTAL FEES =====>	$39,844
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.58	AC	$65,000.00	$102,700
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$105,200
				SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL =====>	$451,541
				SNYDER AVENUE GRAND TOTAL =====>	$504,283

Pelandale-Snyder Specific Plan Area
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NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

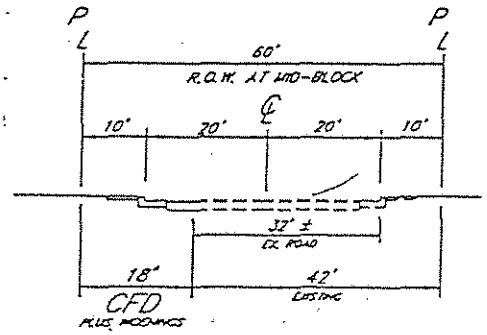
5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

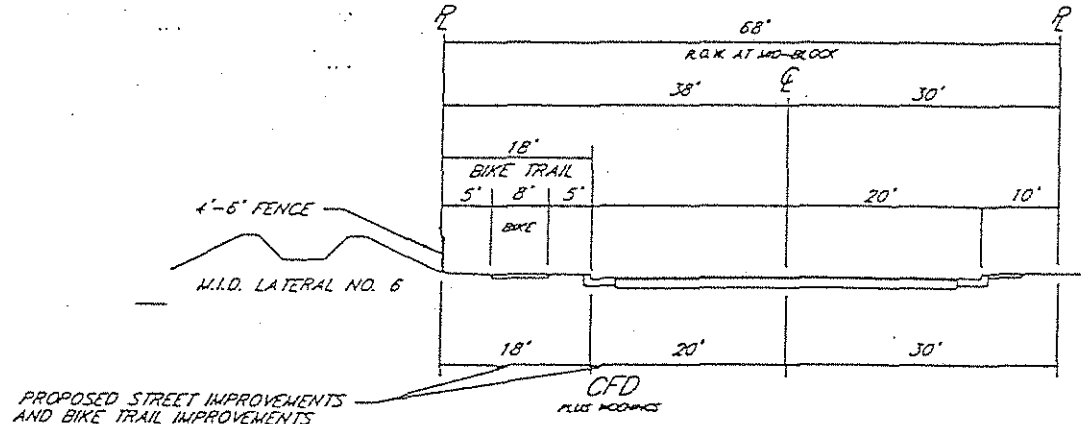
8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

SNYDER AVENUE



SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN (SEC. A)

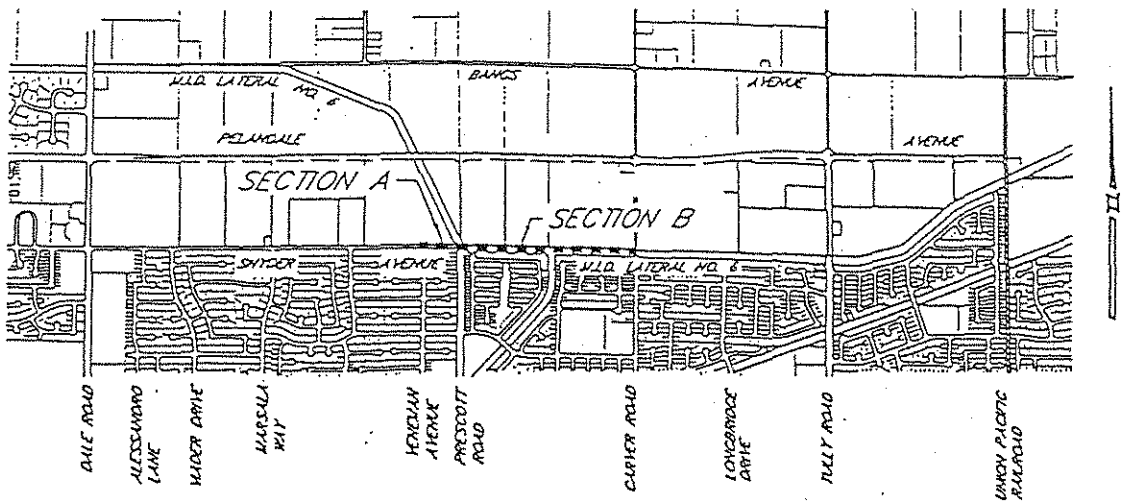
NOTES: 1) MATCH EXISTING PAVEMENT PER CITY STANDARDS



CARVER ROAD TO PRESCOTT ROAD (SEC. B)

NOTES:

1. REFER TO FIGURE 5A FOR A DETAILED CROSS SECTION OF THE PROPOSED NEW SNYDER ALIGNMENT
2. REFER TO FIGURE 5B FOR RIGHT-OF-WAY TAKE SUMMARY
3. REFER TO FIGURE 5C FOR PRESCOTT SNYDER INTERSECTION DETAIL



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332

FIGURE 5

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

900 H ST. STE. G MODESTO, CALIFORNIA 95354

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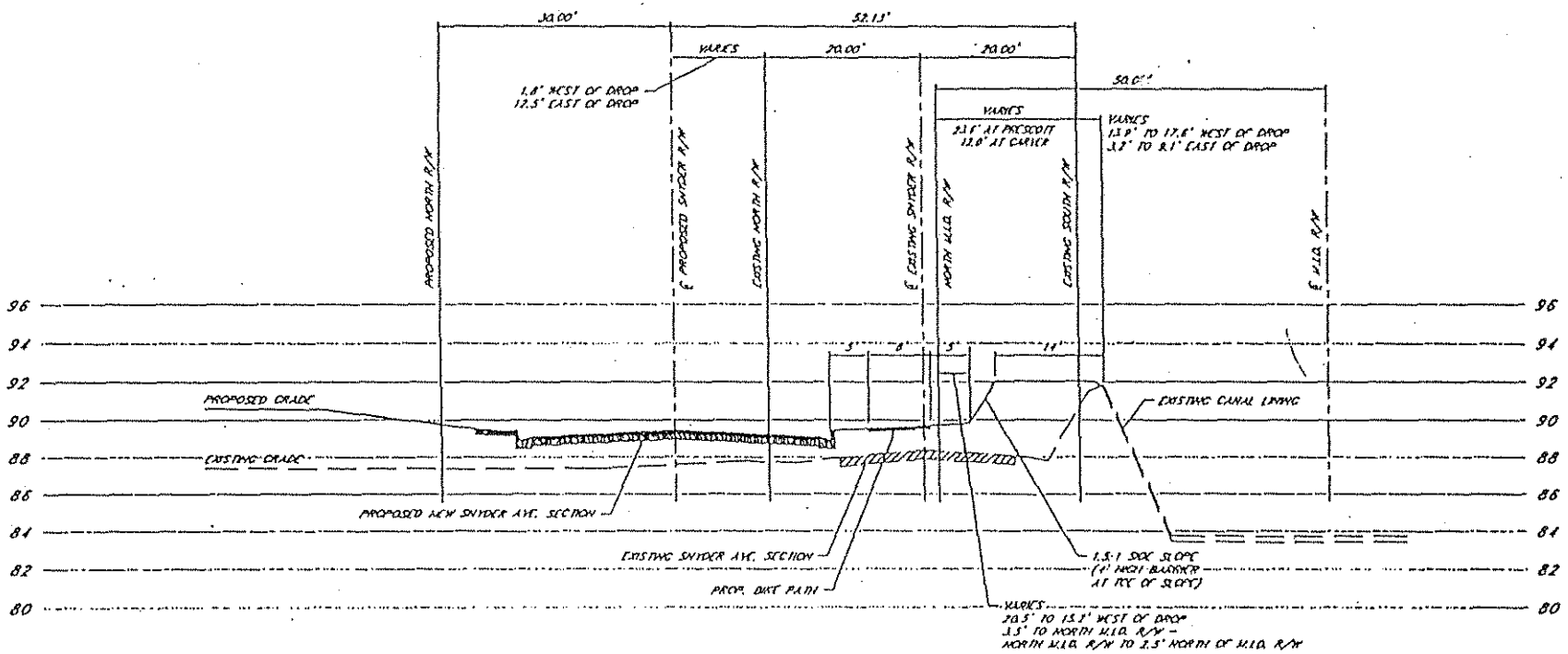
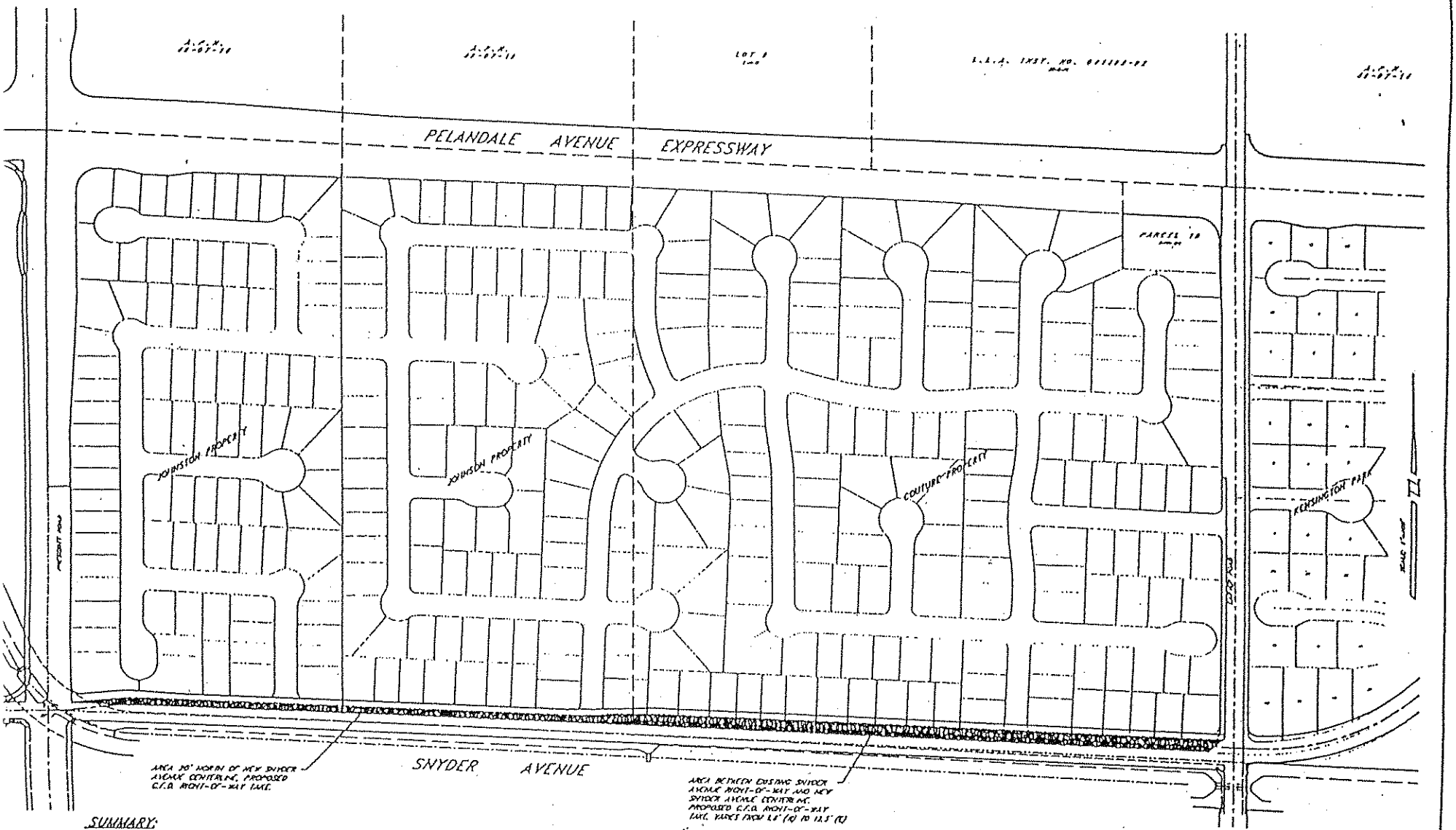


TYPICAL SECTION ALONG THE M.I.D. RIGHT-OF-WAY
BETWEEN
PRESCOTT ROAD AND CARVER ROAD

PROPOSED SNYDER AVENUE

FIGURE 5A



SUMMARY:

TOTAL AREA OF C.F.D. RIGHT-OF-WAY TAKE: 68932 S.F.

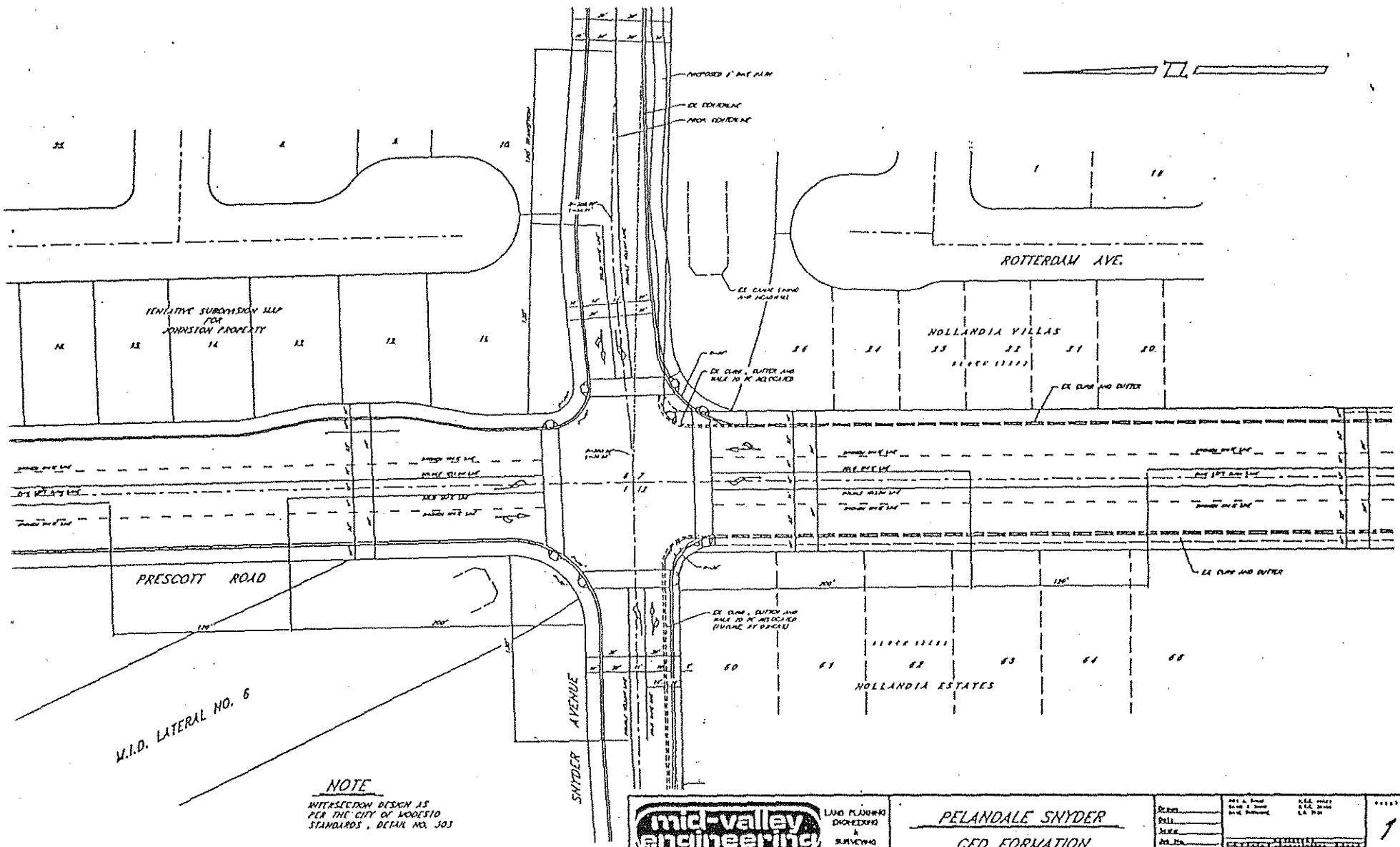
- JOHNSTON PROPERTY (A.P.N. 18-07-17) RIGHT-OF-WAY TAKE: 11916 S.F.
- JOHNSTON PROPERTY (A.P.N. 18-07-11) RIGHT-OF-WAY TAKE: 14643 S.F.
- COUTURE PROPERTY (A.P.N. 18-07-13) RIGHT-OF-WAY TAKE: 42398 S.F.

mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
1008 H STREET, SUITE B
MODESTO, CALIFORNIA, 95354
(209) 524-1211
FAX 524-0103

C.F.D. RIGHT-OF-WAY TAKE
SNYDER AVENUE
MODESTO CALIFORNIA

1.
1.

PRELIMINARY SNYDER / PRESCOTT INTERSECTION LAYOUT



NOTE

INTERSECTION DESIGN AS PER THE CITY OF MODESTO STANDARDS, DETAIL NO. 303

mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
909 H STREET, SUITE 6
MODESTO, CALIFORNIA, 95354
(209) 526-1711
FAX 526-0603

PELANDALE SNYDER

CFD FORMATION

MODESTO CALIFORNIA

1.
1.

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DESIGN PARAMETERS				
1.	INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.				
2.	INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.				
3.	TOTAL LENGTH 8276 L.F. OR 1.567 MILES				
	EXISTING CFF PORTION	1.567	MILES	$105,600.00	$165,475
II.	CLASS I BIKE TRAIL				
A.	CONSTRUCTION				
1.	8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. x 8')	66,208	SF	$2.00	$132,416
2.	4'-6' FENCE	8,276	LF	$16.00	$132,416
3.	LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))	88,198	SF	$2.80	$246,954
				CONSTRUCTION TOTAL =====>	$511,786
				10% CONTINGENCY =====>	$51,179
				TOTAL BIKE PATH =====>	$562,965
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$33,777.90	$33,778
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$16,888.95	$16,889
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$22,518.60	$22,519
				TOTAL FEES =====>	$73,185

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	4.30	AC	$65,000.00	$279,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$282,000
				BIKE PATH GRAND TOTAL =====>	$918,150
				CFF PORTION TOTAL =====>	$165,475
				TOTAL PELANDALE-SNYDER CFD PORTION =====>	$752,675

NOTES:

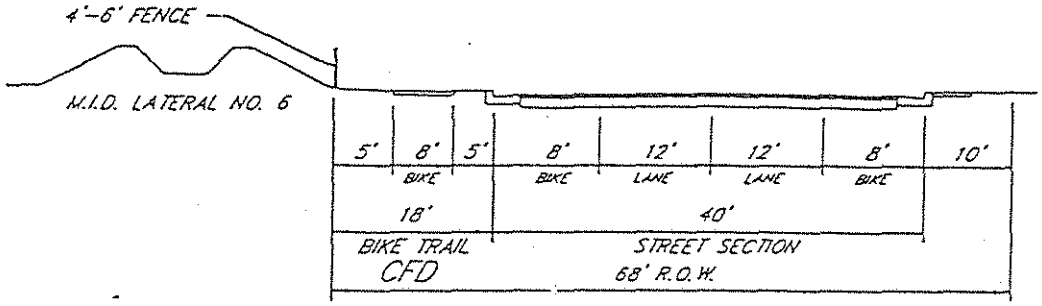
1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

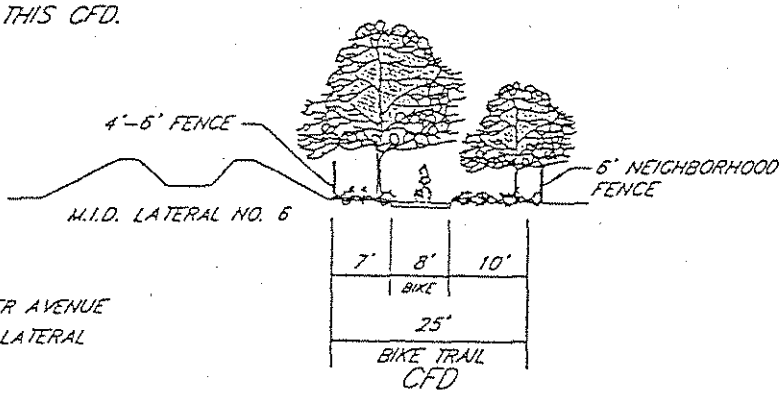
2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.

BIKE TRAIL



BIKE TRAIL ALONG SNYDER AVENUE

NOTE: SEE SNYDER AVENUE CROSS-SECTIONS FIGURE 5A FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS INCLUDED WITHIN THIS CFD.



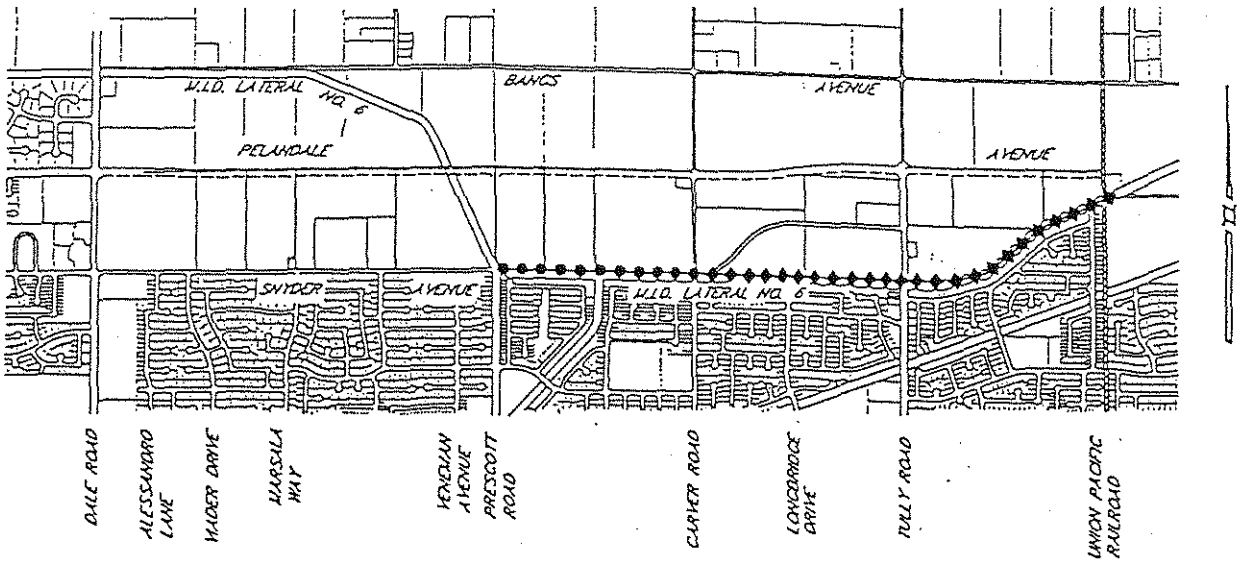
BIKE TRAIL ALONG M.I.D. LATERAL

LEGEND

IMPROVEMENTS:

●●●●● = BIKE TRAIL ALONG SNYDER AVENUE

◆◆◆◆◆ = BIKE TRAIL ALONG M.I.D. LATERAL



Drawn J.R.M.	FIGURE 6	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER		SHEET 1
Scale			
Job No. 70-332			

DISTRIBUTION LIST FOR
COMMUNITY FACILITIES DISTRICT RESOLUTIONS

2 - City Clerk
1 - City Clerk - Jean Zahr
1 - City Attorney's Office - Tina
1 - CDD - Phil Testa
1 - CDD - Keith Coggins
1 - Finance
1 - Benchmark Engineering, Inc.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-250

A RESOLUTION APPROVING A MULTI-YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE MANAGEMENT ASSOCIATION, EFFECTIVE JUNE 20, 2000.

WHEREAS, the City of Modesto (hereafter referred to as "CITY") and the Modesto Police Management Association (hereafter referred to as "MPMA") have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in the classifications of Police Corporal, Sergeant and Lieutenant, and

WHEREAS, the MPMA's current Memorandum of Understanding (hereafter referred to as "MOU"), will expire on June 19, 2000, and

WHEREAS, representatives of the City and the MPMA have successfully utilized the Interest Based Negotiations (IBN) model in reaching agreement and are committed to continued use of IBN in subsequent MOU negotiations, and

WHEREAS, by an Agenda Report dated May 12, 2000, to the City Council from the Personnel Department, City staff recommended approval of the MOU between the City and the MPMA for a term of June 20, 2000 through June 27, 2005, a copy of said Agenda Report is attached hereto and incorporated herein by reference, and

WHEREAS, said matter was considered by the City Council at its meeting held on May 23, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Multi-Year Memorandum of Understanding (MOU) between the City

of Modesto and the Modesto Police Management Association (MPMA), effective June 20, 2000, relating to wages, hours, terms and conditions of employment, as recommended in the Agenda Report. A copy of said Agenda Report is attached hereto and incorporated herein by reference. A copy of the MOU, which becomes effective on June 20, 2000, through June 27, 2005, 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 23rd day of May, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ROLAND R. STEVENS, Assistant City Attorney

CITY OF MODESTO AGENDA REPORT

AGENDA ITEM NO.

COUNCIL MEETING: May 23, 2000

TO: City Council

DATE: May 12, 2000

FROM: Personnel Department

SUBJECT: **Memorandum of Understanding Between the City of Modesto and the Modesto Police Management Association (MPMA)**

RECOMMENDED COUNCIL ACTION:

Approve by resolution the Memorandum of Understanding between the City and MPMA, for the term of June 20, 2000 through June 27, 2005.

Amend by resolution the City's policy of City payment of the Employees' Retirement Contribution and elimination of the reporting of said payments to PERS as compensation, effective June 20, 2000.

REASON FOR RECOMMENDATION:

Representatives of the City and MPMA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in the classifications of Police Corporal, Sergeant and Lieutenant. MPMA's current MOU will expire on June 19, 2000.

The City and MPMA successfully utilized the Interest Based Negotiations (IBN) model in reaching this agreement, and are committed to continued use of IBN in subsequent MOU negotiations.

The proposed MOU covers FY 00-01 through FY 04-05. This 60-month MOU provides for across-the-board salary increases of 3% effective June 20, 2000, 3.75% effective June 19, 2001, 3.75% effective June 18, 2002, 2.5% effective July 29, 2003 and 3.5% effective September 21, 2004.

The proposal also provides for a 2.5% salary range increase for Lieutenants, on July 1, 2003, at an estimated cost of $26,400 for that fiscal year.

The MOU includes implementation of a new retirement formula, "3% @ 50," to become effective on June 19, 2001. The City would amend its contract with the Public Employees' Retirement System (PERS) to provide this benefit for all sworn police safety employees. MPOA and MPMA would pay for the benefit by incrementally assuming the payment of their 9% "Employee Contribution" to PERS. PERS has established the rate impact of the new retirement formula at 9.732% of salary, for all safety employees, based on the current actuarial

valuation. The City will be responsible for costs in excess of the 9% Employee Contribution. These costs are estimated to be $23,000 for the MPMA bargaining unit, beginning in FY 02.

The MOU provides for increasing the City's contribution to employees' health premiums by $51/mo. in FY 01, $30/mo. in FY 02, $40/mo. in FY 03, $30/mo. in FY 04, and $30/mo. in FY 05. The increases will also impact the City's compensated absences liability for sick leave and retiree health care, as the City's contributions to retirees is tied to the active employee contribution rate. The compensated absences liability in the Employee Benefits fund will increase approximately $900,000.

Other changes to the MOU with cost implications include Uniform Allowance increases of $40/year in FY 01, $60/year in FY 02, and $40/year in FY 03; Deferred Compensation increase of 0.25% in FY 01; Acting Pay; and an amendment to the City's contract with PERS to provide for an enhanced level of "survivor benefit."

The proposed MOU provides for work schedule changes to include the 4/10 and 4/11 schedules, as well as changes to holiday accruals, call back time, and MPMA Time Bank.

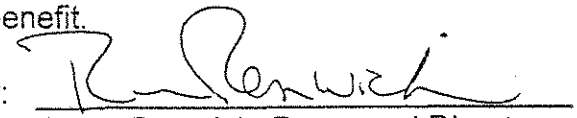
The City and MPMA have also agreed to continue to meet-and-confer during the term of this MOU, to address pending issues related to retirement and the personnel systems re-design. The parties will also monitor and attempt to mitigate any unanticipated cost impacts or operational concerns associated with the new work schedules.

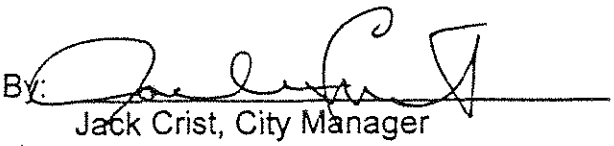
BUDGET IMPACTS:

The FY 01 costs associated with this agreement are estimated at $137,000. It is anticipated that sufficient funding is budgeted. For FY 02 thru FY 05, additional costs average $143,000/yr.

STEPS FOLLOWING APPROVAL:

Personnel staff will work with Finance and Police Department representatives to implement the MOU. Staff will return to Council in FY 01 for adoption of the actual PERS contract amendment to provide the 3% @ 50 benefit.

Prepared & Recommended By: 
Robin Renwick, Personnel Director

Submitted By: 
Jack Crist, City Manager

cc: Chief Burnett
MPMA-Joel Broumas

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-251

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO POLICE MANAGEMENT ASSOCIATION ("MPMA") AND UNREPRESENTED MANAGEMENT POLICE SAFETY MEMBERS.

WHEREAS, by Resolution No. 95-403 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20691 of the California Government Code, effective June 20, 2000, the City of Modesto elects to pay five percent (5%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall not be implemented pursuant to the provisions of Section 20636(c)(4) of the California Government Code.

Pursuant to the provisions of Section 20691 of the California Government Code, effective June 19, 2001, the City of Modesto elects to pay three percent (3%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall not be implemented pursuant to the provisions of Section 20636(c)(4) of the California Government Code.

Pursuant to the provisions of Section 20691 of the California Government Code,

effective June 18 , 2002, the City of Modesto elects to pay one-half percent (0.5%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall not be implemented pursuant to the provisions of Section 20636(c)(4) of the California Government Code.

Pursuant to the provisions of Section 20691 of the California Government Code, effective July 29, 2003, the City of Modesto shall not pay any portion of the normal member contributions.

This benefit shall apply to all employees represented by the Modesto Police Management Association (MPMA) who are classified police safety members by PERS and to unrepresented management personnel classified as police safety members by PERS.

BE IT FURTHER RESOLVED that this Resolution shall become effective on June 20, 2000.

BE IT FURTHER RESOLVED that effective June 20, 2000, Resolution No. 95-403 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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, City Clerk

(SEAL)

APPROVED AS TO FORM

By _____
MICHAEL D. MILICH, City Attorney

Corrected 8/4/00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-252

Print

A RESOLUTION APPROVING AN AMENDMENT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION, EFFECTIVE JUNE 20, 2000.

WHEREAS, the City of Modesto (hereafter referred to as "CITY") and the Modesto Police Officers Association (hereafter referred to as "MPOA") entered into a Memorandum of Understanding (hereafter referred to as "MOU"), effective December 21, 1999, and

WHEREAS, the MOU provided for the parties to meet and confer during the term of the MOU on the issue of enhanced retirement benefits under the Public Employees Retirement System (hereafter referred to as "PERS"), and

WHEREAS, representatives of the City and the MPOA have met and conferred on the issue of retirement benefits and have reached agreement to amend the current MPOA MOU as recommended in an Agenda Report dated May 12, 2000, to the City Council from the Personnel Department. A copy of said Agenda Report is attached hereto and incorporated herein by reference, and

WHEREAS, said matter was considered by the City Council at its meeting held on May 23, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Memorandum of Understanding (MOU) between

2000, relating to enhanced benefits as recommended in the Agenda Report. A copy of the Agenda Report is attached hereto and incorporated herein by reference. A copy of the MOU which becomes effective on June 20, 2000, 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 23rd day of May, 2000, 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:

MICHAEL D. MILICH, City Attorney

By _____
ROLAND R. STEVENS, Assistant City Attorney

CITY OF MODESTO AGENDA REPORT

AGENDA ITEM NO.

COUNCIL MEETING: May 23, 2000

TO: City Council DATE: May 12, 2000

FROM: Personnel Department

SUBJECT: Amendment to the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association (MPOA)

RECOMMENDED COUNCIL ACTION:

Approve by resolution an amendment to the current Memorandum of Understanding between the City and MPOA. Amend by resolution the City's Policy of City payment of the Employees' Retirement Contribution and elimination of the reporting of said payments to PERS as compensation, effective June 20, 2000.

REASON FOR RECOMMENDED ACTION:

The City of Modesto and the Modesto Police Officers Association entered into a Memorandum of Understanding, effective December 21, 1999.

This forty-two (42) month MOU provided for the parties to meet and confer during the term of the MOU on the issue of enhanced retirement benefits under the Public Employees Retirement System (PERS).

Representatives of the City and MPOA have met and conferred on this issue and reached agreement to amend the current MPOA MOU as follows:

1. Extend the term of the MOU from 42 months to 60 months, with the MOU to end December 27, 2004.

2. Provide for a 2.5% salary increase effective March 25, 2003 and a 3.5% salary increase effective March 9, 2004.

3. Provide for $30/month increases in the City's contribution to health premiums in FY 03 and again in FY 04.

4. Implement a new retirement formula, "3% @ 50," to become effective on June 19, 2001. The City would amend its contract with the Public Employees' Retirement System (PERS) to provide this benefit for all sworn police safety employees. MPOA and MPMA would pay for the benefit by incrementally assuming the payment of their 9% "Employee Contribution" to PERS. PERS has established the rate impact of the new formula at 9.732% of salary, for all safety employees, based on the current actuarial valuation. The City will be responsible for the costs in excess of the 9% Employee Contribution.

BUDGET IMPACTS:

There are no budget impacts associated with these amendments for FY 01. Costs associated with the change in retirement benefits are estimated at $89,000, beginning in FY 02. Increased costs associated with the change in health contributions are estimated at $85,000 beginning FY 03 and $85,000 beginning FY 04. In addition, these changes in health contributions will eventually increase the City's liability for compensated absences in the Employee Benefits Fund by approximately $495,000.

STEPS FOLLOWING APPROVAL:

Staff will return to Council in FY 01 for adoption of the actual PERS contract amendment to provide the 3% @ 50 retirement formula.

Prepared & Recommended By: Robin Renwick
Robin Renwick, Personnel Director

Submitted By:
Jack Crist, City Manager

cc: Chief Burnett
MPOA – Luciano Beltran

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-251

A RESOLUTION APPROVING AN AMENDMENT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION, EFFECTIVE JUNE 20, 2000.

WHEREAS, the City of Modesto (hereafter referred to as "CITY") and the Modesto Police Officers Association (hereafter referred to as "MPOA") entered into a Memorandum of Understanding (hereafter referred to as "MOU"), effective December 21, 1999, and

WHEREAS, the MOU provided for the parties to meet and confer during the term of the MOU on the issue of enhanced retirement benefits under the Public Employees Retirement System (hereafter referred to as "PERS"), and

WHEREAS, representatives of the City and the MPOA have met and conferred on the issue of retirement benefits and have reached agreement to amend the current MPOA MOU as recommended in an Agenda Report dated May 12, 2000, to the City Council from the Personnel Department. A copy of said Agenda Report is attached hereto and incorporated herein by reference, and

WHEREAS, said matter was considered by the City Council at its meeting held on May 23, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA), effective June 20,

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-253

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO POLICE OFFICERS ASSOCIATION ("MPOA").

WHEREAS, by Resolution No. 95-402 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20691 of the California Government Code, effective June 20, 2000, the City of Modesto elects to pay seven percent (7%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall not be implemented pursuant to the provisions of Section 20636(c)(4) of the California Government Code.

Pursuant to the provisions of Section 20691 of the California Government Code, effective February 27, 2001, the City of Modesto elects to pay three and one-half percent (3.5%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall not be implemented pursuant to the provisions of Section 20636(c)(4) of the California Government Code.

Pursuant to the provisions of Section 20691 of the California Government Code,

effective April 23, 2002, the City of Modesto elects to pay one quarter percent (0.25%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall not be implemented pursuant to the provisions of Section 20636(c)(4) of the California Government Code.

Pursuant to the provisions of Section 20691 of the California Government Code, effective March 25, 2003, the City of Modesto shall not pay any portion of the normal member contributions.

This benefit shall apply to all employees represented by the Modesto Police Officers Association (MPOA) who are classified police safety members by PERS.

BE IT FURTHER RESOLVED that this Resolution shall become effective on June 20, 2000.

BE IT FURTHER RESOLVED that effective June 20, 2000, Resolution No. 95-402 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 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:

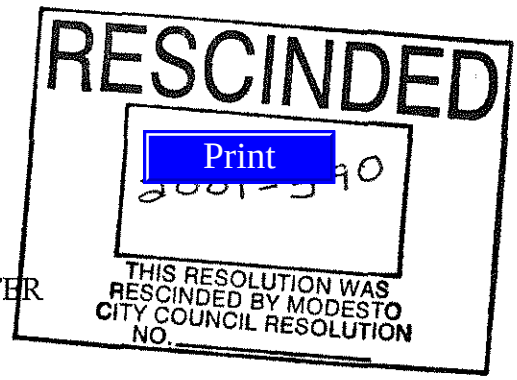
AYES:	Councilmembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By _____
MICHAEL D. MILICH, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 2000-254

A RESOLUTION APPROVING COMMUNITY WATER FLUORIDATION.

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, AB 733, signed by Governor Wilson on October 8, 1995, requires mandatory fluoridation of drinking water systems with more than 10,000 connections; however, if insufficient "external" funds (i.e., funds offered by the state, federal foundation or other sources excluding ratepayers, shareholders, local taxpayers or bondholders of the public water system) are available to pay for the costs associated with fluoridation, AB 733 provides an exemption from the requirement to fluoridate drinking water, and

WHEREAS, AB 733 also provides an exemption from the fluoridation requirement in any fiscal year that operation and maintenance funds are not appropriated or made available from sources other than ratepayers, shareholders, local taxpayers, or bondholders of the public water system, and

WHEREAS, in 1999, the Fluoridation 2000 group approached the City of Modesto with an offer of grant funding for the capital costs of fluoridation; however, receipt of the grant, totaling $796,000, is contingent upon the City's agreement to provide funding for operations and maintenance costs associated with fluoridation, and

WHEREAS, in light of the offer of grant funding and because the subject of fluoridation is not without a certain degree of controversy, on March 23, 2000, City staff requested the City Council to approve a method for public consideration of fluoridation, and

WHEREAS, opportunities were afforded to the citizens of Modesto to have public input in relation to community water fluoridation, as follows:

1. **Informational Forum**. An Informational Forum held on April 10, 2000, moderated by the League of Women Voters and televised live on Cable One's Channel 8. This Informational Forum was also rebroadcast as a public service by a local, non-cable television station, Channel 14.

2. **Utility Services & Franchises Committee.** A Utility Services & Franchise Committee meeting held on April 26, 2000, at the Modesto Centre Plaza. Said meeting was taped live and rebroadcast on two separate evenings by Cable One. Comment cards were also provided to those in attendance. In addition the City has received other public input in the form of comment cards and letters, subsequent to the US&FC meeting.

3. **Other Informational Methods**. In addition to the above-noted scheduled meetings, other informational methods were utilized to reach the general public including newspaper articles, television programs, radio interviews, internet articles and e-mail messages.

WHEREAS, by an Agenda Report dated May 23, 2000, to the Mayor and City Council from the Director of Engineering and Transportation, City staff recommended the approval of community water fluoridation, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, City staff recognizes that appropriate measures are required to comply with initiating the Proposition 218 process, which includes notice and a 45 day waiting period, in relation to consideration of a rate increase for Water Zones 1 and 2 within the City of Modesto, and impacted portions of Zone 3 (Salida and North Ceres, and

WHEREAS, in addition, if a rate increase is approved, negotiation of an agreement with the Fluoridation 20000 Group for securing grant funds will be required, and

WHEREAS, to fluoridate the drinking water and to deliver it to water customers, a system design and construction project will also be required, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 6:30 p.m. on Tuesday, May 30, 2000, at Tenth Street Place in the Council 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 affording the opportunity to members of the public to express their opinions on the controversial issue and to receive public comment relating to community water fluoridation,

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

1. Section 21080.26 of the Public Resources Code provides that community water fluoridation is exempt from California Environmental Quality Act (CEQA) review for projects that involve minor alterations to a utility for the purpose of fluoridation in accordance with the State Health and Safety Code.

2. The City of Modesto water utility has more than 10,000 connections and is required under State law (Health and Safety Code Sections 116410 and 116415, formerly Sections 4026.7 and 4026.8) to provide community water fluoridation if sufficient funding is provided from the State or other external sources.

3. Community water fluoridation requires minor alterations to the City of Modesto utility facilities including the addition of fluoridation equipment at the well sites for injection, and a large carboy, tanks and injection equipment at the surface water treatment plant, along with associated monitoring equipment.

4. Community water fluoridation is exempt under the provisions of Section 21080.26 of the Public Resources Code even though the State is not offering sufficient funding to cover the entire costs of fluoridation.

BE IT FURTHER RESOLVED that, after much public input and careful consideration, the Council finds and determines that community water fluoridation is necessary for the public health, safety and welfare of the citizens of Modesto, for the following reasons:

1. Community water fluoridation is mandated by the state if external funds are made available.

2. Grant funding offer from the Fluoridation 2000 Group affords the City the opportunity to begin the state-mandated fluoridation program.

3. Federal, state and county regulators and public health officials support community water fluoridation.

BE IT FURTHER RESOLVED that Community Water Fluoridation for the City of Modesto is hereby approved for the reasons set forth above, and that the City Manager is further directed to initiate the following actions as set forth in the staff report in the administrative record:

1. Initiation of the Proposition 218 process shall be implemented to enable Council consideration of a rate increase.

2. City staff is hereby authorized to negotiate an agreement with the Fluoridation 2000 Group for securing grant funds.

3. Upon receipt of grant funding for the system design and construction to fluoridate the drinking water, the City Manager is hereby directed to take all appropriate measures toward the introduction of Fluoride into the City water system.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 30th day of May, 2000, 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, Serpa, Smith,
NOES:	Councilmembers:	Conrad, Frohman, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ROLAND R. STEVENS, Assistant City Attorney

RESOLUTION

2	Clerk	
1	Attorney	
2	Initiating Department - Attention:	Glen Lewis Jana Coons
1	City Manager	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-255

A RESOLUTION ACCEPTING THE BID OF CALIFORNIA ISS INC. FOR THE PROJECT TITLED "CAPE SEAL AND RE-STRIPE BUS YARD"

WHEREAS, the bids received for Cape Seal and Re-stripe Bus Yard were opened at 11:00 a.m. on May 23, 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 $40,594.45 received from California ISS 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 California ISS 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-256

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO FULLY FUND THE CAPE SEALING RESTRIPING BUS YARD PROJECT

WHEREAS, the project is partially funded with Federal Transit Authority funds and partially budgeted in the 1997/98 Capital Improvement Program; and

WHEREAS, additional funds are needed to fully fund the entire project

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expenses:		
From:	#651-160-J842-6070	$(22,000)
To:	#651-160-J839-6040	$ 22,000
	#651-160-J839-6040	$ 6,972
Revenue:		
To:	#6510-510-9510-3604	$ 6,972

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 6th day of June, 2000, 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, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers:None

ABSENT: Councilmembers:None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-257

A RESOLUTION ACCEPTING THE PROJECT TITLED "COFFEE ROAD AND CLARATINA AVENUE SANITARY SEWER SUBTRUNK AND SEWER LIFT STATION – NORTH BEYER PARK NEIGHBORHOOD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood, has been completed by Mauldin-Dorfmeier Construction Inc., in accordance with the contract agreement dated August 12, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood be accepted from said contractor, Mauldin-Dorfmeier Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $868,776.43 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-258

A RESOLUTION ACCEPTING THE PROJECT TITLED "PARALLEL OUTFALL SEWER PHASE III" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Parallel Outfall Sewer Phase III, has been completed by Mauldin-Dorfmeier Construction Inc., in accordance with the contract agreement dated August 12, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Parallel Outfall Sewer Phase III be accepted from said contractor, Mauldin-Dorfmeier Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $3,975,361.23 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-259

A RESOLUTION ACCEPTING THE PROJECT TITLED "RIVER ROAD WATERLINE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled River Road Waterline, has been completed by Mozingo Construction Company, in accordance with the contract agreement dated August 3, 1999.

NOW, THEREFORE, BE IT RESOLVED that the River road Waterline be accepted from said contractor, Mozingo Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $349,130 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-260

A RESOLUTION ACCEPTING THE PROJECT TITLED "1999 STORM DRAIN REPAIRS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 1999 Storm Drain Repairs, has been completed by Fagundes & Son Inc., in accordance with the contract agreement dated November 9, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 1999 Storm Drain Repairs 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 $184,551.10 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-261

A RESOLUTION ACCEPTING THE PROJECT TITLED "CONSTRUCTION OF MODESTO/CERES URBANIZED AREA – SYSTEM FLOW AND SURVEILLANCE – SIGNALIZATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Construction of Modesto/Ceres Urbanized Area – System Flow and Surveillance - Signalization, has been completed by Interstate Construction Inc., in accordance with the contract agreement dated June 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Construction of Modesto/Ceres Urbanized Area – System Flow and Surveillance - Signalization be accepted from said contractor, Interstate Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,020,748.13 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-262

A RESOLUTION ACCEPTING THE PROJECT TITLED "DRYDEN GOLF CART SHED" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Dryden Golf Cart Shed, has been completed by Surebuilt Inc., in accordance with the contract agreement dated November 9, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Dryden Golf Cart Shed be accepted from said contractor, Surebuilt Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $137,801.32 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-263

A RESOLUTION ACCEPTING THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 1999/2000" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Rockwell Replacement/Addition 1999/2000, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated September 14, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Rockwell Replacement/Addition 1999/2000 be accepted from said contractor, Ross F. Carroll Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $534,152 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 6th day of June, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-264

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FAIRBANKS MORSE VERTICAL TURBINE SOLIDS HANDLING (VTSH) PUMPS AND RELATED HARDWARE FROM JM SQUARED

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Fairbanks Morse Vertical Turbine Solids Handling (VTSH) pumps and related hardware from JM Squared are hereby waived.

BE IT FURTHER RESOLVED that purchase of Fairbanks Morse Vertical Turbine Solids Handling (VTSH) pumps and related hardware for a not to exceed price of $349,917.95 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-265

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES TO SWORN POLICE OFFICERS, PARTICIPATE IN MODESTO POLICE SWAT ACTIVATIONS, AND PROVIDE CRISIS DEBRIEFING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn policy officers, participate in Modesto Police SWAT activations, and provide crisis debriefing 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-266

A RESOLUTION APPROVING A SODA VENDING MACHINE LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SACRAMENTO COCA-COLA BOTTLING COMPANY INC. dba MODESTO COCA-COLA BOTTLING COMPANY FOR INSTALLATION OF COIN-OPERATED SODA VENDING MACHINES IN VARIOUS CITY PARKS

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 Sacramento Coca-Cola Bottling Company Inc. dba Modesto Coca-Cola 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 6th day of June, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-267

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY WADE CHRISTIANSEN AND JOHN ROBERT CHRISTIANSEN FOR ACQUISITION OF PROPERTY LOCATED AT 700 FRANKLIN STREET FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ray Wade Christiansen and John Robert Christiansen for acquisition of property located at 700 Franklin Street for the Kansas/Needham overcrossing 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 6th day of June, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-268

Print

A RESOLUTION APPROVING A TWO AGREEMENTS BETWEEN THE CITY OF MODESTO AND AMERICAN MEDICAL RESPONSE-WEST FOR RELOCATION COSTS, REIMBURSEMENT OF RENT AT TWO LOCATIONS, CONVEYANCE OF THEIR RIGHTS TO THEIR LEASE FOR THE PROPERTY AND CONVEYANCE OF GOODWILL, AND PAYMENT FOR THE TENANT-OWNED IMPROVEMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the two agreements between the City of Modesto and American Medical Response-West for relocation costs, reimbursement of rent at two locations and conveyance of goodwill, and payment for the tenant-owned improvements be, and are hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreements 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 6th day of June, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-269

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR THE DEEDS INVOLVED IN THE ACQUISITION OF PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign acceptance forms for the deeds involved in the acquisition of property needed 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 6th day of June, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-270

Print

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE TREATMENT AND DELIVERY AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 1 to the Treatment and Delivery Agreement between the City of Modesto and Modesto Irrigation District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-271

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL JANIK FOR FEDERAL LEGISLATIVE SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball Janik for federal legislative 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 6th day of June, 2000, 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

RESCINDED
JUN - 1 2001
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2001-272

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-272

A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 99-175.

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 three (3%) percent across-the-board salary increase for unrepresented Management and Confidential employees, effective June 20, 2000, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a three (3%) across-the-board salary increase for Council appointees, effective June 20, 2000, and

WHEREAS, the Council desires to approve a three (3%) increase in salary ranges for unrepresented Management and Confidential employees and Executive Managers, including Council appointees.

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 20, 2000, to provide for a three (3%) percent across-the-board salary adjustment for unrepresented

Management and Confidential employees and a three (3%) percent across-the-board salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 20, 2000".

2. Exhibit "B" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00/01 Effective June 20, 2000 - Schedule D Management/Confidential - General".

3. Exhibit "C" entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 20, 2000".

4. Exhibit "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00/01, Effective June 20, 2000 - 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 00-01, Effective June 20, 2000 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".

6. Exhibit "F" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY00-01, Effective June 20, 2000 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".

7. Exhibit "G" entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 20, 2000".

8. Exhibit "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00/01, Effective June 20, 2000 - Schedule G Management/Confidential - Police - Unrepresented".

9. Exhibit "I" entitled "City Of Modesto Class Range Table, Executive Management, Effective June 20, 2000", which includes Council Appointees.

10. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00/01, Effective June 20, 2000 - Executive Management".

SECTION 2. COUNCIL APPOINTEES. Effective June 20, 2000, the salaries

for the positions of the Council Appointees shall be as follows:

TITLES	HOURLY	BI-WEEKLY	MONTHLY
City Manager	$66.5948	$5327.58	$11587.49
City Attorney	$56.1544	$4492.36	$ 9770.87
City Clerk	$32.1673	$2573.38	$ 5597.11

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 by $30.00 per month for employees with family coverage, effective August 1, 2000.

SECTION 9. MANAGEMENT LEAVE CASHOUT FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES. The cashout of Management Leave for Management employees, currently set at 20 hours annually, and for Confidential employees, currently set at 10 hours annually, and cashed out at 50% of said employee's hourly rate of pay, shall be increased to 100% of employee's hourly rate of pay, effective December 2000. The number of hours available for cashout shall be increased, effective December 2001, to 40 hours annually for Management employees, 18 hours annually for Confidential employees, and 60 hours annually for Senior Executives.

SECTION 10. VACATION CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees working a 56 hour shift shall be afforded 72

hours of vacation cashout annually, and other sworn Fire Management employees shall be afforded 24hours of vacation cashout annually, effective June 20, 2000.

SECTION 11. REPEAL. Resolution No. 99-175 is hereby rescinded, effective June 20, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by 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

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved
1 - Finance
6

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective June 20, 2000

RANGE	TITLE
403	
404	
405	
406	
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)

EXHIBIT "A"

062000

RANGE	TITLE
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
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	Events Supervisor Legal Services Administrator
428	Senior Buyer Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Airport Operations and Maintenance Supervisor

RANGE	TITLE
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program 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
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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator

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 Parks Planning and Development Manager Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator
439	Administrative Services Officer
440	Purchasing Officer 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)

RANGE	TITLE
441	(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II
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 Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
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	Assistant City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01
EFFECTIVE June 20, 2000

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0405	11.3211	11.6041	11.8942	12.1916	12.4964	12.8088	13.1290	13.4572	13.7936
0406	11.6041	11.8942	12.1916	12.4964	12.8088	13.1290	13.4572	13.7936	14.1384
0407	11.8942	12.1916	12.4964	12.8088	13.1290	13.4572	13.7936	14.1384	14.4919
0408	12.1916	12.4964	12.8088	13.1290	13.4572	13.7936	14.1384	14.4919	14.8542
0409	12.4964	12.8088	13.1290	13.4572	13.7936	14.1384	14.4919	14.8542	15.2256
0410	12.8088	13.1290	13.4572	13.7936	14.1384	14.4919	14.8542	15.2256	15.6062
0411	13.1290	13.4572	13.7936	14.1384	14.4919	14.8542	15.2256	15.6062	15.9964
0412	13.4572	13.7936	14.1384	14.4919	14.8542	15.2256	15.6062	15.9964	16.3963
0413	13.7936	14.1384	14.4919	14.8542	15.2256	15.6062	15.9964	16.3963	16.8062
0414	14.1384	14.4919	14.8542	15.2256	15.6062	15.9964	16.3963	16.8062	17.2264
0415	14.4919	14.8542	15.2256	15.6062	15.9964	16.3963	16.8062	17.2264	17.6571
0416	14.8542	15.2256	15.6062	15.9964	16.3963	16.8062	17.2264	17.6571	18.0985
0417	15.2256	15.6062	15.9964	16.3963	16.8062	17.2264	17.6571	18.0985	18.5510
0418	15.6062	15.9964	16.3963	16.8062	17.2264	17.6571	18.0985	18.5510	19.0148

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0405	905.69	928.33	951.54	975.33	999.71	1,024.70	1,050.32	1,076.58	1,103.49
0406	928.33	951.54	975.33	999.71	1,024.70	1,050.32	1,076.58	1,103.49	1,131.07
0407	951.54	975.33	999.71	1,024.70	1,050.32	1,076.58	1,103.49	1,131.07	1,159.35
0408	975.33	999.71	1,024.70	1,050.32	1,076.58	1,103.49	1,131.07	1,159.35	1,188.34
0409	999.71	1,024.70	1,050.32	1,076.58	1,103.49	1,131.07	1,159.35	1,188.34	1,218.05
0410	1,024.70	1,050.32	1,076.58	1,103.49	1,131.07	1,159.35	1,188.34	1,218.05	1,248.50
0411	1,050.32	1,076.58	1,103.49	1,131.07	1,159.35	1,188.34	1,218.05	1,248.50	1,279.71
0412	1,076.58	1,103.49	1,131.07	1,159.35	1,188.34	1,218.05	1,248.50	1,279.71	1,311.70
0413	1,103.49	1,131.07	1,159.35	1,188.34	1,218.05	1,248.50	1,279.71	1,311.70	1,344.50
0414	1,131.07	1,159.35	1,188.34	1,218.05	1,248.50	1,279.71	1,311.70	1,344.50	1,378.11
0415	1,159.35	1,188.34	1,218.05	1,248.50	1,279.71	1,311.70	1,344.50	1,378.11	1,412.57
0416	1,188.34	1,218.05	1,248.50	1,279.71	1,311.70	1,344.50	1,378.11	1,412.57	1,447.88
0417	1,218.05	1,248.50	1,279.71	1,311.70	1,344.50	1,378.11	1,412.57	1,447.88	1,484.08
0418	1,248.50	1,279.71	1,311.70	1,344.50	1,378.11	1,412.57	1,447.88	1,484.08	1,521.18

MONTHLY	1	2	3	4	5	6	7	8	9
0405	1,969.88	2,019.12	2,069.60	2,121.34	2,174.37	2,228.72	2,284.45	2,341.56	2,400.09
0406	2,019.12	2,069.60	2,121.34	2,174.37	2,228.72	2,284.45	2,341.56	2,400.09	2,460.08
0407	2,069.60	2,121.34	2,174.37	2,228.72	2,284.45	2,341.56	2,400.09	2,460.08	2,521.59
0408	2,121.34	2,174.37	2,228.72	2,284.45	2,341.56	2,400.09	2,460.08	2,521.59	2,584.64
0409	2,174.37	2,228.72	2,284.45	2,341.56	2,400.09	2,460.08	2,521.59	2,584.64	2,649.26
0410	2,228.72	2,284.45	2,341.56	2,400.09	2,460.08	2,521.59	2,584.64	2,649.26	2,715.49
0411	2,284.45	2,341.56	2,400.09	2,460.08	2,521.59	2,584.64	2,649.26	2,715.49	2,783.37
0412	2,341.56	2,400.09	2,460.08	2,521.59	2,584.64	2,649.26	2,715.49	2,783.37	2,852.95
0413	2,400.09	2,460.08	2,521.59	2,584.64	2,649.26	2,715.49	2,783.37	2,852.95	2,924.29
0414	2,460.08	2,521.59	2,584.64	2,649.26	2,715.49	2,783.37	2,852.95	2,924.29	2,997.39
0415	2,521.59	2,584.64	2,649.26	2,715.49	2,783.37	2,852.95	2,924.29	2,997.39	3,072.34
0416	2,584.64	2,649.26	2,715.49	2,783.37	2,852.95	2,924.29	2,997.39	3,072.34	3,149.14
0417	2,649.26	2,715.49	2,783.37	2,852.95	2,924.29	2,997.39	3,072.34	3,149.14	3,227.87
0418	2,715.49	2,783.37	2,852.95	2,924.29	2,997.39	3,072.34	3,149.14	3,227.87	3,308.57

EXHIBIT "B"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01
EFFECTIVE June 20, 2000

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0419	15.9964	16.3963	16.8062	17.2264	17.6571	18.0985	18.5510	19.0148	19.4902
0420	16.3963	16.8062	17.2264	17.6571	18.0985	18.5510	19.0148	19.4902	19.9775
0421	16.8062	17.2264	17.6571	18.0985	18.5510	19.0148	19.4902	19.9775	20.4769
0422	17.2264	17.6571	18.0985	18.5510	19.0148	19.4902	19.9775	20.4769	20.9888
0423	17.6571	18.0985	18.5510	19.0148	19.4902	19.9775	20.4769	20.9888	21.5135
0424	18.0985	18.5510	19.0148	19.4902	19.9775	20.4769	20.9888	21.5135	22.0513
0425	18.5510	19.0148	19.4902	19.9775	20.4769	20.9888	21.5135	22.0513	22.6026
0426	19.0148	19.4902	19.9775	20.4769	20.9888	21.5135	22.0513	22.6026	23.1677
0427	19.4902	19.9775	20.4769	20.9888	21.5135	22.0513	22.6026	23.1677	23.7469
0428	19.9775	20.4769	20.9888	21.5135	22.0513	22.6026	23.1677	23.7469	24.3406
0429	20.4769	20.9888	21.5135	22.0513	22.6026	23.1677	23.7469	24.3406	24.9491
0430	20.9888	21.5135	22.0513	22.6026	23.1677	23.7469	24.3406	24.9491	25.5728
0431	21.5135	22.0513	22.6026	23.1677	23.7469	24.3406	24.9491	25.5728	26.2121
0432	22.0513	22.6026	23.1677	23.7469	24.3406	24.9491	25.5728	26.2121	26.8674

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0419	1,279.71	1,311.70	1,344.50	1,378.11	1,412.57	1,447.88	1,484.08	1,521.18	1,559.22
0420	1,311.70	1,344.50	1,378.11	1,412.57	1,447.88	1,484.08	1,521.18	1,559.22	1,598.20
0421	1,344.50	1,378.11	1,412.57	1,447.88	1,484.08	1,521.18	1,559.22	1,598.20	1,638.15
0422	1,378.11	1,412.57	1,447.88	1,484.08	1,521.18	1,559.22	1,598.20	1,638.15	1,679.10
0423	1,412.57	1,447.88	1,484.08	1,521.18	1,559.22	1,598.20	1,638.15	1,679.10	1,721.08
0424	1,447.88	1,484.08	1,521.18	1,559.22	1,598.20	1,638.15	1,679.10	1,721.08	1,764.10
0425	1,484.08	1,521.18	1,559.22	1,598.20	1,638.15	1,679.10	1,721.08	1,764.10	1,808.21
0426	1,521.18	1,559.22	1,598.20	1,638.15	1,679.10	1,721.08	1,764.10	1,808.21	1,853.42
0427	1,559.22	1,598.20	1,638.15	1,679.10	1,721.08	1,764.10	1,808.21	1,853.42	1,899.75
0428	1,598.20	1,638.15	1,679.10	1,721.08	1,764.10	1,808.21	1,853.42	1,899.75	1,947.25
0429	1,638.15	1,679.10	1,721.08	1,764.10	1,808.21	1,853.42	1,899.75	1,947.25	1,995.93
0430	1,679.10	1,721.08	1,764.10	1,808.21	1,853.42	1,899.75	1,947.25	1,995.93	2,045.82
0431	1,721.08	1,764.10	1,808.21	1,853.42	1,899.75	1,947.25	1,995.93	2,045.82	2,096.97
0432	1,764.10	1,808.21	1,853.42	1,899.75	1,947.25	1,995.93	2,045.82	2,096.97	2,149.39

MONTHLY	1	2	3	4	5	6	7	8	9
0419	2,783.37	2,852.95	2,924.29	2,997.39	3,072.34	3,149.14	3,227.87	3,308.57	3,391.30
0420	2,852.95	2,924.29	2,997.39	3,072.34	3,149.14	3,227.87	3,308.57	3,391.30	3,476.09
0421	2,924.29	2,997.39	3,072.34	3,149.14	3,227.87	3,308.57	3,391.30	3,476.09	3,562.98
0422	2,997.39	3,072.34	3,149.14	3,227.87	3,308.57	3,391.30	3,476.09	3,562.98	3,652.04
0423	3,072.34	3,149.14	3,227.87	3,308.57	3,391.30	3,476.09	3,562.98	3,652.04	3,743.35
0424	3,149.14	3,227.87	3,308.57	3,391.30	3,476.09	3,562.98	3,652.04	3,743.35	3,836.92
0425	3,227.87	3,308.57	3,391.30	3,476.09	3,562.98	3,652.04	3,743.35	3,836.92	3,932.86
0426	3,308.57	3,391.30	3,476.09	3,562.98	3,652.04	3,743.35	3,836.92	3,932.86	4,031.19
0427	3,391.30	3,476.09	3,562.98	3,652.04	3,743.35	3,836.92	3,932.86	4,031.19	4,131.96
0428	3,476.09	3,562.98	3,652.04	3,743.35	3,836.92	3,932.86	4,031.19	4,131.96	4,235.27
0429	3,562.98	3,652.04	3,743.35	3,836.92	3,932.86	4,031.19	4,131.96	4,235.27	4,341.15
0430	3,652.04	3,743.35	3,836.92	3,932.86	4,031.19	4,131.96	4,235.27	4,341.15	4,449.66
0431	3,743.35	3,836.92	3,932.86	4,031.19	4,131.96	4,235.27	4,341.15	4,449.66	4,560.91
0432	3,836.92	3,932.86	4,031.19	4,131.96	4,235.27	4,341.15	4,449.66	4,560.91	4,674.92

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01
EFFECTIVE June 20, 2000

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0433	22.6026	23.1677	23.7469	24.3406	24.9491	25.5728	26.2121	26.8674	27.5391
0434	23.1677	23.7469	24.3406	24.9491	25.5728	26.2121	26.8674	27.5391	28.2276
0435	23.7469	24.3406	24.9491	25.5728	26.2121	26.8674	27.5391	28.2276	28.9333
0436	24.3406	24.9491	25.5728	26.2121	26.8674	27.5391	28.2276	28.9333	29.6566
0437	24.9491	25.5728	26.2121	26.8674	27.5391	28.2276	28.9333	29.6566	30.3980
0438	25.5728	26.2121	26.8674	27.5391	28.2276	28.9333	29.6566	30.3980	31.1580
0439	26.2121	26.8674	27.5391	28.2276	28.9333	29.6566	30.3980	31.1580	31.9370
0440	26.8674	27.5391	28.2276	28.9333	29.6566	30.3980	31.1580	31.9370	32.7354
0441	27.5391	28.2276	28.9333	29.6566	30.3980	31.1580	31.9370	32.7354	33.5538
0442	28.2276	28.9333	29.6566	30.3980	31.1580	31.9370	32.7354	33.5538	34.3926
0443	28.9333	29.6566	30.3980	31.1580	31.9370	32.7354	33.5538	34.3926	35.2524
0444	29.6566	30.3980	31.1580	31.9370	32.7354	33.5538	34.3926	35.2524	36.1337
0445	30.3980	31.1580	31.9370	32.7354	33.5538	34.3926	35.2524	36.1337	37.0370
0446	31.1580	31.9370	32.7354	33.5538	34.3926	35.2524	36.1337	37.0370	37.9629

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0433	1,808.21	1,853.42	1,899.75	1,947.25	1,995.93	2,045.82	2,096.97	2,149.39	2,203.13
0434	1,853.42	1,899.75	1,947.25	1,995.93	2,045.82	2,096.97	2,149.39	2,203.13	2,258.21
0435	1,899.75	1,947.25	1,995.93	2,045.82	2,096.97	2,149.39	2,203.13	2,258.21	2,314.66
0436	1,947.25	1,995.93	2,045.82	2,096.97	2,149.39	2,203.13	2,258.21	2,314.66	2,372.53
0437	1,995.93	2,045.82	2,096.97	2,149.39	2,203.13	2,258.21	2,314.66	2,372.53	2,431.84
0438	2,045.82	2,096.97	2,149.39	2,203.13	2,258.21	2,314.66	2,372.53	2,431.84	2,492.64
0439	2,096.97	2,149.39	2,203.13	2,258.21	2,314.66	2,372.53	2,431.84	2,492.64	2,554.96
0440	2,149.39	2,203.13	2,258.21	2,314.66	2,372.53	2,431.84	2,492.64	2,554.96	2,618.83
0441	2,203.13	2,258.21	2,314.66	2,372.53	2,431.84	2,492.64	2,554.96	2,618.83	2,684.30
0442	2,258.21	2,314.66	2,372.53	2,431.84	2,492.64	2,554.96	2,618.83	2,684.30	2,751.41
0443	2,314.66	2,372.53	2,431.84	2,492.64	2,554.96	2,618.83	2,684.30	2,751.41	2,820.19
0444	2,372.53	2,431.84	2,492.64	2,554.96	2,618.83	2,684.30	2,751.41	2,820.19	2,890.70
0445	2,431.84	2,492.64	2,554.96	2,618.83	2,684.30	2,751.41	2,820.19	2,890.70	2,962.96
0446	2,492.64	2,554.96	2,618.83	2,684.30	2,751.41	2,820.19	2,890.70	2,962.96	3,037.03

MONTHLY	1	2	3	4	5	6	7	8	9
0433	3,932.86	4,031.19	4,131.96	4,235.27	4,341.15	4,449.66	4,560.91	4,674.92	4,791.81
0434	4,031.19	4,131.96	4,235.27	4,341.15	4,449.66	4,560.91	4,674.92	4,791.81	4,911.61
0435	4,131.96	4,235.27	4,341.15	4,449.66	4,560.91	4,674.92	4,791.81	4,911.61	5,034.39
0436	4,235.27	4,341.15	4,449.66	4,560.91	4,674.92	4,791.81	4,911.61	5,034.39	5,160.25
0437	4,341.15	4,449.66	4,560.91	4,674.92	4,791.81	4,911.61	5,034.39	5,160.25	5,289.25
0438	4,449.66	4,560.91	4,674.92	4,791.81	4,911.61	5,034.39	5,160.25	5,289.25	5,421.49
0439	4,560.91	4,674.92	4,791.81	4,911.61	5,034.39	5,160.25	5,289.25	5,421.49	5,557.04
0440	4,674.92	4,791.81	4,911.61	5,034.39	5,160.25	5,289.25	5,421.49	5,557.04	5,695.96
0441	4,791.81	4,911.61	5,034.39	5,160.25	5,289.25	5,421.49	5,557.04	5,695.96	5,838.35
0442	4,911.61	5,034.39	5,160.25	5,289.25	5,421.49	5,557.04	5,695.96	5,838.35	5,984.32
0443	5,034.39	5,160.25	5,289.25	5,421.49	5,557.04	5,695.96	5,838.35	5,984.32	6,133.91
0444	5,160.25	5,289.25	5,421.49	5,557.04	5,695.96	5,838.35	5,984.32	6,133.91	6,287.27
0445	5,289.25	5,421.49	5,557.04	5,695.96	5,838.35	5,984.32	6,133.91	6,287.27	6,444.44
0446	5,421.49	5,557.04	5,695.96	5,838.35	5,984.32	6,133.91	6,287.27	6,444.44	6,605.54

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01
EFFECTIVE June 20, 2000

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0447	31.9370	32.7354	33.5538	34.3926	35.2524	36.1337	37.0370	37.9629	38.9120
0448	32.7354	33.5538	34.3926	35.2524	36.1337	37.0370	37.9629	38.9120	39.8848
0449	33.5538	34.3926	35.2524	36.1337	37.0370	37.9629	38.9120	39.8848	40.8819
0450	34.3926	35.2524	36.1337	37.0370	37.9629	38.9120	39.8848	40.8819	41.9039
0451	35.2524	36.1337	37.0370	37.9629	38.9120	39.8848	40.8819	41.9039	42.9515
0452	36.1337	37.0370	37.9629	38.9120	39.8848	40.8819	41.9039	42.9515	44.0253
0453	37.0370	37.9629	38.9120	39.8848	40.8819	41.9039	42.9515	44.0253	45.1259
0454	37.9629	38.9120	39.8848	40.8819	41.9039	42.9515	44.0253	45.1259	46.2540
0455	38.9120	39.8848	40.8819	41.9039	42.9515	44.0253	45.1259	46.2540	47.4104
0456	39.8848	40.8819	41.9039	42.9515	44.0253	45.1259	46.2540	47.4104	48.5957
0457	40.8819	41.9039	42.9515	44.0253	45.1259	46.2540	47.4104	48.5957	49.8106
0458	41.9039	42.9515	44.0253	45.1259	46.2540	47.4104	48.5957	49.8106	51.0559
0459	42.9515	44.0253	45.1259	46.2540	47.4104	48.5957	49.8106	51.0559	52.3323
0460	44.0253	45.1259	46.2540	47.4104	48.5957	49.8106	51.0559	52.3323	53.6406

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0447	2,554.96	2,618.83	2,684.30	2,751.41	2,820.19	2,890.70	2,962.96	3,037.03	3,112.96
0448	2,618.83	2,684.30	2,751.41	2,820.19	2,890.70	2,962.96	3,037.03	3,112.96	3,190.78
0449	2,684.30	2,751.41	2,820.19	2,890.70	2,962.96	3,037.03	3,112.96	3,190.78	3,270.55
0450	2,751.41	2,820.19	2,890.70	2,962.96	3,037.03	3,112.96	3,190.78	3,270.55	3,352.31
0451	2,820.19	2,890.70	2,962.96	3,037.03	3,112.96	3,190.78	3,270.55	3,352.31	3,436.12
0452	2,890.70	2,962.96	3,037.03	3,112.96	3,190.78	3,270.55	3,352.31	3,436.12	3,522.02
0453	2,962.96	3,037.03	3,112.96	3,190.78	3,270.55	3,352.31	3,436.12	3,522.02	3,610.07
0454	3,037.03	3,112.96	3,190.78	3,270.55	3,352.31	3,436.12	3,522.02	3,610.07	3,700.32
0455	3,112.96	3,190.78	3,270.55	3,352.31	3,436.12	3,522.02	3,610.07	3,700.32	3,792.83
0456	3,190.78	3,270.55	3,352.31	3,436.12	3,522.02	3,610.07	3,700.32	3,792.83	3,887.66
0457	3,270.55	3,352.31	3,436.12	3,522.02	3,610.07	3,700.32	3,792.83	3,887.66	3,984.85
0458	3,352.31	3,436.12	3,522.02	3,610.07	3,700.32	3,792.83	3,887.66	3,984.85	4,084.47
0459	3,436.12	3,522.02	3,610.07	3,700.32	3,792.83	3,887.66	3,984.85	4,084.47	4,186.58
0460	3,522.02	3,610.07	3,700.32	3,792.83	3,887.66	3,984.85	4,084.47	4,186.58	4,291.25

MONTHLY	1	2	3	4	5	6	7	8	9
0447	5,557.04	5,695.96	5,838.35	5,984.32	6,133.91	6,287.27	6,444.44	6,605.54	6,770.69
0448	5,695.96	5,838.35	5,984.32	6,133.91	6,287.27	6,444.44	6,605.54	6,770.69	6,939.95
0449	5,838.35	5,984.32	6,133.91	6,287.27	6,444.44	6,605.54	6,770.69	6,939.95	7,113.45
0450	5,984.32	6,133.91	6,287.27	6,444.44	6,605.54	6,770.69	6,939.95	7,113.45	7,291.27
0451	6,133.91	6,287.27	6,444.44	6,605.54	6,770.69	6,939.95	7,113.45	7,291.27	7,473.56
0452	6,287.27	6,444.44	6,605.54	6,770.69	6,939.95	7,113.45	7,291.27	7,473.56	7,660.39
0453	6,444.44	6,605.54	6,770.69	6,939.95	7,113.45	7,291.27	7,473.56	7,660.39	7,851.90
0454	6,605.54	6,770.69	6,939.95	7,113.45	7,291.27	7,473.56	7,660.39	7,851.90	8,048.20
0455	6,770.69	6,939.95	7,113.45	7,291.27	7,473.56	7,660.39	7,851.90	8,048.20	8,249.41
0456	6,939.95	7,113.45	7,291.27	7,473.56	7,660.39	7,851.90	8,048.20	8,249.41	8,455.66
0457	7,113.45	7,291.27	7,473.56	7,660.39	7,851.90	8,048.20	8,249.41	8,455.66	8,667.05
0458	7,291.27	7,473.56	7,660.39	7,851.90	8,048.20	8,249.41	8,455.66	8,667.05	8,883.72
0459	7,473.56	7,660.39	7,851.90	8,048.20	8,249.41	8,455.66	8,667.05	8,883.72	9,105.81
0460	7,660.39	7,851.90	8,048.20	8,249.41	8,455.66	8,667.05	8,883.72	9,105.81	9,333.47

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective **June 20, 2000**

RANGE	TITLE
512	
513	
514	
515	
516	
517	Fire Division Chief
812	Fire Battalion Chief (112 hrs)
1812	Fire Battalion Chief (80 hrs)

EXHIBIT "C"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01

Effective June 20, 2000

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF

3.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
515	33.4393	34.2753	35.1322	36.0105	36.9108	37.8336	38.7794	39.7489	40.7426
516	34.2753	35.1322	36.0105	36.9108	37.8336	38.7794	39.7489	40.7426	41.7612
517	35.1322	36.0105	36.9108	37.8336	38.7794	39.7489	40.7426	41.7612	42.8052
518	36.0105	36.9108	37.8336	38.7794	39.7489	40.7426	41.7612	42.8052	43.8753
519	36.9108	37.8336	38.7794	39.7489	40.7426	41.7612	42.8052	43.8753	44.9722
520	37.8336	38.7794	39.7489	40.7426	41.7612	42.8052	43.8753	44.9722	46.0965
521	38.7794	39.7489	40.7426	41.7612	42.8052	43.8753	44.9722	46.0965	47.2489
522	39.7489	40.7426	41.7612	42.8052	43.8753	44.9722	46.0965	47.2489	48.4301
523	40.7426	41.7612	42.8052	43.8753	44.9722	46.0965	47.2489	48.4301	49.6409
524	41.7612	42.8052	43.8753	44.9722	46.0965	47.2489	48.4301	49.6409	50.8819
525	42.8052	43.8753	44.9722	46.0965	47.2489	48.4301	49.6409	50.8819	52.1539
526	43.8753	44.9722	46.0965	47.2489	48.4301	49.6409	50.8819	52.1539	53.4577
527	44.9722	46.0965	47.2489	48.4301	49.6409	50.8819	52.1539	53.4577	54.7941
528	46.0965	47.2489	48.4301	49.6409	50.8819	52.1539	53.4577	54.7941	56.1640
BI-WEEKLY									
515	2,675.14	2,742.02	2,810.58	2,880.84	2,952.86	3,026.69	3,102.35	3,179.91	3,259.41
516	2,742.02	2,810.58	2,880.84	2,952.86	3,026.69	3,102.35	3,179.91	3,259.41	3,340.90
517	2,810.58	2,880.84	2,952.86	3,026.69	3,102.35	3,179.91	3,259.41	3,340.90	3,424.42
518	2,880.84	2,952.86	3,026.69	3,102.35	3,179.91	3,259.41	3,340.90	3,424.42	3,510.02
519	2,952.86	3,026.69	3,102.35	3,179.91	3,259.41	3,340.90	3,424.42	3,510.02	3,597.78
520	3,026.69	3,102.35	3,179.91	3,259.41	3,340.90	3,424.42	3,510.02	3,597.78	3,687.72
521	3,102.35	3,179.91	3,259.41	3,340.90	3,424.42	3,510.02	3,597.78	3,687.72	3,779.91
522	3,179.91	3,259.41	3,340.90	3,424.42	3,510.02	3,597.78	3,687.72	3,779.91	3,874.41
523	3,259.41	3,340.90	3,424.42	3,510.02	3,597.78	3,687.72	3,779.91	3,874.41	3,971.27
524	3,340.90	3,424.42	3,510.02	3,597.78	3,687.72	3,779.91	3,874.41	3,971.27	4,070.55
525	3,424.42	3,510.02	3,597.78	3,687.72	3,779.91	3,874.41	3,971.27	4,070.55	4,172.31
526	3,510.02	3,597.78	3,687.72	3,779.91	3,874.41	3,971.27	4,070.55	4,172.31	4,276.62
527	3,597.78	3,687.72	3,779.91	3,874.41	3,971.27	4,070.55	4,172.31	4,276.62	4,383.53
528	3,687.72	3,779.91	3,874.41	3,971.27	4,070.55	4,172.31	4,276.62	4,383.53	4,493.12
MONTHLY									
515	5,818.43	5,963.89	6,113.01	6,265.83	6,422.47	6,583.05	6,747.61	6,916.30	7,089.22
516	5,963.89	6,113.01	6,265.83	6,422.47	6,583.05	6,747.61	6,916.30	7,089.22	7,266.46
517	6,113.01	6,265.83	6,422.47	6,583.05	6,747.61	6,916.30	7,089.22	7,266.46	7,448.11
518	6,265.83	6,422.47	6,583.05	6,747.61	6,916.30	7,089.22	7,266.46	7,448.11	7,634.29
519	6,422.47	6,583.05	6,747.61	6,916.30	7,089.22	7,266.46	7,448.11	7,634.29	7,825.17
520	6,583.05	6,747.61	6,916.30	7,089.22	7,266.46	7,448.11	7,634.29	7,825.17	8,020.79
521	6,747.61	6,916.30	7,089.22	7,266.46	7,448.11	7,634.29	7,825.17	8,020.79	8,221.30
522	6,916.30	7,089.22	7,266.46	7,448.11	7,634.29	7,825.17	8,020.79	8,221.30	8,426.84
523	7,089.22	7,266.46	7,448.11	7,634.29	7,825.17	8,020.79	8,221.30	8,426.84	8,637.51
524	7,266.46	7,448.11	7,634.29	7,825.17	8,020.79	8,221.30	8,426.84	8,637.51	8,853.45
525	7,448.11	7,634.29	7,825.17	8,020.79	8,221.30	8,426.84	8,637.51	8,853.45	9,074.77
526	7,634.29	7,825.17	8,020.79	8,221.30	8,426.84	8,637.51	8,853.45	9,074.77	9,301.65
527	7,825.17	8,020.79	8,221.30	8,426.84	8,637.51	8,853.45	9,074.77	9,301.65	9,534.18
528	8,020.79	8,221.30	8,426.84	8,637.51	8,853.45	9,074.77	9,301.65	9,534.18	9,772.54

EXHIBIT "D"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01

Effective June 20, 2000

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF

3.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
1812	31.5744	32.3638	33.1729	34.0022	34.8523	35.7236	36.6167	37.5321	38.4704
1813	32.3638	33.1729	34.0022	34.8523	35.7236	36.6167	37.5321	38.4704	39.4322
1814	33.1729	34.0022	34.8523	35.7236	36.6167	37.5321	38.4704	39.4322	40.4180
1815	34.0022	34.8523	35.7236	36.6167	37.5321	38.4704	39.4322	40.4180	41.4285
1816	34.8523	35.7236	36.6167	37.5321	38.4704	39.4322	40.4180	41.4285	42.4642
1817	35.7236	36.6167	37.5321	38.4704	39.4322	40.4180	41.4285	42.4642	43.5258
1818	36.6167	37.5321	38.4704	39.4322	40.4180	41.4285	42.4642	43.5258	44.6139
1819	37.5321	38.4704	39.4322	40.4180	41.4285	42.4642	43.5258	44.6139	45.7292
1820	38.4704	39.4322	40.4180	41.4285	42.4642	43.5258	44.6139	45.7292	46.8724
1821	39.4322	40.4180	41.4285	42.4642	43.5258	44.6139	45.7292	46.8724	48.0442
1822	40.4180	41.4285	42.4642	43.5258	44.6139	45.7292	46.8724	48.0442	49.2453
1823	41.4285	42.4642	43.5258	44.6139	45.7292	46.8724	48.0442	49.2453	50.4764
1824	42.4642	43.5258	44.6139	45.7292	46.8724	48.0442	49.2453	50.4764	51.7383
BI-WEEKLY									
1812	2,525.95	2,589.10	2,653.83	2,720.18	2,788.18	2,857.89	2,929.34	3,002.57	3,077.63
1813	2,589.10	2,653.83	2,720.18	2,788.18	2,857.89	2,929.34	3,002.57	3,077.63	3,154.58
1814	2,653.83	2,720.18	2,788.18	2,857.89	2,929.34	3,002.57	3,077.63	3,154.58	3,233.44
1815	2,720.18	2,788.18	2,857.89	2,929.34	3,002.57	3,077.63	3,154.58	3,233.44	3,314.28
1816	2,788.18	2,857.89	2,929.34	3,002.57	3,077.63	3,154.58	3,233.44	3,314.28	3,397.14
1817	2,857.89	2,929.34	3,002.57	3,077.63	3,154.58	3,233.44	3,314.28	3,397.14	3,482.06
1818	2,929.34	3,002.57	3,077.63	3,154.58	3,233.44	3,314.28	3,397.14	3,482.06	3,569.11
1819	3,002.57	3,077.63	3,154.58	3,233.44	3,314.28	3,397.14	3,482.06	3,569.11	3,658.34
1820	3,077.63	3,154.58	3,233.44	3,314.28	3,397.14	3,482.06	3,569.11	3,658.34	3,749.79
1821	3,154.58	3,233.44	3,314.28	3,397.14	3,482.06	3,569.11	3,658.34	3,749.79	3,843.54
1822	3,233.44	3,314.28	3,397.14	3,482.06	3,569.11	3,658.34	3,749.79	3,843.54	3,939.62
1823	3,314.28	3,397.14	3,482.06	3,569.11	3,658.34	3,749.79	3,843.54	3,939.62	4,038.11
1824	3,397.14	3,482.06	3,569.11	3,658.34	3,749.79	3,843.54	3,939.62	4,038.11	4,139.06
MONTHLY									
1812	5,493.94	5,631.29	5,772.08	5,916.39	6,064.29	6,215.91	6,371.31	6,530.59	6,693.85
1813	5,631.29	5,772.08	5,916.39	6,064.29	6,215.91	6,371.31	6,530.59	6,693.85	6,861.21
1814	5,772.08	5,916.39	6,064.29	6,215.91	6,371.31	6,530.59	6,693.85	6,861.21	7,032.73
1815	5,916.39	6,064.29	6,215.91	6,371.31	6,530.59	6,693.85	6,861.21	7,032.73	7,208.56
1816	6,064.29	6,215.91	6,371.31	6,530.59	6,693.85	6,861.21	7,032.73	7,208.56	7,388.78
1817	6,215.91	6,371.31	6,530.59	6,693.85	6,861.21	7,032.73	7,208.56	7,388.78	7,573.48
1818	6,371.31	6,530.59	6,693.85	6,861.21	7,032.73	7,208.56	7,388.78	7,573.48	7,762.81
1819	6,530.59	6,693.85	6,861.21	7,032.73	7,208.56	7,388.78	7,573.48	7,762.81	7,956.89
1820	6,693.85	6,861.21	7,032.73	7,208.56	7,388.78	7,573.48	7,762.81	7,956.89	8,155.79
1821	6,861.21	7,032.73	7,208.56	7,388.78	7,573.48	7,762.81	7,956.89	8,155.79	8,359.70
1822	7,032.73	7,208.56	7,388.78	7,573.48	7,762.81	7,956.89	8,155.79	8,359.70	8,568.67
1823	7,208.56	7,388.78	7,573.48	7,762.81	7,956.89	8,155.79	8,359.70	8,568.67	8,782.89
1824	7,388.78	7,573.48	7,762.81	7,956.89	8,155.79	8,359.70	8,568.67	8,782.89	9,002.46

EXHIBIT "E"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01

Effective June 20, 2000

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF

3.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
812	22.5534	23.1172	23.6951	24.2875	24.8947	25.5171	26.1550	26.8089	27.4791
813	23.1172	23.6951	24.2875	24.8947	25.5171	26.1550	26.8089	27.4791	28.1661
814	23.6951	24.2875	24.8947	25.5171	26.1550	26.8089	27.4791	28.1661	28.8703
815	24.2875	24.8947	25.5171	26.1550	26.8089	27.4791	28.1661	28.8703	29.5921
816	24.8947	25.5171	26.1550	26.8089	27.4791	28.1661	28.8703	29.5921	30.3319
817	25.5171	26.1550	26.8089	27.4791	28.1661	28.8703	29.5921	30.3319	31.0902
818	26.1550	26.8089	27.4791	28.1661	28.8703	29.5921	30.3319	31.0902	31.8675
819	26.8089	27.4791	28.1661	28.8703	29.5921	30.3319	31.0902	31.8675	32.6642
820	27.4791	28.1661	28.8703	29.5921	30.3319	31.0902	31.8675	32.6642	33.4808
821	28.1661	28.8703	29.5921	30.3319	31.0902	31.8675	32.6642	33.4808	34.3178
822	28.8703	29.5921	30.3319	31.0902	31.8675	32.6642	33.4808	34.3178	35.1757
823	29.5921	30.3319	31.0902	31.8675	32.6642	33.4808	34.3178	35.1757	36.0551
824	30.3319	31.0902	31.8675	32.6642	33.4808	34.3178	35.1757	36.0551	36.9565
BI-WEEKLY									
812	2,525.98	2,589.13	2,653.85	2,720.20	2,788.21	2,857.92	2,929.36	3,002.60	3,077.66
813	2,589.13	2,653.85	2,720.20	2,788.21	2,857.92	2,929.36	3,002.60	3,077.66	3,154.60
814	2,653.85	2,720.20	2,788.21	2,857.92	2,929.36	3,002.60	3,077.66	3,154.60	3,233.47
815	2,720.20	2,788.21	2,857.92	2,929.36	3,002.60	3,077.66	3,154.60	3,233.47	3,314.32
816	2,788.21	2,857.92	2,929.36	3,002.60	3,077.66	3,154.60	3,233.47	3,314.32	3,397.17
817	2,857.92	2,929.36	3,002.60	3,077.66	3,154.60	3,233.47	3,314.32	3,397.17	3,482.10
818	2,929.36	3,002.60	3,077.66	3,154.60	3,233.47	3,314.32	3,397.17	3,482.10	3,569.16
819	3,002.60	3,077.66	3,154.60	3,233.47	3,314.32	3,397.17	3,482.10	3,569.16	3,658.39
820	3,077.66	3,154.60	3,233.47	3,314.32	3,397.17	3,482.10	3,569.16	3,658.39	3,749.85
821	3,154.60	3,233.47	3,314.32	3,397.17	3,482.10	3,569.16	3,658.39	3,749.85	3,843.59
822	3,233.47	3,314.32	3,397.17	3,482.10	3,569.16	3,658.39	3,749.85	3,843.59	3,939.68
823	3,314.32	3,397.17	3,482.10	3,569.16	3,658.39	3,749.85	3,843.59	3,939.68	4,038.17
824	3,397.17	3,482.10	3,569.16	3,658.39	3,749.85	3,843.59	3,939.68	4,038.17	4,139.13
MONTHLY									
812	5,494.01	5,631.36	5,772.12	5,916.44	6,064.36	6,215.98	6,371.36	6,530.66	6,693.91
813	5,631.36	5,772.12	5,916.44	6,064.36	6,215.98	6,371.36	6,530.66	6,693.91	6,861.26
814	5,772.12	5,916.44	6,064.36	6,215.98	6,371.36	6,530.66	6,693.91	6,861.26	7,032.80
815	5,916.44	6,064.36	6,215.98	6,371.36	6,530.66	6,693.91	6,861.26	7,032.80	7,208.65
816	6,064.36	6,215.98	6,371.36	6,530.66	6,693.91	6,861.26	7,032.80	7,208.65	7,388.84
817	6,215.98	6,371.36	6,530.66	6,693.91	6,861.26	7,032.80	7,208.65	7,388.84	7,573.57
818	6,371.36	6,530.66	6,693.91	6,861.26	7,032.80	7,208.65	7,388.84	7,573.57	7,762.92
819	6,530.66	6,693.91	6,861.26	7,032.80	7,208.65	7,388.84	7,573.57	7,762.92	7,957.00
820	6,693.91	6,861.26	7,032.80	7,208.65	7,388.84	7,573.57	7,762.92	7,957.00	8,155.92
821	6,861.26	7,032.80	7,208.65	7,388.84	7,573.57	7,762.92	7,957.00	8,155.92	8,359.81
822	7,032.80	7,208.65	7,388.84	7,573.57	7,762.92	7,957.00	8,155.92	8,359.81	8,568.80
823	7,208.65	7,388.84	7,573.57	7,762.92	7,957.00	8,155.92	8,359.81	8,568.80	8,783.02
824	7,388.84	7,573.57	7,762.92	7,957.00	8,155.92	8,359.81	8,568.80	8,783.02	9,002.61

EXHIBIT "F"

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective **June 20, 2000**

RANGE	TITLE
1612	
1613	
1614	
1615	
1616	
1617	
1618	
1619	
1620	
1621	Police Captain

EXHIBIT "G"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01
EFFECTIVE June 20, 2000

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
1615	29.9907	30.7405	31.5090	32.2967	33.1041	33.9317	34.7800	35.6495	36.5407
1616	30.7405	31.5090	32.2967	33.1041	33.9317	34.7800	35.6495	36.5407	37.4542
1617	31.5090	32.2967	33.1041	33.9317	34.7800	35.6495	36.5407	37.4542	38.3906
1618	32.2967	33.1041	33.9317	34.7800	35.6495	36.5407	37.4542	38.3906	39.3504
1619	33.1041	33.9317	34.7800	35.6495	36.5407	37.4542	38.3906	39.3504	40.3342
1620	33.9317	34.7800	35.6495	36.5407	37.4542	38.3906	39.3504	40.3342	41.3426
1621	34.7800	35.6495	36.5407	37.4542	38.3906	39.3504	40.3342	41.3426	42.3762
1622	35.6495	36.5407	37.4542	38.3906	39.3504	40.3342	41.3426	42.3762	43.4356
1623	36.5407	37.4542	38.3906	39.3504	40.3342	41.3426	42.3762	43.4356	44.5215
1624	37.4542	38.3906	39.3504	40.3342	41.3426	42.3762	43.4356	44.5215	45.6345
1625	38.3906	39.3504	40.3342	41.3426	42.3762	43.4356	44.5215	45.6345	46.7754
1626	39.3504	40.3342	41.3426	42.3762	43.4356	44.5215	45.6345	46.7754	47.9448
1627	40.3342	41.3426	42.3762	43.4356	44.5215	45.6345	46.7754	47.9448	49.1434
1628	41.3426	42.3762	43.4356	44.5215	45.6345	46.7754	47.9448	49.1434	50.3720

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,399.26	2,459.24	2,520.72	2,583.74	2,648.33	2,714.54	2,782.40	2,851.96	2,923.26
1616	2,459.24	2,520.72	2,583.74	2,648.33	2,714.54	2,782.40	2,851.96	2,923.26	2,996.34
1617	2,520.72	2,583.74	2,648.33	2,714.54	2,782.40	2,851.96	2,923.26	2,996.34	3,071.25
1618	2,583.74	2,648.33	2,714.54	2,782.40	2,851.96	2,923.26	2,996.34	3,071.25	3,148.03
1619	2,648.33	2,714.54	2,782.40	2,851.96	2,923.26	2,996.34	3,071.25	3,148.03	3,226.74
1620	2,714.54	2,782.40	2,851.96	2,923.26	2,996.34	3,071.25	3,148.03	3,226.74	3,307.41
1621	2,782.40	2,851.96	2,923.26	2,996.34	3,071.25	3,148.03	3,226.74	3,307.41	3,390.10
1622	2,851.96	2,923.26	2,996.34	3,071.25	3,148.03	3,226.74	3,307.41	3,390.10	3,474.85
1623	2,923.26	2,996.34	3,071.25	3,148.03	3,226.74	3,307.41	3,390.10	3,474.85	3,561.72
1624	2,996.34	3,071.25	3,148.03	3,226.74	3,307.41	3,390.10	3,474.85	3,561.72	3,650.76
1625	3,071.25	3,148.03	3,226.74	3,307.41	3,390.10	3,474.85	3,561.72	3,650.76	3,742.03
1626	3,148.03	3,226.74	3,307.41	3,390.10	3,474.85	3,561.72	3,650.76	3,742.03	3,835.58
1627	3,226.74	3,307.41	3,390.10	3,474.85	3,561.72	3,650.76	3,742.03	3,835.58	3,931.47
1628	3,307.41	3,390.10	3,474.85	3,561.72	3,650.76	3,742.03	3,835.58	3,931.47	4,029.76

MONTHLY	1	2	3	4	5	6	7	8	9
1615	5,218.39	5,348.85	5,482.57	5,619.63	5,760.12	5,904.12	6,051.72	6,203.01	6,358.09
1616	5,348.85	5,482.57	5,619.63	5,760.12	5,904.12	6,051.72	6,203.01	6,358.09	6,517.04
1617	5,482.57	5,619.63	5,760.12	5,904.12	6,051.72	6,203.01	6,358.09	6,517.04	6,679.97
1618	5,619.63	5,760.12	5,904.12	6,051.72	6,203.01	6,358.09	6,517.04	6,679.97	6,846.97
1619	5,760.12	5,904.12	6,051.72	6,203.01	6,358.09	6,517.04	6,679.97	6,846.97	7,018.16
1620	5,904.12	6,051.72	6,203.01	6,358.09	6,517.04	6,679.97	6,846.97	7,018.16	7,193.62
1621	6,051.72	6,203.01	6,358.09	6,517.04	6,679.97	6,846.97	7,018.16	7,193.62	7,373.47
1622	6,203.01	6,358.09	6,517.04	6,679.97	6,846.97	7,018.16	7,193.62	7,373.47	7,557.80
1623	6,358.09	6,517.04	6,679.97	6,846.97	7,018.16	7,193.62	7,373.47	7,557.80	7,746.74
1624	6,517.04	6,679.97	6,846.97	7,018.16	7,193.62	7,373.47	7,557.80	7,746.74	7,940.40
1625	6,679.97	6,846.97	7,018.16	7,193.62	7,373.47	7,557.80	7,746.74	7,940.40	8,138.92
1626	6,846.97	7,018.16	7,193.62	7,373.47	7,557.80	7,746.74	7,940.40	8,138.92	8,342.39
1627	7,018.16	7,193.62	7,373.47	7,557.80	7,746.74	7,940.40	8,138.92	8,342.39	8,550.95
1628	7,193.62	7,373.47	7,557.80	7,746.74	7,940.40	8,138.92	8,342.39	8,550.95	8,764.73

EXHIBIT "H"

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective **June 20, 2000**

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"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 00-01
EFFECTIVE June 20, 2000

Executive Management 3.00%

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405		28.1062	35.1328	2,248.50	2,810.62	4,890.49	6,113.10
1406		28.8089	36.0111	2,304.71	2,880.89	5,012.74	6,265.94
1407		29.5291	36.9113	2,362.33	2,952.90	5,138.07	6,422.56
1408		30.2673	37.8341	2,421.38	3,026.73	5,266.50	6,583.14
1409		31.0240	38.7800	2,481.92	3,102.40	5,398.18	6,747.72
1410	City Clerk/Auditor	31.7996	39.7495	2,543.97	3,179.96	5,533.13	6,916.41
1411		32.5946	40.7432	2,607.57	3,259.46	5,671.46	7,089.33
1412		33.4094	41.7618	2,672.76	3,340.94	5,813.25	7,266.54
1413		34.2447	42.8058	2,739.57	3,424.46	5,958.56	7,448.20
1414		35.1008	43.8760	2,808.06	3,510.08	6,107.53	7,634.42
1415		35.9783	44.9729	2,878.26	3,597.83	6,260.22	7,825.28
1416		36.8778	46.0972	2,950.22	3,687.78	6,416.73	8,020.92
1417		37.7997	47.2496	3,023.98	3,779.97	6,577.16	8,221.43
1418	Personnel Director	38.7447	48.4309	3,099.58	3,874.47	6,741.59	8,426.97
1419		39.7133	49.6416	3,177.06	3,971.33	6,910.11	8,637.64
1420	Recreation & Neighborhoods Director	40.7061	50.8826	3,256.49	4,070.61	7,082.87	8,853.58
	Finance Director	40.7061	50.8826	3,256.49	4,070.61	7,082.87	8,853.58
	Operations & Maintenance Director	40.7061	50.8826	3,256.49	4,070.61	7,082.87	8,853.58
1421		41.7238	52.1548	3,337.90	4,172.38	7,259.93	9,074.93
1422	Fire Chief	42.7669	53.4586	3,421.35	4,276.69	7,441.44	9,301.80
	Community Development Director	42.7669	53.4586	3,421.35	4,276.69	7,441.44	9,301.80
1423	Engineering & Transportation Director	43.8361	54.7951	3,506.89	4,383.61	7,627.49	9,534.35
1424		44.9320	56.1650	3,594.56	4,493.20	7,818.17	9,772.71
1425	Police Chief	46.0553	57.5691	3,684.42	4,605.53	8,013.61	10,017.03
1426		47.2067	59.0084	3,776.54	4,720.67	8,213.97	10,267.46
1427	Deputy City Manager	48.3869	60.4836	3,870.95	4,838.69	8,419.32	10,524.15
1428	City Attorney	49.5966	61.9958	3,967.73	4,959.66	8,629.81	10,787.26
1429		50.8365	63.5456	4,066.92	5,083.65	8,845.55	11,056.94
1430		52.1074	65.1343	4,168.59	5,210.74	9,066.68	11,333.36
1431		53.4101	66.7626	4,272.81	5,341.01	9,293.36	11,616.70
1432		54.7454	68.4318	4,379.63	5,474.54	9,525.70	11,907.12
1433	City Manager	56.1140	70.1425	4,489.12	5,611.40	9,763.84	12,204.80
1434		57.5169	71.8961	4,601.35	5,751.69	10,007.94	12,509.93
1435		58.9548	73.6935	4,716.38	5,895.48	10,258.13	12,822.67

EXHIBIT "J"

RESCINDED
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2012-17 and 2012-19

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-273

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING DEPARTMENT HEADS AND COUNCIL APPOINTEES.

WHEREAS, by Resolution No. 95-311 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend said policy as it pertains to unrepresented management and confidential employees, including department heads and council appointees,

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

Pursuant to the provisions of Section 20691 of the California Government Code, effective June 20, 2000, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for unrepresented fire management safety members. Such payment shall be implemented pursuant to the provisions of Section 209636(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20691 of the California Government Code, effective June 20, 2000, the City of Modesto elects to pay six and six-tenths percent (6.60%) of the normal member contributions of seven percent (7%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for non-safety management and confidential employees (miscellaneous members). Such payment shall be implemented pursuant to the provisions of Section 209636(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

BE IT FURTHER RESOLVED that this Resolution shall become effective on June 20, 2000.

BE IT FURTHER RESOLVED that effective June 20, 2000, Resolution No. 95-311 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2000, 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, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-273A

A RESOLUTION DENYING THE CITY COUNCIL EXPENSE POLICY REVISION.

WHEREAS, the current City Council expense policy has not been revised since January 1, 1995, and

WHEREAS, a proposal has been made to revise said Council expense policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the revision to the City Council expense policy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-274

A RESOLUTION ESTABLISHING A MONEY PURCHASE RETIREMENT PLAN TO BE ADMINISTERED BY THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR CITY MANAGER, JACK R. CRIST, AND AUTHORIZING CITY OF MODESTO RISK MANAGER TO BE THE COORDINATOR FOR THE PLAN

WHEREAS, Section 7(a) of the Employment Agreement between the City of Modesto and Jack R. Crist calls for the establishment of a defined contribution deferred compensation plan ("401a Plan"): and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the City of Modesto desires that the money purchase retirement plan be administered by the ICMA Retirement Corporation and that the funds held in such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a money purchase retirement plan for Modesto City Manager, Jack R. Crist, in the form of the ICMA Retirement Corporation Governmental Money Purchase & Trust, pursuant to the specific provisions of the adoption agreement is hereby established.

BE FURTHER RESOLVED that the City of Modesto hereby authorizes the execution of the Declaration of Trust of the ICMA Retirement Trust, intending this execution to be operative with respect to any retirement or deferred compensation plan

subsequently established by the City of Modesto, if the assets of the plan are to be invested in the ICMA Retirement Trust

BE IT FURTHER RESOLVED that the City of Modesto hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the ICMA Retirement Trust; and

BE IT FURTHER RESOLVED that the Risk Manager shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the City of Modesto, any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan; and

BE IT FURTHER RESOLVED, that the City of Modesto hereby authorizes the Risk Manager to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2000, 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

Clerk 11

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-275

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, (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. 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 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. 1 during the fiscal year 2000-01.

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 11th day of July, 2000, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution 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 6th day of June, 2000, 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, City Attorney

RESOLUTIONS RE. LANDSCAPE MAINTENANCE DISTRICTS

2	Attorney
1	Engineering & Transportation
1	Operations & Maintenance - Duane Fredericks
1	Finance
5	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-276

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION 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 2000-01.

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 Wednesday, the 12th day of July, 2000, at the hour of 7:00 p.m., the Operations and Maintenance Director will conduct a public meeting on the question of the levy of the proposed increase in annual assessment. The meeting will be held at Johansen High School Theatre, 641 Norseman Drive, Modesto, California.

6. On Tuesday, the 25th day of July, 2000, at the hour of 7:00 p.m., the City Council will conduct a public hearing and count ballots on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

7. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972 and send ballots as required by Proposition 218, Article XIII, Section 5(a) of the California Constitution.

8. 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 6th day of June, 2000, 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, City Attorney

RESOLUTIONS RE. LANDSCAPE MAINTENANCE DISTRICTS

2	Attorney
1	Engineering & Transportation
1	Operations & Maintenance - Duane Fredericks
1	Finance
5	

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-277

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BILL SEAVY FROM ANTI-GRAFFITI TASK FORCE, EFFECTIVE JUNE 6, 2000

WHEREAS, Bill Seavy was appointed a member of the Anti-Graffiti Task Force on March 28, 1995 ; and

WHEREAS, Bill Seavy has tendered his resignation from the Anti-Graffiti Task Force, effective June 6, 2000; and

WHEREAS, Bill Seavy 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 Bill Seavy from the Anti-Graffiti Task Force 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 Bill Seavy 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-278

A RESOLUTION CANVASSING THE RESULTS OF THE MAY 30, 2000 ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO THE CARVER-BANGS/PELANDALE-SNYDER COMMUNITY FACILITIES DISTRICT NO. 1998-2 AND ORDERING ANNEXATION OF SAID TERRITORY TO THE DISTRICT (ANNEXATION #1)

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. 98-653, adopted on December 8, 1998, formed its Community Facilities District No. 1998-2 (the "District"), relating to territory within the Carver-Bangs Specific Plan Area and the Pelandale-Snyder Specific Plan Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 99-286, adopted on June 8, 1999, order a change and add taxes for completion of Snyder Avenue improvements, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 2000-166, adopted April 11, 2000, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 of Maps of Assessment and Community Facilities Districts at page 33 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the Carver-Bangs/Pelandale-Snyder Area, and to levy a special tax therein (the "Special Tax") as set forth in Exhibit "A" hereto and bv this reference incorporated herein for the purposes of financing certain facilities and s

set forth in Exhibit "A" hereto, respectively, and by this reference incorporated herein, and to set a hearing thereon for May 23, 2000, and

WHEREAS, at the conclusion of the public hearing, the Council did, on May 23, 2000, adopt its Resolution No. 2000-249, 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 May 30, 2000, (the "Election"), and

WHEREAS, on May 30, 2000, 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 one hundred (100%) percent 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 6th day of June, 2000, 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:

MICHAEL D. MILICH, CITY ATTORNEY

By: _____
~~Roland R. Stevens, Assistant~~ City Attorney

EXHIBIT "A"

PUBLIC REPORT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

CFD PUBLIC REPORT

March 25, 1999

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG AND ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

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	B. Boundaries of CFD No. 1998-2	2
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III.	Description of Facilities and Services to be Funded by CFD No. 1998-2	4

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Rate and Method of Apportionment of Special Tax and Reimbursements
Appendix C: Detailed Facility Cost Estimates

I. BACKGROUND

Community Facilities District (CFD) No. 1998-2 is being formed to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plans in the City of Modesto. Portions of both Specific Plan areas are included within the initial boundaries of the CFD, and the remainder of the property within both Plan areas is expected to annex into the CFD at a later date.

As a condition of development of the Specific Plan areas, the developers are required to install various public improvements which will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developers to build within the projects must install the improvements and receive fee credits or reimbursements in exchange for the facilities. CFD No. 1998-2 is the vehicle that will be used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. In addition, the CFD will generate funding for ongoing maintenance of landscaping and open space within the project areas.

Following is a brief description of both projects:

A. Carver-Bangs Specific Plan

On April 1, 1997, the City Council of the City of Modesto approved Resolution No. 97-161, thereby adopting the Carver-Bangs Specific Plan. The Specific Plan was subsequently amended by City Council Resolution 97-633. Carver-Bangs is a proposed 160-acre project bounded on the east by Carver Road, on the North by Bangs Avenue, on the south by the Pelandale-Snyder Specific Plan (discussed further below), and on the west by the Kiernan Business Park area. The Carver-Bangs Specific Plan will be developed under the City's Village Residential guidelines, which will yield approximately 800 single family residential units.

B. Pelandale-Snyder Specific Plan

The Pelandale-Snyder Specific Plan was approved by the City Council on January 16, 1996 by the adoption of Resolution No. 95-16, and was subsequently amended by City Council Resolutions 97-136 and 97-139. The Specific Plan area is bounded by Dale Road on the west, the extension of Pelandale Road on the north, Union Pacific Railroad on the east, and the Modesto Irrigation District canal and Snyder Avenue on the South. Approximately 227 acres of the project are designated Single Family Residential (SFR), and 57 acres are designated Multi-Family Residential; in total, 2,613 residential dwelling units are expected at buildout of the Specific Plan. In addition, 36 acres of the Specific Plan area will be used for an elementary school site, a City park, and a church.

II. *STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 1998-2*

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 1998-2 (Resolution No. 98-582) was adopted by the City Council on November 3, 1998. After a public hearing and a successful election by landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of CFD 1998-2

As mentioned above, the initial boundaries of the CFD include portions of both the Carver-Bangs and Pelandale-Snyder Specific Plans. Additional property is expected to annex into the CFD in future years as development in the area expands. It is anticipated that property subsequently annexed into the CFD will be subject to the same special tax formula as property in the CFD from the start, with a maximum Facilities Special Tax (discussed further below) assigned to the property when it is annexed. Property in the Carver-Bangs Specific Plan is included within Tax Area A of the CFD, and parcels in Pelandale-Snyder make up Tax Area B of the CFD. A separate maximum tax has been calculated for each tax area, as discussed further in Section C below.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Volume 3, page 5 of the Book of Maps of Assessment Districts and Community Facilities Districts in the Stanislaus County Recorder's Office. A copy of the CFD boundary map is provided as Appendix A of this CFD Public Report.

C. CFD Special Tax Structure

1. Facilities Special Tax

Each year, special taxes will be levied and collected from parcels within the CFD to pay costs associated with storm drainage and road improvements, as well as maintenance of these improvements (authorized facilities and maintenance costs are discussed in more detail below). The Rate and Method of Apportionment of Special Tax and Reimbursements ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in Sections D and E of the RMA, two different special taxes will be levied within the CFD. First, a "Facilities Special Tax" will be levied to pay for capital improvements and appurtenant expenses, such as design, planning, engineering and inspection. The entire Facilities Special Tax will be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction on a parcel within the CFD. Because each Specific Plan area is responsible for only the facilities required to serve that area, separate "tax areas" were established within the CFD to avoid any crossover of responsibility for the funding of required infrastructure. A separate Facilities Special Tax has been determined for each assessor's parcel that was included within each tax area at the time CFD No. 1998-2 was formed; Attachment 2 of Appendix B identifies the maximum Facilities Special Tax assigned to each parcel.

Section C.1 of the RMA (Appendix B) explains how the Facilities Special Tax obligation assigned to each original assessor's parcel will be reallocated when subdivision occurs. Regardless of changes in land use in future years, the maximum Facilities Special Tax revenues that can be collected from property in the CFD will never be reduced. In January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each assessor's parcel will be increased by four percent of the amount in effect in the prior year.

Section D of Appendix B sets forth a credit/reimbursement program which allows developers who have constructed and dedicated public improvements to take credits against the Facilities Special Taxes that would otherwise be paid until such credits equal the cost set forth in Appendix C of this CFD Public Report for the public improvements provided by the developer. Regardless of the actual cost incurred by the developer for construction of the public improvement(s), credits against the Facilities Special Tax can be taken until the amount credited is equal to the facility cost shown in Appendix C for that improvement(s). If the developer's project is built out and a balance remains to be credited, the developer will instead receive a cash reimbursement from Facilities Special Taxes collected from other property owners in the CFD until the combined amount of fee credits and cash reimbursements is equal to the cost of the public improvement(s) as shown in Appendix C of this report. All costs and reimbursements are subject to a four percent increase in January 2002 and each January thereafter.

Facility Special Tax credits and reimbursements will be applied based on a specified order of priority, which is identified in Attachment 1 of Appendix B. Until all facilities of a higher priority have been fully funded, a developer who builds an improvement that is of a lower priority will not receive fee credits or reimbursements. The order of priority is specific to each tax area, which means facilities of a lower priority may be funded in one tax area even if the higher priority facilities in the other tax area have not yet been fully funded. Appendix B provides a more detailed description of the credit/reimbursement program.

2. Maintenance Special Tax

The second special tax that can be levied in the CFD is the "Maintenance Special Tax", which will be collected to pay costs associated with maintaining parkways and open space in both Specific Plan areas. Again, a separate maximum Maintenance Special Tax has been determined for Tax Area A and Tax Area B, as shown in the following table:

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*

Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre

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

The Maintenance Special Tax will be collected each fiscal year on the property tax bills of all parcels in the CFD that have had a final building permit inspection conducted or a certificate of occupancy issued prior to June 1 of the preceding fiscal year.

III. FACILITIES AND SERVICES TO BE FUNDED BY CFD NO. 1998-2

The facilities and services described below are all facilities which the City of Modesto is authorized to finance and which are required to adequately meet the needs of CFD No. 1998-2. The special taxes required to pay for these facilities and services will be apportioned according to the "Rate and Method of Apportionment of Special Tax" included as Appendix B of this report.

Capital Improvements

A. Carver-Bangs (Tax Area A)

Following is a summary of the capital improvements to be funded through CFD No. 1998-2 to serve the Carver-Bangs Specific Plan. A detailed breakdown of facility components and the corresponding cost estimates is provided in Appendix C of this report.

Storm Drainage Improvements	$1,494,750
Prescott Road	145,422
American Avenue	24,033
Bangs Avenue	254,305
Carver Road	57,270
American Avenue Canal Overcrossing	295,066
Class I Bike Trail	142,500
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$2,480,847**

B. Pelandale-Snyder (Tax Area B)

Storm Drainage Improvements	$4,389,042
Dale Road	531,075
Prescott Road	628,297
Tully Road	1,011,016
Snyder Avenue	504,283
Class I Bike Trail	752,675
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$7,883,888**

Annual Maintenance Costs

A. Carver-Bangs

Item	Quantity	Unit	Unit Cost	Total Cost
Bangs Avenue (South Side)				
8' Landscape Strip (4,680 LF x 8' = 37,400 SF)	37,400	SF	$0.72	$26,957
American Avenue (East Side)				
8' Landscape Strip (1,200 LF x 8' =9,600 SF)	9,600	SF	$0.72	$6,912
Prescott Road 16' Center Median	10,500	SF	$0.72	$7,740
Prescott Road Treewell and Vine Blockouts with 10' Sidewalk and Masonry Wall (56 Each 5' x 5' Treewalls + 56 each 3' x 10' vine blockouts)	3,080	SF	$0.72	$2,218
Class I Bike Trail	1,308	SF	$0.72	$942
Pelandale Avenue (North Side) Landscape Strip	1,996	SF	$0.72	$1,437
Carver Road (West Side) (1, 194 L.F. x 8' = 9,552 S.F.)	9,552	SF	$0.72	$6,877
Total Annual Maintenance Costs				$53,083

B. Pelandale-Snyder

Item	Quantity	Unit Unit	Total Cost	Cost
Dale Road (East Side), 12' Wide Landscape Strip (1,255 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road (East Side), 12' Wide Landscape Strip (1,225 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road 16' Center Median	10,750	SF	$0.72	$7,740
Tully Road (Both Sides), 12' Wide Landscape Strip (2,650 LF x 12' = 21,800 SF)	31,800	SF	$0.72	$22,896
Tully Road 16' Center Median	10,750	SF	$0.72	$7,740
Class I Bike Trail	8,820	SF	$0.72	$6,350
Pelandale Avenue (South Side)	10,400	SF	$0.72	$7,488
Carver West Side Back-up Lots South of Pelandale Avenue (515 L.F. x 5' = 2,575)	2,575	SF	$0.72	$1,854
Landscaping Surrounding Storm Drain Basins	35,000	SF	$0.72	$25,200
Total Annual Maintenance Costs				$100,436

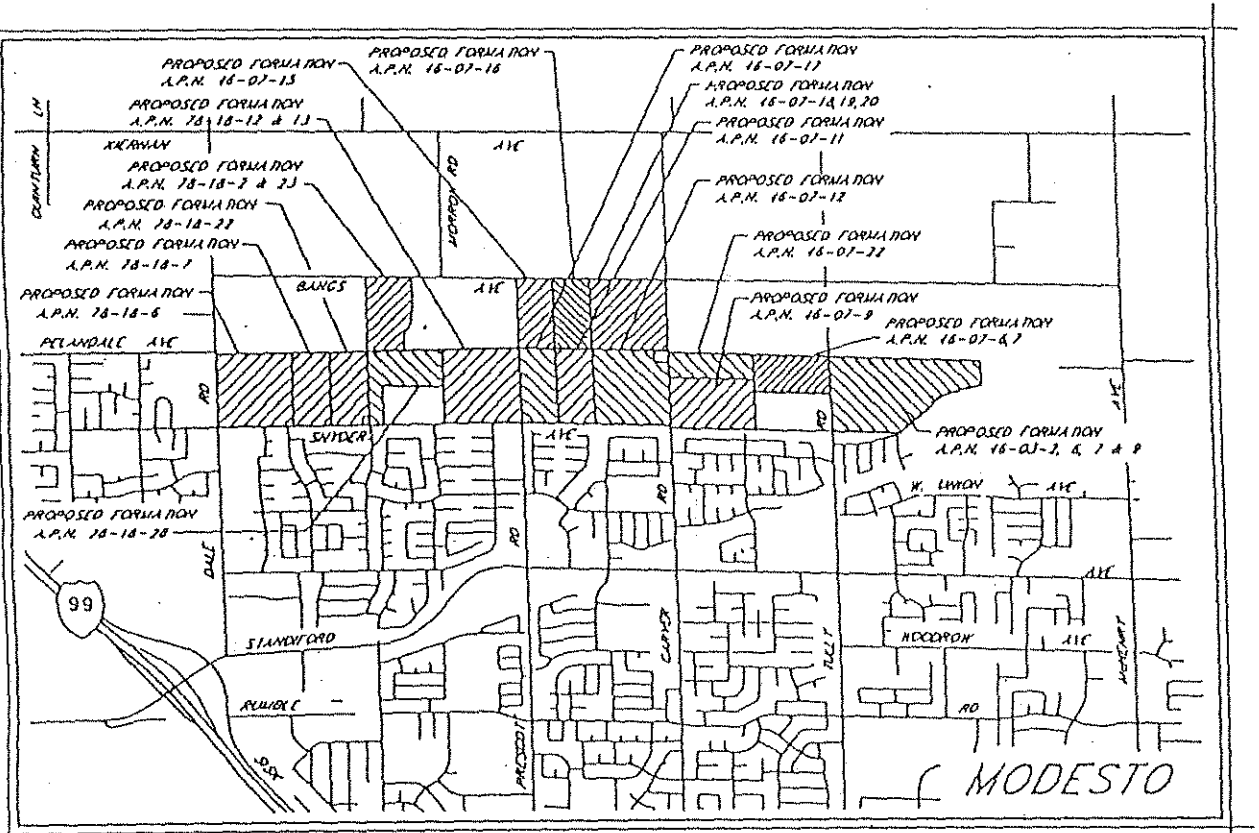
The description of facilities and services, as set forth herein, is general in nature. The final nature and location of improvements will be determined upon the preparation of final plans and specifications.

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

BOUNDARY MAP

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



CFD 1998-2 FORMATION MAP

NO SCALE

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10-111/00/CFD1.DWG

BASIS OF BEARINGS:
THE BEARING OF SOUTH 89°17'39" WEST ALONG THE LINE BETWEEN CPS MONUMENTS 3333 AND 3331 AS SHOWN IN BOOK 33 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTE:
THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY THE GRID FACTOR (.9999033534) TO OBTAIN GRID DISTANCES.

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP. I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED BY DIVISION 4.5 OF THE STREETS AND HIGHWAYS CODE.

DATED THIS ___ DAY OF _____, 1998

_____
ROY A. GALLI, R.C.E. 16021

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS ___ DAY OF _____, 1998.

_____
JEAN ZAHR, CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2, (CARVER-BANGS/PELANDALE-SNYDER), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, AT A MEETING THEREOF, HELD ON THE ___ DAY OF _____, 1998, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

RECORDER'S STATEMENT:

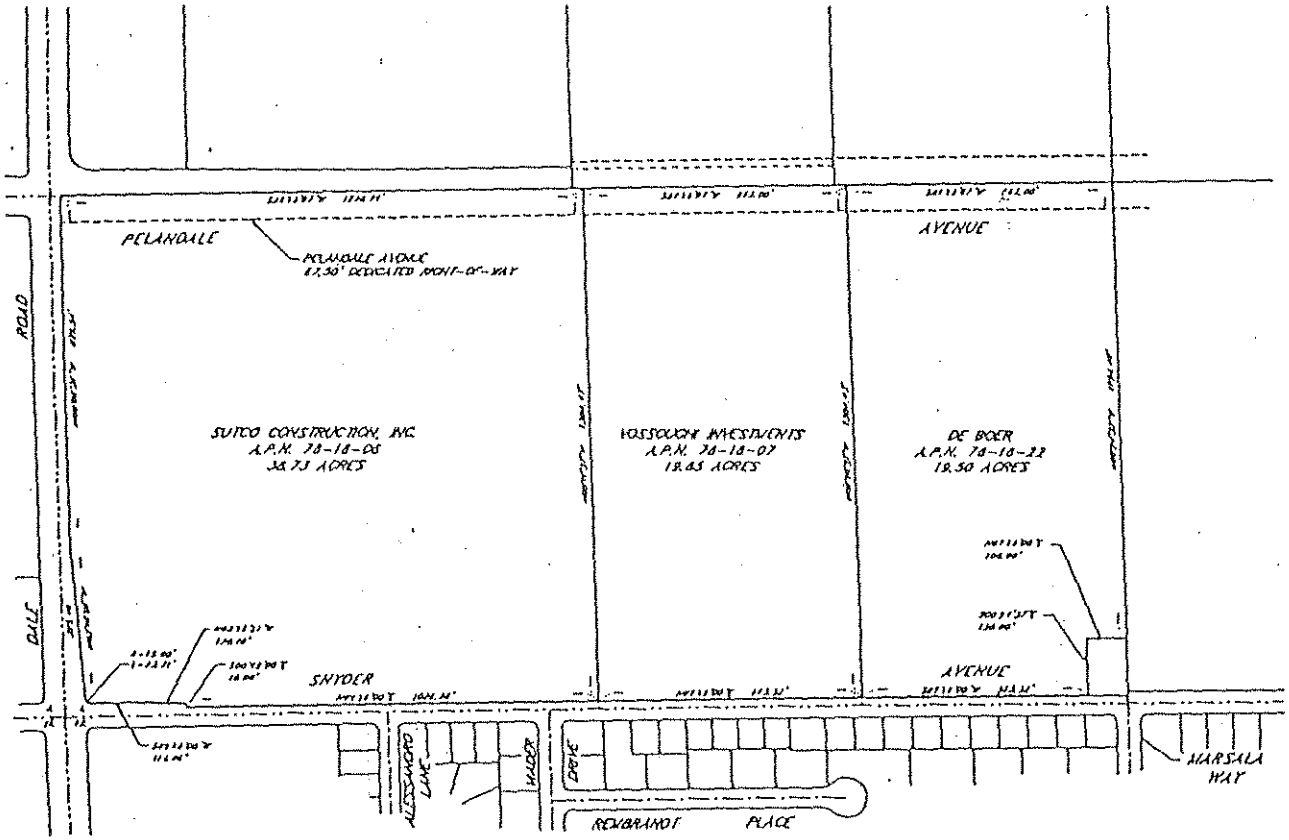
FILED THIS ___ DAY OF _____, 1998, AT THE HOUR OF _____ O'CLOCK, ___ M., UNDER RECORDER'S INSTRUMENT NO. _____, IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE ____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

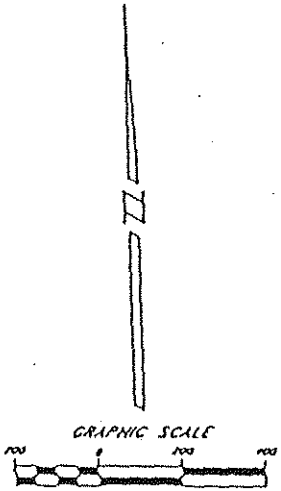
KAREN MATHEWS, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____
DEPUTY

SHEET 1 OF 1

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA





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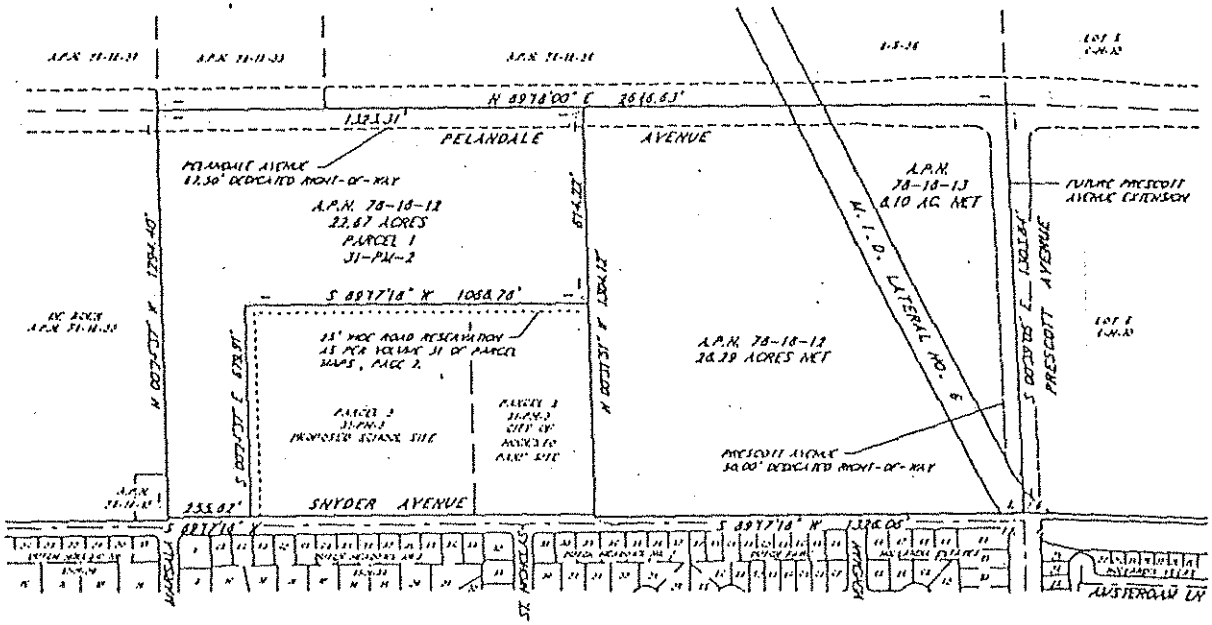
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



mcgaveyengineering

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APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

RATE AND METHOD OF APPORTIONMENT OF
SPECIAL TAX AND REIMBURSEMENTS

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-2 (herein "CFD No. 1998-2") 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. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map, parcel map, or other recorded County parcel map.

"Administration Component" means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants' fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

"Administrator" shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

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

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of 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.

"Non-Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

"Order of Priority" means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Original Parcel" means an Assessor's Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Reimbursable Cost" means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

"Special Tax Credit" means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

"Subdivided Property" means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.

"Taxable Property" means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

"Tax Area A" means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Tax Area B" means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor's Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor's Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;

Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. *Annual Maintenance Special Tax*

All Subdivided Property within the CFD shall be subject to an Annual 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. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

On an Ongoing Basis

- n January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.

- The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

- The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

- For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

Step 1. The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

Step 2. The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

Step 3. By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

Step 4. Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.

Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. If there is an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

- *If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer*, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

- *If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer*, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared

for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. If there is <u>not</u> an outstanding Credit/Reimbursement Amount for the builder/developer, the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- *If there <u>are</u> outstanding Credit/Reimbursement Amounts*, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" was issued to each

builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- *If there are no outstanding Credit/Reimbursement Amounts due any builder/developer*, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1;

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 on all Subdivided Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 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 levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax 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. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of

1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract 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.

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ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority

- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority

- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority

- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority

- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)

- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modest Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)

- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal

ATTACHMENT 2

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2

(CARVER-BANGS/PELANDALE-SNYDER)

MAXIMUM FACILITIES SPECIAL TAX

	Carver-Bangs	Pelandale-Snyder
Infrastructure Costs, other than Storm Drainage	$986,097	$3,494,846
Plus: Administration 7.00%	$69,027	$244,639
Subtotal, Costs other than Storm Drainage	$1,055,124	$3,739,485
Storm Drainage Costs	$1,494,750	$4,389,042
Plus: Administration 7.00%	$104,633	$307,233
Subtotal, Storm Drainage Costs	$1,599,383	$4,696,275
Total Costs Assigned to Tax Area	*$2,654,506*	*$8,435,760*
Total Net Acreage Contributing to Non-Drainage Facilities	137.44	298.40
One-Time Special Tax per Net Acre for non-Drainage	$7,677	$12,532
Total Net Acreage Contributing to Storm Drainage	137.44	317.73
One-Time Special Tax per Net Acre for Storm Drainage	$11,637	$14,781

Assessor Parcel No.	Property Owner	Net Acreage	1998 Maximum Facilities Special Tax/1
Tax Area A, Carver-Bangs			
78 12 02	Calvary Chapel	0.89	$17,189
78 18 23	Calvary Chapel	14.19	$274,065
78 18 24	William Han	28.90	$558,173
78 18 14	Lowry, Luscher, Donovan	22.60	$436,495
46 07 15	Kaufman & Broad	16.39	$316,555
46 07 16	Elaine Fowler	18.11	$349,775
46 07 18	Ronald Malik	8.75	$168,997
46 07 19	Ronald Malik	19.30	$372,759
46 07 20	Ronald Malik	8.31	$160,499
Total, Carver-Bangs		*137.44*	*$2,654,506*
Tax Area B, Pelandale-Snyder			
78 18 06	TRS Enterprises	35.45	$968,228
78 18 7	Vossoughi Investments	18.67	$509,924
78 18 22	Rodney K. Lowe, Inc.	18.35	$501,184
78 18 28	Corn-Harris Development	20.62	$563,184
78 18 12	Resource Development	24.08	$657,685
46 07 17	Marlene Johnston, et. al.	16.22	$443,009
46 07 11	Verna Mae Johnson Trust	17.95	$490,259
46 07 12	William P. Couture	35.65	$973,691
46 07 22	Red Rock Ranch	13.05	$356,428
46 07 09	Walker Family Partnership	26.90	$734,706
46 07 07	Resource Development	13.89	$379,371
46 07 06	Resource Development	4.58	$125,091
46 07 08	Brent & Diana Holtz	18.62	$508,559
46 03 02	Big Valley Grace Comm. Church	7.20	$196,650
46 03 06	Big Valley Grace Comm. Church	9.07	$247,724
46 03 07	Big Valley Grace Comm. Church	18.10	$494,356
46 03 09	Big Valley Grace Comm. Church	19.33	$285,711
Total, Pelandale-Snyder		*317.73*	$8,435,760

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

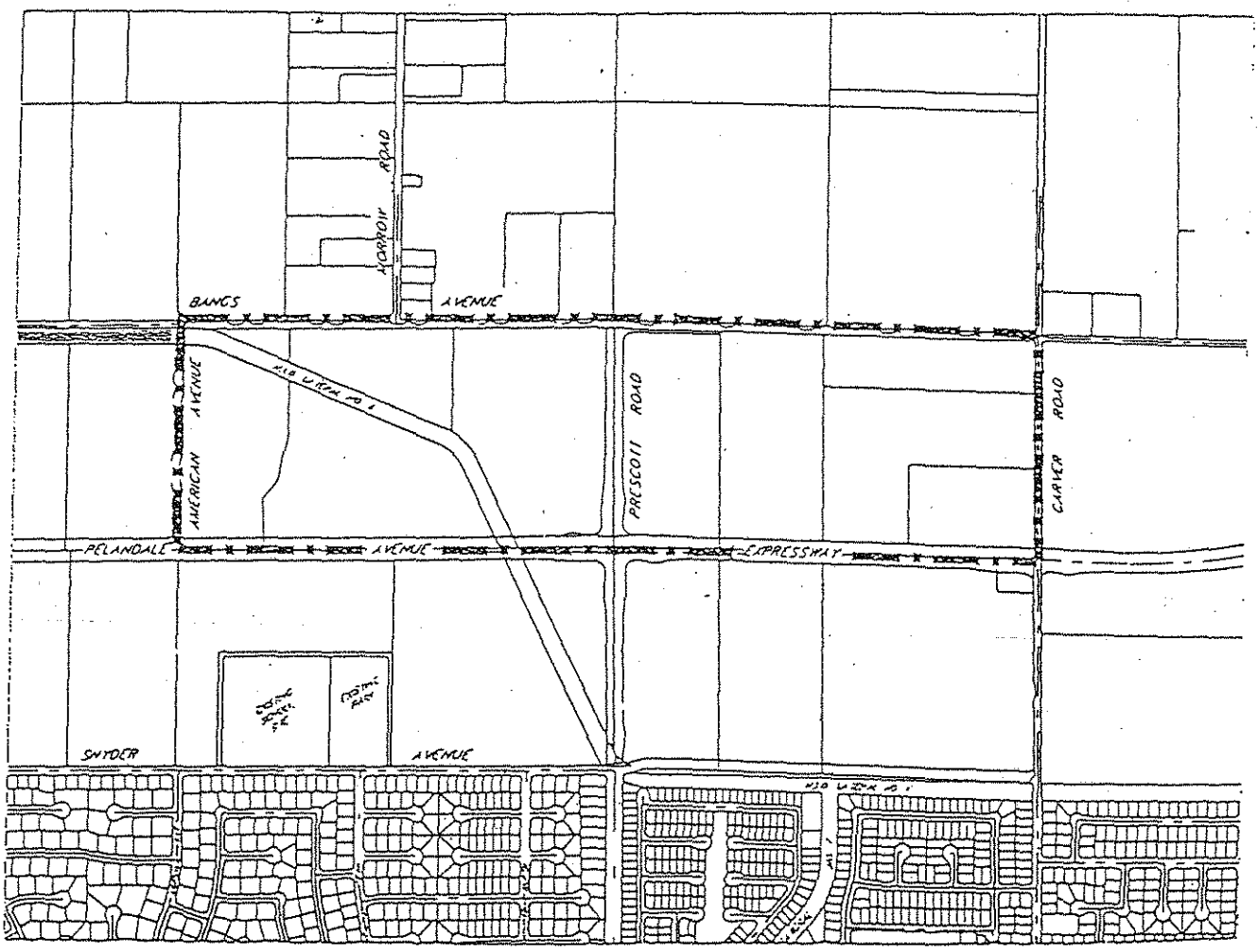
ATTACHMENT 3

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)

IDENTIFICATION OF TAX AREA A AND TAX AREA B

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "A"

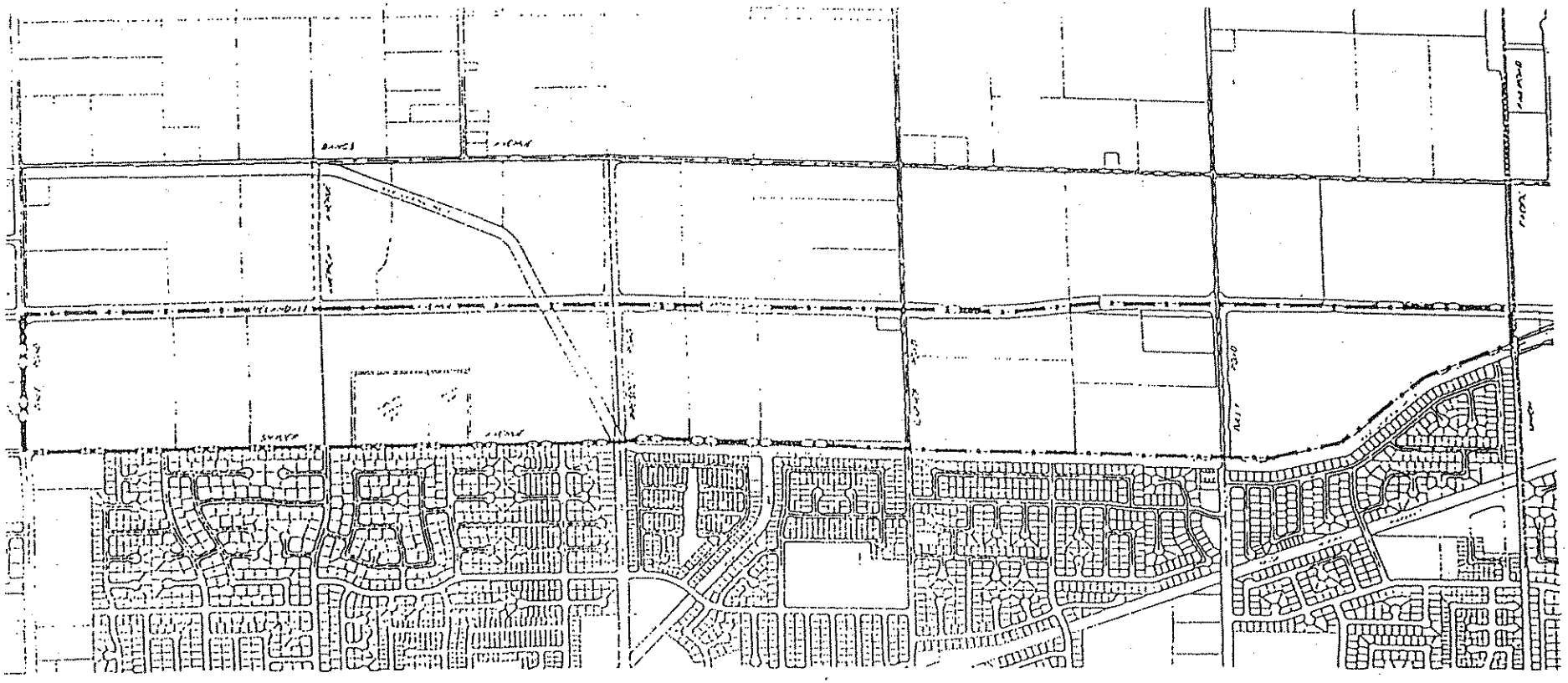


NORTH

Drawn J.R.M.	C.F.D. 1998-2 (CARVER-BANGS/ PELANDALE-SNYDER)	mid-valley engineering
Date 10-14-98		FAX (209) 526-0803
		SHEET 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "B"



NORTH

Drawn JRM

Date 10-14-98

Scale

Job No. 1-030-10

Sht. No. 1 OF 1

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)

ATTACHMENT 3B

mid-Valley engineering
900 H ST STE C MODESTO, CALIFORNIA 95354
(209) 526-4214
FAX (209) 526-0803

SHEET 1 OF 1

APPENDIX C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

DETAILED FACILITY COST ESTIMATES

Carver-Bangs
(Tax Area A)

Detailed Facility Cost Estimates

23-Oct-98
JOB 71159

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS	~~$2,480,847~~ $2,424,418
A. C.F.D. FEE PER NET ACRE	
$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE ========>	$17,640
B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE	
COST PER NET ACRE ==========>	$715

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
3. ALL CFD RELATED FORMATION COSTS (I.E., CITY OF MODESTO, DAVID TAUSSIG AND ASSOCIATES, KAUFMAN & BROAD, RON MALIK, MID-VALLEY ENGINEERING, J.B. ANDERSON LAND PLANNING, RUSSELL A. HARRISON, CONSULTING CIVIL ENGINEER, INC., AND HERUM, CRABTREE, DYER, ZOLEZZI AND TERPSTRA).
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYNENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
6. AMERICAN AVENUE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6

23-Oct-98
JOB 71159

CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$1,494,750
B.	PRESCOTT ROAD	$145,422
C.	AMERICAN AVENUE	$24,033
D.	BANGS AVENUE	$254,305
E.	CARVER ROAD	$57,270
F.	AMERICAN AVENUE CANAL CROSSING	$295,066
G.	CLASS I BIKE TRAIL	$142,500
H.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS ====	$2,480,847

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIV WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF PELANDALE-SNYDER
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	STORM DRAIN TRUNK LINES				
A.	CONSTRUCTION				
1.	30" STORM	2,549	LF	$100.00	$254,900
2.	36" STORM	1,279	LF	$121.00	$154,759
3.	48" STORM	597	LF	$161.00	$96,117
4.	SHARE OF 54" STORM DRAIN TO BASIN	46	LF	$182.00	$8,372
5.	MANHOLES	14	EA	$5,750.00	$80,500
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$594,648
	10% CONTINGENCY =====>				$59,465
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$654,113
II.	STORM DRAINAGE BASIN FACILITIES				
A.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	42,628	CY	$6.00	$255,768
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$165,445.00	$165,445
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$8,943.00	$8,943
4.	FENCING	1,227	LF	$16.00	$19,632
5.	LANDSCAPING	10,433	SF	$2.80	$29,212
6.	INLETS	LUMP SUM	LS	$2,981.00	$2,981
7.	STRIPPING / CLEARING / DISCING	LUMP SUM	LS	$2,981.00	$2,981
	SUB-TOTAL STORM DRAIN BASIN FACILITIES =====>				$484,962
	10% CONTINGENCY =====>				$48,496
	TOTAL STORM DRAIN BASIN FACILITIES =====>				$533,459
B.	FEES				
1.	ENGINEERING	1	EST	$29,808.00	$29,808
2.	STAKING	1	EST	$14,755.00	$14,755
3.	CONSTRUCTION MANAGEMENT	1	EST	$19,873.00	$19,873
4.	GEOTECHNICAL	1	EST	$5,365.00	$5,365
	TOTAL FEES =====>				$64,436

Carver-Bangs Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	LAND PURCHASE	29.61% OF TOTAL COST OF $1,030,239 =			$305,054
2.	ADMINISTRATION	LUMP SUM	LS	$2,125.00	$2,125
		TOTAL LAND ACQUISITION ==========>			$307,179
		GRAND TOTAL ==========>			$1,494,750

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCE WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ==========>	509.26

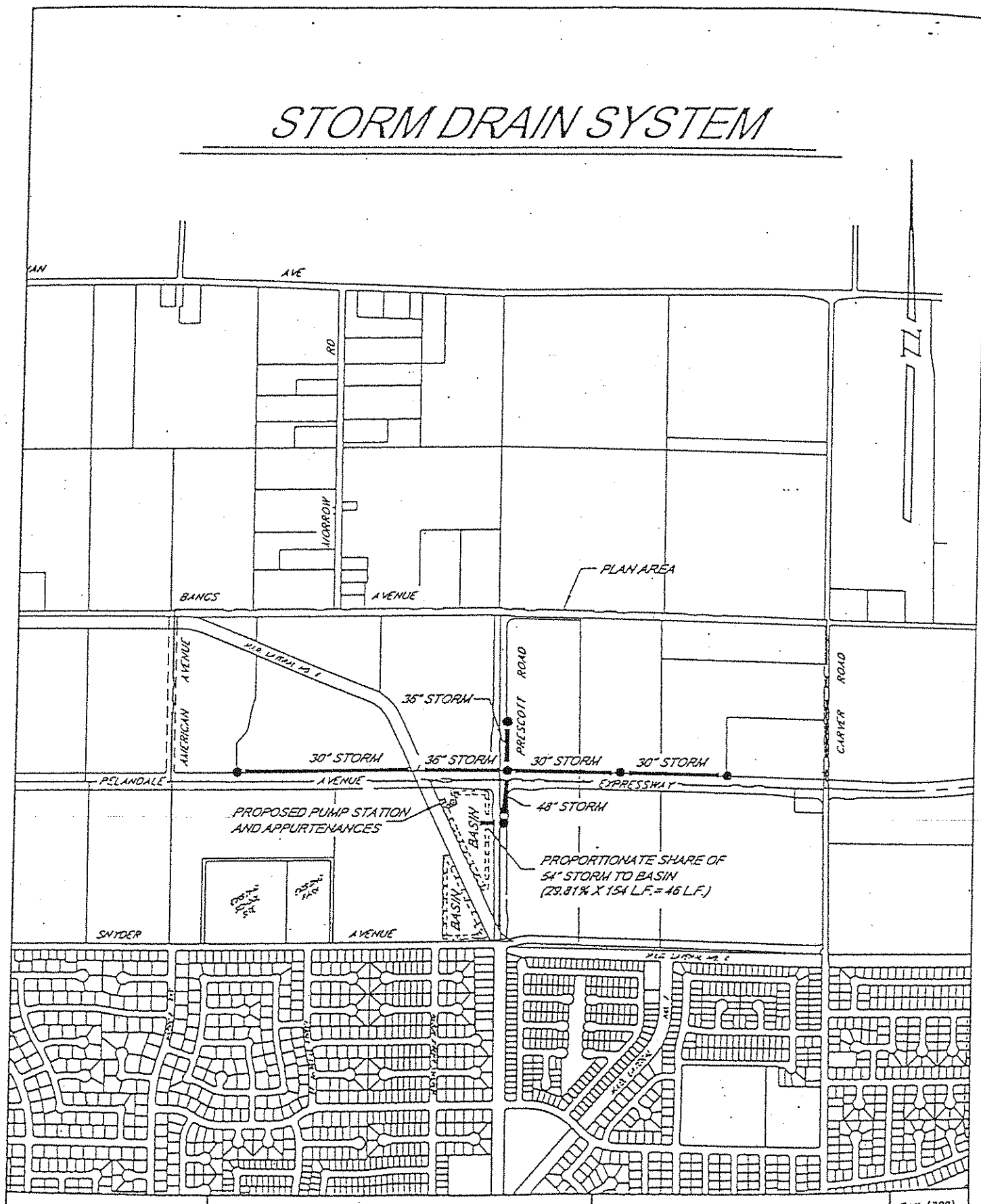
   B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 =	29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOW DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

STORM DRAIN SYSTEM



Drawn J.FREITAS	FIGURE 1	FAX (209) 526-0803
Date 4-29-98	CARVER BANGS	SHEET 1
Scale		

mid valley engineering

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (20' CFD PORTION)				
1.	CLEARING AND GRADING	24,675	SF	$0.60	$14,805
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	24,675	SF	$2.00	$49,350
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	200	LF	$30.00	$6,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	24,675	SF	$0.02	$494
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COST)	1	EST	$3,207.75	$3,208
				CONSTRUCTION TOTAL =====>	$81,856
				15% CONTINGENCY =====>	$12,278
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$94,135
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$5,648.08	$5,648
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$2,824.04	$2,824
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$3,765.39	$3,765
				TOTAL FEES =====>	$12,238
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.57	AC	$65,000.00	$37,050
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$39,050
				GRAND TOTAL =====>	$145,422

NOTES:

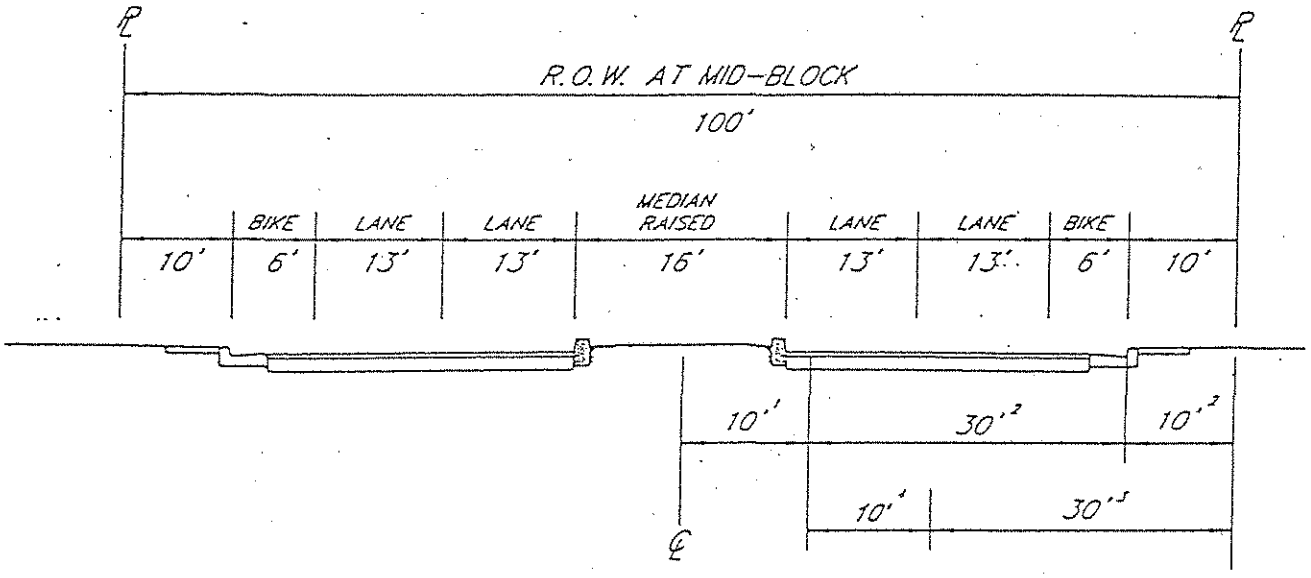
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

PRESCOTT ROAD SECTION

(MID-BLOCK)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.FREITAS	FIGURE 2	FAX (209) 526-0803
Date 4-29-98	CARVER BANGS	SHEET 1
Scale		

mid valley engineering

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	2,535	SF	$0.35	$887
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	2,535	SF	$1.75	$4,436
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	LUMP SUM	LS	$100.00	$100
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	LUMP SUM	LS	$300.00	$300
				CONSTRUCTION TOTAL =====>	$14,724
				15% CONTINGENCY =====>	$2,209
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$16,932
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$1,015.92	$1,016
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$507.96	$508
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$677.28	$677
				TOTAL FEES =====>	$2,201
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.06	AC	$65,000.00	$3,900
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,000.00	$1,000
				TOTAL LAND ACQUISITION =====>	$4,900
				GRAND TOTAL =====>	$24,033

NOTES:

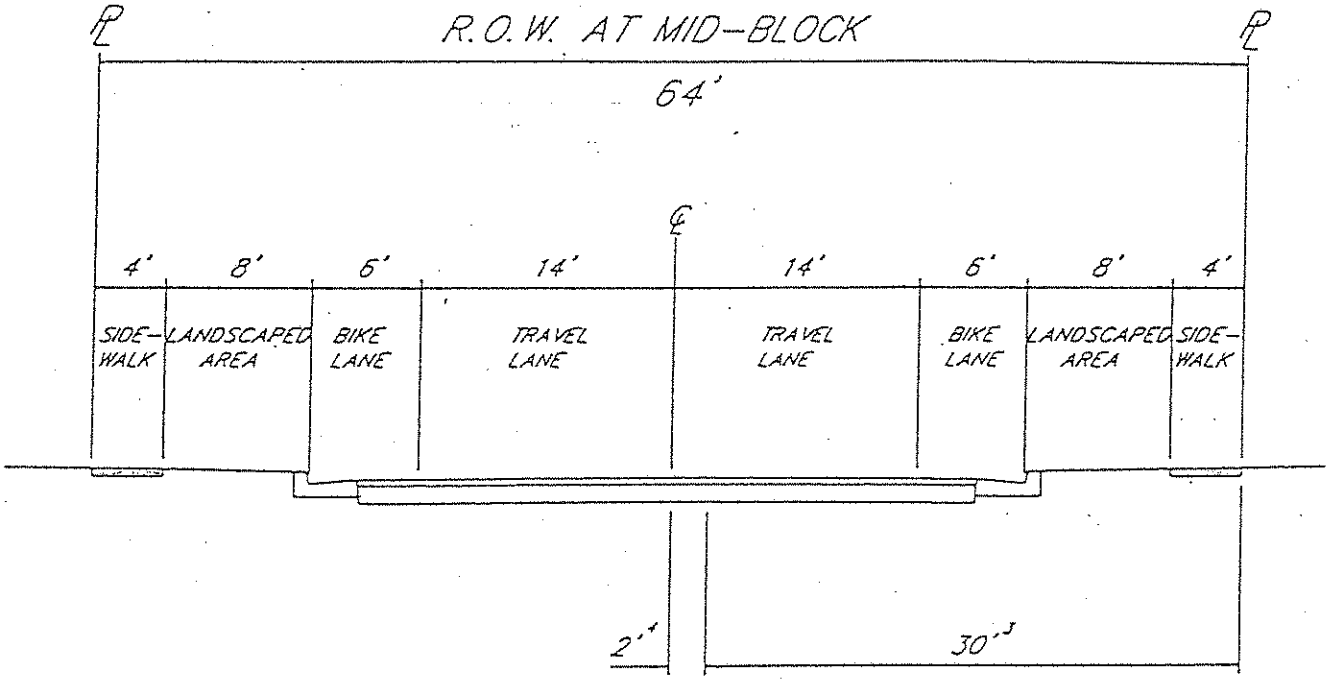
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

AMERICAN AVENUE SECTION

(MID-BLOCK-LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 3	eagle valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER RANCS		SHEET 1
Scale			

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	48,150	SF	$0.35	$16,853
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	48,150	SF	$1.75	$84,263
3.	STORM DRAINAGE				
a.	CATCH BASINS	7	EA	$1,000.00	$7,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	350	LF	$30.00	$10,500
c.	MANHOLES	7	EA	$2,000.00	$14,000
4.	PRIME COAT	48,150	SF	$0.02	$963
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$5,055.75	$5,056
				CONSTRUCTION TOTAL =====>	$138,634
				15% CONTINGENCY =====>	$20,795
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$159,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,565.73	$9,566
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,782.86	$4,783
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,377.15	$6,377
				TOTAL FEES =====>	$20,726
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.11	AC	$65,000.00	$72,150
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$74,150
				GRAND TOTAL =====>	$254,305

NOTES:

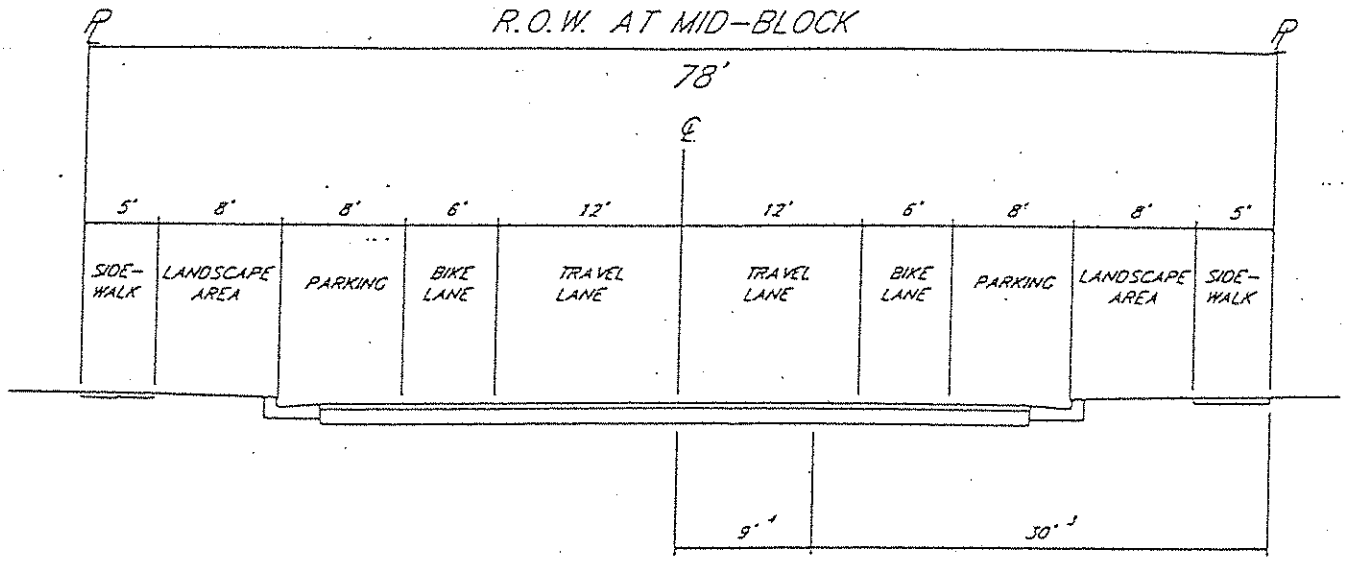
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

BANGS AVENUE SECTION

(MID-BLOCK LOOKING EAST)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 4	mid-valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS		SHEET 1
Scale			

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (6' CFD PORTION)				
1.	CLEARING AND GRADING	9,900	SF	$0.35	$3,465
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	9,900	SF	$1.75	$17,325
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	9,900	SF	$0.02	$198
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$1,039.50	$1,040
				CONSTRUCTION TOTAL =====>	$31,028
				15% CONTINGENCY =====>	$4,654
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$35,682
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,140.90	$2,141
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,070.45	$1,070
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,427.27	$1,427
				TOTAL FEES =====>	$4,639
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.23	AC	$65,000.00	$14,950
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$16,950
				GRAND TOTAL =====>	$57,270

NOTES:

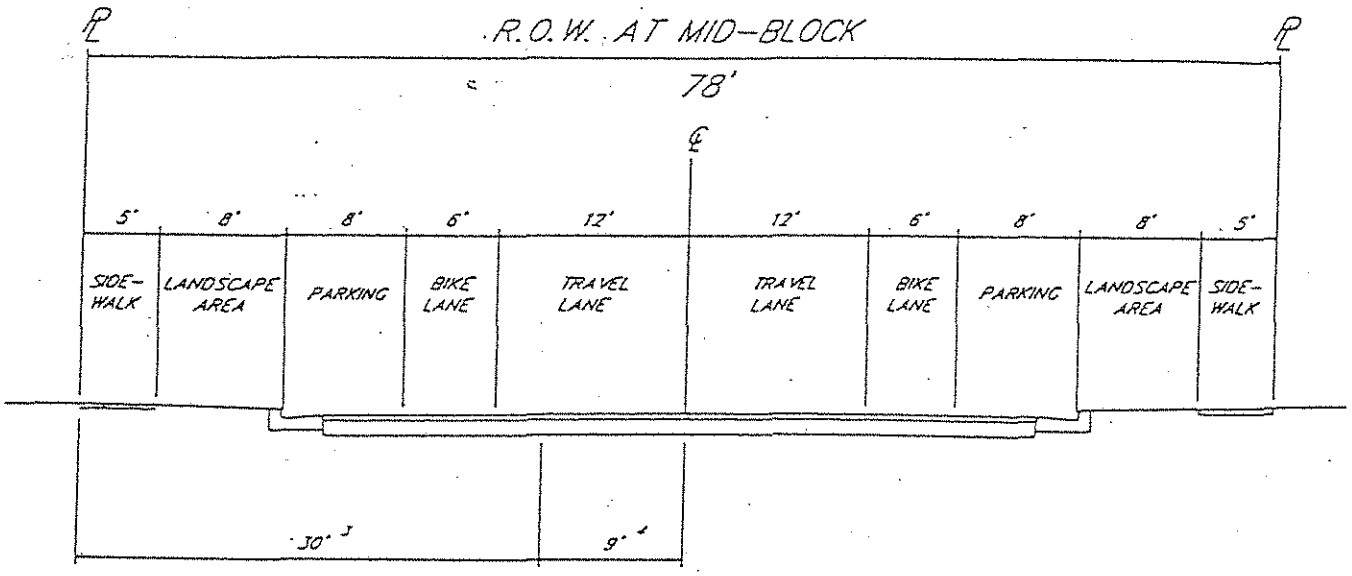
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER ROAD SECTION

(MID-BLOCK LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn J.R.M.	FIGURE 5	Antelope Valley engineering	FAX (209) 526-0803
Date 7-28-98	CARVER BANGS		SHEET 1
Scale			

23-Oct-98
JOB 71159

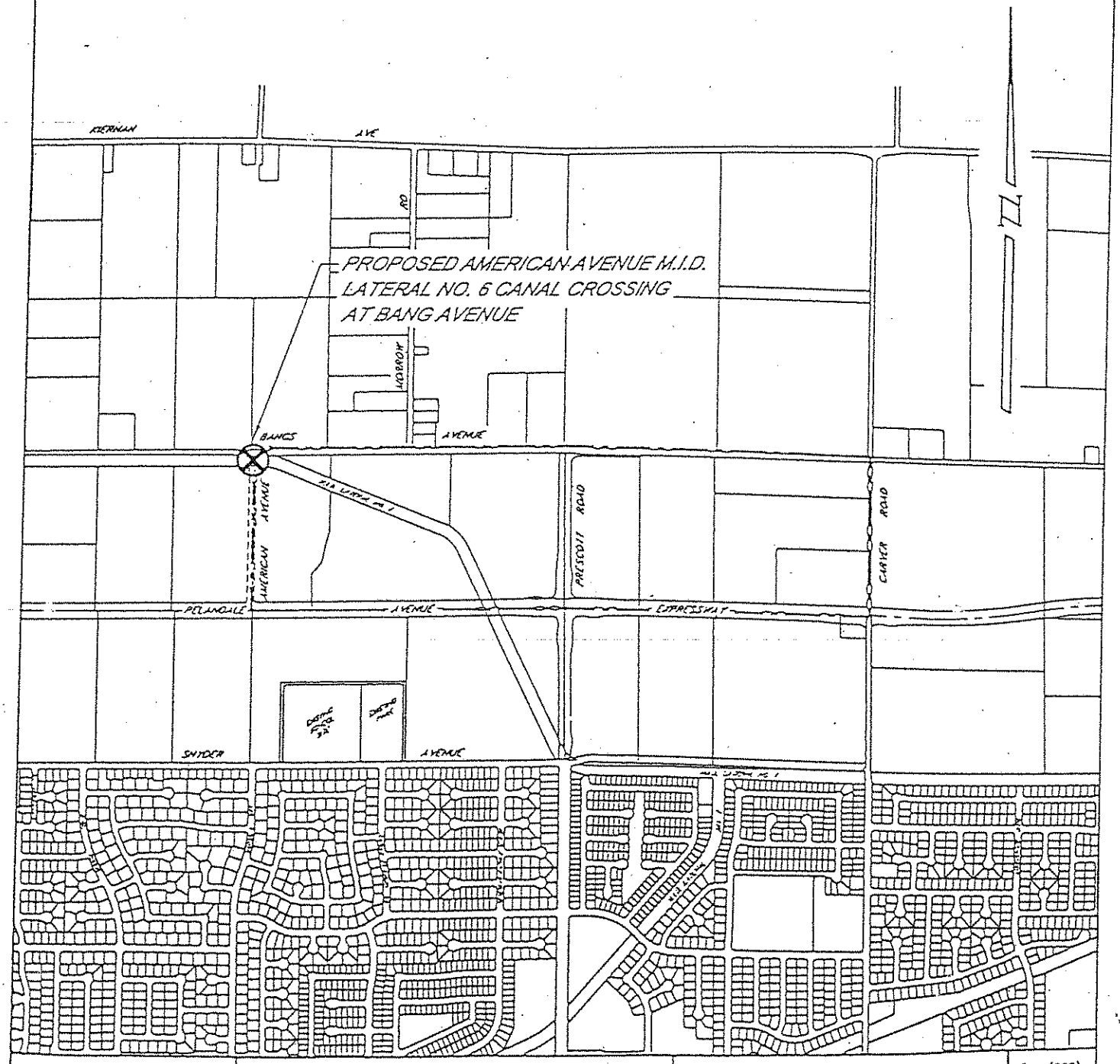
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	LUMP SUM	LS	$15,000.00	$15,000
2.	EARTHWORK	LUMP SUM	LS	$23,750.00	$23,750
3.	CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT	LUMP SUM	LS	$125,000.00	$125,000
4.	INLET STRUCTURE	1	EA	$21,200.00	$21,200
5.	OUTLET STRUCTURE	1	EA	$21,200.00	$21,200
6.	FENCING	LUMP SUM	LS	$4,370.00	$4,370
7.	UTILITY RELOCATION	1	EST	$10,000.00	$10,000
				CONSTRUCTION TOTAL =====>	$220,520
				15% CONTINGENCY =====>	$33,078
				TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =====>	$253,598
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,215.88	$15,216
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,607.94	$7,608
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,143.92	$10,144
4.	GEOTECHNICAL	1	EST	$5,000.00	$5,000
5.	MID PERMITTING	1	EST	$3,500.00	$3,500
				TOTAL FEES =====>	$41,468
				GRAND TOTAL =====>	$295,066

NOTES:

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.

M.I.D. LATERAL NO. 6
AMERICAN AVENUE CANAL CROSSING



Drawn J.FREITAS	FIGURE 6	FAX (209) 526-0803
Date 4-29-98	CARVER BANGS	SHEET 1
Scale		

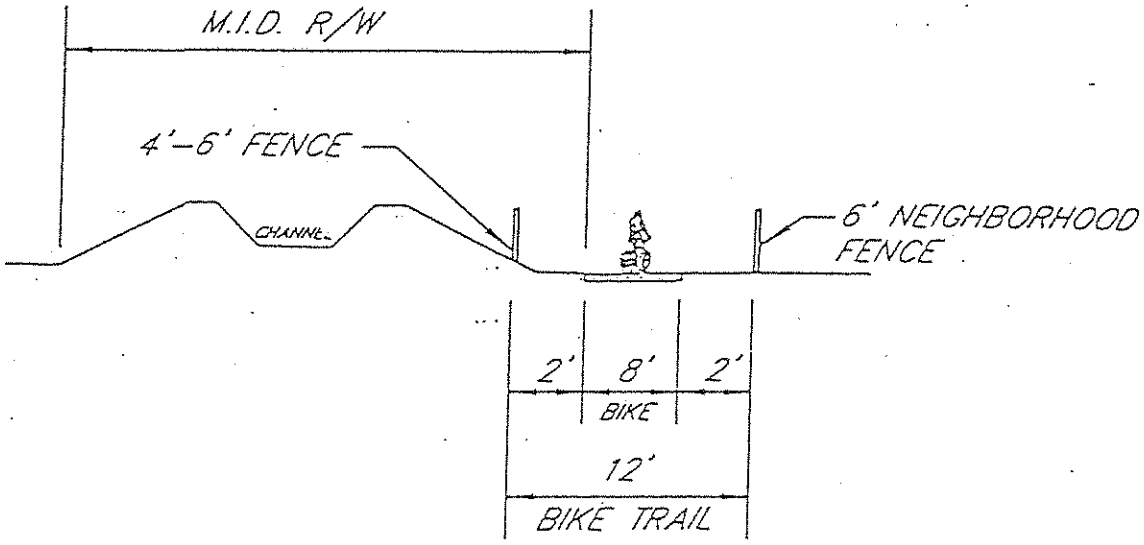
mid valley engineering

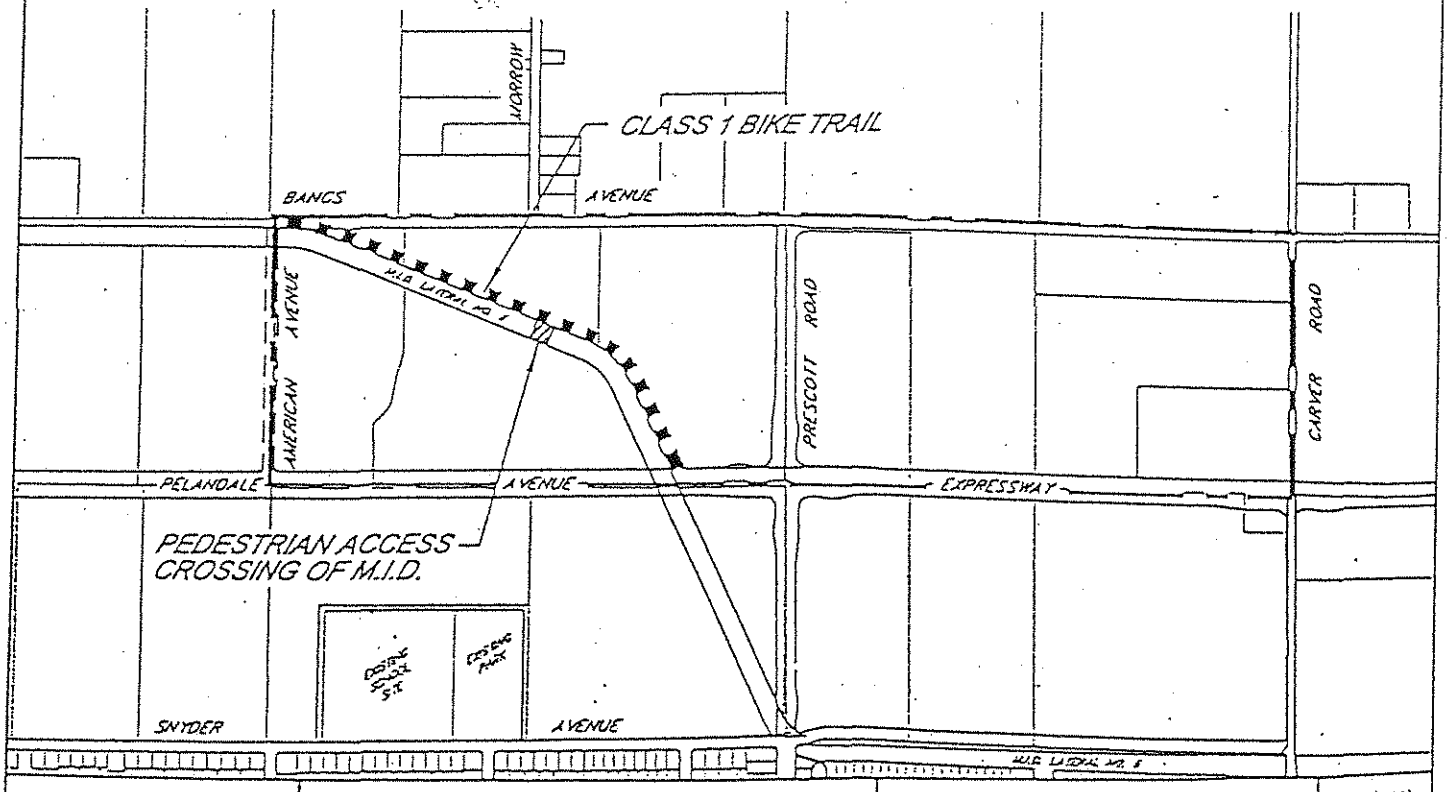
23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DESIGN PARAMETERS				
1.	INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN				
2.	TOTAL LENGTH 2180 L.F. OR 0.413 MILES				
3.	THE CITY'S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:				
	Existing CFF Portion 0.413 Miles x $105,600 =	$43,613			
II.	CLASS I BIKE TRAIL				
A.	CONSTRUCTION				
1.	8' BIKE PATH	17,440	SF	$2.00	$34,880
2.	2' GRAVEL SHOULDER EACH SIDE (2" DECOMPOSED GRANITE)	8,720	SF	$0.30	$2,616
3.	4-6' FENCE	2,180	LF	$16.00	$34,880
4.	PEDESTRIAN ACCESS CROSSING	LUMP SUM	LS	$50,000.00	$50,000
				CONSTRUCTION TOTAL =====>	$122,376
				10% CONTINGENCY =====>	$12,238
				TOTAL BIKE PATH =====>	$134,614
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$8,076.82	$8,077
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,038.41	$4,038
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,384.54	$5,385
				TOTAL FEES =====>	$17,500
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)	0.50	AC	$65,000.00	$32,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,500.00	$1,500
				TOTAL LAND ACQUISITION =====>	$34,000
				GRAND TOTAL =====>	$186,113
				CFF PORTION =====>	$43,613
				TOTAL CARVER BANGS CFD PORTION =====>	$142,500

CLASS 1 BIKE PATH / PEDESTRIAN ACCESS CROSSING OF M.I.D. NO.6





Drawn	J.R.M.
Date	7-28-98
Scale	

FIGURE 7

CARVER BANGS

mid-valley engineering

FAX (209) 526-0803

PELANDALE-SNYDER
(TAX AREA B)

DETAILED FACILITY COST ESTIMATES

23-Oct-98
JOB 71159

PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

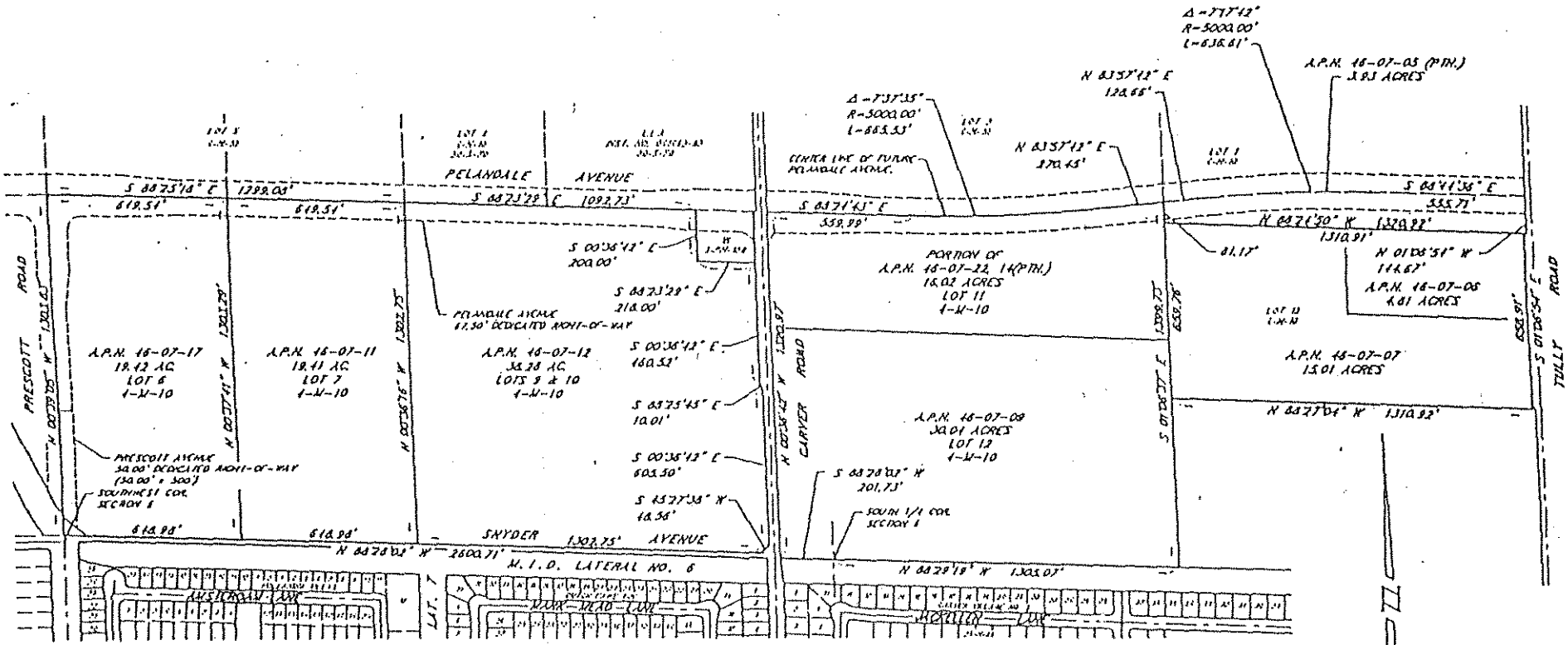
A.	STORM DRAINAGE	$4,389,042 ~~$4,000,232~~
B.	DALE ROAD	$531,075
C.	PRESCOTT ROAD	$628,297
D.	TULLY ROAD	$1,011,016
E.	SNYDER AVENUE	$504,283 ~~$52,743~~
F.	CLASS I BIKE TRAIL	$752,675
G.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS =====>	~~$7,043,538~~ $7,883,888

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



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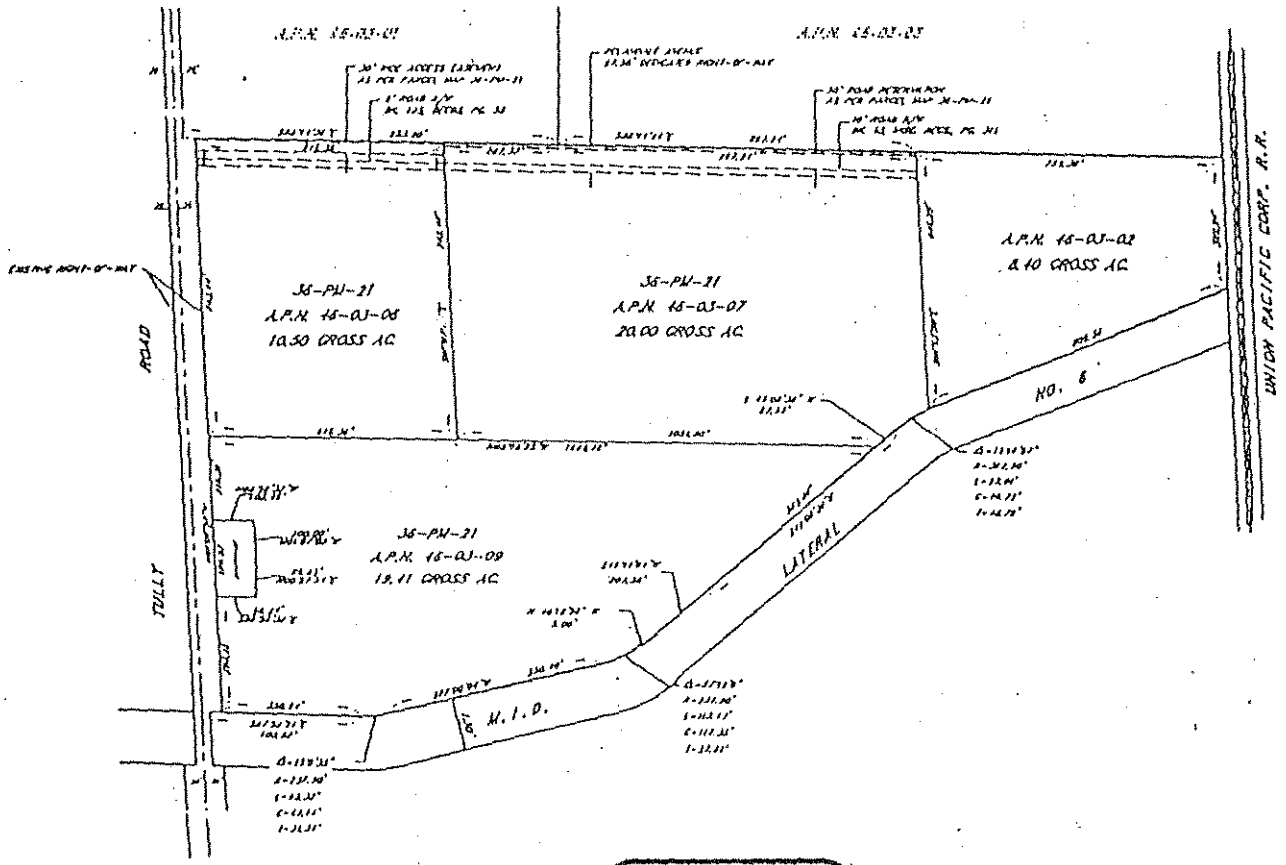
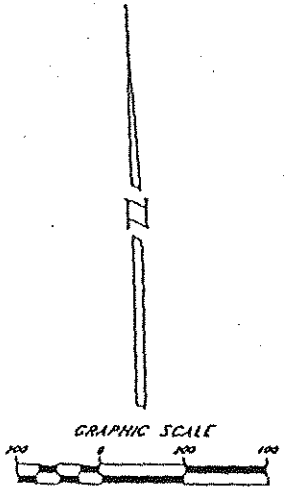
PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA

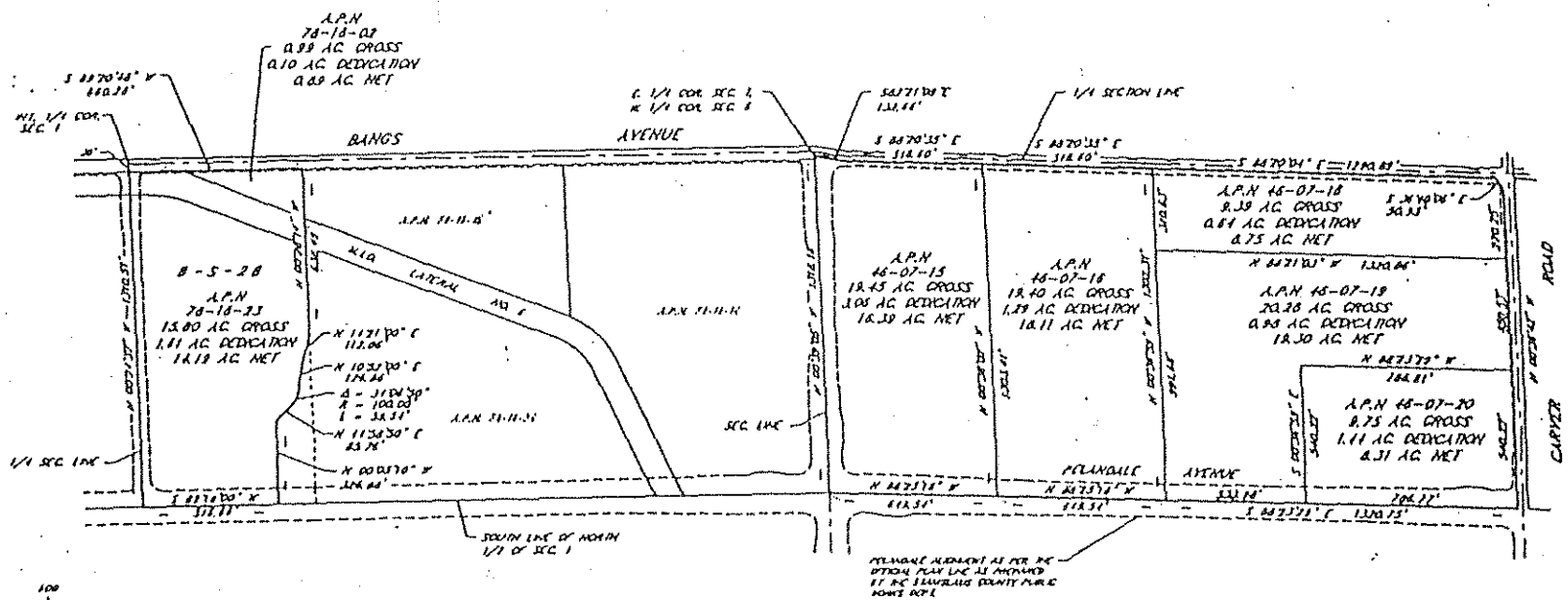




mid-valley engineering

LAND PLANNING · ENGINEERING · SURVEYING

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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LAND PLANNING · ENGINEERING · SURVEYING

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	STORM DRAIN TRUNK LINES				
A.	CONSTRUCTION				
1.	36" STORM	400	LF	$121.00	$48,400
2.	42" STORM	1,874	LF	$155.00	$290,470
3.	48" STORM	3,661	LF	$161.00	$589,421
4.	54" STORM	5,242	LF	$182.00	$954,044
5.	PROPORTIONATE SHARE 54" TO BASIN	108	LF	$182.00	$19,656
6.	MANHOLES	29	EA	$5,750.00	$166,750
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$2,068,741
	10% CONTINGENCY =====>				$206,874
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$2,275,615
II.	STORM DRAINAGE BASIN FACILITIES				
B.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	100,372	CY	$6.00	$602,232
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$389,555.00	$389,555
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$21,057.00	$21,057
4.	FENCING	2,890	LF	$16.00	$46,240
5.	LANDSCAPING	13,170	SF	$2.80	$36,876
6.	INLETS	LUMP SUM	LS	$7,019.00	$7,019
6.	CLEARING / DISCING / STRIPPING	LUMP SUM	LS	$7,019.00	$7,019
	SUB-TOTAL				$1,109,998
	10% CONTINGENCY =====>				$111,000

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	FEES				
1.	ENGINEERING	1	EST	$70,192.00	$70,192
2.	STAKING	1	EST	$34,746.00	$34,746
3.	CONSTRUCTION MANAGEMENT	1	EST	$46,796.00	$46,796
4.	GEOTECHNICAL	1	EST	$12,635.00	$12,635
				TOTAL FEES ====>	$164,369
D.	LAND ACQUISITION				
1.	LAND PURCHASE	70.39% OF TOTAL COST OF $1,030,239 =			$725,185
2.	ADMINISTRATION	LUMP SUM	LS	$2,875.00	$2,875
				TOTAL LAND ACQUISITION ====>	$728,060
				PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL ====>	$4,389,042

NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRE THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ====>	509.26

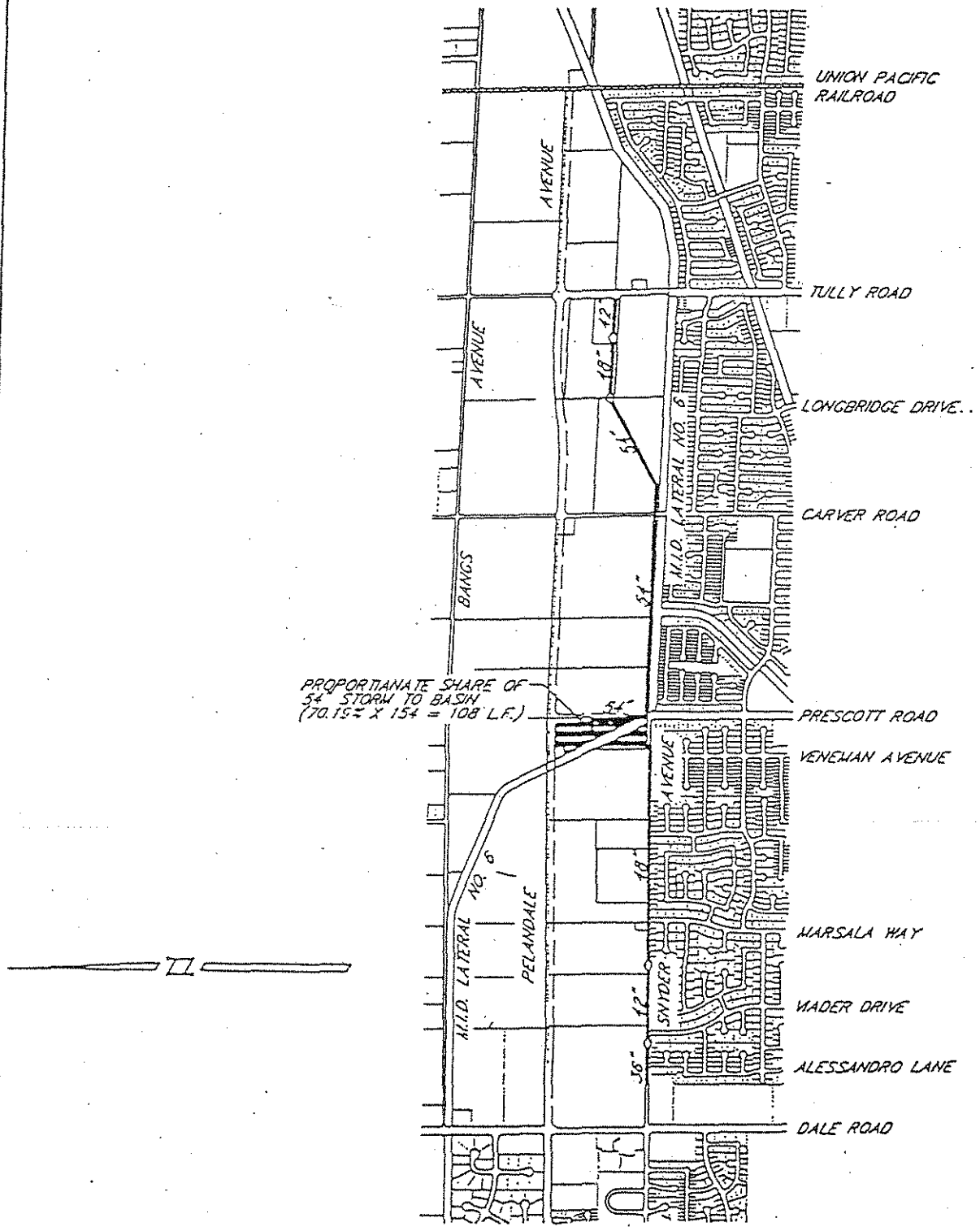
   B. PELANDALE / SNYDER PROPORTIONATE SHARE

357.46 / 509.26 =	70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER A CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE D DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AR GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

BACKBONE STORM DRAIN SYSTEM



Drawn J.R.M.	FIGURE 1	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98			SHEET 1
Scale			
Job No. 70-777	PELANDALE SNYDER		

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DALE ROAD CENTER 20 FEET				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	26,400	SF	$1.50	$39,600
2.	MEDIAN CURB	2,690	LF	$15.00	$40,350
3.	MEDIAN COVER	17,520	SF	$3.50	$61,320
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)	5,280	SF	$2.00	$10,560
5.	STRIPING	LUMP SUM	LS	$5,000.00	$5,000
				CONSTRUCTION TOTAL =====>	$156,830
				10% CONTINGENCY =====>	$15,683
				TOTAL DALE ROAD CONSTRUCTION =====>	$172,513
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$10,350.78	$10,351
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$5,175.39	$5,175
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,900.52	$6,901
				TOTAL FEES =====>	$22,427
				DALE ROAD CENTER 20 FEET GRAND TOTAL =====>	$194,940

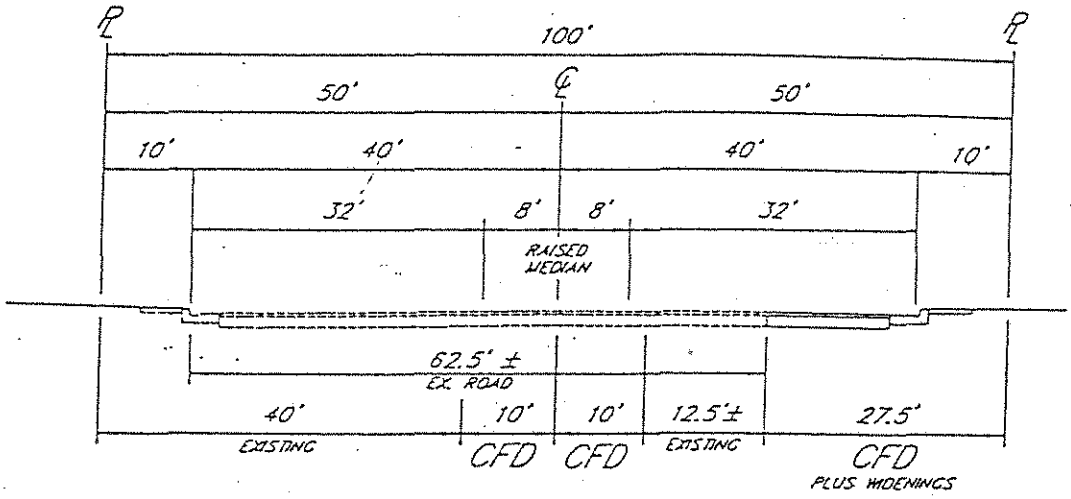
Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	30,492	SF	$0.60	$18,295
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	22,104	SF	$2.00	$44,208
3.	STORM DRAINAGE				
a.	12" STORM DRAIN	800	LF	$30.00	$24,000
b.	15" STORM DRAIN	420	LF	$37.00	$15,540
c.	CATCH BASINS	2	EA	$1,000.00	$2,000
d.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
e.	MANHOLES	2	EA	$2,000.00	$4,000
4.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,300	SF	$3.00	$36,900
5.	6" VERTICAL CURB AND GUTTER	1,230	LF	$9.00	$11,070
6.	RETURN AT PELANDALE AVENUE	1	EA	$1,000.00	$1,000
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,760	SF	$2.80	$41,328
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$3,125.16	$3,125
10.	TRAFFIC CONTROL	LUMP SUM	LS	$4,500.00	$4,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,230	LF	$10.00	$12,300
12.	PRIMECOAT	22,104	SF	$0.02	$442
				CONSTRUCTION TOTAL =====>	$232,208
				10% CONTINGENCY =====>	$23,221
				TOTAL DALE ROAD CONSTRUCTION =====>	$255,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,325.76	$15,326
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,662.88	$7,663
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,217.17	$10,217
				TOTAL FEES =====>	$33,206
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.70	AC	$65,000.00	$45,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$47,500
				DALE ROAD FRONTAGE GRAND TOTAL =====>	$336,135
				DALE ROAD GRAND TOTAL =====>	$531,075

NOTE:

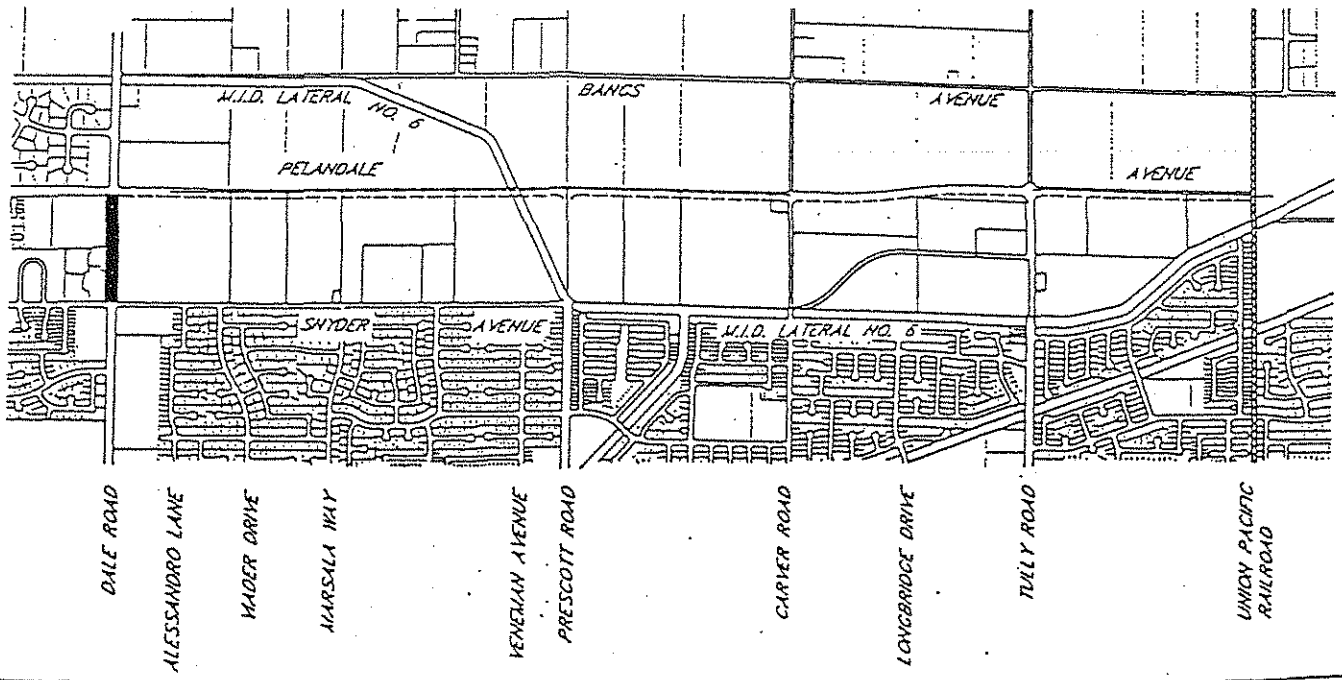
1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC.

DALE ROAD



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

SNYDER AVENUE TO PELANDALE AVENUE



Drawn J.R.M.	FIGURE 2	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER		SHEET 1
Scale			
Job No. 70-332			

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	18,525	SF	$2.00	$37,050
3.	2" A.C. OVERLAY (EXISTING INTERIM PRESCOTT)	17,100	SF	$0.60	$10,260
4.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
5.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
6.	10' SIDEWALK	12,000	SF	$3.00	$36,000
7.	RETURNS	2	EA	$1,000.00	$2,000
8.	ELECTROLIERS	4	EA	$3,500.00	$14,000
9.	PRIMECOAT	18,525	SF	$0.02	$371
				CONSTRUCTION TOTAL =====>	$139,999
				10% CONTINGENCY =====>	$14,000
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$153,998
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,239.90	$9,240
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,619.95	$4,620
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,159.93	$6,160
				TOTAL FEES =====>	$20,020
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.20	AC	$65,000.00	$78,000
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$80,000
				PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL =====>	$254,018

Pelandale-Snyder Specific Plan Area
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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	41,400	SF	$2.00	$82,800
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
4.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
5.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,000	SF	$3.00	$36,000
6.	RETURNS	4	EA	$800.00	$3,200
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,400	SF	$2.80	$40,320
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,265.90	$5,266
10.	TRAFFIC CONTROL	LUMP SUM	LS	$2,500.00	$2,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,200	LF	$10.00	$12,000
12.	PRIMECOAT	41,400	SF	$0.02	$828
				CONSTRUCTION TOTAL =====>	$233,732
				10% CONTINGENCY =====>	$23,373
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$257,105
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,426.31	$15,426
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,713.15	$7,713
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,284.20	$10,284
				TOTAL FEES =====>	$33,424
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.25	AC	$65,000.00	$81,250
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$83,750
				PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL =====>	$374,279
				PRESCOTT ROAD GRAND TOTAL =====>	$628,297

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NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

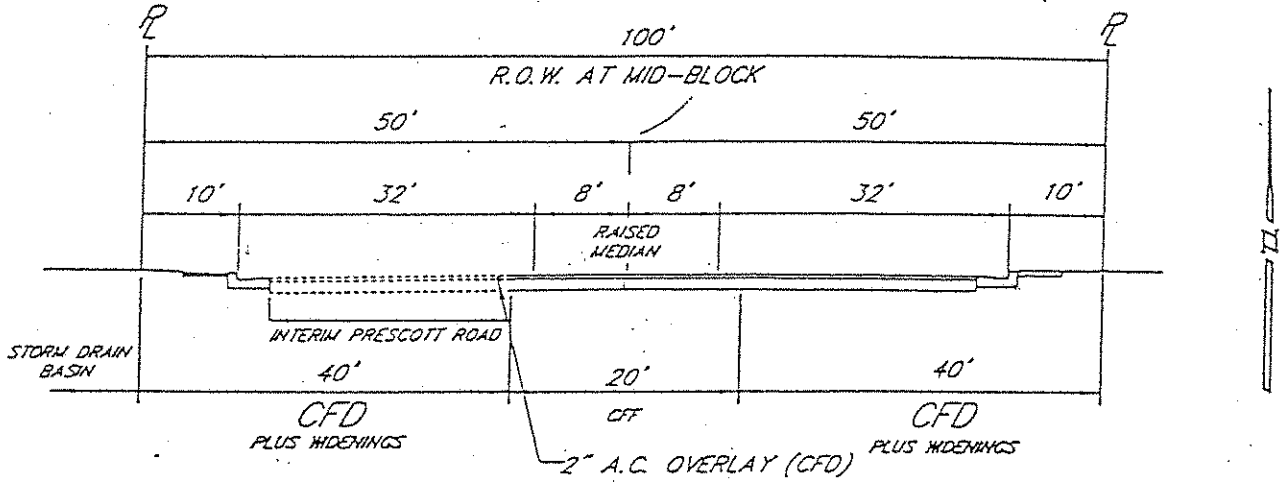
2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

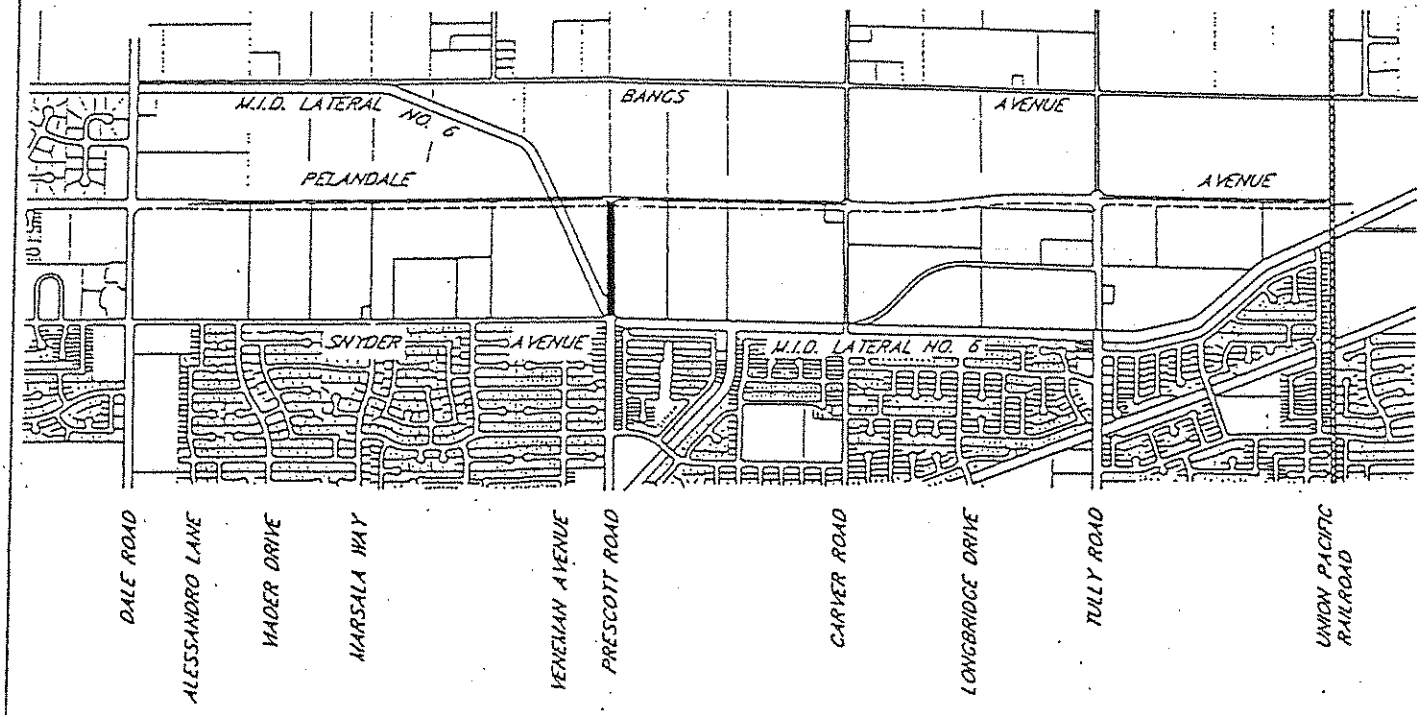
4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PRESCOTT ROAD



SNYDER AVENUE TO PELANDALE AVENUE



Drawn J.R.M.	FIGURE 3	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER		SHEET 1
Scale			
Job No. 72-133			

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	87,245	SF	$0.60	$52,347
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	81,410	SF	$2.00	$162,820
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" STORM DRAIN	600	LF	$30.00	$18,000
c.	12" CATCH BASIN RUNS	200	LF	$30.00	$6,000
d.	MANHOLES	3	EA	$2,000.00	$6,000
4.	6" VERTICAL CURB AND GUTTER	2,432	LF	$9.00	$21,888
5.	10' SIDEWALK	24,320	SF	$3.00	$72,960
6.	REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD	717	LF	$20.00	$14,340
7.	CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)	LUMP SUM	LS	$20,000.00	$20,000
8.	ELECTROLIERS	9	EA	$3,500.00	$31,500
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$10,758.35	$10,758
10.	TRAFFIC CONTROL	LUMP SUM	LS	$7,000.00	$7,000
11.	TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)	1,400	LF	$10.00	$14,000
12.	RELOCATE OVERHEAD POWER LINES	4	EA	$7,000.00	$28,000
13.	LANDSCAPING (12' WIDE STRIP BOTH SIDES)	36,996	SF	$2.80	$103,589
14.	PRIMECOAT	81,410	SF	$0.02	$1,628
				CONSTRUCTION TOTAL =====>	$574,830
				15% CONTINGENCY =====>	$86,225
				TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE =====>	$661,055

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$39,663.29	$39,663
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$19,831.65	$19,832
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$26,442.20	$26,442
				TOTAL FEES =====>	$85,937
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.776	AC	$65,000.00	$50,440
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$52,440
				TOTAL TULLY ROAD FRONTAGE =====>	$799,432
II.	TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	27,360	SF	$1.50	$41,040
2.	MEDIAN CURB	3,090	LF	$15.00	$46,350
3.	MEDIAN LANDSCAPING	23,120	SF	$3.50	$80,920
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50)	27,360	SF	$2.00	$54,720
5.	STRIPING	LUMP SUM	LS	$6,000.00	$6,000
				CONSTRUCTION TOTAL =====>	$229,030
				10% CONTINGENCY =====>	$22,903
				TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET =====>	$251,933
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,115.98	$15,116
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,557.99	$7,558
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,077.32	$10,077
				TOTAL FEES =====>	$32,751
				TOTAL TULLY ROAD CENTER 34 FEET =====>	$284,684
				TOTAL AMOUNT FUNDED BY CFF =====>	$220,000
				TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD =====>	$64,684
III.	TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE				
A.	CONSTRUCTION				
1.	TRAFFIC SIGNAL	LUMP SUM	LS	$130,000.00	$130,000

Pelandale-Snyder Specific Plan Area
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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$7,800.00	$7,800
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$3,900.00	$3,900
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,200.00	$5,200
				TOTAL FEES =====>	$16,900
				TOTAL TRAFFIC SIGNAL TULLY AND SNYDER =====>	$146,900
				TULLY ROAD GRAND TOTAL =====>	$1,011,016

NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

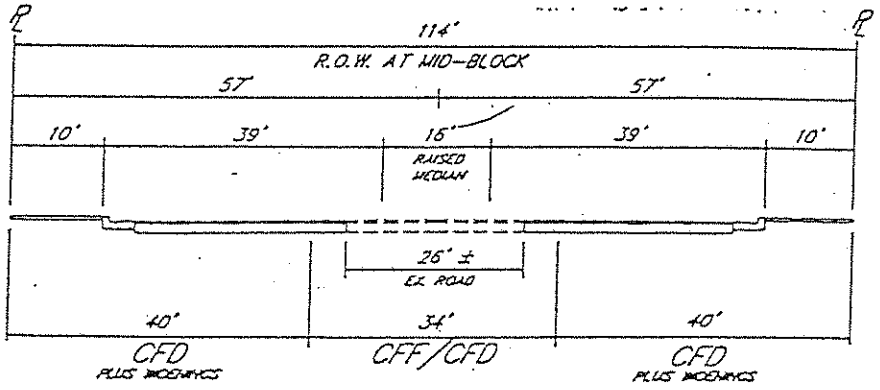
3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

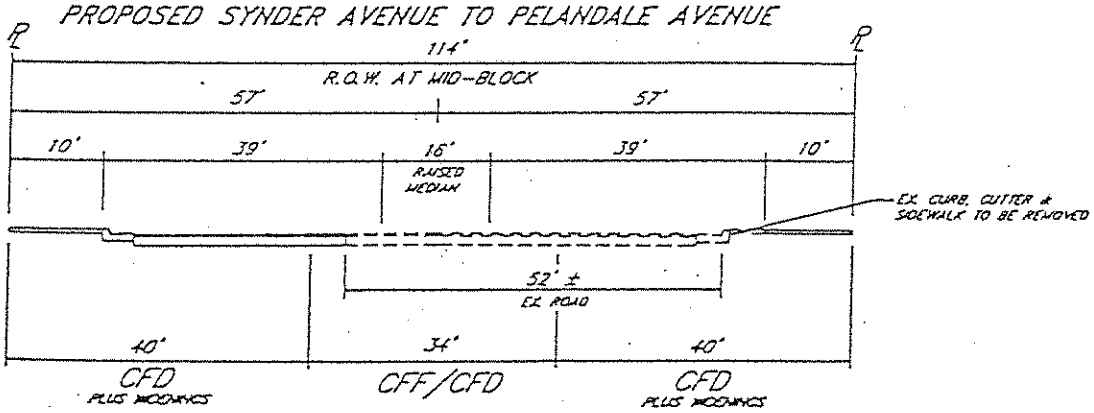
6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

TULLY ROAD



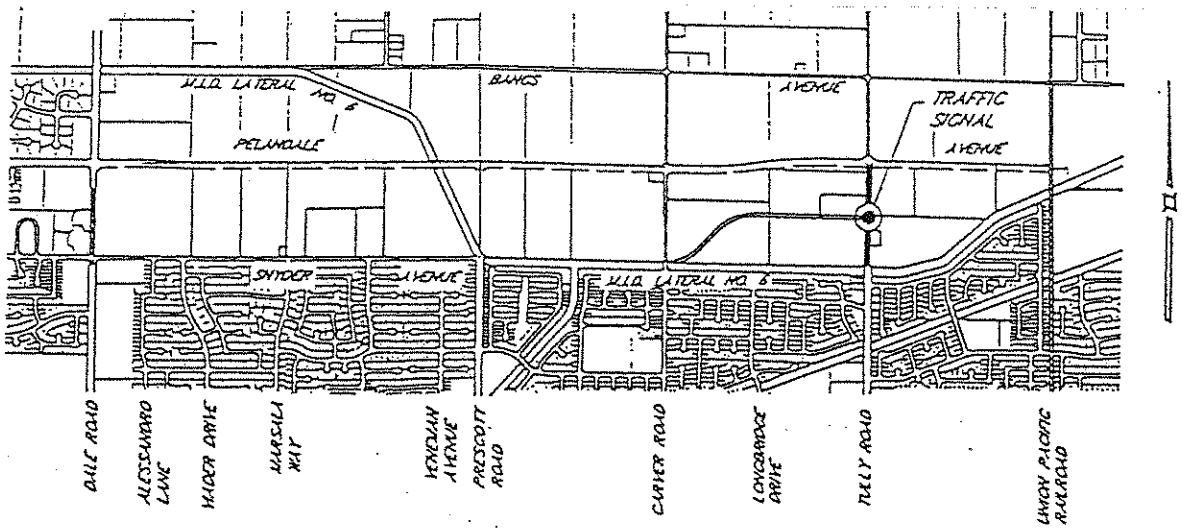
NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

PROPOSED SYNDER AVENUE TO PELANDALE AVENUE



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

M.I.D. LATERAL NO. 6 TO PROPOSED SYNDER AVENUE



Drawn J.R.M.	FIGURE 4	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER	SHEET 1
Scale		
Job No 70-332		

mid-valley engineering

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
SNYDER AVENUE
NORTH SIDE ADJACENT TO STORM DRAIN BASIN,
WEST OF PRESCOTT ROAD (352'), SOUTH SIDE
ADJACENT TO BIKE TRAIL FROM
PRESCOTT ROAD TO CARVER ROAD (2,639' C.L. TO C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	4,960	SF	$0.35	$1,736
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B., T.I. = 8 R.V. = 46)	4,085	SF	$2.00	$8,170
3.	6" VERTICAL CURB AND GUTTER	352	LF	$9.00	$3,168
4.	5' SIDEWALK	1,760	SF	$3.00	$5,280
5.	STORM DRAINAGE				
a.	12" STORM DRAIN	265	LF	$30.00	$7,950
b.	CATCH BASIN	1	EA	$1,000.00	$1,000
c.	STORM MANHOLE	1	EA	$2,500.00	$2,500
6.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$495.30	$495
7.	TRAFFIC CONTROL	LUMP SUM	LS	$1,000.00	$1,000
8.	IRRIGATION REMOVAL	316	LF	$10.00	$3,160
				CONSTRUCTION TOTAL =====>	$34,459
				10% CONTINGENCY =====>	$3,446
				TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION =====>	$37,905
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,274.31	$2,274
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,137.16	$1,137
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,516.21	$1,516
				TOTAL FEES =====>	$4,928
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.11	AC	$65,000.00	$7,410
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$9,910
				SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL =====>	$52,743

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	51,575	SF	$0.35	$18,051
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B.; T.I. = 8, R.V. = 48)	47,020	SF	$2.00	$94,040
3.	PAVEMENT REMOVAL	59,730	SF	$1.50	$89,595
4.	6" VERTICAL CURB AND GUTTER	2,538	LF	$9.00	$22,842
5.	STORM DRAINAGE				
a.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	250	LF	$30.00	$7,500
b.	CATCH BASINS	5	EA	$1,000.00	$5,000
c.	STORM MANHOLE	5	EA	$2,500.00	$12,500
6.	ELECTROLIERS (660' INTERVALS)	4	EA	$3,500.00	$14,000
7.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,604.56	$5,605
8.	TRAFFIC CONTROL	LUMP SUM	LS	$5,000.00	$5,000
9.	ABANDON EXISTING PUMP STATION NO. 47	LUMP SUM	LS	$4,500.00	$4,500
				CONSTRUCTION TOTAL =====>	$278,633
				10% CONTINGENCY =====>	$27,863
				TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION =====>	$306,496
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$18,389.77	$18,390
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$9,194.88	$9,195
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$12,259.84	$12,260
				TOTAL FEES =====>	$39,844
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.58	AC	$65,000.00	$102,700
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$105,200
				SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL =====>	$451,541
				SNYDER AVENUE GRAND TOTAL =====>	$504,283

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NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

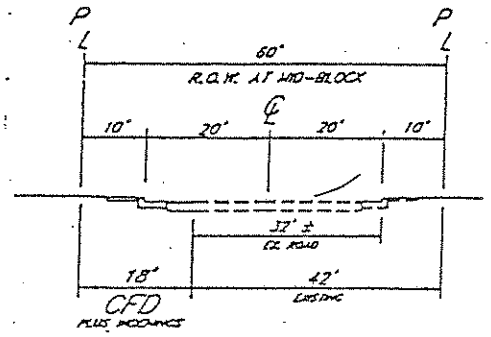
5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

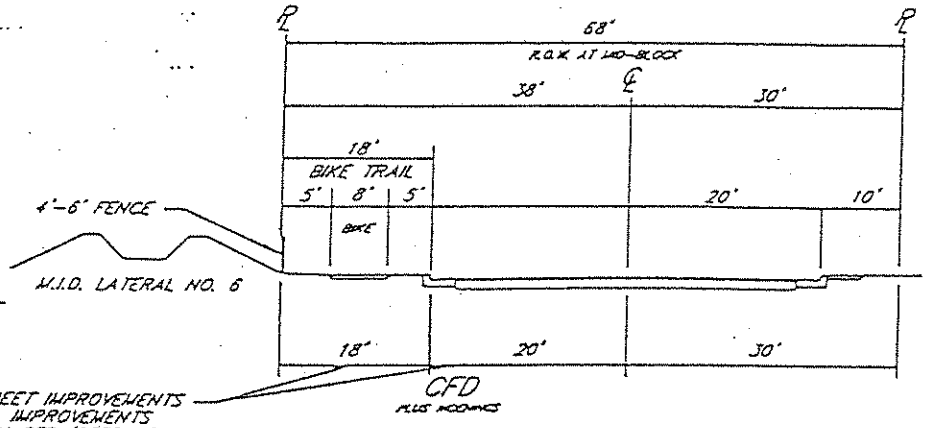
8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

SNYDER AVENUE



SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN (SEC. A)

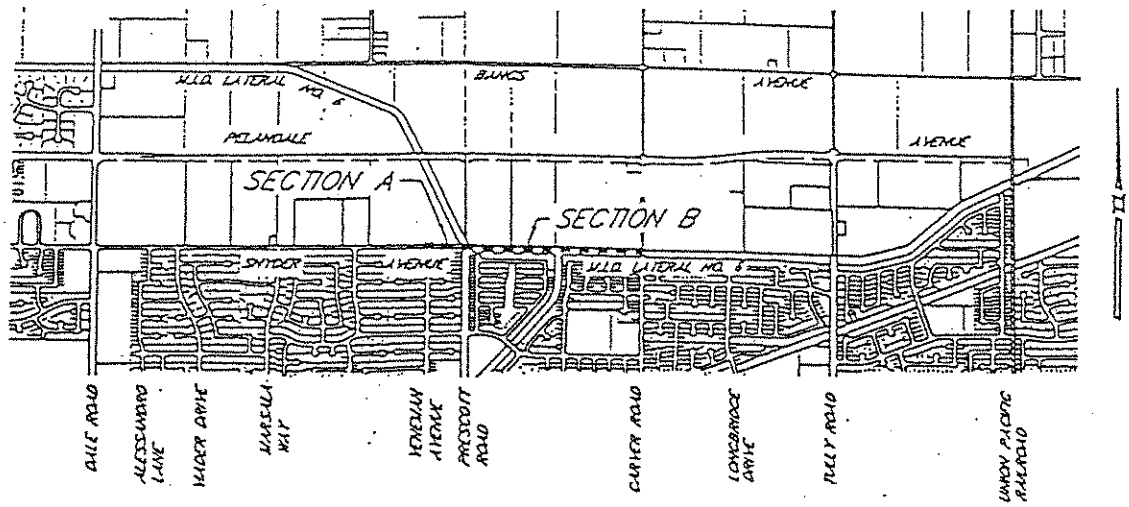
NOTES: 1) MATCH EXISTING PAVEMENT PER CITY STANDARDS



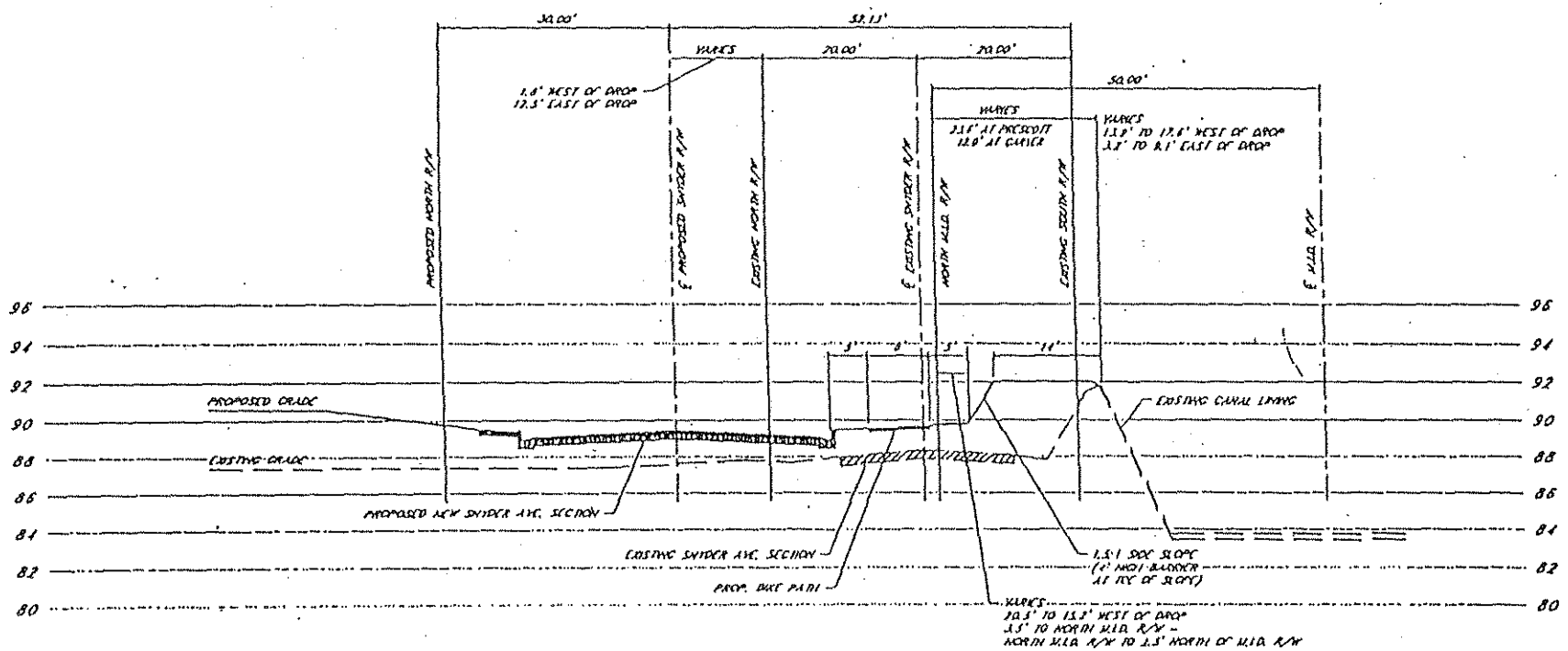
CARVER ROAD TO PRESCOTT ROAD (SEC. B)

NOTES:

1. REFER TO FIGURE 5A FOR A DETAILED CROSS SECTION OF THE PROPOSED NEW SNYDER ALIGNMENT
2. REFER TO FIGURE 5B FOR RIGHT-OF-WAY TAKE SUMMARY
3. REFER TO FIGURE 5C FOR PRESCOTT SNYDER INTERSECTION DETAIL



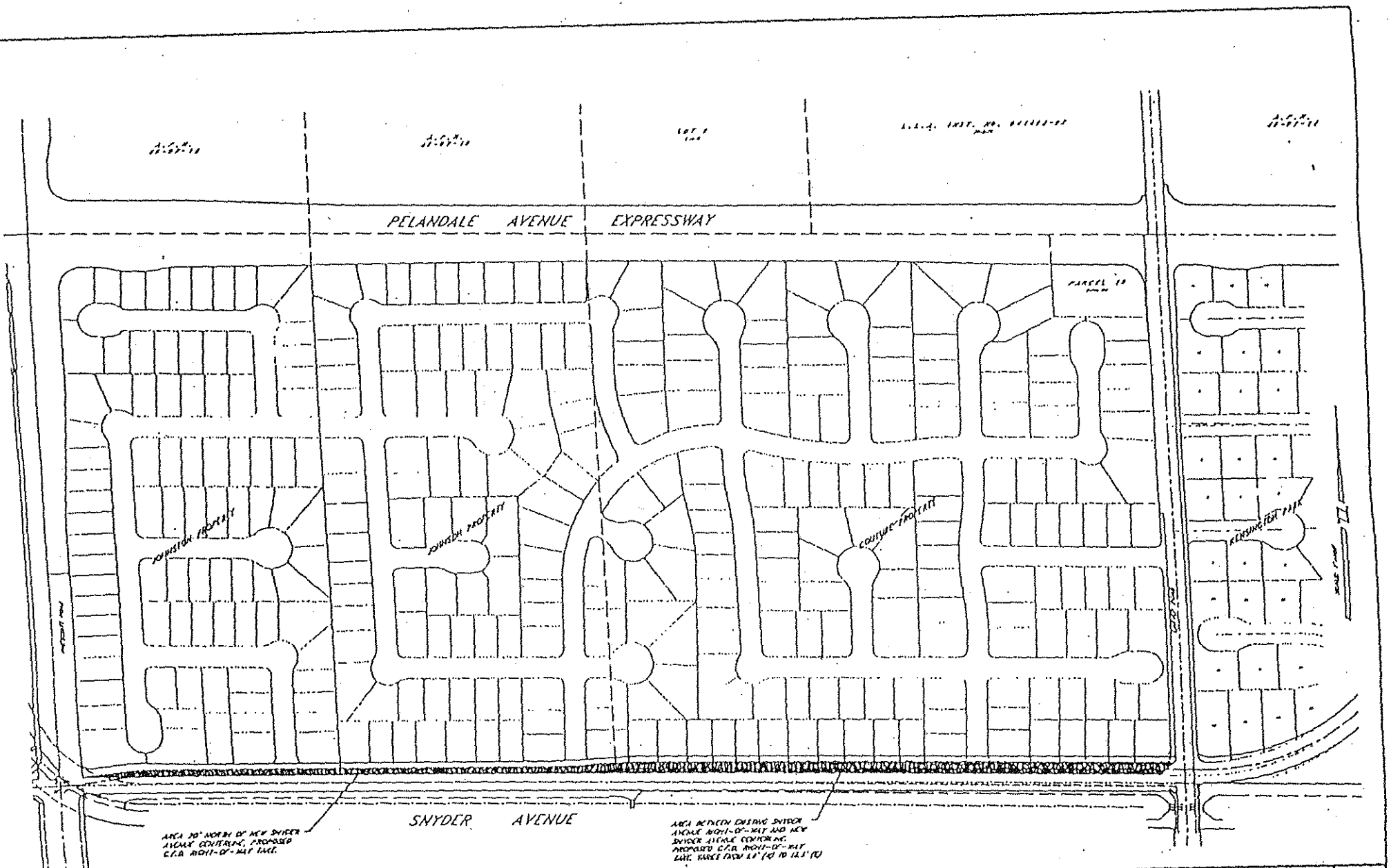
Drawn J.R.M.	FIGURE 5	mid-valley engineering	FAX (209) 526-0803
Date 8-13-98	PELANDALE SNYDER		SHEET 1
Scale			
Job No. 70-332			OF *



TYPICAL SECTION ALONG THE M.I.D. RIGHT-OF-WAY
BETWEEN
PRESCOTT ROAD AND CARVER ROAD

PROPOSED SNYDER AVENUE

FIGURE 5A



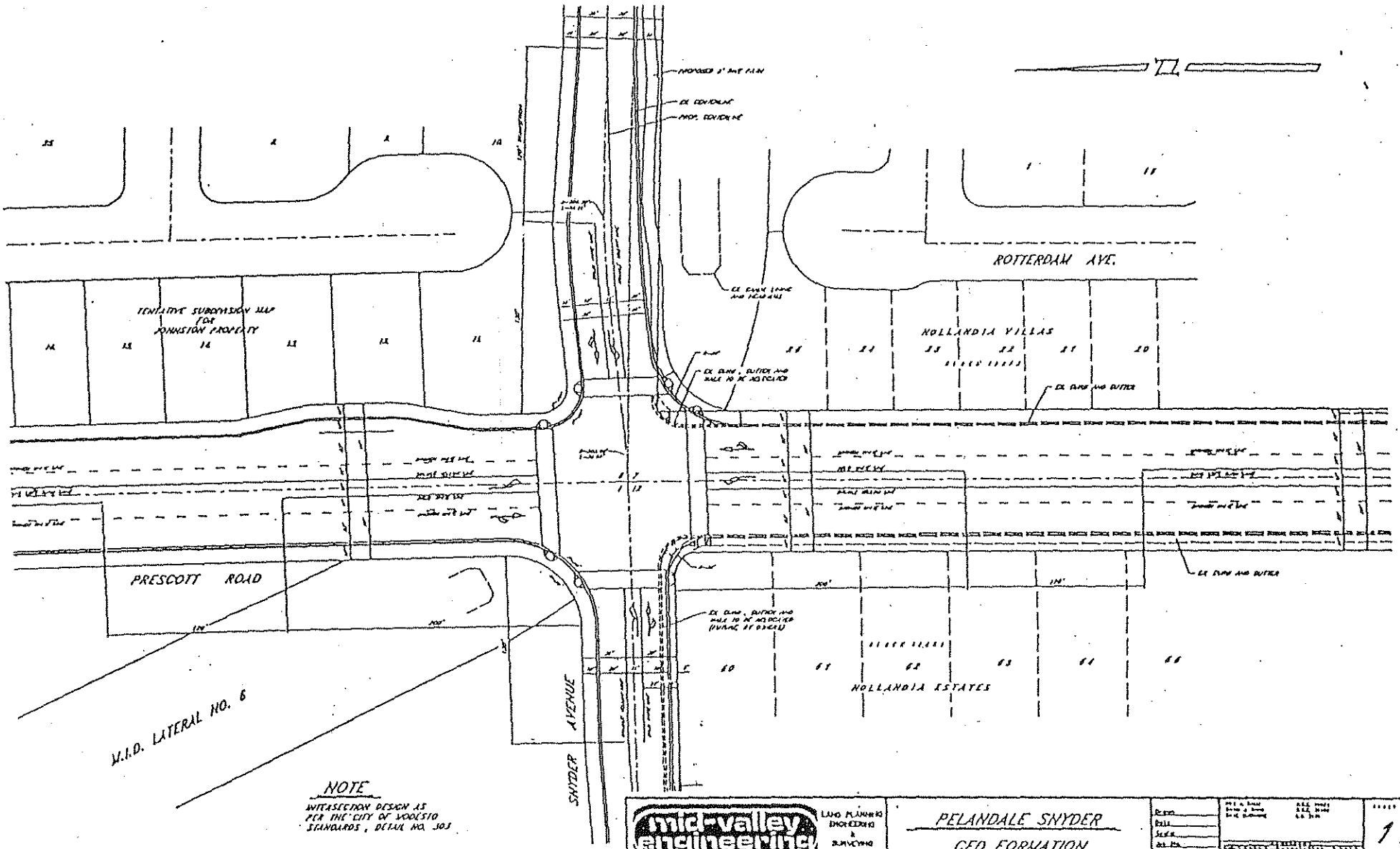
SUMMARY:
TOTAL AREA OF C.F.D. RIGHT-OF-WAY TAKE: 68337 S.F.
- JOHNSTON PROPERTY (A.P.N. 48-07-17) RIGHT-OF-WAY TAKE: 11915 S.F.
- JOHNSON PROPERTY (A.P.N. 48-07-11) RIGHT-OF-WAY TAKE: 11883 S.F.
- COUTURE PROPERTY (A.P.N. 48-07-13) RIGHT-OF-WAY TAKE: 43538 S.F.

mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
909 H STREET, SUITE 6
MODESTO, CALIFORNIA, 95354
(209) 529-1711
FAX 524-0001

C.F.D. RIGHT-OF-WAY TAKE
SNYDER AVENUE
MODESTO CALIFORNIA

1. 1.

PRELIMINARY SNYDER / PRESCOTT INTERSECTION LAYOUT



mid valley engineering

LAND PLANNING ENGINEERING & SURVEYING

900 H STREET, SUITE 6
MODESTO, CALIFORNIA, 95354

(209) 529-4711
FAX 529-0503

PELANDALE SNYDER

CFD FORMATION

MODESTO CALIFORNIA

1.
1.

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	DESIGN PARAMETERS				
1.	INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.				
2.	INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.				
3.	TOTAL LENGTH 8276 L.F. OR 1.567 MILES				
	EXISTING CFF PORTION	1.567	MILES	$105,600.00	$165,475
II.	CLASS I BIKE TRAIL				
A.	CONSTRUCTION				
1.	8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. x 8')	66,208	SF	$2.00	$132,416
2.	4'-6' FENCE	8,276	LF	$16.00	$132,416
3.	LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))	88,198	SF	$2.80	$246,954
				CONSTRUCTION TOTAL =====>	$511,786
				10% CONTINGENCY =====>	$51,179
				TOTAL BIKE PATH =====>	$562,965
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$33,777.90	$33,778
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$16,888.95	$16,889
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$22,518.60	$22,519
				TOTAL FEES =====>	$73,185

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	4.30	AC	$65,000.00	$279,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$282,000
				BIKE PATH GRAND TOTAL =====>	$918,150
				CFF PORTION TOTAL =====>	$165,475
				TOTAL PELANDALE-SNYDER CFD PORTION =====>	$752,675

NOTES:

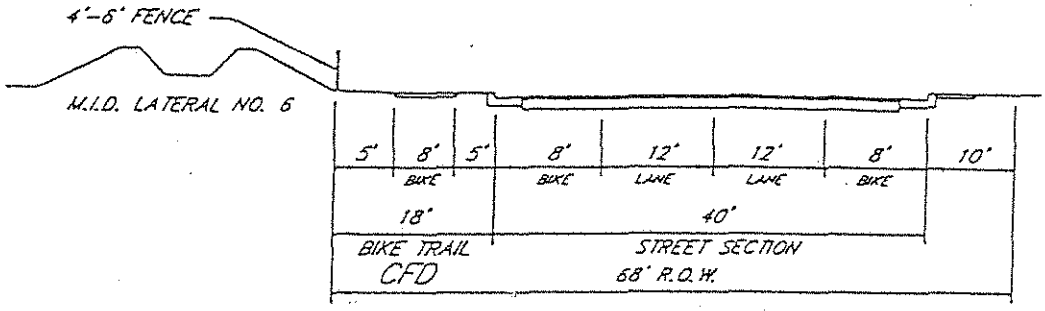
1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

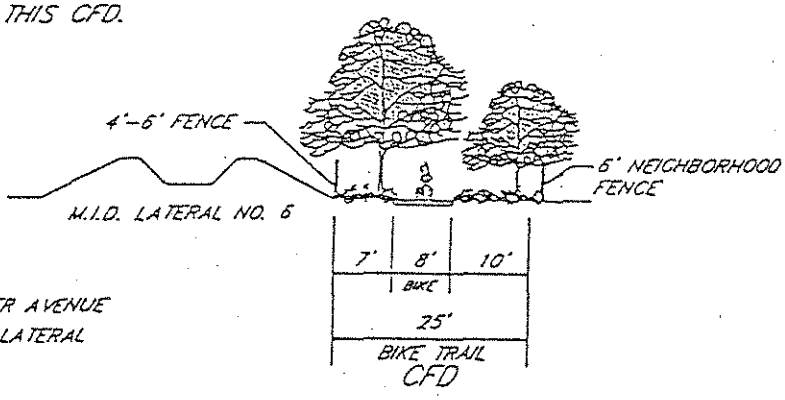
2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.

BIKE TRAIL



BIKE TRAIL ALONG SNYDER AVENUE

NOTE: SEE SNYDER AVENUE CROSS-SECTIONS FIGURE 5A FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS INCLUDED WITHIN THIS CFD.



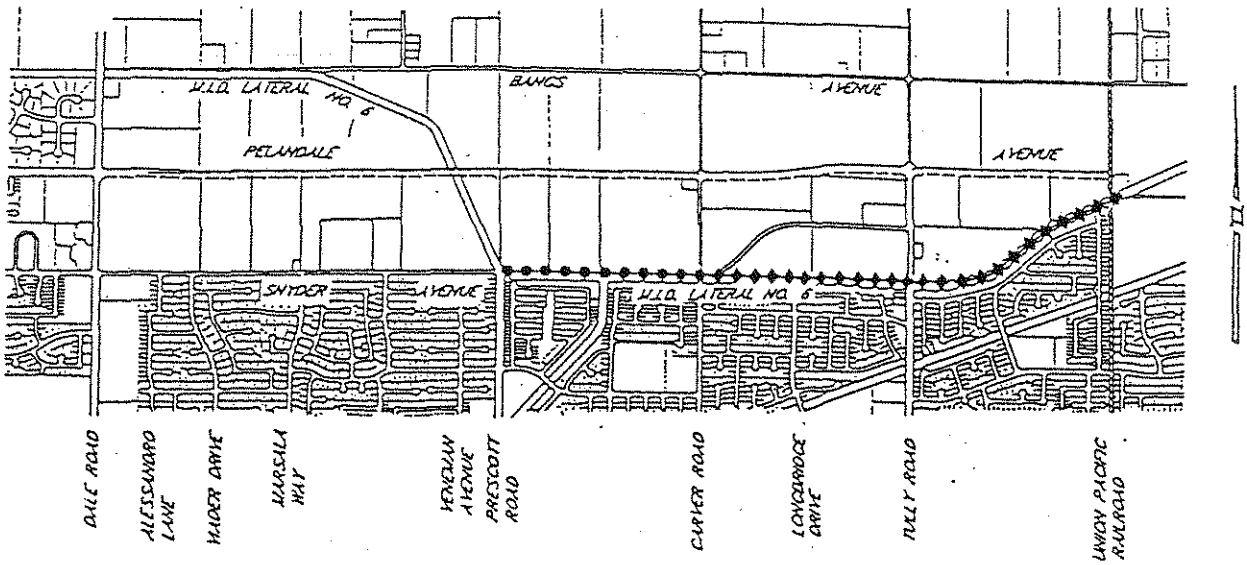
BIKE TRAIL ALONG M.I.D. LATERAL

LEGEND

IMPROVEMENTS:

●●●●● = BIKE TRAIL ALONG SNYDER AVENUE

◆◆◆◆◆ = BIKE TRAIL ALONG M.I.D. LATERAL



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-JJ2

FIGURE 6

PELANDALE SNYDER

mid-valley engineering

FAX (209) 526-0803

Exhibit "B"

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2000-249, the Resolution calling for the Election, adopted on May 23, 2000 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1998-2(1) on May 23, 2000, 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 cost 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 by Res. 98-653 adopted on December 8, 1998, and the amended Public Report dated March 25, 1999 to be considered at public hearing by the City Council of the City of Modesto on May 23, 2000 be levied within the territory proposed to be annexed to Community Facilities District No. 1998-2(1) for the purposes of financing certain public facilities and services as provided in the Public Report?

TOTAL VOTES CAST: YES 57 NO 0

Dated: May 31, 2000

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-279

A RESOLUTION ACCEPTING IMPROVEMENTS IN BELLA TUSCANY UNIT 1 SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE LETTERS OF CREDIT

WHEREAS, Rodney K. Lowe Inc., subdividers of Bella Tuscany Unit No. 1 subdivision have filed an irrevocable letter of credit #MCB99-009 for faithful performance and an irrevocable letter of credit #MCB99-010 for labor and materials in the amount of $473,858 and $236,929 respectively to guarantee improvements in Bella Tuscany Unit 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 letters of credit upon expiration of the statutory period.

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

1. The improvements in Bella Tuscany Unit 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $473,858 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $236,929 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 6th day of June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-280

A RESOLUTION ACCEPTING IMPROVEMENTS IN BELLA TUSCANY UNIT 2 SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE LETTERS OF CREDIT

WHEREAS, Rodney K. Lowe Inc., a California Corporation, subdividers of Bella Tuscany Unit 2 have filed an Irrevocable Letter of Credit No. MCB00-004 for Performance and an Irrevocable Letter of Credit No. MCB00-003 for labor and materials in the amount of $307,120 and $153,560 respectively to guarantee improvements in Bella Tuscany Unit 2 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 letters of credit upon expiration of the statutory period.

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

1. The improvements in Bella Tuscany Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $307,120 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $153,560 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 6th day of June, 2000, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-281

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(527), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(527). (LANCE E. ELLIS)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Lance E. Ellis on February 22, 2000, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(527), as an addition to Planned Development Zone, P-D(527), to allow expansion of a mini-warehouse storage facility, property located on the west side of Tully Road, south of West Union Avenue, described as follows:

R-3 to P-D(527), as an addition to P-D(527)

All the portion of the southeast quarter of the northeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base & Meridian, City of Modesto, Stanislaus County, California. Description as follows:

Parcel D, as shown on the map recorded in Volume 48 of Parcel Maps at Page 95, Stanislaus County Records.

Containing: 2.83 Acres.

Including also, the west half of Tully Road adjoining the above-described property.

and

WHEREAS, after a public hearing held on April 17, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-30, that rezoning of the property as

requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the conditions of approval of the planned development zone will tend to ensure continued compatibility of this mini-storage facility project with surrounding residential and commercial land uses.

2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 6, _____, 2000, in the Tenth Street Place Chambers located at 1010 10th 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 Lance E. Ellis 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. 2000-30 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3178 -C.S. on the 6th day of June, 2000, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(527), as an addition to Planned Development Zone, P-D(527).

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(527), as an addition to Planned Development Zone, P-D(527), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Ellis Mini-Storage" as amended in red, stamped approved by the City Council on June 6, 2000.

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. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Eight-foot-high decorative masonry wall along the west property line.

   b. Eight-foot-high, wrought iron fence with decorative masonry pilasters at 16-foot on centers along the Tully Road frontage.

   c. Minimum six-foot chain-link fence along the south property line of the mini-storage complex.

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 to provide 57 feet west of the center line of Tully Road consistent with the 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. 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.

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 cans shall be screened from view from any public street.

10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection the fire access lanes and electronic security gates at accessway entrances in accordance with Modesto Standard Specifications, Appendix H-3, Section 1.08, and as required by the Fire Chief.

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. The mini-storage facility may be open to the public only between the hours of 7:00 a.m. and 10:00 p. m., seven days a week, unless a use permit seeking additional hours is obtained from the Board of Zoning Adjustment.

13. All signs shall comply with the sign requirements of the C-3 Zone.

14. 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 reclassifying the above-described property to Planned Development Zone, P-D(527), as an addition to Planned Development Zone, P-D(527), 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 June, 2000, 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, City Attorney

APPROVED AS TO DESCRIPTION:

By George Cowan PSC
Community Development Department
Planning Division

P-D RESOLUTION

1 Applicant
2 Attorney
1 CDD - George Osner
1 E&T - Engineering Services
1 CDD - Building Inspection
1 Rec'd ~~CDD~~ - NPU - Virginia M.
1 E&T - Traffic
1 E&T - Const. Admin.
1 ~~CS&NC~~ - Fred Allen
10 Rec'd.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-282

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(527), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(527), PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD, SOUTH OF WEST UNION AVENUE. (LANCE E. ELLIS)

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, Lance E. Ellis has proposed that the zoning designation for the property located on the west side of Tully Road, south of West Union Avenue be amended to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(527), as an addition to Planned Development Zone, P-D(527), property located on the west side of Tully Road, south of West Union Avenue , in the City of Modesto ("the project"), and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-29 reviewed the proposed project relating to the 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on April 17, 2000, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

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 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 report.

2. 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. 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. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

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 6th day of June, 2000, 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, City Attorney

EXHIBIT "A"

Initial Study

EA/CDD 2000-29

City of Modesto
Initial Study

EA NO. CDD 2000-29

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from R-3 to P-D, property located on the west side of Tully Road south of West Union 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 Lance E. Ellis to Rezone From R-3 to P-D as an Addition to P-D(527) for Expansion of a Mini-Warehouse Storage Facility, Property Located on the West Side of Tully Road South of West Union 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:
West Side of Tully Road South of West Union Avenue
Modesto, CA

E. Project Sponsor:
Lance E. Ellis

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-3, Medium High Density Residential

H. Description of Proposed Project:
This is an application to rezone property containing 2.83 acres located on the west side of Tully Road South of West Union Avenue from R-3 to P-D as an

addition to P-D(527). The existing P-D(527) was approved in 1998 for the mini-warehouse facility located immediately north and contiguous to this proposal. The expansion of this self-storage development will extend south 276-feet along the Tully Road frontage and have a depth also equal to the existing storage facility. The zoning and land uses immediately surrounding the proposed expansion include: P-D with the existing storage facility to the north, R-3 zone to the west developed with a mobile home park, P-O and C-2 zones to the south developed with office and commercial uses, and R-2 and P-D zoning with multi-family uses to the east across Tully Road. The applicant's plot plan indicates that the proposed expansion will allow five separate one-story storage buildings which will have overall heights of approximately ten feet. These structures provide a total of 65,400 square feet of additional floor area for this complex. Fencing for the complex will include: an eight foot masonry wall separating the development from the mobile home park along the west property line, an eight foot high wrought iron fence set back ten feet from the Tully Road eventual right-of-way line, and a chain link fence with slat inserts along the south property line abutting commercial uses.

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 mini-storage expansion 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 mini-storage development 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 mini-storage expansion 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 mini-storage expansion is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential and

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 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 P-D zone and resulting mini-storage expansion 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 R-3 for residential uses. The proposed P-D zone and resulting mini-storage expansion 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 mini-storage expansion 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 resulting mini-storage expansion 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 mini-storage expansion 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 mini-storage expansion 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 10-unit one-story apartment 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 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 plot plan review of a 10-unit one-story apartment 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 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 mini-storage expansion 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 mini-storage expansion will not impact the Modesto School system, as the low intensity commercial use will not increase enrollment in the public schools beyond that which is projected for this R-3 zoned property. 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 mini-storage expansion 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 mini-storage expansion 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 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 mini-storage expansion 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 mini-storage expansion 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 mini-storage expansion 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 mini-storage expansion 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

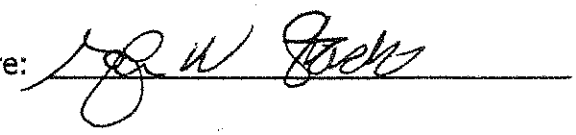
A. The proposed planned development zone for expansion of a mini-warehouse storage facility is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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: 

EA RESOLUTION

1	Attorney
1	CDD - Construction Administration
1	Initiating Department - Attention: Person's Name in Charge of the Project – John Stack
3	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-283

A RESOLUTION SETTING A PUBLIC HEARING TO OBTAIN PUBLIC COMMENT AND TESTIMONY CONCERNING CABLE ONE'S COMPLIANCE WITH THE TERMS OF ITS CABLE TELEVISION FRANCHISE

WHEREAS, Cable One holds a franchise for cable television services within the City of Modesto, and

WHEREAS, concerns have been raised concerning whether Cable One is in compliance with the terms and conditions of its franchise, and

WHEREAS, the City Manager is required to make an annual report to the City Council regarding the cable operator's compliance with the terms and conditions of the cable franchise, and

WHEREAS, the City has recently engaged a new City Manager who has requested public input in determining the status of Cable One's compliance with the terms of its franchise to better assess this compliance, and

WHEREAS, Cable One is currently operating within the City under an extension of its franchise beyond the original expiration date of the franchise, and

WHEREAS, the City Council has determined that a public hearing on Cable One's compliance with the terms of the franchise would be in the public interest,

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

SECTION 1. A noticed public hearing shall be held on July 19, 2000 at 6:00 p.m. or as soon thereafter as the matter may be heard, before the City Council to:

(1) Hear from staff and consultants on Cable One's compliance with the terms of the franchise.

(2) Solicit and obtain public comment and testimony regarding Cable One's compliance with the terms of its franchise with the City of Modesto, and

(3) Allow Cable One an opportunity to report on its compliance with the terms of the franchise and to respond to reports and comments presented at the hearing.

SECTION 2. The City Clerk or her designee shall publish notice of this hearing in the Modesto Bee and shall mail notice to all persons requesting such notice. Notice shall be posted on the Government Channel of the Cable system. Further, written notice shall be mailed to Cable One. Nothing in this section precludes the City Manager or City Clerk from providing additional notice of this hearing to interested persons or organizations.

SECTION 3. In addition to input at the public hearing, the City Council hereby solicits written input on the issues described above. Further, the City Council hereby requests the City's Cable Television Committee to assist in obtaining public input on the issues raised in this resolution and to present its findings, if any, at the hearing.

SECTION 4. The City Manager shall consider the testimony received at the public hearing in preparing and submitting his annual report on the status of Cable One's Cable Television Franchise to the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2000, 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

DISTRIBUTION FOR
RESOLUTION SETTING HEARING FOR CABLE T.V.

2 Clerk
1 Attorney
1 City Manager - Donna Hansen
1 Publish — to Judy

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-284

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NOBLE 95 TRUST FOR ACQUISITION OF PROPERTY LOCATED AT 1601 NINTH STREET FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Noble 95 for acquisition of property located at 1601 Ninth Street for the Kansas/Needham 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 6th day of June, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-285

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHOICE ELECTRIC INC dba CHOICE LIGHTING SUPPLY FOR RELOCATION COSTS, CONVEYANCE OF RIGHTS TO LEASE, CONVEYANCE OF GOOD WILL, AND TO RENT PROPERTY FROM THE CITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Choice Electric Inc. dba Choice Lighting Supply for relocation costs, conveyance of rights to lease, conveyance of good will, and to rent property from the City 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 6th day of June, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-286

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHOICE ELECTRIC INC., dba CHOICE LIGHTING SUPPLY FOR ACQUISITION OF TENANT-SELLER'S INTEREST IN REAL PROPERTY FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Choice Electric Inc., dba Choice Lighting Supply for acquisition of tenant-seller's interest in real property for the Kansas/Needham overcrossing 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 6th day of June, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-287

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TOM STROHMEYER FOR RELOCATION COSTS, CONVEYANCE OF RIGHTS TO LEASE, CONVEYANCE OF GOOD WILL, AND TO RENT PROPERTY FROM THE CITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tom Strohmeyer for relocation costs, conveyance of rights to lease, conveyance of good will, and to rent property from the City 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 6th day of June, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-288

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TOM STROHMEYER FOR ACQUISITION OF TENANT-SELLER'S INTEREST IN REAL PROPERTY FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tom Strohmeyer for acquisition of tenant-seller's interest in real property for the Kansas/Needham overcrossing 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 6th day of June, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-289

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR DEEDS FOR ACQUISITION OF PROPERTY LOCATED AT 1601 NINTH STREET FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manger hereby has authorization to sign acceptance forms for deeds for the acquisition of property located at 1601 Ninth Street for the Kansas/Needham overcrossing project, 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 6th day of June, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-290

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT RESERVES IN RECOGNITION OF OUTSTANDING SERVICE PROVIDED TO THE CITIZENS OF MODESTO DURING 1999.

WHEREAS, during 1999, 31 Modesto Police Reserve Officers contributed a total of 15,370 hours of time to the City of Modesto's welfare and safety, and

WHEREAS, duties during the year included enforcing laws and helping with various community activities that took place in the City, and

WHEREAS, the Modesto Police Reserve Officers contributed greatly to the general welfare and safety of the citizenry of Modesto, and

WHEREAS, the City Council wishes to recognize the Modesto Police Reserve Officers for their contribution in providing outstanding service to the City of Modesto during 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby commends the 31 Modesto Police Reserve Officers for their contribution of outstanding service provided to the City of Modesto during 1999, which consisted of 15,370 hours of time, for the general welfare and safety of the citizens 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 June, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-291

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT EXPLORERS IN RECOGNITION OF OUTSTANDING SERVICE PROVIDED TO THE CITIZENS OF MODESTO DURING 1999.

WHEREAS, during 1999, 20 Modesto Police Department Explorers contributed a total of 4,384 hours of time to the community welfare and safety of Modesto, assisting in all areas of police operations, and

WHEREAS, participants in the Explorer Program contribute greatly to the reduction of costs for services and enhance such services rendered to the citizens of our community, and

WHEREAS, the City Council wishes to recognize the Modesto Police Department Explorers for providing outstanding service to the City of Modesto during 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 20 Modesto Police Department Explorers for their contribution of outstanding service provided to the City of Modesto during 1999, which consisted of 4,384 hours of time, and greatly reduced the costs for services and enhanced such services rendered to the citizens of our community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2000, 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 Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-292

A RESOLUTION COMMENDING MODESTO POLICE DEPARTMENT CITIZEN VOLUNTEERS IN RECOGNITION OF OUTSTANDING SERVICE PROVIDED TO THE CITIZENS OF MODESTO DURING 1999.

WHEREAS, during 1999, 44 citizens from our community contributed a total of 6,347 hours of time to the community welfare and safety of Modesto's citizens, and

WHEREAS, citizen volunteer duties during the year included assisting in all areas of police operations, and

WHEREAS, participants in the Volunteer Program contributed greatly to the reduction of costs for services and enhancement of such services rendered to the citizens of our community, and

WHEREAS, the City Council wishes to recognize the 44 Modesto Police Department Citizen Volunteers in recognition of outstanding services provided to the City of Modesto during 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 44 Modesto Police Department Citizen Volunteers for their contribution of outstanding service provided to the City of Modesto during 1999, which consisted of 6,347 hours of time, and greatly reduced the costs for services and enhanced such services rendered to the citizens of our community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-293

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FIRE HYDRANTS AND WATER METERS TO BE OPENED AT 11:00 A.M. ON JUNE 27, 2000

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 Fire Hydrants and Water Meters, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on June 27, 2000 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 13th day of June, 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. 2000-294

Print

A RESOLUTION REJECTING BIDS FOR JANITORIAL SERVICES AT MODESTO CENTRE PLAZA, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 9, 2000, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for janitorial services at Modesto Centre Plaza were opened at 11:00 a.m. on May 9, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that only one company responded so 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 janitorial services at Modesto Centre Plaza, opened in the office of the City Clerk on May 9, 2000, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for janitorial services at Modesto Centre Plaza will be held June 27, 2000 at 11:00 a.m., 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 June, 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. 2000-295

Print

A RESOLUTION REJECTING BIDS FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC), OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 9, 2000, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for hearing ventilation and air conditioning (HVAC) were opened at 11:00 a.m. on May 9, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so widespread 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 heating, ventilation, and air conditioning, opened in the office of the City Clerk on May 9, 2000, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for heating, ventilation, and air conditioning (HVAC) will be held June 27, 2000, 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 June, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-296

Print

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR OTHER MEANS OF DISPOSAL.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City of Modesto possesses a 1996 Ford Crown Victoria patrol sedan which has been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be disposed of by other means, and

WHEREAS, a detailed list of the item to be sold is on file in the Office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the 1996 Ford Crown

Victoria patrol sedan which is set forth on the list on file in the City Clerk's office and which is hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be disposed of by other means.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-297

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR THE KING-KENNEDY BOARD OF DIRECTORS JUNETEENTH ACTIVITIES

WHEREAS, staff has received a request for additional city funding for the Juneteenth celebration at King-Kennedy Memorial Center; and

WHEREAS, these funds would be in addition to the $2,000 included in the King-Kennedy Center budget for staff, supplies and other services for the Juneteenth event.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expenses:		
From:	#0100-800-8000-8003	$(3,000)
To:	#0100-360-3622-1000	$ 3,000

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 13th day of June, 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 votes:

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

NOES: Councilmembers:None

ABSENT: Councilmembers:None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-298

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR RELOCATION OF THE STEAM ENGINE IN BEARD BROOK PARK TO THE NEW AMTRAK STATION.

WHEREAS, by an agenda report dated June 5, 2000, City staff has recommended that authorization be given to staff to proceed with a Request for Proposals to be advertised and sent to various firms licensed to practice engineering in California for relocation of the steam engine in Beard Brook Park to the new Amtrak Station, and

WHEREAS, it is proposed that the engine will become the primary display in an educational transportation history exhibit, which exhibit will be designed to convey contributions made by the railroad to Modesto's history, and

WHEREAS, a consultant is needed to determine how the engine can be raised and transported to its new location, to determine needed site improvements, and to design an exhibit enclosure to house the steam engine and potentially a period caboose to serve as a classroom, and

WHEREAS, at its meeting of June 13, 2000, 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 to be advertised and sent to various firms licensed to practice engineering in California for relocation of the steam engine in Beard Brook Park to the new Amtrak Station.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-299

A RESOLUTION APPROVING THE FINAL MAP OF THE KENSINGTON PARK UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California general partnership by Florsheim Properties, a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 21.67 acres, known as Kensington Park Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 9th 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 Kensington Park 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, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed 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 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 13th day of June, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Clerk 9

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-300

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL TRANSPORTATION CLAIM, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (StanCOG) .

WHEREAS, the greatest portion of the City's funding for the Bus Service Program, other than fare revenues and federal transit 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, this fiscal year's total claim for LTF funds is $4,007,412.00, and

WHEREAS, the total transit operating and capital budget is $12,044,618.00 for FY 2000/2001, 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 that submission of the City of Modesto's claim to the Stanislaus Council of Governments (StanCOG) in the amount of $4,007,412.00 for fiscal year 2000-2001 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 June, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-301

A RESOLUTION APPROVING RECOMMENDATION OF THE EMPLOYEE BENEFITS COMMITTEE IN RELATION TO HEALTH, DENTAL AND VISION PLANS FOR FY 2001, AND AUTHORIZING THE RISK MANAGER TO SERVE AS THE COORDINATOR FOR THE VARIOUS PLANS WITH AUTHORITY TO EXECUTE ALL NECESSARY AGREEMENTS.

WHEREAS, the Employee Benefits Committee has recommended continuation of employee and dependant health coverage through National Health, PacificCare, Lifeguard, Landmark Chiropractic Network and PacificCare Behavior Health; continuation of dental and vision coverage through the City's self-insured program, and

WHEREAS, the Committee also recommended, authorizing the Risk Manager to serve as the coordinator for the various plans with authority to execute all necessary agreements, and

WHEREAS, said recommendations were set forth in an Agenda Report which the City Council considered at its meeting of June 13, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves continuation of employee and dependant health coverage through National Health, PacificCare, Lifeguard, Landmark Chiropractic Network and PacificCare Behavior Health and continuation of dental and vision coverage through the City's self-insured program.

BE IT FURTHER RESOLVED that the Risk Manager is hereby 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 13th day of June, 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

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-302

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 #4)

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, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

NOW, THEREFORE, BE IT RESOLVED by the 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 #3) are shown on a map entitled "Annexation No. 3 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 29.

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. 4 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

Land Use	**Facilities Special Tax (per Gross Acre) Effective July 1, 2000**
Village Low-Density Residential	$22,176.69
Village Residential	$33,159.87
Multi-Family Residential	$85,932.86
Commercial	$97,431.22
Industrial	$45,628.98

Maintenance Special Tax

Land Use	Maintenance Special Tax Effective July 1, 2000
Developed	
Very Low Density Residential (per lot) *Village Residential (per lot)*	$131.53
Multi-Family Residential (per unit)	$85.38
Commercial/Industrial (per acre)	$461.27
Undeveloped	
Very Low Density Residential (per lot) *Village Residential (per lot)*	$65.77
Multi-Family Residential (per unit)	$42.70
Commercial/Industrial (per acre)	$461.27

SECTION 8. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, July 18, 2000, 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

CORRECTED 7-5-00

Maintenance Special Tax

Land Use	Maintenance Special Tax Effective July 1, 2000
Developed	
Very Low Density Residential *Village Residential*	$126.47 (per lot)
Multi-Family Residential	$82.10 (per unit)
Commercial/Industrial	$443.53 (per acre)
Undeveloped	
Very Low Density Residential *Village Residential*	$63.24 (per lot)
Multi-Family Residential	$41.06 (per unit)
Commercial/Industrial	$443.53 (per acre)

SECTION 8. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, July 18, 2000, 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 13th day of June, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Atherton Place

All that portion of the North one-half of the East one-half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows, to-wit:

COMMENCING at the Southwest corner of the East half of the Southwest quarter of said Section 12, said point being on the center line of a 40 foot county road known as Esta Avenue; thence along the center line of said Esta Avenue and the West line of the East one-half of said Southwest quarter North 0 degrees 51' West 1322.68 feet to the Southwest corner of the North one-half of the East one-half of said Southwest quarter; thence along the South line of said North one-half North 89 degrees 18' East 20.00 feet to a point on the East line of said Esta Avenue and the true point of beginning of this description; thence continuing along said South line North 89 degrees 18' East 1296.62 feet to a point on the North-South quarter section line; thence along said quarter section line North 0 degrees 48' 30" West 1302.94 feet to a point on the South line of a 40 foot county road known as Sylvan Avenue said point bearing South 0 degrees 48' 30" East 20.00 feet from the interior quarter section corner of said Section 12; thence along said Sylvan Avenue parallel to and 20.00 feet distant from the East-West quarter section line South 89 degrees 17' 30" West 1298.42 feet to a point on the East line of Esta Avenue; thence along said road line South 0 degrees 51' East 1302.68 feet to the true point of beginning.

EXCEPTING THEREFROM:

Commencing at the northeast corner of said southwest quarter; thence South 00°16'58" East along the east line of said southwest quarter, a distance of 20.00 feet to the south line of Sylvan Avenue and the TRUE POINT OF BEGINNING; thence continuing South 00°16'58" East along the east line of said southwest quarter, a distance of 32.00 feet; thence South 89°48'53" West, a distance of 59.71 feet; thence North 00°11'07" West, a distance of 8.00 feet; thence North 88°13'00" west, a distance of 170.00 feet; thence North 86°31'08" West, a distance of 284.00 to the south line of said Sylvan Avenue; thence North 89°48'53" East along the south line of said Sylvan Avenue, a distance of 512.97 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Commencing at the northeast corner of said southwest quarter; thence South 00°16'58" East along the East line of said southwest quarter, a distance of 52.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 00°16'58" East along the east line of said southwest quarter, a distance of 1271.13 feet to the southeast corner of said Beck property, also being the northeast corner of Parcel "A" as shown in Book 12 of Parcel Maps, Page 83, Stanislaus County Records; thence South 89°49'21" West along the line Common to Beck property and said Parcel "A", a distance of 17.75 feet; thence North 00°16'58" West along a line 17.75 feet west of and parallel with the east line of said southwest quarter, a distance of 1254.68 feet; thence North 27°35'23" West, a distance of 18.53 feet; thence North 89°48'53" East, a distance of 26.25 feet to the point of beginning.

Assessor's Parcel No: 085-01-02-070

Exhibit "A"

Legends #4

Lot 6, of ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, at Page 5, Stanislaus County Records.

Excepting therefrom a portion of said Lot 6 described as follows:

Beginning at the Northwest corner of said Lot 6, said point being on the centerline of Floyd Avenue; thence North 89° 51' 30" East along the North line of said Lot 6, being also said centerline of Floyd Avenue, a distance of 351.31 feet; thence South 0° 08'30" East at right angles to said North line of Lot 6 a distance of 661.92 feet to the South line of said Lot 6; thence South 89° 51' 53" West along said South line of Lot 6 a distance of 348.01 feet to the Southwest corner of said Lot 6; thence North 0° 25' 40" West along the West line of said Lot 6 a distance of 661.89 feet to the point of beginning.

Assessor's Parcel No: 052 23 63 (Old) 085 02 63 (New)

Exhibit "A"

Legends #5

Lot 7 of ADAMS COLONY, as per map filed October 21, 1908 in Volume 4 of Maps, at Page 5, Stanislaus County Records.

EXCEPTING the South 452 feet of the East 312 feet.

Assessor's Parcel No: 052-23-10

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-303

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN REVISING THE GENERAL PLAN ADOPTED LAND USE DIAGRAM TO DESIGNATE 7.0 ACRES ON THE WEST SIDE OF CARPENTER ROAD BETWEEN WOODLAND AND TORRID AVENUES FROM RESIDENTIAL TO COMMERCIAL.

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, and 99-564, 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, property owners in the Carpenter Road area applied for an amendment of the Modesto Urban Area General Plan to redesignate 7.0 acres along the west of Carpenter Road between Woodland and Torrid Avenues from Residential to Commercial uses, and

WHEREAS, the Adopted General Plan Land Use Diagram, Figure III-1, does not show a Commercial Land Use designation for the above-described properties, and

WHEREAS, City staff proposes that the Adopted General Plan Land Use Diagram, Figure III-1, be amended to reflect the proposed Commercial Land Use designation as indicated in the attached Exhibit "A", and

WHEREAS, on May 1, 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 revising the General Plan Adopted Land Use Diagram, Figure III-1, to redesignate 7.0 acres on the west of Carpenter Road between Woodland and Torrid Avenues from Residential to Commercial uses, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-33, recommending to the City Council an amendment to the General Plan revising the General Plan Adopted Land Use Diagram, Figure III-1, to redesignate 7.0 acres on the west of Carpenter Road between Woodland and Torrid Avenues from Residential to Commercial uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 13, 2000, 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 General Plan,

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 revising the General Plan Adopted Land Use Diagram, Figure III-1, to redesignate 7.0 acres on the west of Carpenter Road between Woodland and Torrid Avenues from Residential to Commercial uses 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 the attached Exhibit "A".

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of this resolution and said amendments 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 13th day of June, 2000, 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

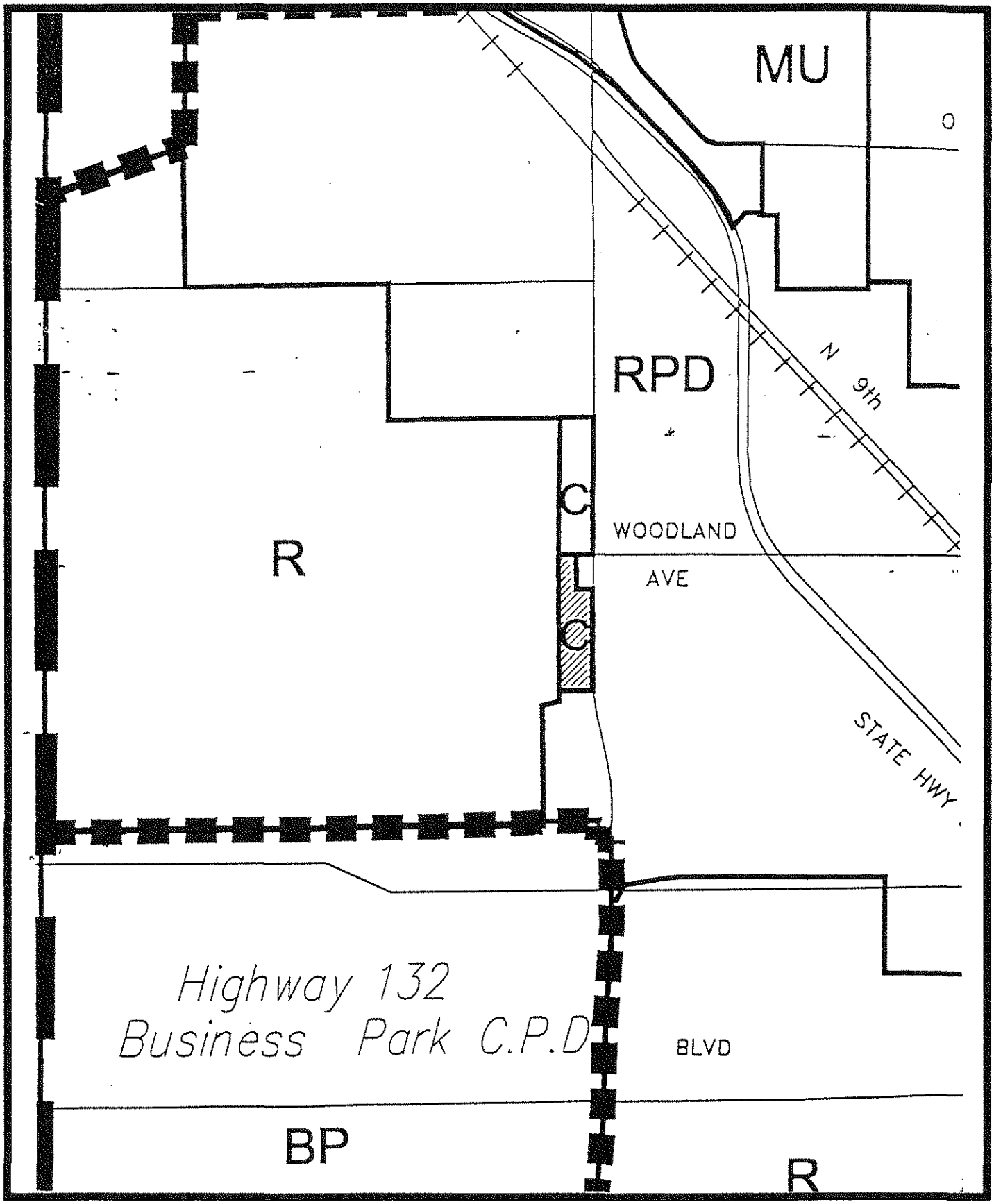
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

PROPOSED GENERAL PLAN AMENDMENT
CARPENTER ROAD * RESIDENTIAL TO COMMERCIAL
(PORTION FIGURE III-1 - ADOPTED LAND USE DIAGRAM)



Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-304

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH N0. 92052017): AMENDING THE MODESTO URBAN AREA GENERAL PLAN REVISING THE GENERAL PLAN ADOPTED LAND USE DIAGRAM TO DESIGNATE 7.0 ACRES ON THE WEST SIDE OF CARPENTER ROAD BETWEEN WOODLAND AND TORRID AVENUES FROM RESIDENTIAL TO COMMERCIAL.

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, City staff has proposed an amendment to the Modesto Urban Area General Plan revising the General Plan Adopted Land Use Diagram to designate 7.0 acres on the west side of Carpenter Road between Woodland and Torrid Avenues from residential to commercial uses, 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 NO. CDD 2000-30 reviewed the proposed amendment to the

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 may be 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 project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. The proposed Carpenter Road General Plan Amendment – Residential to Commercial of 7-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

2. The proposed Carpenter Road General Plan Amendment – Residential to Commercial and its resulting 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.

3. No new environmental document or findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 211157.1).

4. There are no specific features unique to this proposed Carpenter Road General Plan Amendment – Residential to Commercial land use change 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 Initial Study EA NO. CDD 2000-30 , provides the substantial evidence to support findings 1-4.

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 13th day of June, 2000, 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, City Attorney

INITIAL STUDY

EA NO. CDD 2000-30

EXHIBIT "A"

City of Modesto
Initial Study

Carpenter Road General Plan Amendment: Residential to Commercial and Rezone: R-1, Low Density Residential to C-3, Highway Commercial

EA NO. CDD 2000-30

I. PURPOSE:

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this proposed Carpenter Road 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:
Carpenter Road General Plan Amendment: Residential to Commercial, and Rezone: R-1, Low Density Residential to C-3, Highway Commercial

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA
(209) 577-5280

D. Project Location:
In the West Modesto Urban Area along the west side of Carpenter Road between Woodland Avenue and Torrid Avenue

E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. Modesto General Plan Designation:
Residential

G. Zoning:

Existing:	R-1, Low Density Residential, and PD – 470 (1.0-acres, C-3 uses, two commercial bldgs,11,750 sq.ft.)
Proposed:	C-3, Highway Commercial

H. Description of Proposed Project:

Amend the Urban Area General Plan to change the designation of eleven properties totaling approximately 7.0 acres from Residential to Commercial. This designation would apply to a depth of approximately 300 feet along the west-side of Carpenter Road between Woodland and Torrid Avenues as shown on Attachment 1. Subsequent to the General Plan redesignation, eight of these properties would be Rezoned from R-1, Low Density Residential, to C-3, Highway Commercial. Three of these properties are already commercially zoned PD (470). These properties are within the City limits and served by City utilities (Assessor's Parcel No.s: 81-50-05, 09, 10, 11, and 81-52-38, 39, 40, 41, 42, 43 and 44).

I. Surrounding Land Uses:
North: Unincorporated County island which includes a mix of existing residential and commercial uses.
South: Existing community shopping center in the City.
East: Existing developed industrial uses.
West: Existing residential neighborhood.

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 City's Transportation Planner has determined, based on a previous traffic study, that there will be adequate roadway and intersection capacity for this relatively minor increase in land use intensity such that the level of service will not be significantly impacted (Attachment 2). Thus the proposed redesignation to Commercial and rezone to Highway Commercial would result in no significant increase in demand for circulation facilities that are not anticipated by the traffic model that analyzed the General Plan. Thus the proposed land use change 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**

The proposed area of land use change and rezone from residential to commercial uses would be served by the planned Carpenter Road expressway and the land use change would not degrade the roadway level of service. Thus, these uses 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 there would not be a significant increase in traffic impacts, and roadway level of service would be consistent with the General Plan, the land use and zoning change will not affect an increase in the projected generation of traffic-related noise for this area. There is existing adjacent residential development to the west of the area. Any future developers of the 7-acre commercial area would be required to incorporate noise mitigation measures into their projects such as soundwalls. 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 7-acre area proposed for land use and zoning change from residential to commercial uses contains existing urban development. This area has been developed with various types of residential land uses for many years and is within the "Baseline Developed Area" of the General Plan. The proposed land use change actions will thus, not remove any agricultural lands from production. 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**

Many properties in the 7-acre area proposed for land use and zoning change have been connected to the City water system for several years. This water connection would require no additional water supplies 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.

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

The 7-acre area of land use and zoning category change to commercial is a relatively minor increase in sewer demand from existing residential uses and will not create a significant 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 7-acre proposal would only change the land use and zoning classifications of an existing urbanized area of the General Plan that has been almost completely developed for many years. There is clearly no impact to sensitive wildlife or any plant habitat 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 proposal to redesignate and rezone to commercial uses properties along Carpenter Road that are mostly developed with existing residential uses, will not disturb any archaeological or historic sites because it is approximately one and one half miles north of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site 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 area proposed for land use and zoning change from residential to commercial includes existing uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. 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 proposed land use and zoning change is for a 7-acre area that has been largely developed with residential uses and includes some storm drainage infrastructure. Existing development was under an area-wide storm drainage master plan. The parcels to be developed with commercial uses 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 proposal to redesignate and rezone approximately 7-acres of developed residential uses into commercial uses 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 proposed commercial land use and zoning change is for a 7-acre area that is developed with existing housing units. Commercial development does pay a proportional school fee to offset related impacts. However, 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**

Change of land use and zoning from residential to commercial and subsequent development of the 7-acre commercial area will not result in a significant increase in service demand for the City of Modesto Police Department. The area was studied by the General Plan Master EIR and 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**

Change of land use and zoning from residential to commercial and subsequent development of the 7-acre commercial area will not result in a significant increase in service demand for the City of Modesto Fire Department. However, this area was analyzed by the City's Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services.

The area can be served by Fire Station No. 4, the Fire Training Center at Blue Gum Avenue and Carpenter Road approximately 0.5 miles distant, as well as other Modesto Fire stations in the urban area. 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 7-acre area of land use and zoning change from residential to commercial area is currently provided waste disposal service by the Modesto Disposal Company, who would also continue serving the area following development. The City's Integrated Waste Specialist, determined that since there would only be a minor increase in waste generated from the incremental development proposed, 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**

Because this proposed land use and zoning change will not result in additional industrial development not already identified in the adopted General Plan, 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 proposed 7-acre commercial area along Carpenter Road and its subsequent development, because the land is essentially flat, 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**

Because the proposed 7-acre commercial uses in the Carpenter Road area represents a minor increase from the existing residential uses, there will not be a significant increase in demand for energy with the commercial designation. Thus, the General Plan amendment project 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

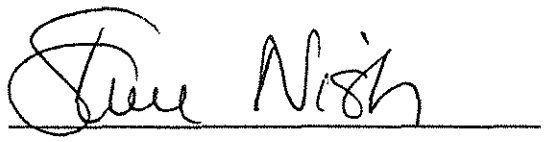
G. The proposed Carpenter Road General Plan Amendment: Residential to Commercial, and Rezone: R-1, Low Density Residential to C-3, Highway Commercial is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

H. The proposed Carpenter Road General Plan Amendment: Residential to Commercial and Rezone: R-1, Low Density Residential to C-3 Highway Commercial, and its resulting 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.

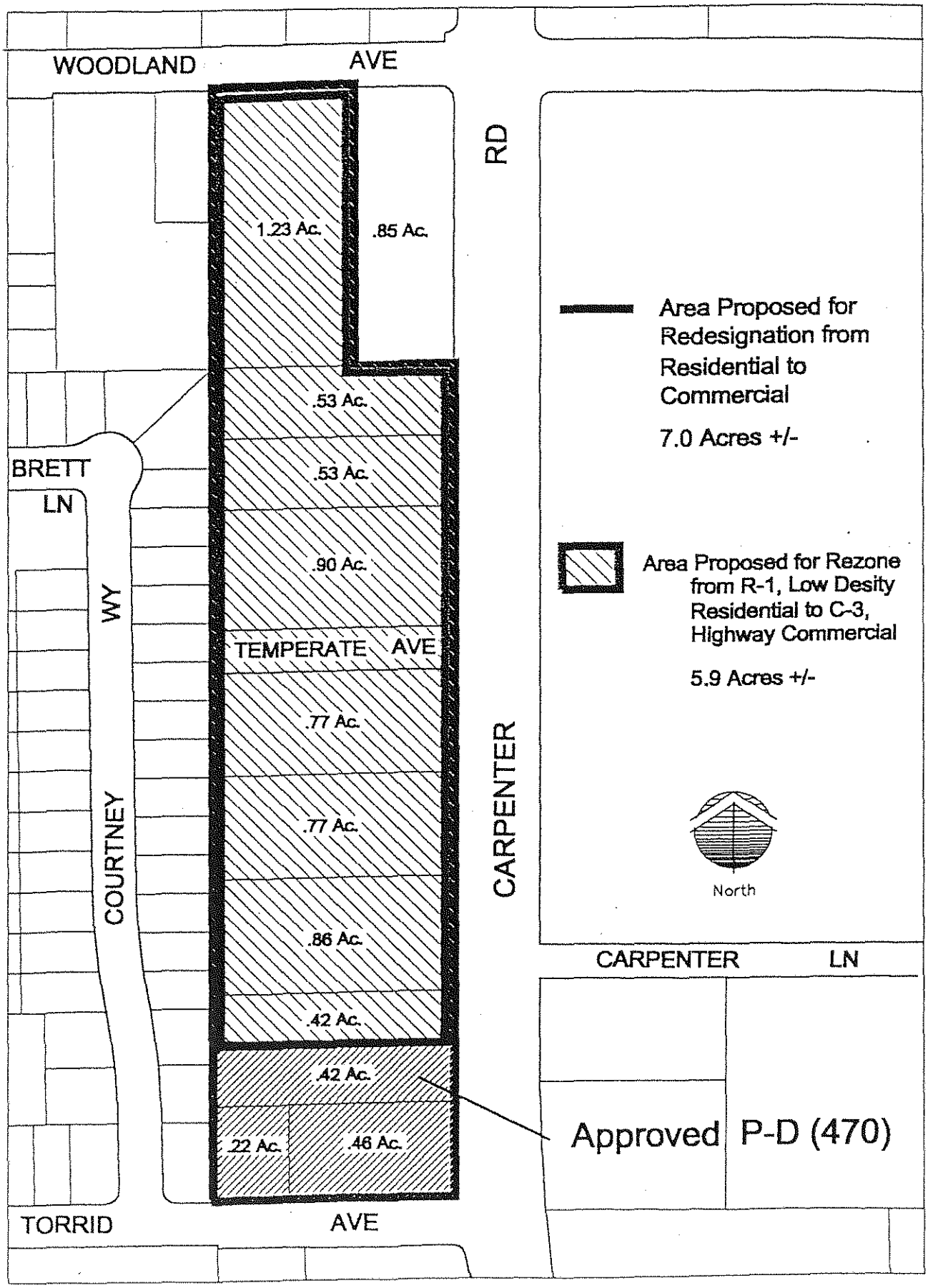
I. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

J. There are no specific features unique to this proposed Carpenter Road General Plan Amendment: Residential to Commercial land use change and Rezone R-1 Low Density Residential to C-3 Highway Commercial, that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

K. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: 

Location Map
Carpenter Road General Plan Amendment and Rezone



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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-305

A RESOLUTION MAKING FINDINGS AND SETTING THE SPECIFIC PLAN REIMBURSEMENT FEE FOR THE EMPIRE NORTH UNIT NO. 1 SPECIFIC PLAN AREA.

WHEREAS, Government Code Section 65456 provides the City Council may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the Specific Plan, and

WHEREAS, on November 26, 1998, pursuant to Government Code Section 65456, the City Council adopted a Specific Plan Reimbursement Fee, Ordinance No. 3104-C.S., for the purpose of reimbursing persons who have paid for the cost of preparation, adoption, and administration of Specific Plans, and

WHEREAS, Section 10-4.102 of the Modesto Municipal Code, Adoption of Specific Plan Reimbursement Fees, enables the Council, by resolution, to fix a specific plan fee to reimburse any person, including the City, for the cost of preparation, adoption, and administration of any Specific Plan prepared pursuant to Government Code Section 65450, et seq., and

WHEREAS, during the period from December 22, 1995, through January 7, 1997, the owner of property within the Empire North Comprehensive Planning District of the Modesto Urban Area General Plan, Dr. Kenneth Lemings, paid for the preparation of a Specific Plan and related environmental analysis and special studies to satisfy the requirements of the California Environmental Quality Act (Division 13, commencing with Section 21000 of the Public Resources Code) as well as City staff time and printing costs, and

WHEREAS, on January 7, 1997, by Resolution No. 97-4, the City Council adopted the Empire North Unit No. 1 Specific Plan for the 95.8-acre area located between Dry Creek and Parker Road, east of the BN&SFRR tracks, and

WHEREAS, on June 13, 2000, the City Council held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, to consider, pursuant to Modesto Municipal Code Section 10-4.102, the setting of a Specific Plan fee for the reimbursement of parties who have funded the cost of the Empire North Unit No. 1 Specific Plan preparation, and

WHEREAS, pursuant to Modesto Municipal Code Section 10-4.102(a) in adopting said Specific Plan fee, the City Council makes the following findings:

1. That the costs for which the Empire North Unit No. 1 Specific Plan fee is being assessed are reasonable and were necessarily incurred in the preparation, adoption and administration of the Specific Plan, including environmental review.

2. That the Empire Unit No. 1 Specific Plan fee defrays but does not exceed the actual cost of the services and/or expenses incurred in the preparation, adoption and administration of the Empire North Unit No. 1 Specific Plan.

3. That the Empire North Unit No. 1 Specific Plan fee is being fairly prorated among the parcels included in the Specific Plan based on the relative benefit that each parcel has derived from the specific Plan based on the savings resulting from reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the Specific Plan.

WHEREAS, pursuant to Modesto Municipal Code Section 10-4.102(b) this resolution contains the following:

1. An itemized list, together with a specific description, of the costs for which the Specific Plan fees are being assessed, and the total amount of

the assessment, attached hereto as Exhibit "A", and incorporated herein by reference.

2. A description of the specific parcels of land which are benefitted and against which the fees are assessed, attached hereto as Exhibit "B", and incorporated herein by reference.

3. A statement indicating the amount of the total assessment that is allocated against each parcel of property in the Specific Plan area and the method of allocation, including any exemptions or credits against the assessment, attached hereto as Exhibit "C", and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds and determines that the proposed Specific Plan Reimbursement Fee is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said Empire North Unit No. 1 Specific Plan Reimbursement Fee is hereby adopted as shown on the attached Exhibit "C" incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2000, 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"

Itemized List of Specific Plan Costs

Itemized List of Specific Plan Costs for Empire North Unit No. 1 Specific Plan

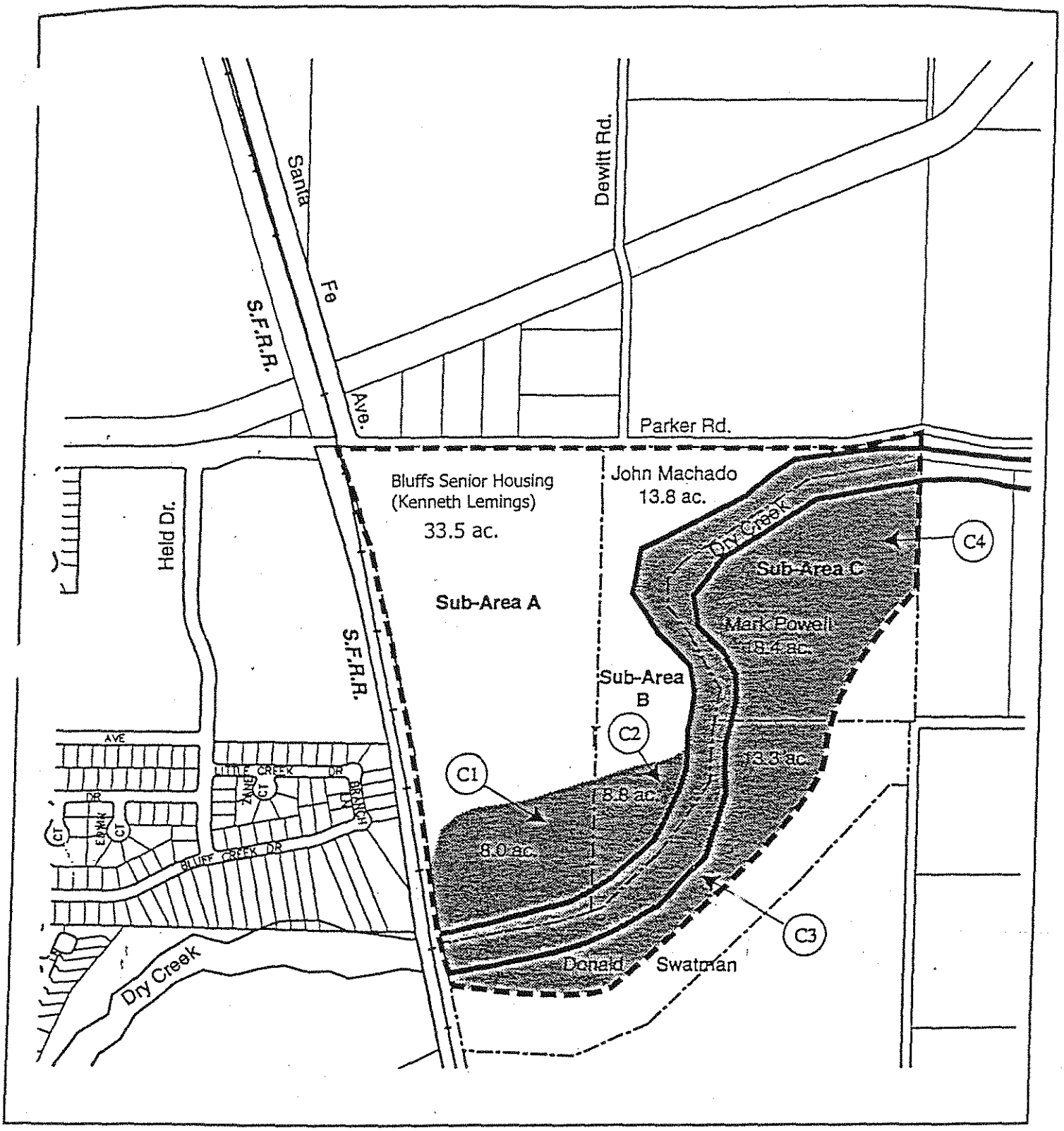
As required by Modesto Municipal Code Section 10-4.102(b)(1), the following is an itemized list, together with a specific description, of the costs for which the Empire North Unit No. 1 Specific Plan fees are being assessed and the total amount of the assessment:

Total Costs incurred during plan preparation and adoption (12/22/96 – 1/7/97):

1.	Labor Costs (City staff time)	$ 24,706.65
2.	Printing Costs	$ 1,722.79
3.	Mailing Costs	$ 196.69
4.	Consultant Costs (Specific Plan/Focused EIR preparation, Jones & Stokes Assoc.)	$ 71,221.00
	Total Costs	**$ 97,847.13**

EXHIBIT "B"

PARCELS OF LAND
BENEFITTING AND BEING ASSESSED



Specific Plan Boundary

Floodplain per
FEMA-FIRM Panel 295

C1 Portions of Property Ownerships
Located within the 100-Year
Floodplain Limits of Dry Creek

Creek Bank

Property Lines

1"=600'

EXHIBIT "C"

METHOD OF COST ALLOCATION

EMPIRE NORTH UNIT NO. 1 SPECIFIC PLAN REIMBURSEMENT FEE METHOD OF COST ALLOCATION

Those property owners who derive a direct benefit from the Specific Plan and its environmental review are those who are able, subsequent to plan adoption, to receive residential development approvals (Sub-areas A and B in Exhibit "B"). Those property owners who derive no benefit in the ability to advocate changed land uses are designated Open Space by the Plan (Sub-areas C-1, C-2, C-3, and C-4 in Exhibit "B").

Therefore, the most equitable method to prorate the Specific Plan fee is to assign the fee based on residential units allowed per property ownership. The "Cost Responsibility Table" below prorates the total cost of Plan preparation and adoption based on the following methodology:

$$\text{Cost per Residential Unit} = \frac{\text{Total costs incurred for Specific Plan}}{\text{Total number of Residential Units}}$$

Cost Responsibility per Sub-area = Residential Units/Sub-area x Cost per Unit

Because of the physical constraints of the properties in the Specific Plan area, only two of the five properties are developable and receive direct benefit from Specific Plan preparation. These two properties were owned by Kenneth Lemings and John Machado at Date of Plan Adoption. Cost responsibility was determined based upon the dwelling unit yield for these developable properties. Based on this measure of relative benefit, (as required by MMC Section 10-4.102(a)(3)) the Lemings property is responsible for $69,426.81, and the Machado property is responsible for $28,420.32 of the total cost. (Note: See Fee Expires below).

There are four areas within this Specific Plan area that will not be assigned cost responsibility. The properties that contain these areas are owned by: Lemings, Machado, Swatman and Powell. These four properties are within the floodplain area and do not have the ability to develop with a significant number of residential units (see table entitled,"Cost Responsibility Summary for the Empire North Unit 1 Specific Plan Preparation and Adoption" for detail).

Cost Responsibility Summary for the Empire North Unit 1 Specific Plan Preparation and Adoption

Area	Acres	Residential Units	Cost Responsibility
Sub-area A-Village Residential-Lemings	33.5	171	$ 69,426.81
Sub-area B-Village Residential-Machado	13.8	70	$ 28,420.32
Sub-area C-Open Space: Dry Creek CPD			
Sub-area C1-Floodplain-Lemings	8.0	0	0
Sub-area C2-Floodplain-Machado	8.8	0	0
Sub-area C3-Floodplain-Swatman	13.3	0	0
Sub-area C4-Floodplain-Powell	18.4	0	0
Total residential (Sub-areas A and B)	47.3	241	$97,847.13
Total open space (Sub-area C)	48.5	0	0
Total Specific Plan area	95.8	241	$ 97,847.13

Fee Expires: If by January 1, 2020 the Empire North Unit No. 1 Specific Plan Reimbursement Fee has not been paid, this Specific Plan Reimbursement Fee requirement is terminated.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-306

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MANAGEMENT PARTNERS INC. FOR CONSULTANT SERVICES RELATING TO A REVIEW OF THE CITY'S BUSINESS PROCESSES IN SUPPORT OF THE CITY COUNCIL'S LEGISLATIVE AND POLICY-MAKING ACTIVITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Management Partners Inc. for consultant services relating to a review of the City's business processes in support of the City Council's legislative and policy-making activities 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 June, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-307

A RESOLUTION OF SUPPORT FOR THE RETENTION OF THE 209 AREA CODE IN STANISLAUS COUNTY

WHEREAS, the City of Modesto has been informed by NeuStar, the North American Numbering Plan Administrator for the California Public Utilities Commission, that the 209 area code is now projected to exhaust during the second quarter of 2004, and

WHEREAS, the North American Numbering Plan Administrator (NANPA) hosted four public meetings to review potential relief alternatives for the 209 area code, and

WHEREAS, NANPA meetings were held in Modesto, Merced, Sonora, and Manteca and received public input on this issue, and

WHEREAS, NANPA has proposed certain maps of relief alternatives for review and discussion at the public meetings and requested input from local agencies, businesses, and members of the public on their preferences from the alternatives offered, and

WHEREAS, NANPA intends, after considering public input, to propose a recommended relief plan for the 209 area code to the California Public Utilities Commission (CPUC) for review and final decision by the CPUC, and

WHEREAS, NANPA is currently proposing the following listed alternatives:

1.B. The East retains the 209 area code with a 6 to 7 year projected life. The West receives a new area code with a projected life of 12 to 14 years.

3. A new overlay will be added to the 209 area code where new customers may be assigned the overlay number with a projected life of 10 to 11 years. There will be a 1 + digit installed (dial 1 plus area code plus the number).

4.A. A two-way geographic split where the West retains area code 209 with a projected life of 5 to 6 years. The East receives a new area code with an

18 to 19 year projected life. The south western boundary expanded to include Newman in Stanislaus County.

8.B. A two-way geographic split where the West receives a new area code with an 11 to 12 year projected life and the East retains the 209 area code with a 9 to 10 year projected life.

9.A. A two-way geographic split where the north west receives a new area code with a projected life of 14 to 15 years. The South retains area code 209 with a projected life of 8 to 9 years.

WHEREAS, the City of Modesto encourages the CPUC to delay the current process and defer the decision to split the 209 area code until the utilization study is completed in February of 2001, and

WHEREAS, the City of Modesto encourages the CPUC to explore and implement all conservation options, such as the utilization of unblocked numbers, in order to postpone the proposed 209 area code split, and

WHEREAS, the City of Modesto believes that Stanislaus County boundary lines, not "rate centers," should be utilized in deciding area code boundaries,

NOW, THEREFORE, BE IT RFSOLVED that the City of Modesto opposes the assignment of a new area code in Modesto and Stanislaus County for the following reasons:

1. The City of Modesto's position is that NANPA and the CPUC should investigate further the need at this time for adoption of an alternative area code plan for the 209 area code.

2. The City of Modesto's opinion is that no decision on the proposed 209 area code split should be made until the "utilization study" due to be released on February 1, 2001, is completed and reviewed for reporting accuracy.

3. The City of Modesto encourages the CPUC to adopt all available conservation measures which will act to delay an area code split for several years.

4. The City of Modesto specifically requests the CPUC to implement certain policies regarding flex rate and sequential numbering in order to maximize the efficient use of telephone numbers previously provided to current carriers.

5. The City of Modesto requests the CPUC to impose a time limitation on reserved numbers thereby increasing the numbers available for current assignment.

6. The City of Modesto requests the CPUC order the carriers in the 209 area code to provide an inventory and accounting of aged and reserved numbers.

7. The City of Modesto encourages the CPUC to utilize the 555 prefix for uses such as weather, emergency preparedness, and time rather than using entire NXX codes for such special use purposes.

8. The City of Modesto requests the CPUC review its current process of NXX code lottery system to limit carrier demand with actual substantiated consumer needs.

9. The City of Modesto requests the CPUC acknowledge that area code 209 is not in imminent need of an area code split and that there are several area codes in this State, which have a higher need.

10. The City of Modesto's position is that in the event the CPUC adopts an area code split, that Modesto and Stanislaus County stay intact.

11. The City of Modesto's position at this time is that proposed alternative 9.A. is the preferred alternative as it is the only alternative which keeps Modesto and Stanislaus County intact.

BE IT FURTHER RESOLVED that the City of Modesto supports proposed alternative plan 9.A. and believes it to be the best of the existing relief alternatives for the following reasons:

1. The Proposed alternative plan 9.A. has an excellent projected life estimate which not only meet but exceed industry and CPUC standards and criteria.

2. The proposed alternative plan 9.A. keeps Modesto and Stanislaus County intact, thereby reducing any adverse impacts to our countywide emergency dispatch systems.

3. MedicAlert Foundation, which is located in Stanislaus County, retains the 209 area code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000- 308

A RESOLUTION ENDORSING THE RECRUITMENT OF UNITED AIRLINES TO PROVIDE REGULARLY SCHEDULED SERVICE BETWEEN MODESTO CITY-COUNTY AIRPORT AND LOS ANGELES INTERNATIONAL AIRPORT.

WHEREAS, Modesto City-County Airport is classified as a Non-Hub Primary service airport serving the passenger needs of the City of Modesto and Stanislaus County, and

WHEREAS, Modesto City-County Airport is only served by United Express Airlines to San Francisco International Airport, and

WHEREAS, the City of Modesto completed an airport marketing plan which identified other community air service needs, and

WHEREAS, the number one destination mentioned in a survey of twenty-eight of the largest businesses in Stanislaus County was Los Angeles International Airport, and

WHEREAS, sixty-six percent of the survey respondents stated that if Modesto had direct service to Los Angeles, they would use Modesto City-County Airport for seventy-five percent of their business travel, and

WHEREAS, United Airlines serves Northern California and has recently added Los Angeles International Airport as a California hub city, and

WHEREAS, the City of Modesto is recruiting United Airlines for Los Angeles service, and United Airlines officials have agreed to discuss the needed service with officials from Modesto on June 16, 2000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that service between Modesto City-County Airport and Los Angeles International Airport is hereby supported.

BE IT FURTHER RESOLVED that the City Council endorses Modesto officials' trip to Chicago.

BE IT FURTHER RESOLVED that the City Council of City of Modesto agrees to negotiate with United Airlines for direct non-stop service between Modesto City-County Airport and Los Angeles International Airport as well as use of the City of Modesto's airport facilities.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 13th day of June, 2000, 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, Frhoman, 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. 2000-309

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "WOODLAND TOT LOT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Woodland Tot Lot, has been completed by Grover Landscape Services Inc., in accordance with the contract agreement dated October 6, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Woodland Tot Lot be accepted from said contractor, Grover Landscape Services Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $82,198.78 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 June, 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
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-310

A RESOLUTION PROVIDING RECOMMENDATIONS FOR LOCAL PROJECTS AND PROGRAMS USING TOBACCO SETTLEMENT FUND, CHILDREN AND FAMILIES FIRST FUND, AND WELFARE TO WORK FISCAL INCENTIVES ALLOCATED TO STANISLAUS COUNTY.

WHEREAS, it is anticipated that Stanislaus County will be receiving funding from the Tobacco Settlement Fund, Children And Families First Fund And Welfare to Work Fiscal Incentives, and

WHEREAS, the Renaissance Group has been given the charge to recommend the manner in which said funds should be spent, and

WHEREAS, through meetings with the Renaissance Group City staff developed the priorities of Youth; Technology; Parks Implementation; Education Programs; Transportation; Infrastructure; and Housing, and

WHEREAS, at its June 7, 2000, meeting, the Human Services Committee brought forth the recommendation that funding be allocated to Health Care, Youth and Economic Development, and

WHEREAS, at its June 14, 2000 meeting the Community Qualities Forum recommended the priorities of Education, Youth, Transportation, Infrastructure, Day Care and Seniors, and

WHEREAS, by an agenda report dated June 15, 2000, from the Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, City staff recommended that the City Council develop priorities for spending said funds, and

provide recommendations for forwarding to the Stanislaus County Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that inasmuch as the City of Modesto is the largest government entity and represents the largest constituency within the county, the Council hereby provides recommendations relating to the manner in which the Tobacco Settlement Fund, Children and Families First Fund, and Welfare to Work Fiscal Incentives allocated to Stanislaus County should be disbursed. Such funding to include youth, economic development, infrastructure, transportation, and health care.

BE IT FURTHER RESOLVED that the County of Stanislaus is requested to allocate in fair shares to the cities in conjunction with their representatives for local projects and programs using the Tobacco Settlement Fund, Children and Families First Fund, and the Welfare to Work Fiscal Incentives allocated to Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-311

A RESOLUTION AUTHORIZING THE DEDICATION OF THE NEW CITY OF MODESTO POLICE HEADQUARTERS BUILDING AND THE PATROL OPERATIONS BUILDING THE G. L. MC KINSEY POLICE COMPLEX.

WHEREAS, Gerald L. McKinsey served as the City of Modesto's Police Chief from June 1976 to June 1992, and

WHEREAS, prior to Chief, Gerald L. McKinsey served as Police Captain and was employed as a law enforcement officer with the City of Modesto for a total of 37 years, until his retirement in June of 1992, and

WHEREAS, under the leadership of Gerald L. McKinsey the City of Modesto initiated numerous special law enforcement programs and special units to meet the demands of policing a growing city, and

WHEREAS, the programs served as models for many other cities on a statewide basis, and

WHEREAS, Gerald L. McKinsey's personal integrity, strong leadership, and high goals earned Gerald L. McKinsey the respect of both his employees and the members of the public whom he served, and

WHEREAS, at the Public Safety Committee meeting of May 9, 2000, the Committee unanimously supported dedicating the Police Headquarters as the G. L. McKinsey Police Complex,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in lasting tribute for his commitment to the community, the new City of Modesto Police Headquarters Building and the Patrol Operations Building is hereby dedicated to G. L. McKinsey, former Chief of Police of the City of Modesto and long time enforcement officer.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 20th day of June, 2000, 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

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-312

Print

A RESOLUTION REJECTING BIDS FOR WASTEWATER COLLECTION MAINTENANCE BUILDING PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 18, 2000

WHEREAS, the bids received for Wastewater Collection Maintenance Building were opened at 11:00 a.m. on April 18, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so widespread 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 Wastewater Collection Maintenance Building, opened in the office of the City Clerk on April 18, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-313

Print

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "CARPENTER ROAD IMPROVEMENTS SOUTH OF MAZE BOULEVARD"

WHEREAS, the bids received for Carpenter Road Improvements South of Maze Boulevard were opened at 11:00 a.m. on June 13, 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 $197,556.70 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-314

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $6,000 TO FULLY FUND A CARPENTER ROAD IMPROVEMENTS SOUTH OF MAZE BOULEVARD

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

FROM: 141 430 J924 6040; $6,000

TO: 141 430 J486 6040; $6000

Transfer needed to fully fund the project. Additional funds are needed because of staff and consultant time required to obtain Caltrans approvals on the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-315

A RESOLUTION ACCEPTING THE BID OF STEINY AND COMPANY FOR THE PROJECT TITLED "TRAFFIC SIGNAL INSTALLATION AT S.R. 99 SOUTHBOUND RAMPS AND KANSAS AVENUE"

WHEREAS, the bids received for Traffic Signal Installation at S.R. 99 Southbound Ramps and Kansas Avenue were opened at 11:00 a.m. on June 13, 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 $93,492 received from Steiny and 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 Steiny and Company 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 27th day of June, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-316

A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS

WHEREAS, the southbound 99 ramps and Kansas Avenue signal project is eligible for Congestion Mitigation and Air Quality (CMAQ) grant funds; and

WHEREAS, funds for this project were partially funded in the 1996-97 CIP and additional funds are needed because of the increased cost for traffic signal construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-00 Annual Budget is hereby amended as indicated below:

Revenue	
#1410-510-3504	$17,000
Expense	
#1410-160-H990	$17,000

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 27th day of June, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-317

A RESOLUTION ACCEPTING THE BID OF GRANITE CONSTRUCTION COMPANY FOR THE PROJECT TITLED "COLLEGE AVENUE OVERLAY CECIL WAY TO NEEDHAM AVENUE"

WHEREAS, the bids received for College Avenue Overlay Cecil Way to Needham Avenue were opened at 11:00 a.m. on June 13, 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 $493,962.35 received from Granite Construction 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 Granite Construction Company 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 27th day of June, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-318

A RESOLUTION ACCEPTING THE PROJECT TITLED "NORTHGATE SEWER LIFT STATION REPLACEMENT" AS COMPLETE

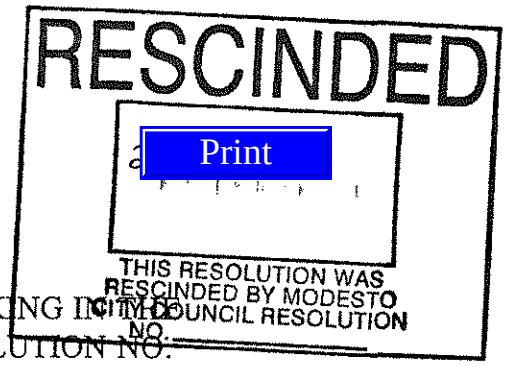
WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Northgate Sewer Lift Station Replacement, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated March 9, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Northgate Sewer Lift Station Replacement be accepted from said contractor, Ross F. Carroll Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $192,049 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 27th day of June, 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
JEAN ZAHR, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 2000-319

A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2000-10.

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, St. Stanislaus Catholic Church has requested angle parking along J Street between 7th Street and 8th 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 an Agenda Report dated June 19, 2000, from the Engineering and Transportation Department, City staff recommended the installation of angle parking on the north side of J Street between 7th Street and 8th Street, and

WHEREAS, said matter was considered by the City Council at its meeting of June 23, 2000,

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 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)
- J Street between 7th Street & 8th Street (north side)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2000-10 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-320

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN OPERA HOUSE SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Ling Investments, subdividers of Opera House Subdivision have filed Subdivision Payment Bond and a Subdivision Faithful Performance bond for labor and materials in the amount of $602,069 and $1,204,139 Respectively to guarantee improvements in Opera House 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 Opera House Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $1,204,138 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 $602,069 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 27th day of June, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-321

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CHAMBER OF COMMERCE FOR FUNDING TO THE CONVENTION AND VISITORS BUREAU

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Chamber of Commerce for funding to the Convention and Visitors Bureau for a period not to exceed six months at $18,861.95 per month 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 27th day of June, 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:	Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-322

A RESOLUTION ESTABLISHING THE 2000-2001 FISCAL YEAR APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO BE USED IN THE CALCULATION

WHEREAS, adoption of the Fiscal Year 2000-01 budget requires that Council establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for that year; and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population factors to be used and the appropriation limit with the recommended factors in calculating the limit are the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County"; and

WHEREAS, a copy of said report is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit and the price and population factors to be used in determining the 2000-01 appropriations limit is hereby established as set forth in the attached schedule.

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 20th day of June, 2000, 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 votes:

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

NOES: Councilmembers: Conrad and Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-323

Print

A RESOLUTION TO SET-ASIDE $7.1 MILLION IN RESERVES UNTIL THE RESPONSE IS MADE TO THE GRAND JURY REPORT REGARDING PROP #218

WHEREAS, on June 27, 2000, Council reviewed and revised the Proposed Annual Budget for Fiscal Year 2000-01; and

WHEREAS, Council requested that $7.1 million in reserves be set-aside until the response is made to the Grand Jury Report regarding Proposition 218.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that $7.1 million in reserves is hereby set-aside until the response is made to the Grand Jury Report regarding Proposition 218.

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 27th day of June, 2000, 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, Frohman, Friedman, Serpa, and Smith and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-324

A RESOLUTION GRANTING THE APPEAL OF FRANCIS R. RUGGIERI FILED ON BEHALF OF MR. DENNIS SLEWOO RELATING TO AN APPLICATION FOR A VARIANCE FROM ALCOHOL BEVERAGE CONTROL STANDARDS FOR A TYPE 20 OFF-SALE LIQUOR LICENSE AT THE USA CHEVRON SERVICE STATION LOCATED AT 3300 MC HENRY AVENUE, IN THE CITY OF MODESTO.

WHEREAS, the Business and Professions Code regulations govern liquor license applications, and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants may apply when requesting liquor licenses for premises in the City of Modesto, and

WHEREAS, it is the responsibility of the City Council to make the determination as to whether the public convenience or necessity would best be served by the issuance of an off-sale retail liquor license at a requested location, and

WHEREAS, Dennis Slewoo, owner of the USA Chevron Service Station located at 3300 McHenry Avenue, in the City of Modesto, filed an application for a variance to the Alcohol Beverage Control (ABC) standards, for a Type 20 Off-Sale Alcohol General License, and

WHEREAS, on January 25, 2000, said application was not granted by the City's hearing officer on the basis of City Council Resolution 95-28, which resulted from an appeal of Modesto Sherwood Forrest Homeowners Association, Inc., wherein the City Council overruled

the Board of Zoning Adjustment's decision, and

WHEREAS, an appeal was filed by Francis R. Ruggieri on behalf of Dennis Slewoo and said appeal was considered by the City Council on March 7, and May 9, and continued to June 27, 2000, and

WHEREAS, based on discussions between the applicant and members of the Sherwood Forest Homeowners Association, the /Association withdrew its opposition to Mr. Slewoo's application, subject to certain conditions, and

WHEREAS, the applicant's appeal was set for a duly noticed public hearing before the City Council at its regular meeting place in the Chambers in Tenth Street Place located at 1010 Tenth Street, Modesto, California, on June 27, 2000, at 7:00 p.m., and

WHEREAS, based on the agreement reached by the involved parties, City staff recommended that the appeal be granted, subject to certain conditions as set forth in an Agenda Report from the City Manager's Office, a copy of which is on file in the office of the City Clerk, and

WHEREAS, after considering evidence both oral and documentary, the Council found and determined that said application should be approved as recommended, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that the public convenience and necessity would be served by the issuance of the variance as requested for a Type 20 Off-Sale Retail Liquor License by the State Department of Alcohol Beverage Control Board to Dennis Slewoo owner of the USA

Chevron Service Station located at 3300 McHenry Avenue, in the City of Modesto, subject to the following conditions:

1. The sale of alcohol shall be allowed from 6:00 a.m. to 10:00 p.m.

2. The sale of alcohol in single cans or bottles is prohibited.

3. With the exception of when fuel is being delivered, the entry from Robinhood Drive will be blocked by two steel beams and a metal wire fence from 10:00 p.m. to 4:00 a.m. seven days a week from May through September and Friday and Saturday nights on a year round basis.

4. No signs, banners and/or neon signs shall be allowed outside the store promoting alcohol.

5. The selling of alcohol space shall be limited to two cooler doors.

6. Brand selections of alcohol to be sold shall be limited to two major brands, such as Budweiser and Coors products.

BE IT FURTHER RESOLVED, that, in consideration of the agreement reached by the involved parties, and an over-concentration of liquor licenses not existing in the application census tract, the Council hereby grants the appeal filed by Dennis Slewoo for a variance from the ABC standards for an application for a Type 20 Off-Sale Liquor License for the USA Chevron Service Station located at 3300 McHenry Avenue, in the City of Modesto, subject to the above conditions.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 27th day of June, 2000, 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, City Attorney

DISTRIBUTION LIST

2 - Clerk
1 - City Attorney
1 - Esther - City Manager's Office
1 - Police Department

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-325

A RESOLUTION APPROVING THE CITY OF MODESTO 2000-2001 ANNUAL ACTION PLAN AND THE FIVE YEAR CONSOLIDATED PLAN (JULY 1, 2000 THROUGH JUNE 30, 2005), AND AUTHORIZING SUBMISSION OF APPLICATIONS 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), a HOME Investment Partnership Grant, 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 line, and the number of housing units that are considered substandard, and

WHEREAS, the City is required to develop a five-year strategy, known as the Consolidated Plan, which addresses the needs identified by staff and community residents, and

WHEREAS, the Consolidated Plan includes a general community profile, policies and goals to address the needs for affordable housing, and supportive housing and community development within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of June 27, 2000, to consider the submission of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2000-2001 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 as follows:

1. That the Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG), is hereby approved, and a copy of said Annual Action Plan is on file in the office of the City Clerk.

2. 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 the2000-2001 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2000, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-326

Print

A RESOLUTION GRANTING THE APPEAL OF DERIK BAKKER AND LESLIE BAKKER FILED ON BEHALF OF FRESH IDEAS FLOWER CO. RELATING TO A DENIAL BY THE FIRE MARSHAL OF TWO PERMITS TO SELL FIREWORKS.

WHEREAS, Derik Bakker and Leslie Bakker on behalf of Fresh Ideas Flower Company filed two applications for fireworks permits at 1525 Yosemite Boulevard and 409 Paradise Road, and

WHEREAS, by letter dated June 13, 2000, the Fire Marshal for the City of Modesto denied the applications for permits, as the business was delinquent in filing quarterly mill tax statements for December 1999 and March 2000, and

WHEREAS, Section 3-1.104 of the Modesto Municipal Code sets forth the procedure to appeal the decision to the City Council, and

WHEREAS, an appeal was filed by Derik Bakker and Leslie Bakker on behalf of Fresh Ideas Flower Co., and said appeal was considered by the City Council on June 27, 2000, and

WHEREAS, after hearing on said appeal, the Council found that said applications to sell fireworks at 1525 Yosemite Boulevard and 409 Paradise Road should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the appeal filed by Derik Bakker and Leslie Bakker on behalf of

Fresh Ideas Flower Co. for two permits to sell fireworks at 1525 Yosemite Boulevard and 409 Paradise Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2000, 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, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-327

A RESOLUTION APPROVING AN EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELL COMPUTERS FOR ONE ADDITIONAL YEAR FOR THE PURCHASE OF PERSONAL COMPUTERS FOR FISCAL YEAR 2000/2001

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an extension to the agreement between the City of Modesto and Dell Computers for one additional year for the purchase of personal computers for Fiscal Year 2000/2001 at an estimated cost of $290,000 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 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-328

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR THE PROJECT TITLED "MODIFICATION OF EIGHT TRAFFIC SIGNALS ALONG COLLEGE AVENUE AND TULLY ROAD"

WHEREAS, the bids received for Modification of Eight Traffic Signals Along College Avenue and Tully Road were opened at 11:00 a.m. on June 13, 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 $548,400 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 Collins Electrical 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 June, 2000, 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, Friedman, Frohman, Serpa, Smith
NOES:	Councilmembers:	None
ABSENT:	Councilmember:	Fisher & Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-329

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS

WHEREAS, staff were successful in obtaining a Congestion Mitigation and Air Quality (CMAQ) grant to reduce pollution and improve air quality; and

WHEREAS, a contract was awarded for the project entitled "Modify Eight Traffic Signals along College Avenue and Tully Road" with an estimated cost is $647,112; and

WHEREAS, this project is partially funded with additional funds being needed due to increased costs for traffic signal construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

#0700-160-L023	$(23,183)
#070-160-K005	$202,112
#070-510-3504	$178,929

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 5th day of July, 2000, 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 votes:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-330

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $23,183 TO FULLY FUND THE PROJECT TITLED "MODIFICATION OF EIGHT TRAFFIC SIGNALS ALONG COLLEGE AVENUE AND TULLY ROAD"

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

FROM: 0700 160 L023 6040; $23,183.00

TO: 070 160 K005 6040; $23,183

Transfer is necessary 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 5th day of July, 2000, 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:	Fisher, Friedman, Frohman, Serpa, Smith
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher & Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-331

Print

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR INCREASE IN RENT FOR PROPERTY AT 500 NINTH STREET, SUITE H, FOR STORAGE OF ARTIFACTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Theodore M. Cook for an increase in rent from $696.21 per month to $730.00 per month for property at 500 Ninth Street, Suite H, for storage of artifacts 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 day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-332

A RESOLUTION AMENDING RESOLUTION NO. 96-294, AS AMENDED BY RESOLUTION NOS. 97-533 AND 98-383 WHICH ORDERED THE PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO TO CLARIFY THE CITY'S INTENTION TO NOT SUCCEED TO A PROTESTED WILLIAMSON ACT CONTRACT FOR ASSESSORS PARCEL NUMBER 46-07-38.

WHEREAS, Modesto City Council Resolution No. 96-294 entitled, *A Resolution Ordering the Pelandale-Snyder Reorganization to the City of Modesto, Annexation to the Modesto Municipal Sewer District No. 1, and Detachment from the Salida Fire Protection District (Uninhabited),* was adopted by the Council of the City of Modesto on the 4th day of June, 1996, and

WHEREAS, Modesto City Council Resolution No. 97-533 amended Resolution No. 96-294 to include a provision finding that resolutions protesting Williamson Act contracts (Government Code Sections 51240, et seq.) were filed by the City by Modesto City Council Resolutions Nos. 74-104, 74-106, 75-299, 76-287, 76-288, 76-290, 76-1373, 76-1374, and 77-1093, with the Local Agency Formation Commission, and approved by the Local Agency Formation Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-294, and

WHEREAS, Modesto City Council Resolution No. 98-383 amended Resolution Nos. 96-294 and 97-533 to clarify the City's intention to not succeed to a protested Williamson Act contract for Assessors Parcel Number 46-07-38, consisting of 3.93 acres

located on the west side of Tully Road at Pelandale Avenue (shown as parcel 38 on the attached map), and

WHEREAS, the Local Agency Formation Commission, following hearings, by LAFCO Resolutions adopted on November 22, 1977, March 28, 1978, and April 19, 1978, upheld the City's protest resolutions, upon a finding that the Williamson Act contracts, including the annexed territory, were inconsistent with the publicly desirable future use and control of the land in question, and

WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contracts upon annexation of the land to the City, for which the Williamson Act contracts were executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contracts because valid protests as above-described were filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991, and

WHEREAS, Resolution No. 98-383 adopted on July 21, 1998, inadvertently omitted one property that has a protested contract, and

WHEREAS, the Council desires to amend Resolution No. 96-294 as amended by Resolution Nos. 97-533 and 98-383, to clarify the City's intention to not succeed to a protested Williamson Act contract for Assessors Parcel Number 46-07-38, and

WHEREAS, the original Williamson Act contract was on 40 acres owned by William Luchessa, located on the west side of Tully Road south of Bangs Avenue, and

WHEREAS, only the southern 3.93 acres of the property was annexed as part of the Pelandale-Snyder Reorganization, and

WHEREAS, the Williamson Act contract on the remaining 35.43 acres (parcel 37 on the attached map which is still owned by the Luchessa's), will remain on parcel 37,

NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-294, as amended by Resolution Nos. 97-533 and 98-383, are hereby amended to include the City's intention to not succeed to a protested Williamson Act contract for Assessors Parcel Number 46-07-38, consisting of 3.93 acres located on the west side of Tully Road at Pelandale Avenue, which property is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference (shown as parcel 38 on the attached map), with the remaining 35.43 acres (parcel 37 on the attached map which is still owned by the Luchessa's,) being unaffected by this action and the Williamson Act contract remaining on parcel 37.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Exhibit A

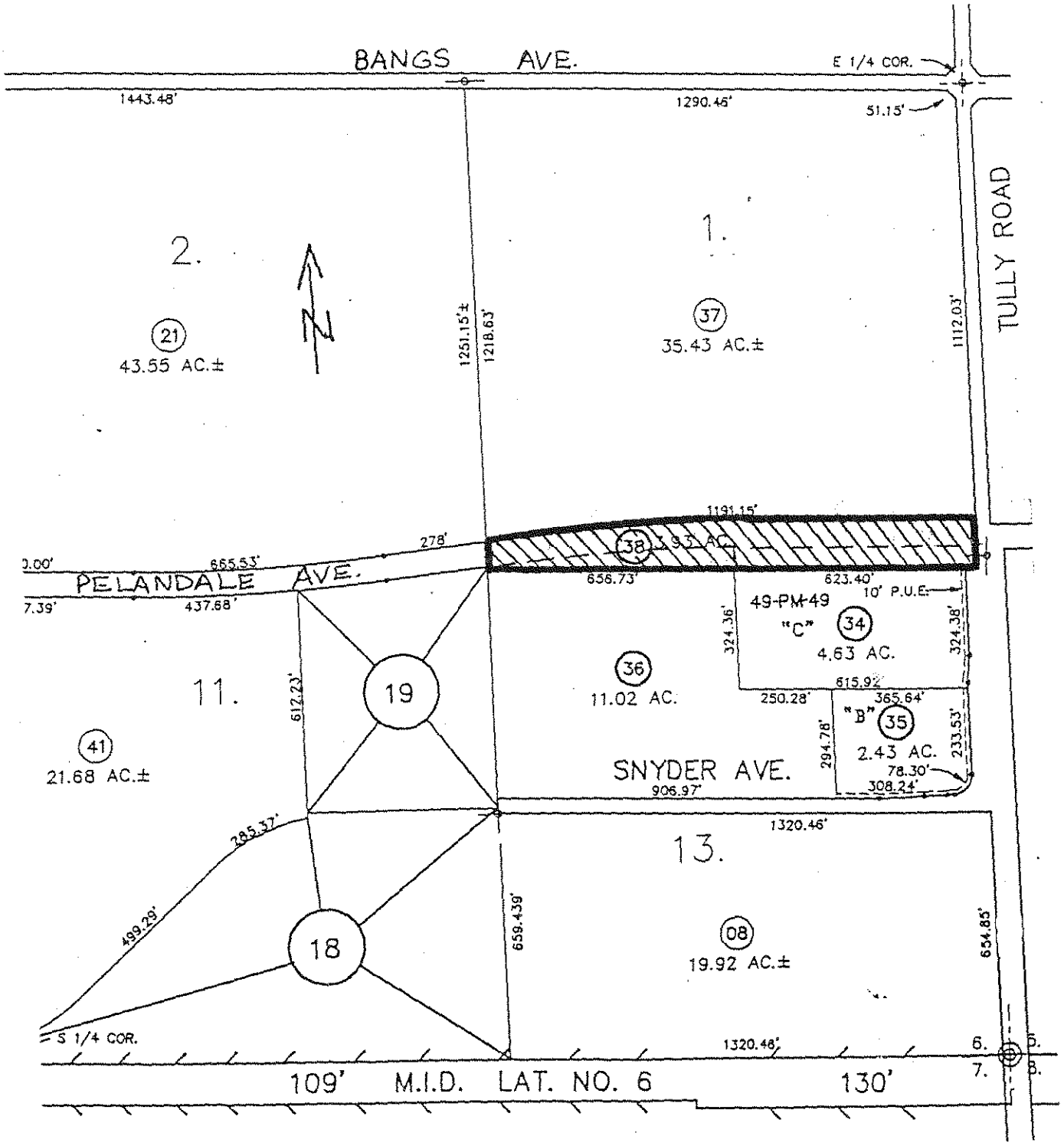
All that portion of the Southeast quarter of Section 6, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 1 of the NASH TRACT, as per map filed December 24, 1908 in Volume 4 of Maps, Page 10, Stanislaus County Records, described as follows:

BEGINNING at the Southeast corner of said Lot 1, said point being on the West line of 40.00 feet wide Tully Road (20.00 feet half-width); thence along the South line of said Lot 1, North 88°24'43" West 1320.46 feet, to the Southwest corner of said Lot 1; thence along the West line of said Lot 1, North 01°07'03" West 80.25 feet to a point on the centerline of the half-width future 135.00-foot wide Pelandale Avenue; thence North 83°57'51" East, on said centerline 129.36 feet to the beginning of a tangent curve; thence Easterly along said tangent curve, concave to the Southeast, having a Radius of 5000.00 feet, a Central Angle of 07°17'42" and an Arc Length of 636.61 feet, to a point on a tangent line; thence along said tangent line, South 88°44'27" East, 554.54 feet, more or less to a point on the East line of Lot 1 and the West line of said Tully Road; thence South along said East Line of Lot 1 and the West line of Tully Road, South 01°07'03" East, 144.76 feet, more or less, to the POINT OF BEGINNING.

Subject to all easements and/or rights-of-way of record.

Containing 3.93 acres, more or less.

Location of Subject Property



DISTRIBUTION LIST

2- Clerk
1 - Attorney
1 - Initiating Department - CDD - Steve Mitchel
1 - LAFCO/ certified

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-333

A RESOLUTION APPROVING THE FINAL MAP OF MILLBROOK ESTATES UNIT NO. 3 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 12.15 acres, known as MILLBROOK ESTATES UNIT NO. 3 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 10th 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. 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 the final map of MILLBROOK ESTATES UNIT NO. 3 Subdivision is hereby 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 5th 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 Sabation
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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-334

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS RICCI FOR THE EXCLAMATION FESTIVAL SCHEDULED ON JULY 22, 2000 TO CHANGE THE AREA OF STREET CLOSURE TO ALLOW THE FESTIVAL TO OCCUR BETWEEN 10TH AND 13TH STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Chris Ricci for the Exclamation Festival scheduled on July 22, 2000 to change the area of street closure to allow the Festival to occur between 10th and 13th Streets 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 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

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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-335

A RESOLUTION AUTHORIZING STAFF TO THE WASTE-TO- ENERGY EXECUTIVE COMMITTEE TO ISSUE A REQUEST FOR PROPOSALS FOR A QUALIFIED CONSULTANT TO PREPARE CEQA DOCUMENTS TO OBTAIN PERMITS FOR ACCEPTING AND PROCESSING MEDICAL WASTE AT THE STANISLAUS RESOURCE RECOVERY ("WASTE-TO-ENERGY") FACILITY.

WHEREAS, the City and the County are partners with Ogden Martin Systems of Stanislaus in the Stanislaus Resource Recovery ("Waste-to-Energy") Facility, and

WHEREAS, the 1985 Executive Committee Agreement established an Executive Committee charged with administering the Service Agreement of the City and County for deliveries of waste to the Waste-to-Energy ("WTE") Facility and with establishing a budget and setting tipping fees to cover the costs of operating the Facility, and

WHEREAS, the Executive Committee consists of two members of the Modesto City Council and two members of the County Board of Supervisors, serving in an advisory capacity to the governing bodies, the City Council and the Board of Supervisors on matters related to project administration, and

WHEREAS, at its June 7, 2000, meeting, the Waste-to-Energy Executive Committee directed staff to obtain authorization from the respective governing bodies to proceed with a Request for Proposals for consulting services to prepare the environmental documents necessary to obtain permits for accepting and processing medical at the Stanislaus Resource Recovery ("WTE") Facility, and

WHEREAS, by an agenda report dated June 23, 2000, from the Engineering & Transportation Department, City it was recommended that authorization be given to staff of the Waste-to-Energy Executive Committee to issue a Request For Proposals for a qualified consultant to prepare CEQA documents necessary to obtain permits for accepting and processing medical waste at the Stanislaus Resource Recovery ("Waste-to-Energy") Facility, and

WHEREAS, at its meeting of July 5, 2000, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council, as one of the governing bodies of the Stanislaus Resource Recovery ("WTE"), hereby authorizes staff of the Waste-to-Energy Executive Committee to issue a Request for Proposals for a qualified consultant to prepare CEQA documents necessary to obtain permits for accepting and processing medical waste at the Stanislaus Resource Recovery ("Waste-to-Energy") Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-336

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KEVIN AND DEBRA CRAWFORD FOR THE LEASE OF CITY-OWNED PROPERTY AT 4205 GOMES ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kevin and Debra Crawford for the lease of City-owned property at 4205 Gomes Road 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 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-337

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 add the following classification:

Computer Forensics Investigator

The specifications for the classification of Computer Forensics Investigator, 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 revised to abolish the following classification:

Development Services Division Manager

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 5, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO JULY, 2000
NO. 7111

Computer Forensics Investigator

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 perform investigative work particularly with cases that have computer technology involvement or require computer technology to assist in the investigation; to complete reports and presentations to assist in the documentation of computer crimes and other high technology investigations; and to perform a variety of technical and administrative tasks in support of the department.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over sworn and non-sworn personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Conduct recovery of magnetic, optical, and electronic data evidence from computers, computer systems and other related devices and prepare cases for prosecution.

Testify in court and other hearings as an expert witness to present and explain computer data evidence in criminal and civil prosecutions.

Assist other law enforcement and government agencies with computer evidence and recovery.

Train department and other law enforcement personnel to properly handle, identify and use computer technology for the investigation of computer-involved and other high technology crime, computer crime prevention and on-line computer crime prevention.

Organize and maintain a functional and secure forensic analysis lab for computer evidence data recovery, storage of computer forensic software and hardware, and use as a secure on-line connection port of on-line investigations; train other investigators in use of the lab.

Essential Functions, Continued:

Conduct and assist with proactive investigations using the Internet, Intranets, and other computer networks and systems.

Assist with procurement and maintenance of software and hardware for departmental investigations.

Organize a computer technology user's group consisting of citizens, officers and other law enforcement agencies to assist in the prosecution and prevention of computer crimes.

Assist in the collection and processing of evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

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.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Assist in making arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; gather and preserve evidence; testify and present evidence in court.

Assist in the service of arrest and search warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

Give oral presentations at schools, clubs and other community organizations.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Police methods and procedures including 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.

Interviewing and interrogation techniques.

Standard IDE PC compatible hard drives and other common computer storage media.

DOS and Windows-based computer operating systems, their file structures and organization, file naming standards, and investigative techniques for finding data.

Computer Forensic Investigations Standards adopted by the California Department of Justice, the S.E.A.R.C.H. Group, High Technology Crime Investigation Association (HTCIA) and the International Association of Computer Investigative Specialists (IACIS).

Ability to:

Analyze situations quickly and objectively, and determine and take emergency action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Ability to, Continued:

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Learn standard broadcasting procedures of a police radio system.

Learn to prepare search warrants.

Meet the physical requirements established by the Department including lifting and carrying seventy-five (75) pounds of weight.

Learn to cultivate well-placed informants in the civilian population.

Use and care for firearms.

Prepare accurate and grammatically correct written reports.

Make a forensic copy of standard IDE PC compatible hard drives and other common computer storage media and find computer evidence data as required by investigations.

Train and present computer technology crime information to law enforcement personnel, peace officers, and civilians using modern computer-assisted multi-media presentation equipment.

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 full-time sworn law enforcement experience.

Training:

Equivalent to the completion of the twelfth grade supplemented by specialized training in police science, criminology or a related field including

three or more courses from the SEARCH Group at time of final filing. These three courses must cover at least Search and Seizure of Computers, Computer Forensic Investigations, and Internet Investigations. An Associate of Arts degree is desirable.

License or Certificate

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

Possession of a P.O.S.T. Intermediate Certificate.

Qualification in a California Superior Court as a Computer Forensic Expert.

Membership in the High Technology Crime Investigation Association (HTCIA) or the International Association of Computer Investigative Specialists (IACIS) at time of final filing.

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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-338

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 add the following classification:

Senior Business Analyst

The specifications for the classification of Senior Business Analyst, 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 July 5, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, 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, City Attorney

EXHIBIT "A"

CITY OF MODESTO JULY, 2000
NO. 3709

SENIOR BUSINESS ANALYST

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, and implementation 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 assist in the preparation of 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:

Recruit business prospects; assist them in the setting and permitting of their businesses both within the redevelopment area and citywide.

Work with existing businesses, both in the redevelopment area and citywide, to protect and expand their investments in the local economy.

Assist the Department Director in the development of the economic development workplan; assign work activities, projects and programs; monitor workflow; implement policies and procedures.

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.

Negotiate, prepare, and supervise the processing of documents such as disposition and development agreements, owner participation agreements, contract, 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.

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

Participate in the development and implementation of the City'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.

Knowledge of, Continued:

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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-339

A RESOLUTION AMENDING THE CLASS RANGE TABLE FOR GENERAL POLICE CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATION OF COMPUTER FORENSICS INVESTIGATOR.

WHEREAS, the City Council desires to amend the class range table for General Police Classes to establish a salary for the classification of Computer Forensics Investigator,

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

SECTION 1. Exhibit "A", attached hereto and entitled "City Of Modesto Class Range Table General Police Classes Effective July 5, 2000", is hereby approved and made a part hereof as though set forth in full herein. Said Exhibit "A" adds Computer Forensics Investigator (Range 312) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 5, 2000.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-339

A RESOLUTION AMENDING THE CLASS RANGE TABLE FOR GENERAL POLICE CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATION OF COMPUTER FORENSICS INVESTIGATOR.

WHEREAS, the City Council desires to amend the class range table for General Police Classes to establish a salary for the classification of Computer Forensics Investigator,

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

SECTION 1. Exhibit "A", attached hereto and entitled "City Of Modesto Class Range Table General Police Classes Effective July 5, 2000", is hereby approved and made a part hereof as though set forth in full herein. Said Exhibit "A" adds Computer Forensics Investigator (Range 312) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 5, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-340

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD SENIOR BUSINESS ANALYST (RANGE 438).

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

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 July 5, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Senior Business Analyst (Range 438) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 5, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, 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, City Attorney

EXHIBIT "A"

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective July 5, 2000

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

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	Events Supervisor 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 Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor Neighborhood Organizer

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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator

RANGE	TITLE
435	Management Analyst Senior Personnel Analyst Integrated Waste Specialist Business Analyst Cultural Services Manager Area Manager
436	Senior Planner
437	Deputy City Attorney I
438	Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator **Senior Business Analyst**
439	Administrative Services Officer
440	Purchasing Officer 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)

RANGE	TITLE
441	(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II
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 Business Development Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
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	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-341

Print

A RESOLUTION APPROVING AN 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 2000-2001 PROGRAM YEAR

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 2000-2001 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 5th 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-342

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 2000-2001 PROGRAM YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 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 2000-2001 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 5th 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-343

A RESOLUTION DIRECTING THE CITY CLERK TO INCLUDE CERTAIN INFORMATION ON EACH COUNCIL AGENDA, AND DIRECTING THE CITY CLERK TO PREPARE FORMS FOR DISTRIBUTION TO MEMBERS OF THE PUBLIC WHO WISH TO ADDRESS THE COUNCIL AT COUNCIL MEETINGS.

WHEREAS, for several months, the Economic Development, Community and Intergovernmental Relations Committee (hereafter referred to as "Committee") met and discussed and developed alternatives to the existing Council agenda format, Council's order of business, Council meeting times, changes in the manner in which Councilmembers' votes are recorded, and other ways to improve the efficiency of Council meetings, and

WHEREAS, by a report dated June 16, 2000, from the Committee, a copy of which is on file in the office of the City Clerk, the Committee recommended that the City Council take action to implement certain changes as set forth in said report, and

WHEREAS, at its meeting of June 27, 2000, which was continued to July 5, 2000, the City Council considered the recommendations of the Committee, and

WHEREAS, on July 5, 2000, the City Council introduced Ordinance No. 3182 C.S., which changes the agenda format and order of business for City Council meetings, changes the meeting times of regular Council meetings, and changes the manner in which Council votes are recorded,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed as follows:

1. Include information on each Council agenda relating to whether or not any item has previously been reviewed by a Council committee.

2. Include the originating department of the item on each Council agenda.

3. Prepare and distribute before each Council meeting, forms to be filled out by each member of the audience who wishes to address the Council on any matter of City business. A copy of said form is attached as Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 5th day of July, 2000, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-344

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND PAHRUMP HEIFER RANCH FOR LAND AT THE SECONDARY TREATMENT PLANT SITE USED FOR CANNERY SEGREGATION MATERIAL AND TREATED EFFLUENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pahrump Heifer Ranch for land at the Secondary Treatment Plant site used for cannery segregation material and treated effluent 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 11th day of July, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-345

A RESOLUTION OF INTENTION TO CONSIDER THE REQUEST OF BERTOLOTTI DISPOSAL, INC., A CALIFORNIA CORPORATION, DBA BERTOLOTTI DISPOSAL SERVICE, TO ENTER INTO A SERVICE AGREEMENT WITH THE CITY OF MODESTO FOR SOLID WASTE COLLECTION SERVICES AND TO CONSIDER THE RECOMMENDATION TO ADOPT A FORMAL POLICY FOR SERVICE PROVIDERS FOR SOLID WASTE COLLECTION IN FORMER COUNTY AREAS THAT ARE ANNEXED TO THE CITY OF MODESTO, AND SETTING A PUBLIC HEARING ON JULY 25, 2000, TO CONSIDER SAID MATTERS.

WHEREAS, Bertolotti Disposal, Inc., a California Corporation, DBA Bertolotti Disposal Service, holds a license for the collection of garbage, industrial garbage and salvageable waste in the City of Modesto, and

WHEREAS, Bertolotti Disposal, Inc., a California Corporation, DBA Bertolotti Disposal Service, has requested to enter into a service agreement with the City for solid waste collection services, and

WHEREAS, Bertolotti Disposal, Inc., a California Corporation, DBA Bertolotti Disposal Service, has also recommended that the City Council adopt a formal policy for service providers for solid waste collection in former county areas that are annexed to the City of Modesto, and

WHEREAS, the Utility Services and Franchises Committee considered these matters at their January 20, 2000, and May 22, 2000 meetings, and will present their recommendations to the Council during the public hearing, and

WHEREAS, pursuant to Modesto Municipal Code Section 5-5.24, the City Council shall hear such requests at a public hearing on Tuesday, July 25, 2000, at 7:00 p.m., in the Tenth Street Place Chambers located in the Basement at 1010 10th Street, Modesto, California,

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

1. The City Council intends to consider the request of Bertolotti Disposal, Inc., a California Corporation, DBA Bertolotti Disposal Service, to enter into a service agreement with the City for solid waste collection services and the recommendation to adopt a formal policy for service providers for solid waste collection in former county areas that are annexed to the City of Modesto.

2. On Tuesday, July 25, 2000, at 7:00 p.m., the City Council will conduct a public meeting on the request of Bertolotti Disposal, Inc., a California Corporation, DBA Bertolotti Disposal Service, to enter into a service agreement with the City for solid waste collection services and the recommendation to adopt a formal policy for service providers for solid waste collection in former county areas that are annexed to the City of Modesto. The hearing will be held in the Tenth Street Place Chambers located in the Basement at 1010 10th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-346

Print

A RESOLUTION APPROVING THE FINAL MAP OF CHATEAU PROVENCE PHASE 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ANDERSON HOMES, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 24.10 acres, known as CHATEAU PROVENCE PHASE 2 ("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 September, 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 CHATEAU PROVENCE 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 public 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 11th day of July, 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
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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-347

A RESOLUTION APPROVING THE FINAL MAP OF DAVANTE VILLAS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, DAVANTE VILLAS LP., a California limited partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 18.97 acres, known as DAVANTE VILLAS ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th 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 DAVANTE VILLAS 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 11th day of July, 2000, 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: 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

Clerk 6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-348

A RESOLUTION APPROVING THE FINAL MAP OF OLYMPIC PARK UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, DAVANTE VILLAS LP., a California limited partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.24 acres, known as OLYMPIC PARK UNIT NO. 1 ("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 March, 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 OLYMPIC PARK 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 11th day of July, 2000, 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 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

Corrected 11/1/00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-349

Print

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

The City of Modesto of Stanislaus County, California does resolve as follows:

WHEREAS, the City of Modesto has by previous resolutions or other proceedings 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 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. 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 such charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for the 2000/01 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 2000/01 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk (6)

Corrected 11-1-00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-349

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING 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 and Lighting 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. 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 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 2000-2001, and

CORRECTED 11-1-00

WHEREAS, the Council has adopted Resolution No. 2000-275 on June 6, 2000, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 2000-2001 and to set a public hearing to be held on July 11, 2000, in the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 1 and hereby levies the assessment set forth therein for fiscal year 2000-2001.

Corrected 11-1-00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-350

A RESOLUTION SUPPORTING THE CLOSURE OF POWELL STREET AND CHRYSLER STREET AT THE BOUNDARY OF PRESCOTT ESTATES AS A PUBLIC SAFETY MEASURE.

WHEREAS, Richard Huber, the court appointed receiver for the Prescott Estates Condominiums, has requested that Powell and Chrysler Streets be closed at the boundary of Prescott Estates to assist with traffic and to reduce crime in the Prescott Estates area, and

WHEREAS, it is the opinion of the Northwest Area Commander that closure of said streets will result in a significant reduction in crime within the project, and

WHEREAS, Section 3-2.201(d) of the Modesto Municipal Code gives the Chief of Police the authority to close streets as a public safety measure, and

WHEREAS, City staff has begun preliminary work to measure the street in preparation for the fabrication of a swinging gate to be placed across the street and to be closed nightly and opened each morning by the private security guards hired by Mr. Huber,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the closure of Powell Street and Chrysler Street at the boundary of Prescott Estates as a public safety measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-351

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE $107,544 TO PROVIDE FOR ADDITIONAL POLICE OFFICERS TO PRESCOTT ESTATES AREA FOR 90 DAYS

WHEREAS, staff has received a letter from Mr. Richard Huber, court appointed receiver for the Prescott Estates Condominiums and is requesting assistance form the City to continue his efforts to make improvements to the condominiums; and

WHEREAS, staff has approved additional police presence at Prescott Estates for 90 days which will require an additional cost of $107,544 from the police department budget; and

WHEREAS, the funds to accommodate this loan request are available from various CDBG accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

#0100-800-8000-8003	$(107,544)
#0100-800-1961-0130	$ 107,544

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 11th day of July, 2000, 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 votes:

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

Corrected 8/9/00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-352

Print

A RESOLUTION DESIGNATING PRESCOTT ESTATES AS AN EMERGENCY HOUSING MAINTENANCE TARGET PROGRAM AREA.

WHEREAS, Richard Huber, the court appointed receiver for the Prescott Estates Condominiums, has been working towards the clean up of the units at Prescott Estates, and

WHEREAS, in 1998, the City Council approved a $150,000 loan for the Prescott Estates Homeowners Association to replace deteriorated roofs on twelve (12) four-plexes at Prescott Estates Condominiums, and

WHEREAS, in order to address the remaining extremely dangerous roofs at Prescott Estates, Mr. Huber has requested that $500,000 in Community Development Block Grant ("CDBG") funds be made available for loans to repair/replace approximately fifty (50) roofs at the Prescott Estates condominiums, and

WHEREAS, in order to accommodate Mr. Huber's loan request, Prescott Estates must be designated as an Emergency Housing Maintenance Target Program Area in order to meet certain criteria designated in Exhibit "A" , which is attached hereto and made a part hereof, and

WHEREAS, designation as an Emergency Housing Maintenance Target Program Area will allow property owners to qualify for other rehabilitation loans for additional repairs needed using CDBG Housing Rehabilitation funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves designating Prescott Estates as an Emergency Housing Maintenance

Target Program Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CRITERIA FOR DESIGNATION OF HOUSING MAINTENANCE PROGRAM TARGET AREAS AND OTHER RELEVANT INFORMATION

- At least 51% of residents have incomes at or below 80% of the Median Area Income (MAI) for the Modesto area as determined by HUD annually (household of 4; the maximum gross annual income is $35,100).

- Must undergo inspection by a City building inspector to identify health and safety hazards as defined by the City's Uniform Housing Code.

ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE HOUSING MAINTENANCE PROGRAM (HMP)

A. Property

- Must contain residential structure(s) - only the residential part of the structure is eligible for participation in the HMP if the property is a mixed-use property.

- Must be located in a designated target area.

B. Applicant/Property Owner

- For a 3% loan deferred for up to 50 years - must be very low income owner-occupant with gross annual household income that does not exceed 50% of the Median Area Income (MAI) for the Modesto area (maximum income for a household of 4 is $21,950).

- For a 3% payment required (direct) loan for up to 15 years - must be low-income owner-occupant applicant with gross annual household income that does not exceed 80% of the Median Area Income (MAI) for the Modesto area (maximum income for a household of 4 is $35,100). If a hardship exists can extend term to 25 years.

- For a 5% payment required (direct) loan for up to 15 years is for owner-occupant applicants with gross annual household incomes that exceed 80% of the Median Area Income (MAI) for Modesto and for investor (rental) property owners. In hardship cases and when owners agree to do rehab work beyond the minimum amount required, the term can be extended by 5 years.

DETERMINATION OF MAXIMUM REHABILITATION LOAN AMOUNT

- Very low-income owner-occupant units - up to 140% of the after rehabilitation value minus existing debt against the property (110% is a 50-year deferred payment loan and the required amount needed between 110% and 140% is a 10-year forgivable loan that is forgiven at 10% per year). The funds for the forgivable loan come from a 5% set-aside of the total rehabilitation revolving loan fund portfolio.

EXHIBIT "A"

- Low-income owner-occupant applicant - up to 140% of the after rehabilitation value minus existing debt against the property (110% is a payment required loan for up to 15 years and any additional funds required up to 140% would be a 10-year forgivable loan forgiven at 10% per year). Again, the excess loan dollars come from a 5% set-aside of the total rehabilitation revolving loan fund portfolio.

- Owner-occupant applicants with incomes above 80% of Median Area Income - 110% of after rehabilitation value minus existing debt against the property.

- Non owner-occupant (rental owner) applicants - 80% of the after rehabilitation value, minus existing debt against the property. These property owners will be required to sign a "Rent Limitation Agreement" which guarantees the rent for the units will not be increased for a year after completion of rehabilitation to prevent the possibility of economic displacement of tenants which would trigger Uniform Relocation Act requirements.

TECHNICAL ASSISTANCE PROVIDED BY CITY REHABILITATION STAFF WILL INCLUDE:

- Loan application processing assistance with drafting plans.
- Temporary relocation assistance for households requiring it.
- Preparation of Work Write-ups.
- Preparation of rehabilitation cost estimates.
- Holding pre-bid conferences.
- Project bidding assistance.
- Conducting pre-construction conferences for contract signing.
- Conducting progress inspections.
- Conducting final inspections.
- Obtaining lien waivers.
- Assistance with processing contractor progress and final payments for completed rehab work.

POSSIBLE CONCERNS

- Effect on rehabilitation in the Target Areas #4 (Maple/Oak/Pine Streets) and Target Area #5 (Highway Village).
- Fire insurance coverage for property owners.
- Prevailing wage (Davis-Bacon) requirements if 8 or more units are done as one project.
  Should do each triplex as a separate project.
- Title reports have to be obtained to identify ownership.
- Not Enough owner equity in properties.

Clerk

Corrected 8/31/00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-353

Print

A RESOLUTION ALLOCATING $500,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FUNDING TOWARD ROOF REPAIRS AT PRESCOTT ESTATES AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE LOANS TO COMPLETE ROOF REPAIRS TO FIFTY CONDOMINIUMS.

WHEREAS, Richard Huber, the court appointed receiver for the Prescott Estates Condominiums, has requested a loan of $500,000 to repair the remaining unsafe roofs at Prescott Estates, and

WHEREAS, in 1998, the City Council approved a $150,000 loan for the Prescott Estates Homeowners Association to replace deteriorated roofs on twelve (12) four-plexes at Prescott Estates Condominiums, and

WHEREAS, prior to Mr. Huber's assignment as receiver for Prescott Estates, the Prescott Estates Homeowners Association was considering borrowing approximately $1.6 million from a local lending institution with a condition that the City of Modesto would guarantee the loan for the entire period of the loan term, which would have required the City to set aside approximately $150,000 per year, and

WHEREAS, during the budgeting process for FY 00/01, the Recreation and Neighborhoods Department identified $150,000 in Rehabilitation Revolving Loan Funds to accommodate said loan guarantee when approved, and

WHEREAS, the Homeowners Association has not submitted an application for a loan, and Prescott Estates will withdraw its request for the $1.6 million loan guarantee if the

$500,000 loan is approved, and

WHEREAS, staff understands that if the $500,000 loan is approved, each owner of each condominium will share equally in the loan required to complete the roof repairs and, should additional work be required on a unit, the owner of the unit will be responsible for making arrangements to have additional repairs completed, including obtaining funds to pay for said repairs, and

WHEREAS, funds to accommodate Mr. Huber's loan request are available in various CDBG accounts, and use of these funds will not impact other CDBG funded programs, and

WHEREAS, staff will negotiate the loans in accordance with the underwriting criteria used for Housing Maintenance Program Loans,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of $500,000 in CDBG funding to repair the remaining unsafe roofs at Prescott Estates.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to negotiate loans to complete the roof repairs to fifty condominiums at Prescott Estates and directed to seek Council authorization prior to executing the loan documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-354

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR DISMANTLING, MOVING AND REBUILDING THE YOSEMITE COMMUNITY COLLEGE DISTRICT PISTOL RANGE

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 bids for dismantling, moving and rebuilding the Yosemite Community College District pistol range, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto, on August 1, 2000, 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-355

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION (SCH N0. 98112045) FOR THE CITY OF MODESTO POLICE TRAINING CENTER TO BE LOCATED NEAR THE CITY OF MODESTO'S SECONDARY WASTEWATER TREATMENT FACILITY ON PROPERTY OWNED BY THE CITY OF MODESTO IN THE UNINCORPORATED COUNTY .

WHEREAS, an Initial Study, based on Appendix 1 of the California Environmental Quality Act ("CEQA") Guidelines, provides environmental review of the project, and

WHEREAS, the Community Development Department, by Initial Study, (EA No. 2000-32), provided environmental review for the proposed City of Modesto Police Training Center pursuant to Section 21080(c)(2) of the Public Resources Code, and

WHEREAS, Section 21080(c)(2) allows the preparation of a Mitigated Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, identifies potentially significant effects on the environment, but (a) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed 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 effect on the environment would occur; and (b) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto, the lead agency, after reviewing and considering the Initial Study and the entire record before it identified potentially significant

effects on the environment, but (a) revisions in the project plans agreed to by the applicant before the proposed Negative Declaration and Initial Study were released for public review would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there was no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, and,

WHEREAS, the City of Modesto prepared, circulated and posted, pursuant to Sections 15070 and 15105 of the CEQA Guidelines, Mitigated Negative Declaration (SCH 98112045) dated March, 1999, and

WHEREAS, in response to comments received during the initial public review period, the City of Modesto added new mitigation and recirculated the draft Mitigated Negative Declaration and the Initial Study for an additional 30-day public review period, and

WHEREAS, following the recirculation of the Initial Study and proposed draft Mitigated Negative Declaration, providing Notice of Intent to adopt a Mitigated Negative Declaration pursuant to Section 15072 of the CEQA Guidelines, and after reviewing and considering the entire record before it, the City of Modesto determined that there is no substantial evidence that the proposed City of Modesto Police Training Center may have a significant effect on the environment, and

WHEREAS, on July 18, 2000, the City Council considered the Mitigated Negative Declaration (SCH 98112045) dated March, 1999, for the Modesto Police Training Center to be located near the City of Modesto's Secondary Wastewater Treatment Facility on

property owned by the City of Modesto in the unincorporated County, together with all comments received during the public review process, and

WHEREAS, on July 18, 2000, the City Council considered approving and adopting the proposed City of Modesto Police Training Center concurrently with this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Recirculated Initial Study EA No. 2000-32, and the draft Mitigated Negative Declaration (SCH 98112045) for the proposed City of Modesto Police Training Center, and after reviewing and considering the entire record before it, including the substantial evidence included in the Initial Study and draft Mitigated Negative Declaration, copies of which are attached hereto as Exhibit "A" and incorporated herein by reference, together with all comments received during the two circulation periods, the Council makes the following findings:

1. An Initial Study prepared pursuant to CEQA Section 21080(c)(2) has identified potentially significant effects on the environment.

2. Revisions in the project plans agreed to by the applicant before the proposed Negative Declaration and Initial Study were released for public review and in response to comments during the review process will avoid or mitigate the effects of the proposed project to a point where clearly no significant effect on the environment would occur.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised and mitigated, may have a significant effect on the environment.

4. As part of the adoption of the Mitigated Negative Declaration, the City Council finds that the report or declaration reflects the independent judgment of the lead agency.

5. Since time has elapsed since the document was prepared in March 1999, the City Council has reviewed the document in light of CEQA Guidelines and has determined that no substantial revisions are needed prior to its adoption and therefore, recirculation is not required, and Mitigated Negative Declaration (SCH 98112045) dated March, 1999, remains valid.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts Mitigated Negative Declaration (SCH 98112045) dated March, 1999, for the City of Modesto Police Training Center located near the City of Modesto's Secondary Wastewater Treatment Facility on property owned by the City of Modesto in the unincorporated County, and hereby designates Captain Ron Sale as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Modesto Police Department, 600 Tenth Street, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that a mitigation monitoring program is hereby adopted by incorporating the mitigation measures

into the project plan as set forth in the Mitigated Negative Declaration, pursuant to Section 21081.6 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison K. Barratt-Green
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

EXHIBIT "A"

CITY OF MODESTO

RECIRCULATED INITIAL STUDY AND FINDINGS
MITIGATED NEGATIVE DECLARATION

FOR A PROPOSED SUBSEQUENT PROJECT TO A
MASTER EIR

CITY OF MODESTO
POLICE TRAINING CENTER

March 1999

State Clearinghouse No. 98112045

CITY OF MODESTO

INITIAL STUDY AND FINDINGS

RECIRCULATED MITIGATED NEGATIVE DECLARATION

POLICE TRAINING CENTER

AT CITY OF MODESTO SECONDARY WASTEWATER TREATMENT FACILITY

1. **Purpose of Initial Study:**

This Initial Study, based on Appendix I of the CEQA Guidelines, provides environmental review for the proposed City of Modesto Police Training Center to be located near the City of Modesto's Secondary Wastewater Treatment Facility on property owned by the City of Modesto in the unincorporated County. This Initial Study will review the project pursuant to CEQA Section 21080 (c)(2). This section allows the preparation of a Mitigated Negative Declaration if:

> "An Initial Study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed 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 effect on the environment would occur, and (B) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment."

This Initial Study includes the Results of Public Review from the Recirculation of the Draft Mitigated Negative Declaration for an additional 30-day public review period from January 20 to February 22, 1999. The document was recirculated because new mitigation was added in response to comments received during the previous public review period. The Recirculated document received six letters of comment, which are described in Section XVIII. The letters and a written response to each are contained in Exhibit G.

This Initial Study will use earlier analysis in the City's Master EIR (SCH# 92052017) and the Wastewater Master Plan Master EIR (SCH# 96042009) and any additional analysis which may be required.

2. **Project Title:** Police Training Center

3. **Lead Agency Name and Address:** City of Modesto, P.O. Box 642, Modesto CA 95353

4. **Contact Person and Phone Number:** Steve Nish, Community Development Department (209) 577-5280

5. **Project Location:** Project is located on property near the San Joaquin River, on the south side of West Main Avenue, portion of Assessor's Parcel No. 58-01-01, (see attached Exhibits A-E, Site Map, Location Maps, Airphoto, and Site Plan) which is part of the City of Modesto's Secondary Wastewater Treatment Facility. The facility is located at a remote site approximately seven miles southwest of the corporate limits of the City of Modesto. A 99-acre portion of the wastewater facility site has been annexed to the City of Modesto.

6. **Project Sponsor's Name and Address:** City of Modesto, P.O. Box 642, Modesto, CA 95353

7. **General Plan Designation:** The project site has no land use designation by the City of Modesto's Urban Area General Plan.

8. **Zoning:** The project area is zoned A-2-40 on the Stanislaus County General Plan

9. **Description of Project:**

The proposed project would be the improvement to a City of Modesto owned property to construct a Police Training Center. The Police Training Center would include the following facilities on this property:

A. A K-9 kennels and training area
B. Equestrian stables, barn, corral, pasture and training arena with bleachers
C. Shooting range of 500 yards (live fire away from wildlife resource area)
D. Classroom buildings
E. Parking lots (2)
F. Picnic area

The multi-use training site includes K-9, Equestrian (animals on-site only during use), Firearms and Unarmed Defensive Tactics (U.D.T.) training units (see attached proposed layout, Exhibit E).

The K-9 area will be used for training dogs and handlers. The Equestrian area will be used for training of horses and riders. Both the K-9 and Equestrian areas will produce some noise to the area; such as, dogs barking, handlers and riders giving commands to the animals, and the firing of blanks to condition the animals. The U.D.T. training will consist of officers being trained in self-defense tactics. The range will be used for live fire of handguns, rifles and shotguns. It is estimated that maximum day use of the facility would be about 500 persons at the facility (a once or twice a year occurrence).

Average use of the facility is estimated at about 40 persons per training day. It is estimated that the facility would be in use between 100-200 days per year.

10. **Surrounding Land Uses and Setting:** (Briefly describe the project's surroundings)

North:	Agricultural lands owned by the City of Modesto.
East:	Agricultural lands
South:	Agricultural lands and the San Joaquin River
West:	Agricultural lands and the San Joaquin River

11. **Other Public Agencies whose approval is required:** (e.g. permits, financing approval, or participation agreement).

Stanislaus County
State Department of Fish and Game

Exhibit A

Site Location

Jennings Road Plant

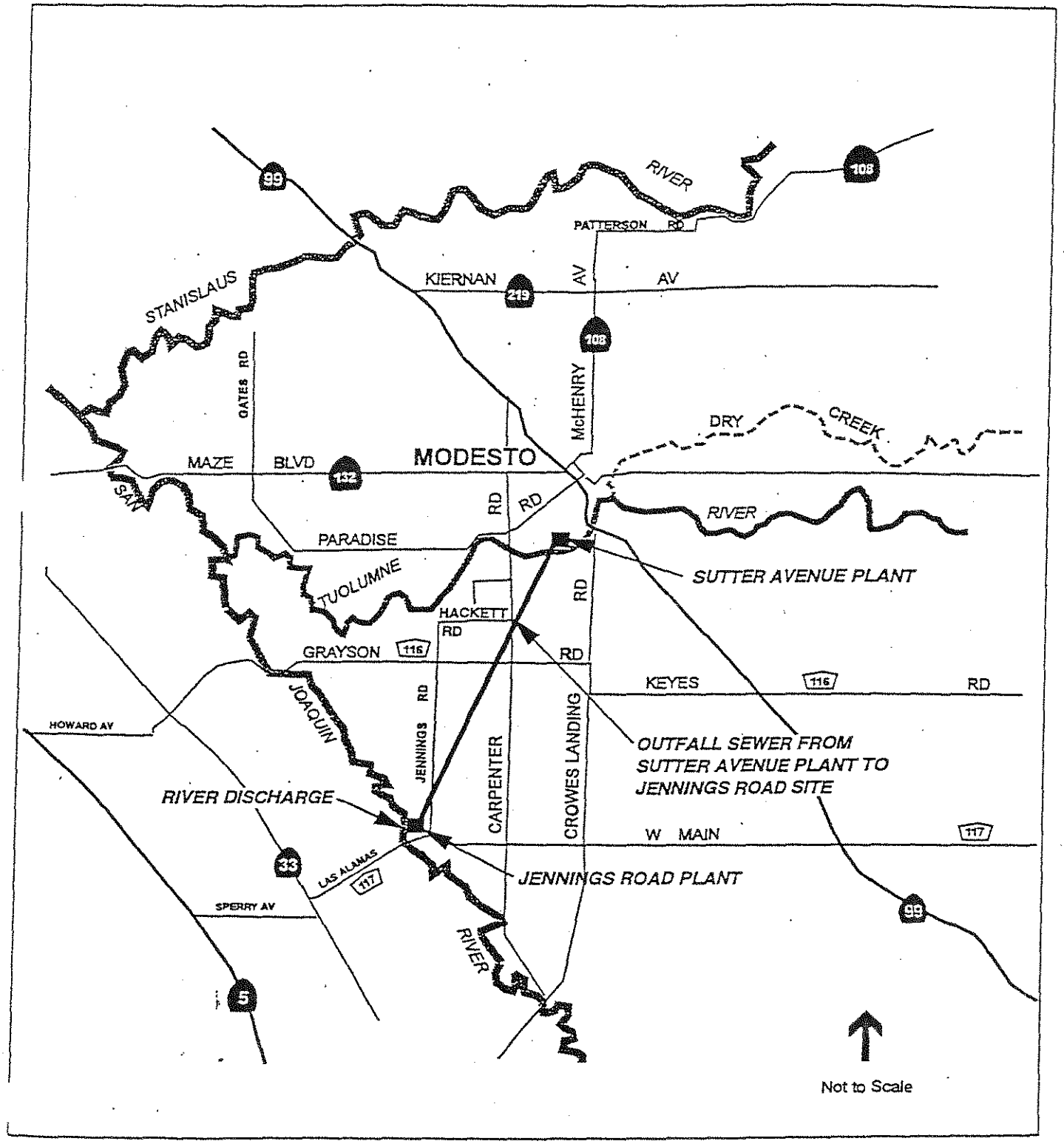
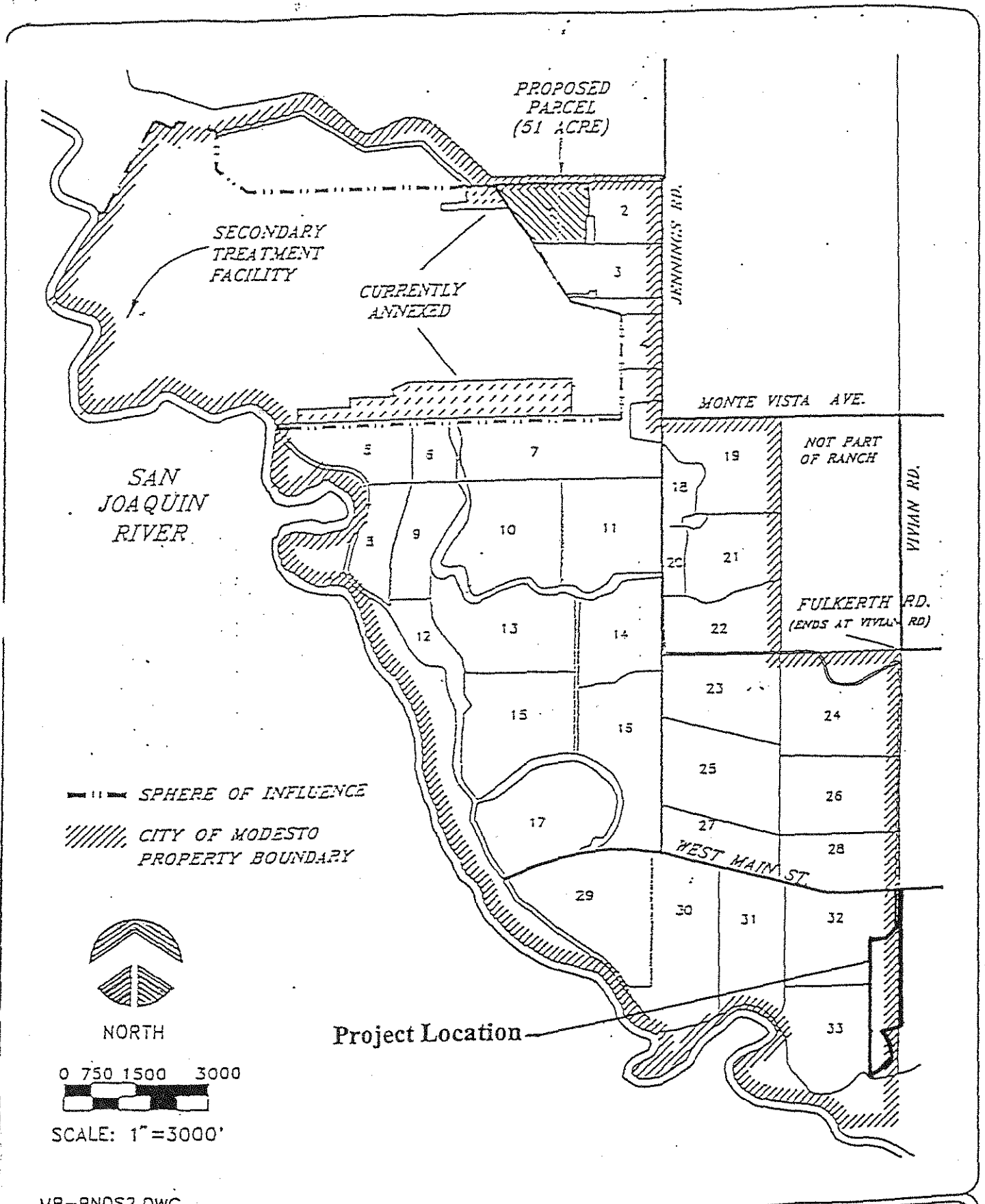


Exhibit B



MP-PNOS2.DWG

APPROVED BY CITY COUNCIL:

APPROVED BY: DIRECTOR:

RE:

REVISED: DATE:

ANNEXATION MAP
CITY OF MODESTO WASTEWATER
TREATMENT PLANT SECONDARY FACILITY
7007 JENNINGS ROAD
MODESTO, CA

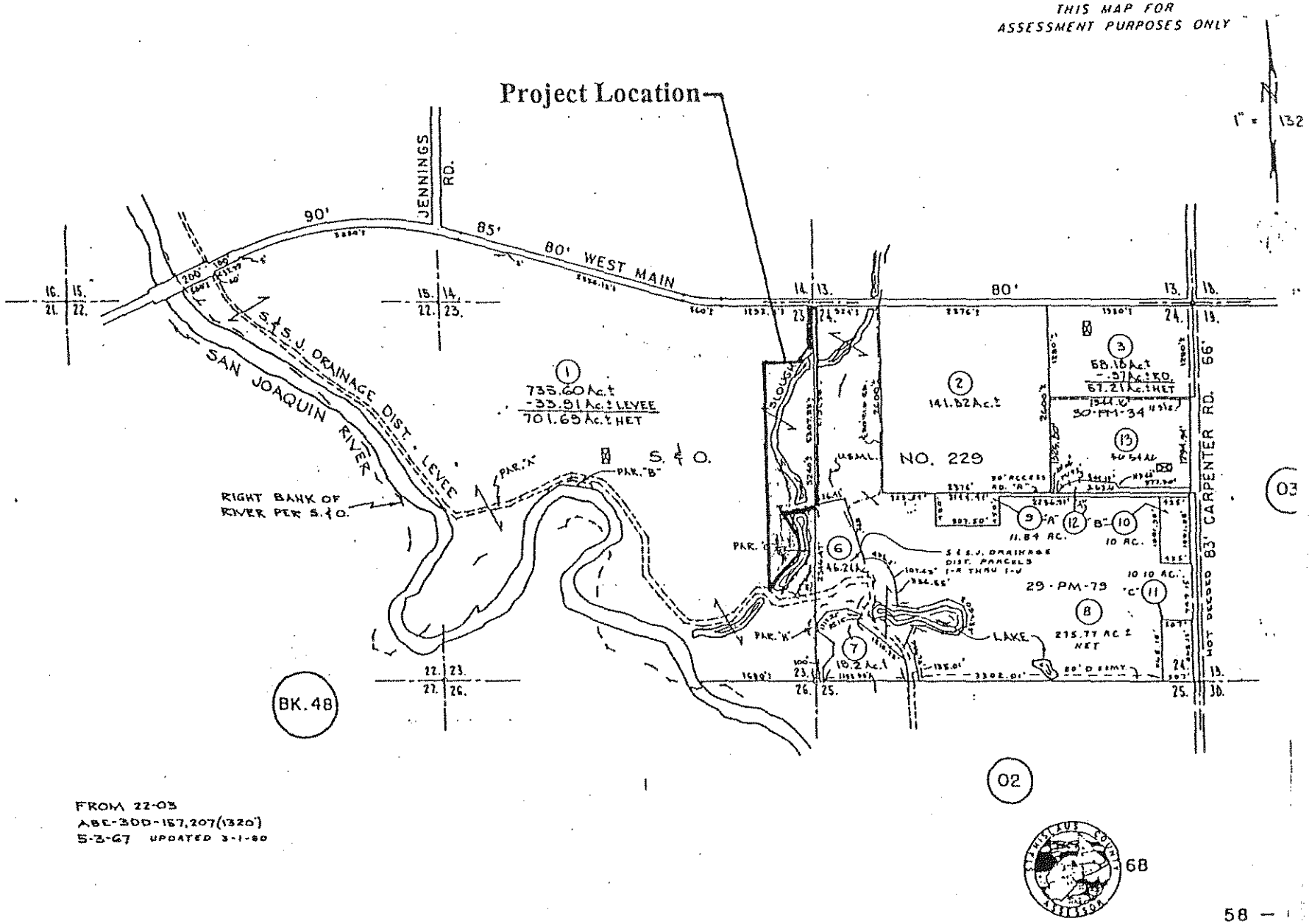
CITY OF MODESTO

POR. SEC. 14, 15, 22, 23, & ALL 24 T.5S. R.8E. M.D.B. & M.

79 010
79 013

58 – 01

THIS MAP FOR ASSESSMENT PURPOSES ONLY



FROM 22-03
ABE-300-167,207(1320')
5-2-67 UPDATED 3-1-80

1" = 132

58 –

Aerial Photo - Police Training Center S.
On City of Modesto Property

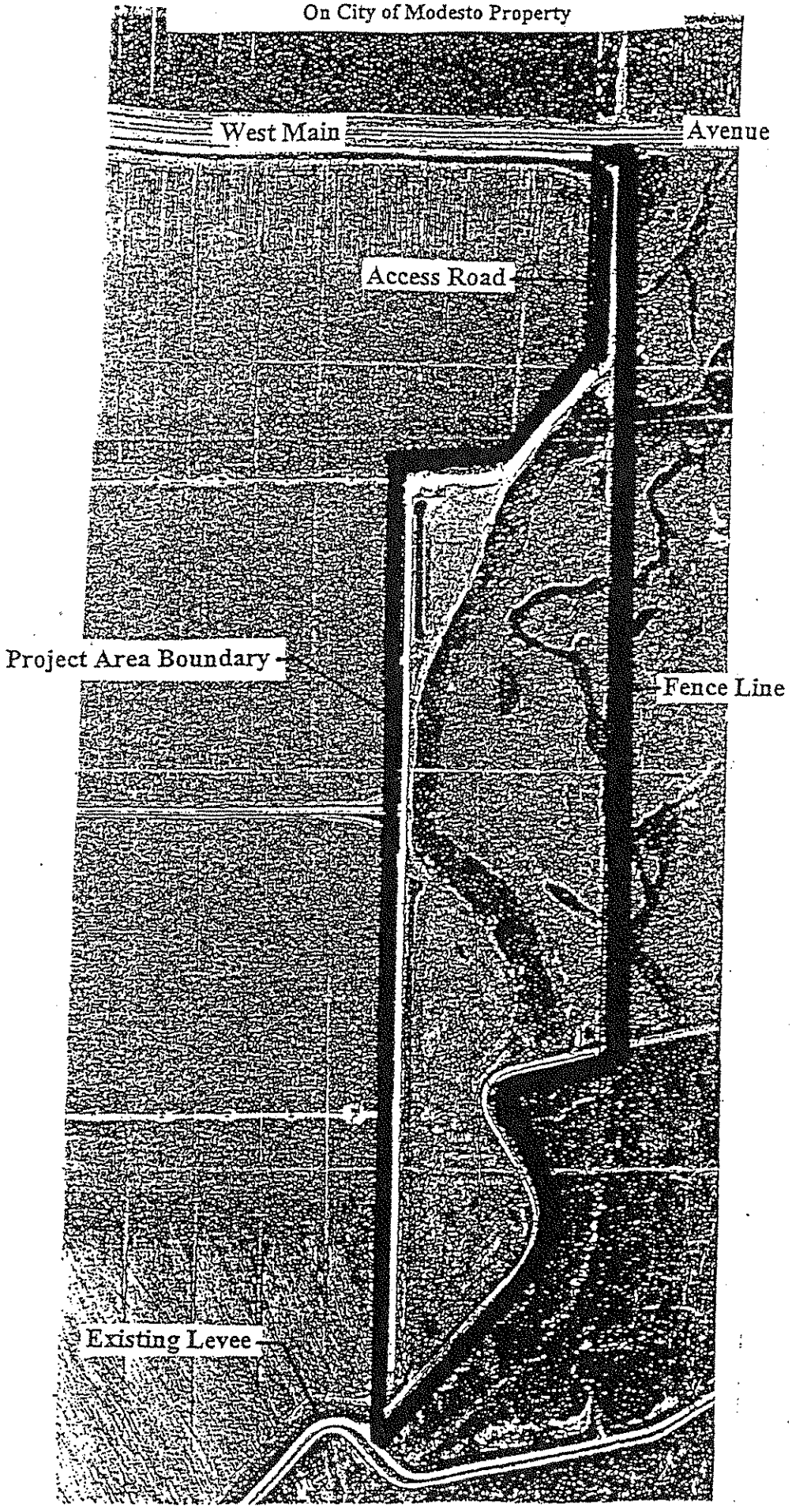
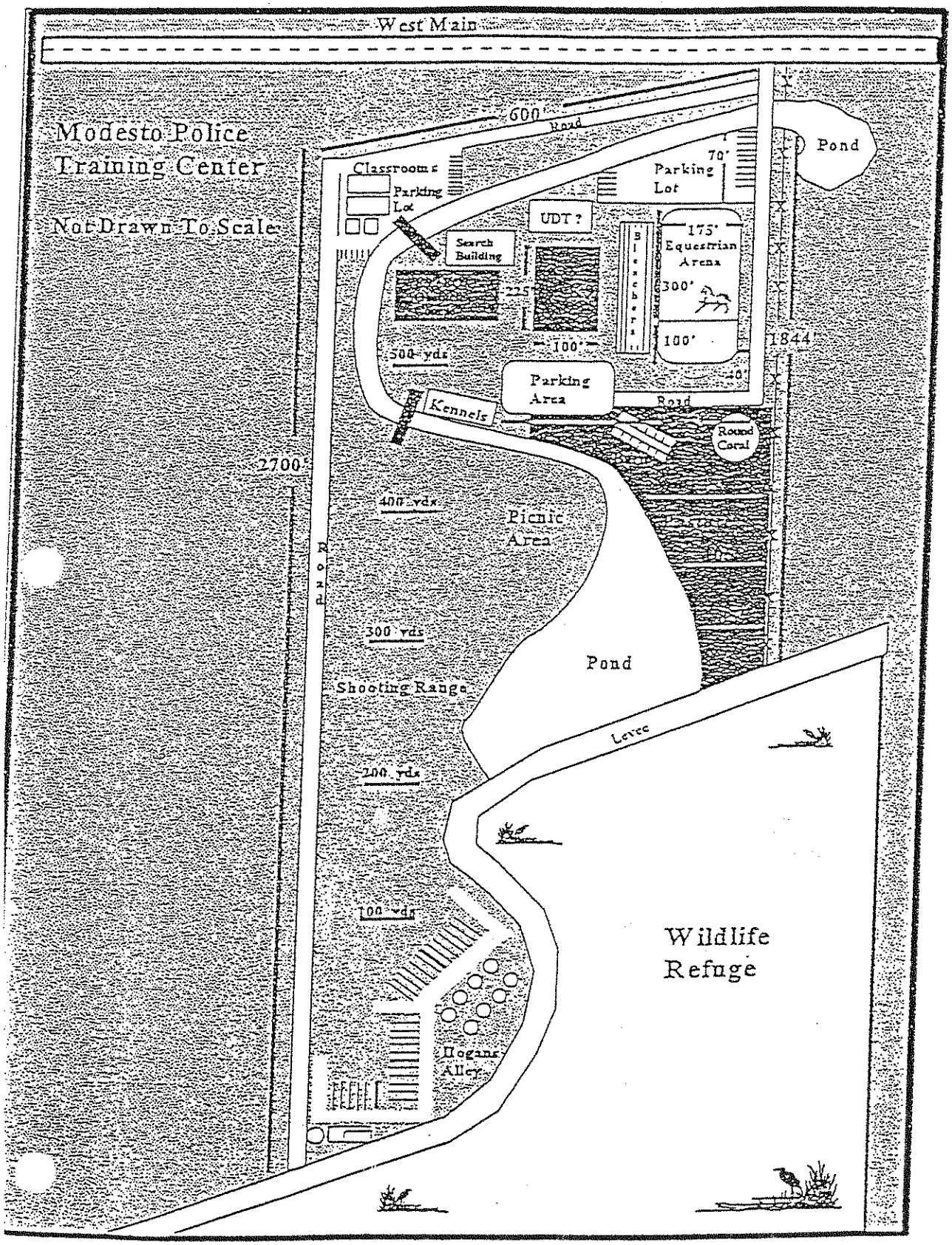


Exhibit E


West Main
Modesto Police
Training Center
Not Drawn To Scale
600'
Road
Pond
70'
Parking
Lot
Classrooms
Parking
Lot
UDT?
Search
Building
Bleachers
175'
Equestrian
Arena
300'
100'
225'
100'
1844'
500 yds
Parking
Area
40'
Road
Kennels
Round
Coral
2700'
400 yds
Picnic
Area
Road
300 yds
Pond
Shooting Range
Levee
200 yds
100 yds
Wildlife
Refuge
Hogans
Alley

P AL STUDY AND FINDINGS
M GATED NEGATIVE DECLARATION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

___	Land Use and Planning	X	Hazards
___	Population and Housing	X	Noise
___	Geological Problems	___	Public Service
___	Water	___	Utilities/Service Systems
___	Air Quality	___	Aesthetics
X	Transportation/Circulation	___	Cultural Resources
X	Biological Resources	___	Recreation
___	Energy and Mineral Resources	___	Mandatory Findings of Significance

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
I. LAND USE AND PLANNING				
A. Will the proposal result in increased impacts to:				
1. Conflict with General Plan designation or zoning?	☐	☐	☐	■
2. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	☐	☐	☐	■
3. Be incompatible with existing land use in the vicinity?	☐	☐	■	☐
4. Affect agricultural resources or operation (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?	☐	☐	☐	■
5. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	☐	☐	☐	■

B. Discussion

1. The proposed Police Training Center project will have no impact with the General Plan designated land use or zoning for the City of Modesto Urban Area General Plan or the Stanislaus County General Plan. The proposed land uses of the project are consistent with the uses in the County General Agriculture District (A-2) as a "tier three use," (uses difficult to locate in an urban area) such as stables, riding academies, exercising of horses and dogs, rifle ranges and public buildings or other facilities operated by political subdivisions. These uses are ordinarily permitted in the A-2 Zone through a conditional use permit. However, since the City owns the property, under State law, the City as a public agency is not required to obtain any permits from the County for this project. However, pursuant to Government Code Section 65042, the project will be reviewed by the County Planning Commission to verify conformance with the County's General Plan.

ENVIRONMENTAL IMPACTS

The proposed Police Training Center would be a compatible use to the City's secondary Wastewater Treatment Facility which is also a public facility that is difficult to locate in an urban area.

2. The proposed Police Training Center, because it would be located on the existing secondary Wastewater Treatment Facility ("City Ranch") is consistent with plans for the use of this facility and would have no impact on conflict with applicable plans.

3. The proposed Police Training Center, because it would all be contained on the site of the Secondary Wastewater Treatment property, which is an existing City property, is compatible with all City-owned property in the vicinity. Thus it would have a less-than-significant impact on incompatibility with land uses in the vicinity.

4. The proposed Police Training Center, because it would be located on lands committed to public use for the City's Secondary Wastewater Treatment Facilities would have no impact on effect agricultural resources.

5. The Police Training Center, because it would be located on or near lands designated agricultural on the County General Plan, where residential development cannot occur, has no impact or disruption of physical arrangement of communities.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
II. POPULATION AND HOUSING				
A. Will the proposal result in increased impacts to:				
1. Cumulatively exceed official regional or local population projections?	☐	☐	☐	■
2. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☐	■
3. Displace existing housing, especially affordable housing?	☐	☐	☐	■

B. Discussion

1. The proposed Police Training Center, because it is a nonresidential, public facility that will neither generate or remove housing units, will have no impact on local or regional population projections.

2. The proposed Police Training Center, because it is located on private property on the City Secondary Wastewater Treatment Facility and is also a public facility for official Police use that would generate virtually no public use, thus will not directly or indirectly contribute to growth inducement and thus have no impact.

3. The proposed Police Training Center, because it is a nonresidential public facility located 7 miles southwest of the incorporated Modesto Urban Area on City-owned property surrounded by agricultural lands, will have no impact on displacement of existing housing units.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
I. GEOLOGIC PROBLEMS				
A. Would the proposal result in or expose people to potential impacts involving:	☐	☐	☐	■
1. Fault rupture	☐	☐	☐	■
2. Seismic ground shaking?	☐	☐	☐	■
3 .Seismic ground failure, including liquefaction?	☐	☐	☐	■
4. Seiche, tsunami, or volcanic hazard?	☐	☐	☐	■
5. Landslides or mud flows?	☐	☐	☐	■
6. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	☐	☐	☐	■
7. Subsidence of land?	☐	☐	☐	■
8. Expansive soils?	☐	☐	☐	■
9. Unique geologic or physical features?	☐	☐	☐	■

B. Discussion

1. The proposed Police Training Center project will have no impact on fault rupture because it is located at least 15 miles east of the only known active fault in Stanislaus County (Geologic Hazards, Page IV-17-3 MEIR).

2. The proposed project will have no impact on seismic ground shaking since the project is not within a seismically sensitive area (see Figure 17-1, Page IV-17-4 MEIR).

3. The project, because the land slope near the San Joaquin River is very slight, will have no impact (Chapter IV-17 MEIR).

4. The proposed project will have no impact on tsunamis or volcanic hazards because Modesto is not located near large bodies of water or active volcanos (Chapter IV-17 MEIR).

5. The Police Training Center project proposed will have no impact on landslides or mud flows because the project site is relatively flat (Chapter IV-17 MEIR).

6. The Police Training Center will have no impact on erosion or unstable soil conditions because there would be no additional impacts not already known and since the Modesto Municipal Code incorporates the State laws, including the Uniform Building Code, by ordinance, the project will be required by City Code to mitigate any geologic problems.

7. The proposed project will have no impact on subsidence of land because the project area is not reported to have soils with a great potential for expansion (Page IV-17-3 MEIR), and the above-referenced mitigation measures being applied to the project.

8. The Police Training Center project will have no impact on expansive soils because the Modesto Urban Area is generally flat, erosion of soil is minimal (Page IV-17-3 MEIR).

9. The Police Training Center project will have no impact on unique geologic features because the project is contained entirely on an existing City Secondary Wastewater Treatment Facility property that is relatively flat and has no unique features.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
V. WATER				
A. Will the proposal result in increased impacts to:				
1. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	☐	☐	■	☐
2. Exposure of people or property to water-related hazards such as flooding?	☐	☐	■	☐
3. Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity?	☐	☐	■	☐
4. Changes in the amount of surface water in any water body?	☐	☐	☐	■
5. Changes in currents, or the course or direction of water movements?	☐	☐	☐	■
6. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	☐	☐	☐	■

	ENVIRONMENTAL IMPACTS			
	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
7. Altered direction or rate of flow of groundwater?	☐	☐	☐	■
8. Impacts to groundwater quality?	☐	☐	■	☐
9. Substantial reduction in the amount of groundwater otherwise available for public water supplies?	☐	☐	☐	■

B. Discussion

1. The proposed Police Training Center project will have a less-than-significant impact on existing drainage patterns and the amount of surface run-off will not cause additional significant effects not already analyzed by the City's Wastewater Master Plan Master EIR Pages VI-78 through VI-92, since the project will not create large areas of impervious surfaces.

2. The proposed Police Training Center project will have a less-than-significant impact on exposure of people or property to water-related hazards such as flooding because the project site is separated by an existing levee from the San Joaquin River and was not affected by the floodwaters of recent years.

3. The proposed project will have a less-than-significant impact on discharge into surface waters on alteration of surface water quality because it will not have additional significant effects not already analyzed in the City's Wastewater Master Plan Master EIR Pages VI-78 through VI-92.

4. The Police Training Center project will have no impact on changes in the amount of surface water in any water body because the project will not produce significantly more run-off into bodies of water.

5. The proposed Police Training Center project will have no impact on changes in currents, or course of water movements because the project will not produce significantly greater run-off into existing water bodies or stream courses.

6. The proposed project will have no impact on changes to the quantity of groundwaters because it would not create any additional impacts and would not encourage or result in the use of large amounts of water in a wasteful manner.

Discussion (continued)

7. The proposed Police Training Center project will have no impact on flow of groundwater because it will not require new or increased amounts of groundwater since the project is basically contained within the existing park site.

8. The proposed project will have a less than significant impact to groundwater quality because there will be only a relatively minor increase in impervious surfaces which will be drained and this will result in no additional impacts not already identified in the city's Wastewater Master Plan Master EIR.

9. The proposed Police Training Center will have no impact on the amount of groundwater available for public water supplies the project will not result in the use of large amounts of groundwater supplies in a wasteful manner since the project is contained within an existing site.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
V. AIR QUALITY				
A. Will the proposal result in increased impacts to:				
1. Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☐	■	☐
2. Expose sensitive receptors to pollutants?	☐	☐	■	☐
3. Alter air movement, moisture, or temperature, or cause any change in climate?	☐	☐	☐	■
4. Create objectionable odors?	☐	☐	☐	■

B. Discussion

1. The proposed Police Training Center project will have a less-than-significant impact on Air Quality because the increased emissions resulting from the additional vehicular traffic generated by the project:

   a. Would be less than significant as the Training Center would generate peak hour traffic of 40 vehicle trips or total daily traffic of 80 vehicle trips on an average day as estimated by Officer Bashaw, Planning and Research Division of Modesto's Police Department.

   b. Are reduced by the application of mitigation measures suggested by the Air District which would apply including:

      1. Energy-efficient and automated controls for air conditioners.
      2. Window treatment (double pane glass).
      3. Increased insulation beyond Title 24 (attic and walls).
      4. Bicycle facilities: racks.
      5. Energy-efficient parking lot lights.
      6. Light-colored roof materials to reflect heat.

B. Discussion (continued)

c. Construction-related emissions will be less than significant because mitigation measures required by Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) will reduce impacts.

2. The Police Training Center project will have a less-than-significant impact on exposing sensitive receptors to pollutants because of the low level of use of the Facility and mitigation measures have been provided by the Air District to reduce impacts from pollutants.

3. The Police Training Center project, because it is limited to its current site, will have no effect on local air movement or temperature.

4. The Police Training Center project, because it is within the current uses identified for the site by the City's Wastewater Master Plan, will have no impact to the generation of objectionable odors.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
VI. TRANSPORTATION/CIRCULATION				
A. Will the proposal result in increased impacts to:				
1. Increased vehicle trips or traffic congestion?	☐	■	☐	☐
2. Hazards to safety from design features (e.g. farm equipment)?	☐	☐	■	☐
3. Inadequate emergency access or access to nearby uses?	☐	☐	☐	■
4. Insufficient parking capacity on-site or off-site?	☐	☐	■	☐
5. Hazards or barriers for pedestrians or bicyclists?	☐	☐	☐	■
6. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☐	■
7. Rail, water borne, or air traffic impacts?	☐	☐	☐	■

B. Discussion

1. Although the average use of the facility would have only minor traffic impacts on the surrounding roadways, the larger annual or semi-annual events could have a Potentially Significant Unless Mitigation is Incorporated Impact on surrounding roadways, especially West Main Avenue. However, because of mitigation being incorporated into the project, the proposed Police Training Center would have a less-than-significant impact on increased vehicle trips or traffic congestion on the roads in the project's vicinity. Robert Bashaw, Police Officer, Planning and Research Division of the Modesto Police Department estimates that when completed and in use, the facility would be operated from 100 to 200 days out of the year. He estimates that an average training day would see about 40 persons using the facility. Assuming each person drove a vehicle (highly unlikely), peak day traffic generation would be 40 vehicle trips, and total vehicle trips would be 80 per day. Officer Bashaw estimated that the maximum amount of traffic generated by the facility would occur once or twice

B. Discussion (continued)

per year by a special event, which might possibly have an attendance of 500 persons.
The City's Transportation Planner has reviewed the estimated traffic generation and indicated that the peak hour generation of 40 vehicle trips for which a site access study is required. he also indicated that the annual or biannual event traffic impacts would be less than significant and that traffic control officers should be provided during the event. Thus, the following mitigation measure is incorporated into the project:

> Traffic Control officers shall be provided to control the arrival and departure of vehicle on West Main Avenue during the high volume annual and/or biannual events at the Police Training Facility.

2. The proposed Police Training Center would have a less-than-significant impact on hazards to safety on area roadways from its design features because of the low traffic generation per average day.

3. The proposed Police Training Center would have no impact on inadequate emergency access because the facility has access to West Main Avenue.

4. The Police Training Center will have a less-than-significant impact on insufficient parking capacity because there will be adequate parking (2 lots) for the average daily use and there is enough on-site open space for the annual or biannual special event needs.

5. The Police Training Center project will have no impact or hazards on barriers for pedestrians or bicyclists because the facility is located on the City's Secondary Wastewater Treatment property and there are no pedestrian or bicycle trails in the area.

6. The Police Training Center will have no impact or conflicts with adopted policies supporting alternate transportation.

7. The proposed Police Training Center will have no impact on rail, water borne, or air traffic because no new additional impacts not already identified in the City's Wastewater Master Plan Master EIR will occur.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
VII. BIOLOGICAL RESOURCES				
A. Will the proposal result in increased impacts to:				
1. Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and bird?	☐	☐	■	☐
2. Locally designated species (e.g. heritage trees)?	☐	☐	■	☐
3. Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?	☐	☐	■	☐
4. Wetland habitat (e.g. marsh, riparian, and vernal pool?	☐	■	☐	☐
5. Wildlife dispersal or migration corridors?	☐	☐	■	☐

B. Discussion

1. The proposed Police Training Center would have a less-than-significant impact on endangered, threatened or rare species or their habitats based on a memorandum from the State Department of Fish and Game's Local Wildlife Management Unit (see attached Exhibit F). Mr. Holman E. King, Associate Biologist - Wildlife, reviewed the proposed Police Training Center information and made an on-site visit, as well as a review of the California Natural Diversity Data Base and determined that there are no known occurrences of State or Federal listed species that inhabit the parcel proposed for the Training Facility.

B. Discussion (continued)

2. The proposed Police Training Center would have a less-than-significant impact on locally-designated species. Mr. King's letter indicates the closest occurrence of listed species is several miles upstream and downstream of the site. The letter also indicates the project would provide significant additional tree plantings to provide additional screening of wildlife area.

3. The proposed Police Training Center would have a less-than-significant impact on locally-designated natural communities based on Mr. Holman King's letter which references designated natural communities.

4. The proposed Police Training Center would be constructed on property located immediately adjacent to a wildlife refuge area along the east side of the San Joaquin River and could have a Potentially Significant Impact Unless Mitigation is Incorporated on this habitat area. However, the proposed Police Training Center would have a less-than-significant impact on wetland habitat based on Mr. Holman King's letter from State Department of Fish and Game. Mr. King's letter suggests the following mitigation measures which would be added to the project to reduce potential lighting and noise impacts:

   Any lighting constructed shall be designed to not illuminate wildlife areas nor should it provide a source of constant night lighting on the Police Training Center parcel.

   Any new work that would impact the bed channel or bank of the slough/pond area present on the site would require the application for a Fish and Game Code 1603 permit prior to commencing such work.

   The live fire range should be used for formal training sessions only under the direction of a qualified range master.

5. The proposed Police Training Center would have a less-than-significant on wildlife dispersal or migration corridors based on the letter from Holman King of the State Department of Fish and Game because it indicates there are no known listed species on the site or adjacent properties - and migration will be incorporated into the project to reduce impacts of facility operations.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
VIII. ENERGY AND MINERAL RESOURCES				
A. Will the proposal result in increased impacts to:				
1. Conflict with adopted energy conservation plans?	☐	☐	■	☐
2. Use nonrenewable resources in a wasteful and inefficient manner?	☐	☐	■	☐
3. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	■	☐

B. Discussion

1. The proposed Police Training Center project will have a less-than-significant impact on adopted energy conservation plans because it would not have any additional effects on the use of fuel, water, or energy in a wasteful manner as a development project beyond that examined in the Wastewater Master Plan EIR (Page VI-138).

2. The proposed Police Training Center project will have a less-than-significant impact on the use of non-renewable resources in a wasteful or inefficient manner because it would not encourage activities which could result in the use of large amounts of fuel, water or energy beyond those identified in the Master EIR analysis (Page IV-18-3 MEIR) which indicates all necessary utilities, including Pacific Gas and Electric Company can provide service.

3. The proposed project will have a less-than-significant impact on mineral resources of value to the state or region because it would not resul in the use of fuel, water, or energy in a wasteful manner beyond that identified in the General Plan Master EIR's analysis.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
HAZARDS				
A. Will the proposal result in increased impacts to:				
1. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	☐	■	☐	☐
2. Possible interference with an emergency response plan or emergency evacuation plan?	☐	☐	■	☐
3. The creation of any health or potential health hazards?	☐	☐	■	☐
4. Exposure of people to existing sources of potential health hazards?	☐	☐	■	☐
5. Increased fire hazard in areas with flammable brush, grass, or trees?	☐	■	☐	☐

B. Discussion

1. Because the Police Training Center facility includes a firing range and the use and storage of live ammunition, there is a Potentially Significant Unless Mitigation Incorporated risk of hazard from accidental explosion and/or hazardous substances. However, the proposed Police Training Center Project will have a less-than-significant impact on risk of accidental explosion or release of hazardous substances because there are procedures in place to handle these materials. According to Officer Burl Condit, Modesto Police Department, the Police Department has a process for the containment of lead and reducing exposure to lead through the practical application of ballistic containment systems. Lead and copper from the firing range would be recycled through the use of a "Bullet trap" containment system. Ammunition would be stored and handled in accordance with Modesto Fire Department, Federal, State, and Local standards. However, the following mitigation measures are included to ensure a less-than-significant impact to hazards from operation of the firing range:

B. Discussion (continued)

All firing range ammunition shall be recycled through the use of a ballistic containment system and stored in a manner approved by the City of Modesto Fire Chief.

The levee roads adjacent to the training center should be signed to indicate the levee will provide passage behind the impact area and, could be hazardous during training sessions.

2. The proposed Police Training Center project will have a less-than-significant effect on interference with emergency responses or emergency evacuation plans because it will not create any new effects not already identified by the General Plan Master EIR and the project is located in a rural setting far removed from any emergency evacuation routes, per Figure IV-3, Modesto Urban Area General Plan.

3. The proposed Police Training Center project will have a less-than-significant impact on the creation of any health hazards because there would be no new additional health hazards not already identified in the City's Wastewater Master Plan Master EIR resulting from its construction.

4. The proposed Police Training Center project will have a less-than-significant effect on exposure of people to existing sources of potential health hazards because there are Federal, State, and Local regulations governing the operations of the facility.

5. The proposed Police Training Center project will have a less-than-significant effect on increased fire hazard in areas with flammable brush, grass, or trees from either the construction or operation of the facility because there would be no new additional impacts not already analyzed in the Wastewater Master Plan Master EIR.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
NOISE				
A. Will the proposal result in increased impacts to:				
1. Increases in existing noise levels?	☐	☐	☐	☐
2. Exposure of people to severe noise levels?	☐	■	☐	☐

B. Discussion

1. The proposed Police Training Center Facility project will have a could have a Potentially Significant Unless Mitigation Incorporated impact or increase to existing noise levels, but, less-than-significant impact on existing noise levels on-site and to surrounding agricultural properties because the firing range proposed will be controlled by a professionally-trained, qualified range master and will be used for scheduled training sessions only. In order to minimize noise impacts to adjacent wildlife areas, the following mitigation measure has been added, as suggested by State Department of Fish and Game Specialist Holman King:

   The live fire range should be used for formal training sessions only under the direction of a qualified range master.

2. The proposed Police Training Center project will have a less-than-significant impact on exposure of people to severe noise levels because the training center's largest noise generator, live fire of small arms will be in a controlled situation with appropriate technology and safety equipment to minimize noise impacts to persons on-site. In addition, the site is in a rural area with no residences or structures within miles of the project area. However, since there may be occasional use of the levees adjacent to the facility, the following mitigation measure is incorporated into the project.

   The levee roads adjacent to the training center should be signed to indicate the levee will provide passage behind the impact area and could be hazardous during training sessions.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
XI. PUBLIC SERVICES				
A. Will the proposal result in increased impacts upon, or result in a need for new or altered governmental services in any of the following areas:				
1. Fire protection?	☐	☐	■	☐
2. Police protection?	☐	☐	■	☐
3. Schools?	☐	☐	☐	■
4. Maintenance of public facilities, including roads?	☐	☐	■	☐
5. Other government services?	☐	☐	☐	■

B. Discussion

1. The proposed project would have a less-than-significant impact on increased demand for fire services as identified in the City's Master EIR. The Westport Fire Protection District has an agreement with the City of Modesto to provide aid upon request for structural, grass and other fire events. Chief Gary Hinshaw, Modesto Fire Department, reviewed the site plan and indicated that the existing aid agreement with Westport would probably be amended when the Training Center is constructed. He also indicated the Fire Department would require the Police Facility to incorporate the latest appropriate Fire Protection Technology in its Plans.

2. The proposed Police Training Center expansion would have a less-than-significant effect on demand for police service. Project-specific mitigation which includes use of officers for control of traffic at the West Main access intersection during peak event arrival and departure hours will have a less-than-significant effect on Police Department resources.

3. The proposed project, because it is of a non-residential nature, would have no impact on the provision of educational services by the school districts.

B. Discussion (continued)

4. The proposed Police Training Center project would have a less-than-significant impact to the maintenance of public facilities because the City of Modesto will improve and maintain the site and access roadways.

5. The proposed project would have no impact to other government services because infrastructure services such as sewer and water can be provided on-site.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
XII. UTILITIES AND SERVICE SYSTEMS				
A. Would the proposal result in an in increased need for new systems or supplies, or substantial alterations to the following utilities:				
1. Power or natural gas?	☐	☐	■	☐
2. Communications systems?	☐	☐	■	☐
3. Local or regional water treatment or distribution facilities?	☐	☐	■	☐
4. Sewer or septic tanks?	☐	☐	■	☐
5. Storm water drainage?	☐	☐	■	☐
6. Solid waste disposal?	☐	☐	■	☐
7. Local or regional water supplies?	☐	☐	■	☐

B. Discussion

1. The proposed Police Training Center project will have a less-than-significant impact on power or natural gas beyond that already examined in the Wastewater Master Plan Maser EIR because the project does not represent a significant increase in energy demand beyond uses assumed for the Secondary Wastewater Treatment Facilities.

2. The proposed Police Training Center project will have a less-than-significant impact on communication systems because the project does not represent a significant increase in demand for cable or telephone service beyond that already studied in the General Plan Master EIR.

3. The Police Training Center would provide water on the project site. Therefore, the projects construction and operation will have a less-than-significant impact on regional water treatment supplies.

Discussion (continued)

4. The proposed Police Training Center would have a less-than-significant impact on sewer service systems because the project site would be served by a small on-site.

5. The proposed Police Training Center will have a less-than-significant impact on storm water drainage because the project will not create effects beyond those analyzed in the Master EIR.

6. The proposed Police Training Center project will have a less-than-significant impact on solid waste disposal issues because the project will not generate impacts beyond those already analyzed in the City's General Plan Master EIR.

7. The proposed Police Training Center project will have a less-than-significant impact on local or regional water supplies because it will not create increased demand for water supplies beyond that already analyzed in the City's General Plan Master EIR.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
XIII. AESTHETICS				
A. Will the proposal result in increased impacts to:				
1. Affect a scenic vista or scenic highway?	☐	☐	■	☐
2. Have a demonstrable negative aesthetic effect?	☐	☐	■	☐
3. Create light or glare?	☐	☐	■	☐

B. Discussion

1. The proposed Police Training Center project will have a less-than-significant impact on scenic vistas or scenic highways as the project will create no new additional effects or obstructions of any significant vistas.

2. The proposed Police Training Center expansion project will have a less-than-significant effect on negative aesthetic effects because the site is removed from any roadways or residences and significant new tree plantings will be placed adjacent to the Wildlife Refuge on-site according to Burl Condit, Modesto Police Department.

3. The proposed Police Training Center would have a less-than-significant impact on the creation of light and glare because although the project proposes the installation of lighting, on-site, a mitigation measure has been added under impacts to Biological Resources so the lights are to be aimed away from wildlife areas and impacts relating to glare will be minimized.

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
V. CULTURAL RESOURCES				
A. Will the proposal result in increased impacts to:				
1. Disturb paleontological resources?	☐	■	☐	☐
2. Disturb archaeological resources?	☐	■	☐	☐
3. Have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	■	☐
4. Restrict existing religious or sacred uses within the potential impact area?	☐	☐	■	☐

B. Discussion

1. The proposed Police Training Center project would have a less-than-significant impact on disturbance of paleotological resources because a survey of the Jennings Road Plant was previously performed which determined that there is one significant prehistoric archaeological site (CA-STA-000164) located within the Jennings Road Wastewater Facility on a remnant island of native soil between the facility's sewage disposal ponds. This site is fenced and protected. No other archaeological sites on historic resources were noted in the APE, thus no mitigation required per the Wastewater Master Plan Master EIR:

> The absence of archaeological or historical resources within the APE precludes the necessity for development and implementation of mitigating measures. This finding is based on the assumption that the areas surveyed constitute the full APE and that the one known archaeological site within the Jennings Road Plan continues to be avoided.

The above text is on Page VI-77 of the Wastewater Master Plan Master EIR.

B. Discussion (continued)

2. The proposed Police Training Center Facility would have a less-than-significant impact on disturbance to archaeological resources because of a survey performed on the Jennings Road Plant which determined the existence of one site (CA-STA-000164) which is fenced and protected and will be avoided by the project. This survey is referenced in the Wastewater Master Plan Master EIR, Pages VI-71 through VI-77.

3. The proposed Police Training Center Facility will have a less-than-significant impact on causing a change that would affect unique ethnic cultural values because the above-referenced survey performed at the Jennings Road Plant did not identify unique ethnic or cultural values in the area of the project (Wastewater Master Plan Master EIR, Pages VI-17 through VI-77).

4. The proposed Police Training Center will have a less-than-significant impact on restriction of existing religious or sacred uses within the potential impact area because the above-referenced survey performed at the Jennings Road Plan did not identify religious or sacred uses in the area of the project (Wastewater Master Plan Master EIR, Pages VI-71 through VI-77).

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
RECREATION				
A. Will the proposal result in increased impacts to:				
1. Increase the demand for neighborhood or regional parks or other recreational facilities?	☐	☐	☐	■
2. Affect existing recreational opportunities?	☐	☐	☐	■

B. Discussion

1. The proposed Police Training Center project will have a no effect on neighborhoods or regional parks because there will be no new additional effects not already analyzed by the City's General Plan Master EIR.

2. The proposed Police Training Center, a non-residential public facility project will have no impact on existing recreational opportunities because it will not create new additional demand for recreational facilities not already analyzed by the General Plan Master EIR, and the existing levee access to the adjacent wildlife refuge area will be preserved.

	POTENTIALLY SIGNIFICANT MPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
XVI. MANDATORY FINDINGS OF SIGNIFICANCE				
A. Does the project have:				
1. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	■	☐
2. The potential to achieve short-term, to the disadvantage of long-term environmental goals?	☐	☐	■	☐
3. Impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	■	☐

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
4. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

B. Discussion

1. The proposed Police Training Center project will have a less-than-significant impact on degradation of the environment regarding wildlife species, the plant or animal communities on rare or endangered species or prehistoric specimens because there would be no new additional effects not already identified by the City's General Plan and/or Wastewater Master Plan EIRs, and the project is entirely contained with an existing City of Modesto Secondary Wastewater Treatment facility property, and appropriate mitigation is provided.

2. The proposed Police Training Center project will have a less-than-significant impact on the potential to achieve short-term to the disadvantage of long-term environmental goals because there would be no new additional significant effects not already identified by the City's General Plan and/or Wastewater Master Plan Master EIRs, as supplemented by project-specific analysis and mitigation has been provided.

3. The proposed Police Training Center project will have a less-than-significant impact on the potential to create impacts that are cumulatively considerable because there would be no new additional cumulative impacts not already identified by the City's General Plan and/or Wastewater Master Plan Master EIRs which also provide a program of mitigation measures.

4. The proposed Police Training Center project will have a less-than-significant impact or direct or indirect adverse effects on human beings because there would be no new additional effects not identified by the City's General Plan and/or Wastewater Master Plan Master EIRs, as supplemented by project-specific studies which cannot be mitigated to less-than-significant by proposed mitigation contained in this Initial Study.

XVII. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately examined in an earlier EIR or negative declaration, Section 15063(b)(1)(C). In this case, a discussion should identify the following:

A. Earlier analyses used. Identify earlier analyses and state where they are available for review.

1. City of Modesto General Plan Master EIR, SCH No. 92052017, Certified August 15, 1995, Res. No. 95-408.

2. City of Modesto Wastewater Master Plan Master EIR, SCH No. 96042009, Certified May 27, 1997, Res. No. 97-290.

These documents are available for review at the City of Modesto Community Development Department, Strategic Planning Division, City Hall, 801 Eleventh Street, Modesto, California.

B. Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Through the use of earlier analysis mentioned above and the incorporation of project-specific supplemental analysis identified below all project impacts were adequately addressed and appropriate mitigation measures provided.

Traffic and Circulation Needs (Supplemental Analysis provided)
Degradation of Air Quality (Supplemental Analysis provided)
Generation of Noise (Supplemental Analysis provided)
Loss of Productive Agricultural Land
Increased Demand for Water Supplies
Increased Demand for Sanitary Sewer Services
Loss of Sensitive Wildlife and Plant Habitat
Disturbance of Archaeological or Historical Sites (Supplemental Analysis provided)
Drainage Flooding and Water Quality
Increased Demand for Storm Drainage
Increased Demand for Parks and Open Space
Increased Demand for Schools
Increased Demand for Police Services
Increased Demand for Fire Services
Generation of Solid Waste
Generation of Hazardous Materials
Landslides or Seismic Activity
Energy

1. Transportation/Circulation - Project-specific effects identified were impacts to the project area roadways and intersections as well as overflow parking impacts. Measures to mitigate these effects to less than significant are contained in Section XIX, below of this Initial Study.

2. Noise - Project-specific effects identified were very close to the threshold of significance for community noise compatibility with residential areas adjacent to the project area. Measures to mitigate effects to less than significant are contained in Section XIX, below of this Initial Study.

3. Biological Resources - Project-specific effects identified for impacts to adjacent wildlife refuge are potential noise and light/glare impacts and potential impacts to the on-site pond area. Measures to mitigate to less than significant are contained in Section XIX below.

4. Noise - Project-specific effects identified were potential noise impacts to adjacent wildlife refuge area and to persons on adjacent levees. Measures to mitigate to less than significant are contained in Section XIX below.

XVIII. RESULTS OF PUBLIC REVIEW

A Public Review document including the Initial Study and Findings, the Draft Mitigated Negative Declaration, and supporting document was circulated for Public Review from November 13 to December 14, 1998. During this review period, letters of comment were received, providing agency response to the Draft Mitigated Negative Declaration. These letters are identified as follows:

Letter	Agency	Date Received
1	Turlock Irrigation District	Nov. 1998
2	Stanislaus Area Association of Governments	Dec. 2, 1998
3	Stanislaus County Sheriff's Department	Dec. 9, 1998
4	Stanislaus County Chief Executive Office	Dec. 11, 1998
5	San Joaquin Valley Unified Air Pollution Control District	Dec. 14, 1998
6	Governor's Office of Planning and Research	Dec. 16, 1998
7	City of Modesto Engineering and Transportation Dept.	Dec. 23, 1998

Letters received during this public review and City responses to comments are included in Exhibit G. In one instance comments provided additional information that required a revision to the Initial Study to add Mitigation Measures. Because this was added after the document had received Public Review the City (Lead Agency) decided to recirculate the revised document for an additional public Review Period.

Recirculated Document Public Review

The recirculated document consists of the original Mitigated Negative Declaration which includes all comments and responses from the original review period as part of the administrative record. Pursuant to CEQA Guideline Section 15088.5 these previous comments do not require further response.

The Recirculated document public review period was fi m January 20 to February 22, 1999. Letters of comment received and responses, are contained in Exhibit G as follows:

Letter	Agency	Date Received
1	Stanislaus County Department of Environmental Resources	February 8, 1999
2	Stanislaus County Department of Public Works	February 19, 1999
3	Caltrans District 10	February 22, 1999
4	Stanislaus County Chief Executive Officer	February 22, 1999
5	San Joaquin Valley Unified Air Pollution Control District	February 24, 1999

Letter	Agency	Date Received
6	Governors Office of Planning And Research	March 9, 1999

Based on the substantial evidence presented in the Initial Study, and in recognition of the LETTERS of Comment received on the Draft Mitigated Negative Declaration, the findings in the following section can be made.

XIX. DETERMINATION: (To be completed by the Lead Agency)

Based on substantial evidence provided in the Initial Study the City of Modesto finds:

A. Based on the above-referenced Initial Study and revisions in the project plans made by and or agreed to by the applicant(s) before the proposed Negative Declaration and Initial Study was released for public review which would avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, a Mitigated Negative Declaration should be certified pursuant to CEQA Section 21080(c)(2) for the proposed Police Training Center ("Project").

B. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section XIX below have been added to the project.

Signature Steven R. Nish Date 3/12/99

Steven R. Nish, Associate Planner
Community Development Department
City of Modesto

XX. MITIGATION MEASURES

The following Mitigation Measures will be incorporated into the City of Modesto Police Training Center project (see attached Exhibit H, Mitigation Monitoring Plan):

TRAFFIC AND CIRCULATION:

1. Traffic Control Officers shall be provided to control the arrival and departure of vehicles on West Main Avenue during the high volume annual and/or biannual events at the facility.

BIOLOGICAL RESOURCES:

1. Any lighting constructed shall be designed to not illuminate wildlife areas nor should it provide a source of constant night lighting on the Police Training Center parcel.

2. Any new work that would impact the bed channel or bank of the slough/pond area present on the site would require the application for a Fish and Game 1603 permit prior to commencing such work.

3. The live fire range should be used for formal training sessions only under the direction of a qualified range master.

4. Public Works and Transportation - Fish and Wildlife Policy

- All Federal and State fish and game laws shall be observed at all times.

- Taking of wildlife (dead or alive) at either of the wastewater facilities is prohibited, except in the course of regular duty for the purposes of rodent control (beavers, gophers, squirrels) for the levees, or for avian disease management under the direction of the State Fish and Game Department.

- Hunting is prohibited at both wastewater facilities. Possession of hunting devices including but not limited to firearms, propellant guns, and archery equipment is not permitted at either location. Only authorized City or County pest management personnel, in the course of their assigned duties, may be in possession of traps or poison bait.

- Access to City property along the east bank of the San Joaquin River, above and below West Main and along the Tuolumne River east of Carpenter Road, is not permitted for both wildlife management and liability reasons.

- Members of the public and off-duty City employees, seeking access to the wastewater facilities for wildlife observation, facility tours, or other purposes must obtain permission from the Water Quality Control Superintendent in advance. A release of liability will be required before permission is granted.

HAZARDS:

1. All firing range ammunition shall be recycled through the use of a ballistic containment system and stored in a manner approved by the City of Modesto Fire Chief.

2. The levee roads adjacent to the Training Center should be signed to indicate the levee will provide passage behind the impact area and could be hazardous during training sessions.

NOISE:

1. The live fire range shoul. be used for formal training sessions only under the direction of a qualified range master.

2. The levee roads adjacent to the Training Center should be signed to indicate the levee will provide passage behind the impact area and could be hazardous during training sessions.

Applicant's Concurrence

In accordance with Section 15070(b)(1) of the CEQA Guidelines, I hereby consent to the incorporation of the above Mitigation Measures into the Police Training Center project.

Signature _____ Date 3-10-99

Paul Jefferson
Police Chief
City of Modesto

EXHIBIT F

STATE OF CALIFORNIA

DEPARTMENT OF FISH AND GAME
MEMORANDUM

Exhibit F

State of California The Resources Agency

Memorandum

To : Mr. Paul D. Jefferson, Chief
City of Modesto Police Department
P.O. Box 1746
Modesto, CA 95353

Date: August 31, 1998

From : Department of Fish and Game -Holman E.King, Turlock Wildlife Mgt. Unit

Subject: Modesto Police Training Site- Pre Project Consultation

From information received and on site visits to the proposed Police raining Site located on City property south of West Main Street at the San oaquin River levee, I would submit the following for consideration in your nvironmental planning process:

. To the best of my knowledge, and after review of the California Natural iversity Data Base, there are no known occurrences of State of Federal isted species which inhabit the parcel you are proposing for the training acility. The closest occurrences of listed species are of nesting va: on Hawks along the San Joaquin River riparian corridor both up and ownstream within several miles of the site. No Swainson hawks are known nest on the State Reclamation Board property south of and adjacent to ur site which is leased to the State Department of Fish and Game for ldlife habitat purposes.

From the information that you have provided, it is not anticipated that y permits will be necessary for construction of your facility from our partment. Should any new work be proposed that would impact the bed, annel or bank of the slough/pond area which is present on the site, you ould notify our Department and proceed with an application for a Fish & e Code 1603 permit before commencing such work.

To help preserve the quality of the riparian habitat on the adjacent te wildlife habitat area, it is requested that you not construct hting that would illuminate the wildlife area nor provide a source of stant night lighting on your parcel, especially adjacent to the wildlife a.

Mr. Burl Condit of your Department indicated to me that you would plan provide additional habitat on your site in the form of significant tree tings. This is an excellent idea which could provide additional ening to the wildlife area, help reduce noise impacts and provide tional wildlife habitat values to your parcel.

t is assumed that your training facility will be used for formal ining sessions only and that the live fire range would not be used on a om basis by individuals not under the direction of a qualified range

master. Noise, along with lighting, are probably the most significant impacts to wildlife use of the adjacent wildlife habitat area and as such should be minimized where possible.

6. The Wildlife habitat area is technically open to the public although there is no public access. I would suggest you provide warning signing on the levee road to indicate the levee will provide passage behind your impact area and could be hazardous during training sessions.

Should you have any further questions or concerns regarding these comments please feel free to contact me at (209) 667-1219.

Holman E. King
Associate Biologist-Wildlife
4728 Jimbo Ct.
Denair, CA 95316

EXHIBIT G

RESPONSE TO COMMENTS

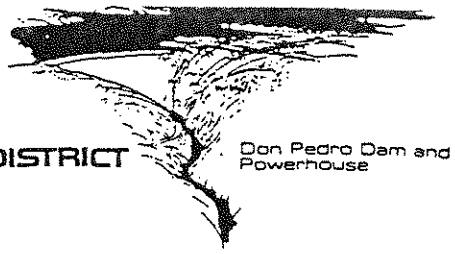
RECEIVED AS A RESULT OF PUBLIC REVIEW

Includes comments from November 13, 1998 to
December 19, 1998 Public Review Period

And

Comments received from Recirculated Document
January 20, 1999 to February 22, 1999
Public Review Period

TURLOCK IRRIGATION DISTRICT
333 EAST CANAL DRIVE
POST OFFICE BOX 949
TURLOCK, CALIFORNIA 95381
(209) 883-8300



November 23, 1998

City of Modesto
Community Development Department
Steven R. Nish
801 11th Street
P.O. Box 642
Modesto, CA 95353
Attn: Dana McGarry

RE: DRAFT MITIGATED NEGATIVE DECLARATION FOR THE CITY OF MODESTO POLICE TRAINING CENTER

Dear Steven:

The Engineering Department of the Turlock Irrigation District appreciates the opportunity to review and comment on the referenced project. According to District standards, property that is developed within the District's boundary which impacts irrigation and electric facilities is required to meet the District's requirements. The following comments are in regard to the impacts associated with the irrigation and electric facilities of the District:

The District has no comments concerning irrigation facilities in the area of this project. If irrigation facilities are found, please notify me at 883-8384.

Owner/developer must apply for a facility change for any pole or facility relocation. Facility changers are performed at developer's expense.

If you have any questions or comments concerning electric utility requirements, please contact Paul Rodriguez in Electrical Engineering at (209) 883- 8438.

Sincerely

Andrea Nicastro
Engineering Technician - C.E.
CF: M 98-84
Brent Harrison

GS0910-03

Response to Letter (Received November 25, 1998), Turlock Irrigation District.

The City of Modesto Police Department will contact the Turlock Irrigation District prior to improvement of the site.

Proposed Changes to the Negative Declaration Resulting from this Letter.

No changes necessary. No new environmental issues were raised by these comments.

SAAG
Stanislaus Area
Association of Governments

1025 Fifteenth Street Modesto, CA 95354
Telephone (209) 558-7830 FAX (209) 558-7833

November 30, 1998

Mr. Steve Nish
City of Modesto
Community Development Department
P.O. Box 642
Modesto, CA 95353

RE: Draft Mitigated Negative Declaration for the City of Modesto Police Training Center

Dear Steve,

Thank you for giving SAAG an opportunity to review the above referenced project.

Thank you for giving SAAG the opportunity to review the above referenced project. As you are aware, SAAG reviews referrals for conflicts with the Regional Transportation Plan (RTP), the Stanislaus County Regional Expressway System, the Regional Bicycle Transportation Master Plan, and the Congestion Management Plan. Our review of this project did not identify any conflicts or concerns with respect to these plans and programs.

Thank you for the opportunity to review this project.

Sincerely,

Audrey Mills
Associate Planner

chron/f: land use (Modesto)
Refer M-19

Response to letter (Received December 2, 1998), Stanislaus Area Association of Governments.

Proposed Changes in the Negative Declaration Resulting from this Letter.

No changes necessary. No new environmental issues were raised by these comments.

Sheriff's Department

P.O. BOX 858/826 12TH STREET
MODESTO, CALIFORNIA 95354
TELEPHONE (209) 525-6456

STANISLAUS COUNTY

LES WEIDMAN
SHERIFF - CORONER
PUBLIC ADMINISTRATOR

December 4, 1998

City of Modesto
Community Development Department
801 11th Street
Modesto, CA. 95353

DEC 1998

ATTENTION: Steven R. Nish

ENVIRONMENTAL COMMENTS

Re: ENVIRONMENTAL REFERRALS: DRAFT MITIGATED NEGATIVE DECLARATION FRO THE CITY OF MODESTO POLICE TRAINING CENTER

Based on this agency's particular field of expertise, our position is neutral and we offer no comments at this time.

Response Prepared By John Hansell
John Hansell
Staff Services Analyst

cc: Stanislaus County Planning and Community Development

Response to Letter (Received December 9, 1998), Stanislaus County Sheriff's Department.

Proposed Changes in the Negative Declaration Resulting from this Letter.

CHIEF EXECUTIVE OFFICE

County Administration Building
1100 H Street, 2nd Floor
P.O. Box 3404, Modesto, California 95353

(209) 525-6333
FAX (209) 544-6226

REAGAN M. WILSON
CHIEF EXECUTIVE OFFICER

PATRICIA HILL THOMAS
ASSISTANT EXECUTIVE OFFICER

November 19, 1998

DEC 1998

Steve Nish
City of Modesto
PO Box 642
Modesto CA 95353

SUBJECT: **DRAFT MITIGATED NEGATIVE DECLARATION – CITY OF MODESTO POLICE TRAINING CENTER**

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project. It is the consensus of the Committee that this project should be referred to US Fish and Wildlife for comments regarding the potential impacts to the Pacific Flyway standards.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Richard Jantz
Deputy Executive Officer

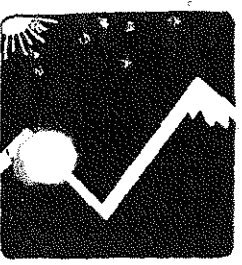
RJ:mh

Response to Letter Received (December 11, 1998), Stanislaus County Chief Executive Office

A copy of the Draft Mitigated Negative Declaration was sent to Mark Littlefield of U.S. Fish and Wildlife Service in Sacramento. We received no comments back from their office. In addition, 15 copies were sent to Governor's Office of Planning and Research which were also distributed to State Agencies, responsible for wildlife resources. We received no response from State Agencies regarding this project.

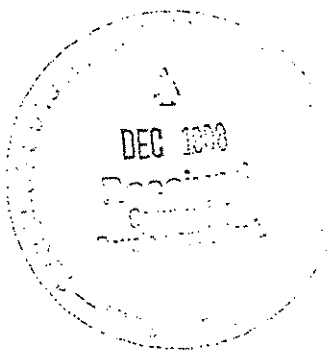
Proposed Changes in Negative Declaration Resulting from this Letter.

New Mitigation has been added resulting from Letter No. 7 which addresses the Pacific Flyway concern. City of Modesto Public Works Engineering and Transportation Fish and Wildlife policy, which recognizes the Jennings Road site as part of the Pacific Flyway, and as such, an important Biological Resource, was incorporated into the document to provide mitigation.



San Joaquin Valley
Unified Air Pollution Control District

December 14, 1998



Steven R. Nish
City of Modesto
CDD/Development Services Department
Current Planning Division - City Hall/Fourth Floor
PO Box 642
Modesto, CA 95353

SUBJECT: DRAFT MITIGATED NEGATIVE DECLARATION FOR THE CITY OF MODESTO POLICE TRAINING CENTER

Dear Mr. Nish:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Based on the information provided, it appears that this project will have a less-than-significant impact on the ambient air quality. Therefore, a negative declaration is appropriate from an air quality perspective.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 545-7000.

Sincerely,

Tracy R. Bettencourt

Tracy Roomer Bettencourt
Environmental Planner
Northern Region

APCD REF # 980653

c. Michele Laverty
Stanislaus County – Chief Executive Office
1100 "H" Street
Modesto, CA 95354

David L. Crow
Executive Director/Air Pollution Control Officer
1999 Tuolumne Street, Suite 200 • Fresno, CA 93721 • (209) 497-1000 • FAX (209) 233-2057

Northern Region
4230 Kiernan Avenue, Suite 130 • Modesto, CA 95356
(209) 545-7000 • Fax (209) 545-8652

Central Region
1999 Tuolumne Street, Suite 200 • Fresno, CA 93721
(209) 497-1000 • Fax (209) 233-2057

Southern Region
2700 M Street, Suite 275 • Bakersfield, CA 93301
(805) 862-5200 • Fax (805) 862-5201

Printed on Recycled Paper.

Response to Letter (Received December 16, 1998), San Joaquin Valley Unified Air Pollution Control District

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

1400 TENTH STREET SACRAMENTO, CALIFORNIA 95812-3044

te Wilson
GOVERNOR

Paul F Miner
DIRECTOR

December 16, 1998

STEVEN NISH
CITY OF MODESTO COMMUNITY DEVELOPMENT DEPT.
801 IITH STREET
MODESTO, CA 95354

Subject: POLICE TRAINING CENTER
SCH#: 98112045

Dear STEVEN NISH:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

Antero A. Rivasplata
Chief, State Clearinghouse

Form A: Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Street, Sacran CA 95814 916/445-0613

See NOTE below

SCH # 98112045

Project Title: POLICE TRAINING CENTER

Lead Agency: CITY OF MODESTO Community Development Dept Contact Person: STEVEN NUSH

Street Address: 801 11th STREET Phone: (209) 577-5280

City: MODESTO Zip: 95354 County: STANISLAUS

Project Location

County: STANISLAUS City/Nearest Community: MODESTO

Cross Streets: W. MAIN AVENUE Zip Code: _____ Total Acres: _____

Assessor's Parcel No. 58-01-01 Section: _____ Twp. _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: 99 Waterways: SAN JOAQUIN RIVER

Airports: _____ Railways: _____ Schools: _____

Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ EIR (Prior SCH No.) _____ ☐ EA ☐ Final Document
☒ Neg Dec ☒ Other MITIGATED NEG DEC ☐ Draft EIS ☐ Other _____
☐ Draft EIR ☐ FONSI

Local Action Type

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Other _____

Development Type

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational _____
☐ Recreational _____

☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ Watts _____
☐ Waste Treatment: Type _____
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Agricultural Land ☒ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater
☐ Air Quality ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☐ Archeological/Historical ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Wildlife
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☐ Growth Inducing
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Landuse
☐ Economic/Jobs ☐ Public Services/Facilities ☒ Traffic/Circulation ☐ Cumulative Effects
☐ Fiscal ☐ Recreation/Parks ☐ Vegetation ☐ Other _____

Present Land Use/Zoning/General Plan Use

Project Description The Project is Construction of a Police Training Center facility.

State Clearinghouse Contact: Mr. Toby Holmes (916) 445-0613

State Review Began: 11-6-98

Dept. Review to Agency 12-9

Agency Rev to SCH 12-14

SCH COMPLIANCE 12-16

Please note SCH Number on all Comments

98112045

Please forward late comments directly to the Lead Agency

AQMD/APCD 34 (Resources: ____/____)

Project Sent to the following State Agencies

X	Resources		State/Consumer Svcs
	Boating		General Services
	Coastal Comm		Cal EPA
	Coastal Consv		ARB
	Colorado Rvr Bd		CA Waste Mgmt Bd
	Conservation		SWRCB: Grants
X	Fish & Game # 4		SWRCB: Delta
	Delta Protection		SWRCB: Wtr Quality
	Forestry		SWRCB: Wtr Rights
	Historic Preservation	X	Reg. WQCB # 5(SAC)
X	Parks & Rec		Toxic Sub Ctrl-CTC
	Reclamation		Yth/Adlt Corrections
	Bay Cons & Dev Comm		Corrections
	DWR		Independent Comm
	OES		Energy Commission
	Bus Transp Hous	X	NAHC
	Aeronautics		Public Utilities Comm
X	CHP		Santa Monica Mtns
X	Caltrans # 10	X	State Lands Comm
	Trans Planning		Tahoe Rgl Plan
	Housing & Devel		
	Food & Agriculture		Other:
X	Health & Welfare		Other:

Response to Letter (Received December 16, 1998), Governor's Office of Planning and Research

Proposed Changes in the Negative Declaration Resulting from this Letter.

No changes necessary. No new environmental issues were raised by these comments.

CITY OF MODESTO

MEMORANDUM

December 23, 1998

To: Associate Planner Nish
From: Deputy E&T Director Tulloch

Re: Comments on Draft Mitigated Negative Declaration
Modesto Police Training Center

Thank you for the opportunity to provide the following comments on this proposed Mitigated Negative Declaration.

1. The Negative Declaration does not appear to have taken into consideration that the Jennings Road wastewater facility is a part of the Pacific Flyway, and that Aleutian Geese, a protected species, are known the visit the Jennings Road area seasonally. This is referenced in the City's NPDES Permit, RWQCB Order No. 94-129.

2. The Negative Declaration does not describe the worker safety measures which the Police Training Facility plans to take for the protection of City employees and ranch leasee's employees.

3. Attached is the City's Wildlife Policy concerning appropriate activities on the City's wastewater facilities. This was created to response to the wildlife and worker safety issues mentioned above. The Negative Declaration does not appear to address this policy.

4. The Negative Declaration does not describe the lead management measures which the Police Training Facility plans to take for the protection of soil and water quality. We are concerned that the concentration of lead ammunition would create a hazardous waste "pit", triggering federal cleanup requirements.

DEC 1998

Public Works and Transportation

Fish and Wildlife Policy

Reason for Policy

This policy provides employees and the public with information regarding the fish and wildlife present at the wastewater treatment facilities on Sutter Avenue and Jennings Road. Both facilities are known to be inhabited by wildlife species protected by the Endangered Species Act. The Jennings Road site is an important resting spot on the Pacific Flyway.

Policy

- All Federal and State fish and game laws shall be observed at all times.
- Taking of wildlife (dead or alive) at either of the wastewater facilities is prohibited, except in the course of regular duty for the purposes of rodent control (beavers, gophers, squirrels) for the levees, or for avian disease management under the direction of the State Fish and Game Department.
- Hunting is prohibited at both wastewater facilities. Possession of hunting devices including but not limited to firearms, propellant guns, and archery equipment is not permitted at either location. Only authorized City or County pest management personnel, in the course of their assigned duties, may be in possession of traps or poison bait.
- Access to City property along the east bank of the San Joaquin River, above and below West Main and along the Tuolumne River east of Carpenter Road, is not permitted for both wildlife management and liability reasons.
- Members of the public and off-duty City employees, seeking access to the wastewater facilities for wildlife observation, facility tours, or other purposes must obtain permission from the Water Quality Control Superintendent in advance. A release of liability will be required before permission is granted.

Response to Letter Received (December 23, 1998, City of Modesto Engineering and Transportation Department)

Proposed Changes in the Negative Declaration Resulting From this Letter

The letter provided four comments on the Mitigated Negative Declaration. Responses are as follows:

1. The Fish and Wildlife Policy of Public Works and Engineering and Transportation has been added to the Mitigation Measure for Biological Resources to ensure the Jennings Road/Police Training Center site will continue to be an important resource area for the Pacific Flyway.

2. The worker safety measures are included in Hazardous Materials Mitigation. In addition, the Fish and Wildlife Policy of Public Works Engineering and Transportation provides mitigations for worker safety.

3. The Wildlife Policy has been added to the Mitigation Measures for Biological Resources.

4. Lead Management Measures have been provided by the Police Department staff and have been incorporated into the Mitigation Measures.

COMMENTS RECEIVED FROM RECIRCULATED DOCUMENT JANUARY 20, 1999 TO FEBRUARY 22, 1999 PUBLIC REVIEW PERIOD

Stanislaus County

Department of Environmental Resources

3800 Cornucopia Way, Suite C
Modesto, California 95358
FAX# (209) 525-6774
(209) 525-6700

TO: CITY OF MODESTO
P.O. BOX 642
MODESTO, CA 95353

ATTN: STEVEN R. NISH

FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES

RE: E. I. R. Review Comments

PROJECT TITLE: MODESTO TRAINING CENTER

PROJECT LOCATION: 7007 JENNINGS ROAD AT CITY OF MODESTO'S WASTEWATER TREATMENT FACILITY.

PROJECT DESCRIPTION: THE CONSTRUCTION OF A POLICE TRAINING CENTER FACILITY

Based on this agency's particular field(s) of expertise, it is our position the project described above:

___ Will not have a significant effect on the environment.
___ May have a significant effect on the environment.
___ No comments.
_X_ See comments below.

In addition, our agency has the following comments:

☐ We request that the attached conditions and comments be made a condition of approval of this Project/Tentative Map.

The water supply for the project is defined by State regulations as a public water system. The water system owner must submit plans and specifications for the water system construction. The water system must obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from this Department. The Water Supply Permit issuance is contingent upon water system meeting construction standards, and providing water which is of acceptable quantity and quality.

Response prepared by:

, REHS Date: February 4, 1999

RYAN KUMIMOTO
SENIOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST

cc: County ERC

Response to Letter (Received February 8, 1999, Stanislaus County Department of Environmental Resources)

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary. No new environmental issues were raised by these comments.

However, Officer Burl Condit of the Modesto Police Department contacted Health Specialist Bryan Kumimoto and made arrangements to obtain a Water Supply Permit and for appropriate review of the Police Training Center project by the Department of Environmental Resources prior to final approval and construction.

GEORGE STILLMAN
Director
Administration
Engineering
Development Services
Transit
Facilities Services
Road Maintenance
Landfill

Department of
Public Works
STANISLAUS COUNTY

February 18, 1999

FEB 1999

Mr. Steve Nish
Community Development Department
City of Modesto
P.O. Box 642
Modesto, CA 95353

SUBJECT: Re-circulation of Draft Mitigated Negative Declaration for the Modesto Police Training Center

Dear Mr. Nish:

This is to inform you that this Department has no comment regarding the above project.

If you have any questions concerning this matter, please contact me at 525-6552.

Sincerely,

Ron Cherrier
Senior Engineering Technician

cc: Bob Kachel, Department of Planning and Community Development
(H:\services\nish1.rc)

Response to Letter (Received February 19, 1999 from Stanislaus County Department of Public Works)

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7981
(209) 948-3975

February 19, 1999

10-STA-99-P.M. R003.077
Police Training Center
Initial Study and Mitigated Neg Dec
APN 58-01-01
SCH No. 98112045

Mr. Steven R. Nish
Associate Planner
City of Modesto
801 11th Street
Modesto, California 95353

Dear Mr. Nish:

Thank you for the opportunity to review the above-referenced document which proposes the development of a Police Training Center, which will involve a variety of uses.

Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offers the following comment:

- Traffic impact fees should be collected towards improvements. Cumulative impacts from this project and other projects in the vicinity will soon require operational improvements within the area.

If you have any questions or concerns regarding this project, please contact Kathleen Grady at (209) 942-6191.

Sincerely,

CARLOS P. YAMZON, Chief
Office of Travel Forecasting and
Metropolitan Planning

FEB 1999
Received
Community
Development Dept.

Response to Letter (Received February 22, 1999 from Caltrans District 10)

Proposed changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

The City of Modesto (and Stanislaus County) routinely collect traffic impact fees on development projects. However, this is a City of Modesto project on City of Modesto property. The City will provide necessary traffic improvements to the Main Avenue roadway entrance. This is a low traffic generating use and a facility that will have occasional use only.

CHIEF EXECUTIVE OFFICE

County Administration Building
1100 H Street, 2nd Floor
P.O. Box 3404, Modesto, California 95353

(209) 525-6333
FAX (209) 544-6226

REAGAN M. WILSON
CHIEF EXECUTIVE OFFICER

PATRICIA HILL THOMAS
ASSISTANT EXECUTIVE OFFICER

February 12, 1999

Steven R. Nish
City of Modesto
Community Development Department
P.O. Box 642
Modesto, CA 95353

SUBJECT: **RECIRCULATION OF DRAFT MITIGATED NEGATIVE DECLARATION FOR THE MODESTO POLICE TRAINING CENTER**

Dear Steven R. Nish:

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.

FEB 1999
Received
Community
Development Dept.

Sincerely,

W. Richard Jantz
Deputy Executive Officer
Environmental Review Committee

RJ:mm

cc: ERC Members

Response to Letter (Received February 22, 1999 from Stanislaus County Chief Executive Office)

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

San Joaquin Valley
Unified Air Pollution Control District

February 22, 1999

FEB 1999

Steven R. Nish
City of Modesto
CDD/Development Services Department
Current Planning Division - City Hall/Fourth Floor
PO Box 642
Modesto, CA 95353

SUBJECT: DRAFT MITIGATED NEGATIVE DECLARATION FOR THE CITY OF MODESTO POLICE TRAINING CENTER

Dear Mr. Nish:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Based on the information provided, it appears that this project will have a less-than-significant impact on the ambient air quality. Therefore, a negative declaration is appropriate from an air quality perspective.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 545-7000.

Sincerely,

Tracy Roemer Bettencourt
Environmental Planner
Northern Region

APCD REF # 990038

David L. Crow
Executive Director/Air Pollution Control Officer
1999 Tuolumne Street, Suite 200 • Fresno, CA 93721 • (209) 497-1000 • FAX (209) 233-2057

Northern Region
4230 Kiernan Avenue, Suite 130 • Modesto, CA 95356
(209) 545-7000 • Fax (209) 545-8652

Central Region
1999 Tuolumne Street, Suite 200 • Fresno, CA 93721
(209) 497-1000 • Fax (209) 233-2057

Southern Region
2700 M Street, Suite 275 • Bakersfield, CA 93301
(805) 862-5200 • Fax (805) 862-5201

Printed on Recycled Paper.

Response to Letter (Received February 24, 1999 from San Joaquin Valley Unified Air Pollution Control District)

Proposed changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

STATE OF CALIFORNIA
Governor's Office of Planning and Research
1400 TENTH STREET SACRAMENTO, CALIFORNIA 95812-3044

av Davis
GOVERNOR

March 4, 1999

STEVEN NISH
CITY OF MODESTO COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 642
MODESTO, CA 95353

Subject: POLICE TRAINING CENTER
SCH#: 98112045

Dear STEVEN NISH:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. 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 call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Form A: Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 98112045

Project Title: City of Modesto Police Training Center

Agency: City of Modesto Community Dev. Dept. Contact Person: Steve R. Nish

Street Address: P.O. Box 642 Phone: (209) 577-5433

City: Modesto Zip: 95353 County: Stanislaus

Project Location

County: Stanislaus City/Nearest Community: Modesto

Cross Streets: 7007 Jennings Road Zip Code: _____ Total Acres: _____

Assessor's Parcel No.: _____ Section: _____ Twp. _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: 99 Waterways: Sandoegin River

Airports: _____ Railways: _____ Schools: _____

Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ Early Cons ☐ EIR (Prior SCH No.) ☒ Neg Dec ☐ Other recirculated revised MND ☐ Draft EIR

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other _____

FILED JAN 22 1999 STATE CLEARINGHOUSE

Local Action Type

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☒ Other public works

Development Type

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational _____
☐ Recreational _____

☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ Watts _____
☐ Waste Treatment: Type _____
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality
☐ Agricultural Land ☒ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater
☐ Air Quality ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☐ Archeological/Historical ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Wildlife
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☐ Growth Inducing
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Landuse
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Cumulative Effects
☐ Fiscal ☐ Recreation/Parks ☐ Vegetation ☐ Other _____

Present Land Use/Zoning/General Plan Use

Project Description Police training facility; K-9 kennels & training area; equestrian facilities; 500 yard shooting range; parking lots; and picnic area.

State Clearinghouse Contact: Terry Rivasplata (916) 445-0613

State Review Began: 1-22-99

Dept. Review to Agency 2-11-99

Agency Rev to SCH 2-19-99

SCH COMPLIANCE 2-22-99

98112045

Please note State Clearinghouse Number on all Comments

SCH#: _____

Please forward late comments directly to the Lead Agency

_____

AQMD/APCD 34 (Resources: ___/___)

Project Sent to the following State Agencies

X Resources	State/Consumer Svcs	
___ Boating	___ General Services	
___ Coastal Comm	Cal EPA	
___ Coastal Consv	___ ARB	
___ Colorado Rvr Bd	___ CA Waste Mgmt Bd	
___ Conservation	___ SWRCB: Clean Wtr Prog	
X Fish & Game # 4	___ SWRCB: Delta	
___ Delta Protection	___ SWRCB: Wtr Quality	
___ Forestry	___ SWRCB: Wtr Rights	
___ Historic Preservation	X Reg. WQCB # 5(Sac)	
X Parks & Rec	___ Toxic Sub Ctrl-CTC	
___ Reclamation	Yth/Adlt Corrections	
___ Bay Cons & Dev Comm	___ Corrections	
___ DWR	Independent Comm	
___ OES	___ Energy Commission	
Bus Transp Hous	X NAHC	
___ Aeronautics	___ Public Utilities Comm	
X CHP	___ Santa Monica Mtns	
X Caltrans # 10	X State Lands Comm	
___ Trans Planning	___ Tahoe Rgl Plan	
___ Housing & Devel		

Response to Letter (Received March 9, 1999 from Governor's Office of Planning and Research)

Proposed changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

This letter documents that copies of the Recirculated Mitigated Negative Declaration were sent to, State Departments of:

Resources
Fish and Game
Parks and Recreation
Regional Water Quality Control Board, and
Lands Commission

Pursuant to CEQA Guidelines Section 15088, the City (Lead Agency) assumes these agencies have reviewed the Mitigated Negative Declaration and have determined there are no significant Environmental issues to be raised regarding the proposed project, that have not been addressed by the Mitigated Negative Declaration (SCH# 98112045).

EXHIBIT H

MODESTO POLICE TRAINING CENTER

MITIGATION MONITORING PLAN

MITIGATION MONITORING AND REPORTING PROGRAM FOR

THE CITY OF MODESTO POLICE TRAINING CENTER

(Pursuant to Mitigated Negative Declaration SCH No. 98112045)

1.0 INTRODUCTION

This mitigation and monitoring program has been prepared by the City of Modesto for the City of Modesto Police Training Center to comply with Public Resources Code Section 21081.6. Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

2.0 SCOPE

The program described below applies to all mitigation measures described in the Initial Study/proposed Mitigated Declaration, dated November 13, 1998, prepared for the project. The key components of project mitigation were determined by the City of Modesto's Community Development and Police Department staff based on Police Department Standards and Policies and a memorandum from the State Department of Fish and Game dated August 31, 1998.

3.0 MITIGATION

TRAFFIC MITIGATION

The following traffic mitigation measures resulted from project impact analysis in the Initial Study:

> Traffic Control Officers shall be provided to control the arrival and departure of vehicles on West Main Avenue during the high volume annual and/or biannual events at the facility.

IMPLEMENTATION FOR ALL TRAFFIC MITIGATIVE MEASURES

At the time of submittal of development requests, the City shall assure implementation of these mitigated measures consistent with the Mitigated Negative Declaration Responsible Agency for Traffic Mitigated Measures.

RESPONSIBLE AGENCY FOR TRAFFIC MITIGATION MEASURES

City of Modesto Community Development Department.

BIOLOGICAL RESOURCES:

1. Any lighting constructed shall be designed to not illuminate wildlife areas nor should it provide a source of constant night lighting on the Police Training Center parcel.
2. Any new work that would impact the bed channel or bank of the slough/pond area present on the site would require the application for a Fish and Game 1603 permit prior to commencing such work.
3. The live fire range should be used for formal training sessions only under the direction of a qualified range master.
4. Public Works and Transportation – Fish and Wildlife Policy

    - All Federal and State Fish and game laws shall be observed at all times.
    - Taking of wildlife (dead or alive) at either of the wastewater facilities is prohibited, except in the course of regular duty for the purposes of rodent control (beavers, gophers, squirrels) for the levees, or for avian disease management under the direction of the State Fish and Game Department.
    - Hunting is prohibited at both wastewater facilities. Possession of hunting devices including but not limited to firearms, propellant guns, and archery equipment is not permitted at either location. Only authorized City or County pest management personnel, in the course of their assigned duties, may be in possession of traps or poison bait.
    - Access to City property along the east bank of the San Joaquin River, above and below West Main and along the Tuolumne River east of Carpenter Road, is not permitted for both wildlife management and liability reasons.
    - Members of the public and off-duty City employees, seeking access to the wastewater facilities for wildlife observation, facility tours, or other purposes must obtain permission from the Water Quality Control Superintendent in advance. A release of liability will be required before permission is granted.

IMPLEMENTATION FOR ALL BIOLOGICAL RESOURCE MITIGATION MEASURES

At the submittal of development requests, the City shall assume implementation of these mitigation measures at a level and timing consistent with the Mitigated Negative Declaration.

RESPONSIBLE AGENCY FOR ALL BIOLOGICAL RESOURCES

City of Modesto Community Development Department.

HAZARDS:

1. All firing range ammunition shall be recycled through the use of a ballistic containment system and stored in a manner approved by the City of Modesto Fire Chief.

2. The levee roads adjacent to the Training Center should be signed to indicate the levee will provide passage behind the impact area and could be hazardous during training sessions.

IMPLEMENTATION FOR ALL HAZARDS MITIGATIVE MEASURES:

At the time of submittal of development request, the City shall assume implementation of these mitigation measures consistent with the Mitigated Negative Declaration.

RESPONSIBLE AGENCY FOR HAZARDS MIGITATION MEASURES

City of Modesto Community Development Department.

NOISE:

1. The live fire range should be used for formal training sessions only under the direction of a qualified range master.

2. The levee roads adjacent to the Training Center should be signed to indicate the levee will provide passage behind the impact area and could be hazardous during training sessions.

IMPLEMENTATION FOR ALL NOISE MITIGATION MEASURES

At the time of submittal of development request, the City shall assure implementation of these Mitigation Measures consistent with the Mitigated Negative Declaration.

RESPONSIBLE AGENCY NOISE MITIGATION MEASURES:

City of Modesto Community Development Department.

Clerk C

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-356

Print

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR PRUNED REFUSE TRANSFER SERVICES.

WHEREAS, the City of Modesto operates a City-wide pruned refuse collection program, collecting approximately 14,000 tons of pruned refuse annually, and

WHEREAS, the City collection vehicles (rear "packer" trucks) pick up pruned refuse from locations throughout Modesto and deliver it directly to the co-compost facility at 7007 Jennings Road, and

WHEREAS, each City collection vehicle transports approximately 8 tons of pruned refuse in a load, and due to limited transfer capacity of the packer trucks, a significant portion of the collection crew's time is spent transferring loads to the co-compost facility located approximately 11 miles from the center of Modesto, and

WHEREAS, Urban Forestry staff conducted a one-month pilot program to assess the effectiveness of using transfer points to consolidate small loads into larger, transfer-trailer loads (transfer trailers can haul approximately 3 packer loads of refuse) for transfer to the co-compost facility, and

WHEREAS, it appears there would be significant savings in both cost and staff time by contracting for transfer services, which would make more time available for city staff to work on other projects such as street repair, and

WHEREAS, the RFP will seek proposals from qualified refuse collection and transfer service providers who have current state permits for solid waste transfer operations,

and

WHEREAS, quotes would be requested for accepting and transferring refuse from two transfer points, one serving the eastern half of the City, and one serving the western half of the City, and

WHEREAS, a contractor chosen to provide said transfer service must also provide a concrete slab or other hard surface at the pruned refuse transfer sites acceptable to the Operations and Maintenance Department, weigh in all pruned refuse delivered to the site, provide said weight information to the City, and deliver the pruned refuse to the City's co-compost facility in transfer vehicles with a minimum capacity of 40 cubic yards,

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 from qualified refuse collection and transfer service providers who have current state permits for solid waste transfer operations, for the purpose of transferring refuse from two transfer points to the City's co-compost facility at 7007 Jennings Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-357

Print

A RESOLUTION REJECTING BID RECEIVED FOR THE COLDWELL AVENUE AND NINTH STREET IMPROVEMENTS PROJECT OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 13, 2000

WHEREAS, the bids received for the Coldwell Avenue and Ninth Street improvements project were opened at 11:00 on June 13, 2000, in the office of the City Clerk, and

WHEREAS, only one bid was received and opened, and the bid was 24% over the engineer's estimate and staff recommends the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for the Coldwell Avenue and Ninth Street improvements project, opened in the office of the City Clerk on June 13, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 2000, 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, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-358

Print

A RESOLUTION ACCEPTING THE PELANDALE EXPRESSWAY – IRRIGATION RELOCATION AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Engineering & Transportation Director that the Pelandale Expressway – irrigation relocation project, has been completed by Steel River, Inc. in accordance with the contract agreement dated December 7, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Pelandale Expressway – irrigation relocation project, be accepted from said contractor Steel River, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $301,668.51 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 18th day of July, 2000, 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:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-359

A RESOLUTION APPROVING AN AGREEMENT WITH JAMISON & MOORE CONSTRUCTION FOR RELOCATION COSTS AND RECONVEYANCE OF THEIR RIGHTS TO RENTAL OF THE PROPERTY AND CONVEYANCE OF GOODWILL FOR PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jamison & Moore Construction for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project, 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-360

Print

A RESOLUTION APPROVING AN AGREEMENT WITH JAMISON & MOORE CONSTRUCTION FOR ACQUISITION OF TENANT-OWNED IMPROVEMENTS ON PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jamison & Moore Construction for acquisition of tenant-owned improvements on property needed for the Kansas/Needham overcrossing project, 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-361

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR THE DEEDS INVOLVED IN THE ACQUISITION OF PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to sign acceptance forms for the deeds involved in the acquisition of property needed 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-362

A RESOLUTION APPROVING AN AGREEMENT WITH KELLY DOOR, INC. FOR RELOCATION COSTS AND RECONVEYANCE OF THEIR RIGHTS TO RENTAL OF THE PROPERTY AND CONVEYANCE OF GOODWILL FOR PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kelly Door, Inc. for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project, 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 18th day of July, 2000, 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, Friedman, Frohman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-363

Print

A RESOLUTION APPROVING AN AGREEMENT WITH KELLY DOOR, INC. FOR ACQUISITION OF TENANT-OWNED IMPROVEMENTS ON PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kelly Door, Inc. for acquisition of tenant-owned improvements on property needed for the Kansas/Needham overcrossing project, 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 18th day of July, 2000, 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, Friedman, Frohman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-364

A RESOLUTION APPROVING AN AGREEMENT WITH JOSEPH E. SMUTS, III, DBA CONTINENTAL PAINTING, FOR RELOCATION COSTS AND RECONVEYANCE OF THEIR RIGHTS TO RENTAL OF THE PROPERTY AND CONVEYANCE OF GOODWILL FOR PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joseph E. Smuts, III, dba Continental Painting, for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project, 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 18th day of July, 2000, 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, Friedman, Frohman, Smith, Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-365

Print

A RESOLUTION APPROVING AN AGREEMENT WITH JOSEPH E. SMUTS, III, DBA CONTINENTAL PAINTING, FOR ACQUISITION OF TENANT-OWNED IMPROVEMENTS ON PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joseph E. Smuts, III, dba Continental Painting, for acquisition of tenant-owned improvements on property needed for the Kansas/Needham overcrossing project, 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 18th day of July, 2000, 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, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-366

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR THE DEEDS INVOLVED IN THE ACQUISITION OF PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to sign acceptance forms for the deeds involved in the acquisition of property needed 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-367

A RESOLUTION APPROVING AN AGREEMENT WITH RICHARD A. AND BARBARA FERGUSON FOR THE ACQUISTION OF PROPERTY NEEDED FOR THE PELANDALE EXPRESSWAY PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Richard A. and Barbara Ferguson for acquisition of property needed for the Pelandale Expressway project, 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 18th day of July, 2000, 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, Smith, Mayor Sabatino
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-368

A RESOLUTION APPROVING AN AGREEMENT WITH HOWARD ROGERS AND H. L. ROGERS ENTERPRISES TO LEASE OFFICE SPACE IN THE OLD ADMINISTRATION BUILDING AT MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Howard Rogers and H. L. Rogers Enterprises for the lease of office space in the old administration building at the Modesto City-County Airport, 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-369

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE LEASE OF A CITY-OWNED SINGLE-FAMILY RESIDENCE AT 308 LOCUST STREET FOR USE IN ITS TRANSITIONAL HOUSING PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation (STANCO) for the lease of a City-owned single-family residence at 308 Locust Street for use in its transitional housing Program, 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-370

A RESOLUTION APPROVING AN AGREEMENT WITH CALIFORNIA FEDERAL BANK (CAL FED) FOR PERFORMING CHECK DISBURSING AND ACCOUNTING SERVICES FOR THE HOUSING REHABILITATION PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Federal Bank (CalFed) for performing check disbursing and accounting services for the Housing Rehabilitation Program, 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Clerk (14)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-371

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION FOR $25,000 IN GRANT FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO ASSIST ELIGIBLE ORGANIZATIONS WITH CURRENT FIRE PREVENTION/REDUCTION EDUCATION PROGRAMS.

WHEREAS, City staff has received a request for application from the Federal Emergency Management Agency to assist eligible organizations with current fire prevention/reduction education programs, and

WHEREAS, the Fire Department's "Clown Program" is the focus for this competitive grant, and

WHEREAS, the"Clown Program" currently provides fire prevention education to local school age children from kindergarten through the third grade, and

WHEREAS, the Fire Department has been in the business of educating children for more than thirty (30) years, and the "Clown Program" has evolved through this tradition currently delivering fire safety education to an average of 6,000 children per year, and

WHEREAS, the Fire Department owns a safety trailer, donated by the local Building Industry Association, that is a unique delivery mechanism designed for tactile educational experiences and which actively demonstrates home safety, fire prevention and escape preparation and allows children to experience potential fire emergency conditions in a non-threatening, safe environment, and

WHEREAS, while the "Clown Program" has and will continue to be funded by the Fire Department, this grant presents an opportunity to expand the program, better utilize the department's safety trailer and introduce community collaboration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute a grant application for $25,000 in grant funding from the Federal Emergency Management Agency to assist eligible organizations with current fire prevention/reduction education programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-372

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ANDREW S. MENDLIN FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, EFFECTIVE JULY 18, 2000

WHEREAS, Andrew S. Mendlin was appointed a member of the Housing and Community Development Committee on January, 1997; and

WHEREAS, Andrew S. Mendlin has tendered his resignation from the Citizens Housing & Community Development Committee, effective July 18, 2000; and

WHEREAS, Andrew S. Mendlin 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 Andrew S. Mendlin from the Citizens Housing and Community Development Committee be, and is hereby 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 Andrew S. Mendlin 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-373

A RESOLUTION ACCEPTING A $200,000 CALIFORNIA LAW ENFORCEMENT TECHNOLOGY EQUIPMENT PURCHASE PROGRAM GRANT FOR THE CITY OF MODESTO FOR ACQUISITION OF A CRIME ANALYSIS SYSTEM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS.

WHEREAS, in late May, 2000, the Police Department was notified that it was successful in securing a $200,000 California Law Enforcement Technology Equipment Purchase Program grant for a new Crime Analysis System, and

WHEREAS, said system will provide an electronic geobase for incident mapping and analysis, will be interactive with all department users, and non-confidential information will be shared with the public via the City's website, and

WHEREAS, the system will provide the analytical capacity for suspect, incident, time, series and association analyses, and

WHEREAS, the system will interface with the current Police Department computer system, the new Records Management System and the "911" CAD System, and

WHEREAS, the acquisition of the Crime Analysis System will allow for more proactive response to crime and safety problems by geographical area of the City, and

WHEREAS, there will be "real time" information about crime incidents in the Areas of Command, and

WHEREAS, there will be greater community participation with the addition of the computer system, citizen access will speed the flow of information and allow for more

efficient operations and excellent public service will be provided with less personnel time expended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the $200,000 California Law Enforcement Technology Equipment Purchase Program grant for the acquisition of a Crime Analysis System is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the City's acceptance of the grant, and to execute and submit all other documents, including but not limited to amendments and payment requests, which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-374

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE GRANT REVENUE FOR THE ACQUISITION OF A CRIME ANALYSIS SYSTEM

WHEREAS, staff has been successful in securing as $200,000 California Law Enforcement Technology Equipment Purchase Program grant for a new Crime Analysis System; and

WHEREAS, these grant revenue funds need to be appropriated into the police department budget account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

#0400-190-1921-5437	$200,000
#0400-190-1921-3131	$200,000

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 18th day of July, 2000, 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, Frohman, Friedman, Serpa, Smith and Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-375

A RESOLUTION APPROVING AN AGREEMENT WITH COMMUNITY REINVESTMENT FUND, INC. (CRF) FOR LOAN SERVICING OF THE HOUSING AND ECONOMIC DEVELOPMENT LOAN PORTFOLIOS

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Community Reinvestment Fund, Inc. (CRF) for loan servicing of the Housing and Economic Development loan portfolios 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 18th day of July, 2000, 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 Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-376

A RESOLUTION SETTING FORTH THE RESPONSIBILITIES OF THE CITY COUNCIL AUDIT COMMITTEE.

WHEREAS, in September, 1999, the Council discussed the creation of an audit committee as part of amending the budget and ending transfers from the utility funds to the General Fund, and

WHEREAS, a Council audit committee can provide more insight and be more versed on city operations, rather than solely relying on the city outside audit for financial review, and

WHEREAS, a Council audit committee will provide a communications link between the auditor and the legislative body as well as the auditor and management, and

WHEREAS, the role of the Council audit committee is to maintain management's accountability to the governing body by fulfilling the following responsibilities:

1. Select the independent auditor for the government's financial statement audit.

2. Monitor the progress of the financial statement audit.

3. Evaluate the results of the financial statement audit.

4. Insure that control weaknesses and legal compliance violations identified in the course of the financial statement audit are properly and effectively remedied.

5. Serve as a direct communications link between the governing body and the

independent auditor.

6. Monitor the adequacy of the government's internal control structure on an ongoing basis, especially the internal audit function.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby determines that the following shall be the responsibilities of the Council audit committee:

1. Select the independent auditor for the government's financial statement audit.

2. Monitor the progress of the financial statement audit.

3. Evaluate the results of the financial statement audit.

4. Insure that control weaknesses and legal compliance violations identified in the course of the financial statement audit are properly and effectively remedied.

5. Serve as a direct communications link between the governing body and the independent auditor.

6. Monitor the adequacy of the government's internal control structure on an ongoing basis, especially the internal audit function.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 2000, 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, 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. 2000-377

Print

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 #4)

WHEREAS, this Council did, on June 13, 2000, adopt its Resolution No. 2000-302 (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 July 18, 2000, 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 25th day of July, 2000, 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 18th day of July, 2000, 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, 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
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(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:

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.
- Flovd 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	$2,698,683
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 capitol 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 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		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,

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	$19,715 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

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

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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-378

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HTE INC. FOR POLICE RECORDS MANAGEMENT SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HTE Inc. for Police Records Management System for $1,042,703 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 18th day of July, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-379

Print

A RESOLUTION APPROVING AND AUTHORIZING EXPENDITURE OF $100,000 FOR POLICE RECORDS MANAGEMENT SYSTEM-RELATED HARDWARE AND SOFTWARE FROM HTE INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the authorization of expenditure of $100,000 for Police Records Management System-related hardware and software from HTE Inc. be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said expenditure 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 18th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-380

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET AND ESTIMATING GRANT REVENUE AND APPROPRIATING CARRYOVER REVENUE CONTAINED IN THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

WHEREAS, the new Records Management System will be acquired entirely with State and Federal grants funds from a "COPS MORE" grant, the 1998 Local Law Enforcement B lock grant, and the Supplemental Law Enforcement Services Fund program; and

WHEREAS, these funds have been granted and revenue needs to be estimated in the appropriate fund; and

WHEREAS, revenue contained in the Supplemental Law Enforcement Services Fund needs to be appropriated as carryover revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense	
#0400-190-190-5435	$1,142,703
Revenue:	
#0400-190-1961-3502	$ 200,000
#0400-190-1980-3506	175,957
#0400-510-9510-3502	766,746

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 18th day of July, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-381

Print

A RESOLUTION ACCEPTING THE BID OF WESTERN STATES SURFACING INC. FOR THE PROJECT TITLED "PAVEMENT MAINTENANCE – CAPE SEALS 2000"

WHEREAS, the bids received for Pavement Maintenance – Cape Seals 2000 were opened at 11:00 a.m. on July 11, 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 $209,409.54 received from Western States Surfacing 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 $209,409.54 from Western States Surfacing 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 25th day of July, 2000, 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. 2000-382

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO RECOGNIZE ADDITIONAL REVENUE AND APPRORIATE FUNDS TO THE PAVEMENT MAINTENANCE PROJECT

WHEREAS, staff has recognized additional revenue through an incentive program for Federally funded projects; and

WHEREAS, staff anticipates increasing the scope of the pavement maintenance project to utilize any excess funding available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:	
#0700-430-6040-L036	$51,000
Revenue:	
#0700-510-9510-3138	$51,000

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 25th day of July, 2000, 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, Frohman, Friedman, Serpa, Smith and 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-383

A RESOLUTION ACCEPTING THE PROJECT TITLED "CARPENTER ROAD WATERLINE BETWEEN MAZE BOULEVARD AND CHICAGO AVENUE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carpenter Road Waterline between Maze Boulevard and Chicago Avenue, has been completed by T&S Construction Company Inc., in accordance with the contract agreement dated October 26, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road Waterline between Maze Boulevard and Chicago Avenue be accepted from said contractor, T&S Construction Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $432,819.76 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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-384

A RESOLUTION APPOINTING DEBEE LLOYD AS "POET LAUREATE" OF THE CITY OF MODESTO.

WHEREAS, on July 13, 1993, by Resolution No. 93-412, the City Council established a non-salaried honorary position to be known as "The Poet Laureate of the City of Modesto", and

WHEREAS, the Culture Commission has the responsibility for nominating and recommending appointments to the Poet Laureate position, and

WHEREAS, the purpose of a Poet Laureate is to present original poems at various official occasions, and

WHEREAS, a copy of the City of Modesto Policy regarding said non-salaried honorary Poet Laureate position is on file in the office of the City Clerk, and

WHEREAS, the Culture Commission has recommended to the City Council the appointment of debee lloyd as the third Poet Laureate of the City of Modesto, and

WHEREAS, debee lloyd is a long-time resident of Stanislaus County, has had a notable career in writing, has received many awards and recognition for her work which has been printed in several publications, and

WHEREAS, debee lloyd meets the required criteria for appointment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appointment of debee lloyd to the non-salaried honorary position of "Poet Laureate of the City of Modesto" is hereby approved, for a term from July 18, 2000, through June 30, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-385

Print

A RESOLUTION APPROVING THE FINAL MAP OF ROSE LANE NO. 6 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, FLORSHEIM BROS., a California general partnership by FLORSHEIM PROPERTIES, a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.72 acres, known as ROSE LANE NO. 6 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of December, 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 ROSE LANE NO. 6 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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-386

A RESOLUTION APPROVING A CORPORATE AIRCRAFT HANGAR DEVELOPMENT POLICY AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, the City's airport marketing program completed in 1998 was designed to encourage the development of vacant airport property identified for corporate aircraft hangars, and

WHEREAS, the airport master plan completed in the early 1990's originally approved land for the construction of corporate aircraft hangars, and

WHEREAS, Foster Farms and SkyTrek Aviation are interested in constructing aircraft hangars that will allow the continued development of Modesto's corporate aircraft operations, and both hold options on the remaining corporate aviation land and are ready to exercise those options, and

WHEREAS, a development policy is needed in order to develop the remaining corporate hangar land, and

WHEREAS, the Transportation Policy Committee reviewed the elements that are included in the corporate aircraft hangar land development policy which is attached hereto as Exhibit "A", approved it in concept, and requested staff to develop a policy document for the Council to consider for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Corporate Hangar Land Development Policy for the Modesto City-

County Airport which is attached hereto as Exhibit "A", for use by City staff in the development of the airport's vacant corporate aircraft hangar area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CORPORATE HANGAR LAND DEVELOPMENT POLICY
Modesto City-County Airport

June 2000

Scope: This policy is to establish terms and conditions for developing Modesto City-County Airport vacant land parcels in the airport's corporate hangar area. Properties are used to enhance general aviation's corporate or business uses.

Definitions: The definitions of corporate and business aviation are as follows:

Corporate Aviation – Transporting company executives using an air taxi operator governed by FAR Part 135 regulations, or professional flight crews transporting company executives on aircraft owned by the employer of the executives.

Business Aviation – Aircraft owners flying their aircraft for business purposes.

Purpose: City of Modesto has encouraged the use of private funds in the development of the airport's corporate hangar area, and officials wish to continue developing the property with private capital.

Location: The remaining corporate hangar lots are located at the eastern end of the airport along a private roadway, which was constructed with airport improvement program funds.

Property Size:

Vacant land in the corporate hangar area has an 800-foot frontage with a depth of 171 feet. The attached diagram (Exhibit A) displays the location of the property that lies between Airport Way and Taxiway A.

Application: It is the intent of the City of Modesto to treat ground lessees in an equitable manner by adopting hangar plot lease terms and ground rental rates that are applicable to all corporate hangar development within the identified area. All ground leases will be approved with an annual square footage rate that will be periodically adjusted using the Consumer Price Index (CPI) for San Francisco – San Jose-Oakland. The initial lease rate will be established at the rate of existing rental rates, and the first escalation will be at the same time as those lease adjustments. Thereafter, the adjustment will be every three years.

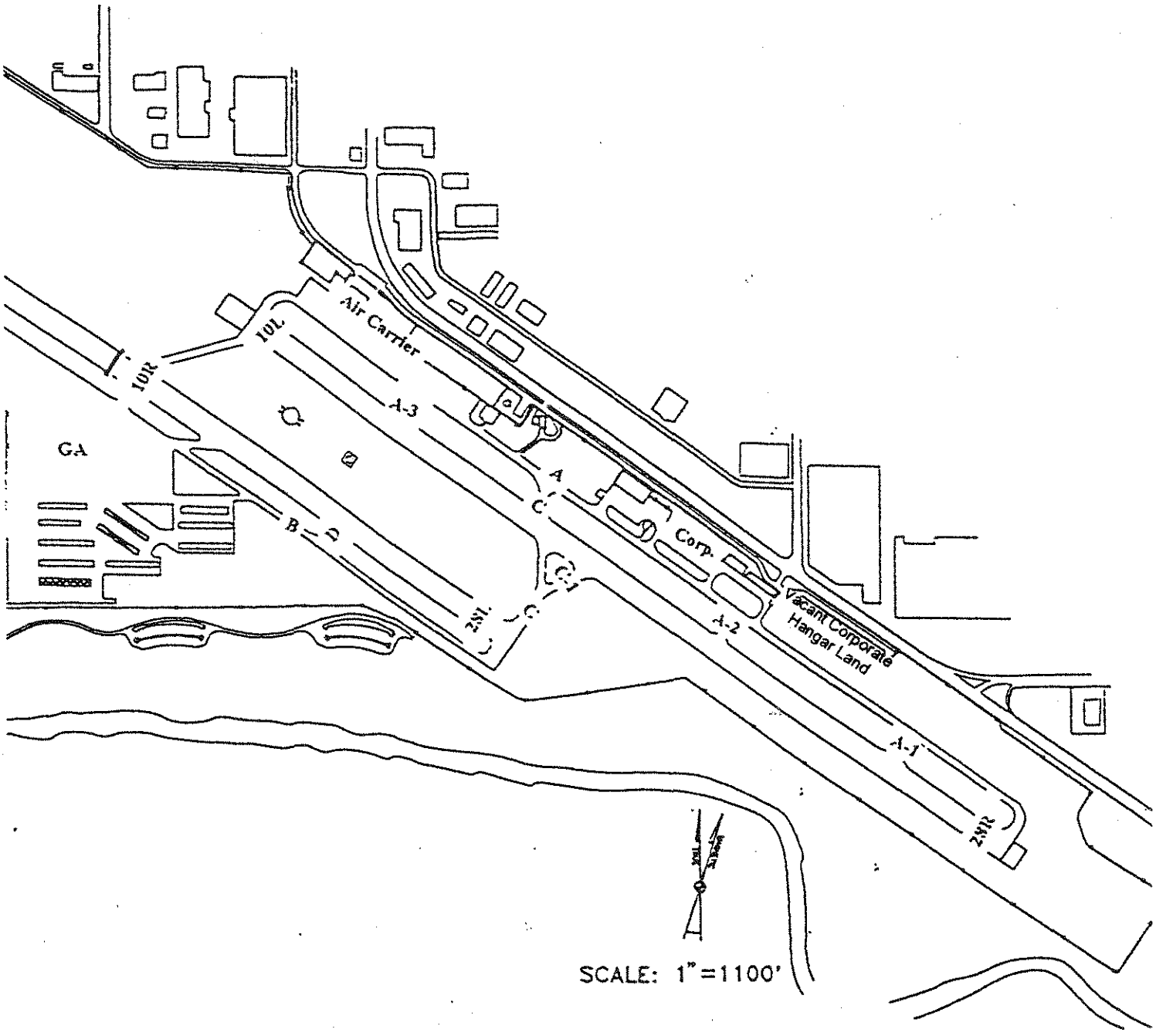
The following conditions shall be the standard for all future Modesto City-County Airport corporate hangar ground leases:

1. Lot Size – Lot sizes may vary and will be based on the needs of the developer.

2. Use – The property to be developed must be used for either corporate or business aviation.

EXHIBIT "A"

Modesto City-County Airport Property Map
Exhibit A



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-387

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR PROPERTY AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Modesto Executive Air Charter for property at the Modesto City-County Airport 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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-388

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER POULTRY FARM FOR PROPERTY AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Foster Poultry Farm for property at the Modesto City-County Airport 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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-389

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 27.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #27 (hereinafter "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,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council so

orders the levy and collection of assessments within the District for the 2000-01 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2000-01 tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, City Attorney

DISTRIBUTION LIST

2 - Clerk
1 - Attorney
1 - Finance Department - Belinda Duerksen
1 - Finance - Barry Newlin
1 - Auditor-Controller, County of Stanislaus (certified)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-390

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 28.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #28 (hereinafter "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 sewer 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,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council so

orders the levy and collection of assessments within the District for the 2000-01 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2000-01 tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, City Attorney

DISTRIBUTION LIST

2 - Clerk
1 - Attorney
1 - Finance Department - Belinda Duerksen
1 - Finance - Barry Newlin
1 - Auditor-Controller, County of Stanislaus (certified)

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-391

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 29.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #29 (hereinafter "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 street and water system 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,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council so

orders the levy and collection of assessments within the District for the 2000-01 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2000-01 tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, City Attorney

DISTRIBUTION LIST

2 - Clerk
1 - Attorney
1 - Finance Department - Belinda Duerksen
1 - Finance - Barry Newlin
1 - Auditor-Controller, County of Stanislaus (certified)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-392

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT NO. 6.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Public Facilities District #6 (hereinafter "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 street and water system 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,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council so

orders the levy and collection of assessments within the District for the 2000-01 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2000-01 tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, City Attorney

DISTRIBUTION LIST

2 - Clerk
1 - Attorney
1 - Finance Department - Belinda Duerksen
1 - Finance - Barry Newlin
1 - Auditor-Controller, County of Stanislaus (certified)

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-393

A RESOLUTION APPROVING THE SALE OF 47 SURPLUS CITY-OWNED HANDGUNS ON A PROSPECTIVE BASIS.

WHEREAS, Subsection (r) of Section 801 of the Charter of the City of Modesto provides that the City Manager shall have the authority to transfer equipment and supplies between departments, and with the approval of the City Council, sell obsolete and unused or surplus personal property of the City, and

WHEREAS, attached is a list of 47 City-owned duty weapons that sold in 1996 and 1997 without the required Council authorization and have been established by department, state or federal records to have been purchased by the Modesto Police Department, and

WHEREAS, by a staff report dated July 12, 2000, to the Mayor and Members of the City Council, Captain David Young and Interim Police Chief Don Burnett requested the Council to consider approving the sale of 47 surplus City-owned weapons on a prospective basis only, as set forth on the list attached hereto as Exhibit "A", and

WHEREAS, the City Council considered approval of the sale of said surplus City-owned handguns at its meeting of July 25, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby authorize the City Manager to sell on a prospective basis only the 47 surplus City-owned handguns, set forth on the list attached hereto as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, 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, City Attorney

RECEIVED
JUL 28 2000
CITY ATTORNEY

CITY OF MODESTO

MEMORANDUM

July 27, 2000

TO: City Attorney Mike Milich

FROM: Sandy Holt

SUBJECT: **Serial Numbers of 47 City-Purchased HandGuns**

1.	Smith & Wesson	.38 caliber	6"	K622847
2.	Smith & Wesson	.38 caliber	6"	K405845
3.	Smith & Wesson	.38 caliber	2"	142385
4.	Smith & Wesson	.38 caliber	6"	K313283
5.	Smith & Wesson	.38 caliber	6"	16K2768
6.	Smith & Wesson	.38 caliber	2"	J272197
7.	Smith & Wesson	.38 caliber	2"	7J6571
8.	Smith & Wesson	.38 caliber	2"	536002
9.	Smith & Wesson	.38 caliber	6"	K405838
10.	Smith & Wesson	.38 caliber	4"	643844
11.	Smith & Wesson	.38 caliber	6"	6K46287
12.	Smith & Wesson	.38 caliber	6"	K302305
13.	Smith & Wesson	.38 caliber	2"	538277
14.	Smith & Wesson	.38 caliber	6"	K830539
15.	Smith & Wesson	.38 caliber	6"	1K2548
16.	Smith & Wesson	.38 caliber	6"	K831089
17.	Smith & Wesson	.38 caliber	6"	K235314
18.	Smith & Wesson	.38 caliber	6"	K312585
19.	Smith & Wesson	.38 caliber	6"	8K77616
20.	Smith & Wesson	.38 caliber	2"	539295
21.	Smith & Wesson	.38 caliber	6"	K829203
22.	Smith & Wesson	.38 caliber	6"	K312248
23.	Smith & Wesson	.38 caliber	6"	1K2745

EXHIBIT "A"

24.	Smith & Wesson	.38 caliber	6"	1K33642
25.	Smith & Wesson	.38 caliber	2"	643496
26.	Smith & Wesson	.38 caliber	6"	1K1634
27.	Smith & Wesson	.38 caliber	6"	K302736
28.	Smith & Wesson	.38 caliber	6"	K935837
29.	Smith & Wesson	.38 caliber	6"	1K2715
30.	Smith & Wesson	.38 caliber	6"	1K33543
31.	Smith & Wesson	.38 caliber	6"	8K77683
32.	Smith & Wesson	.38 caliber	2"	D952099
33.	Smith & Wesson	.38 caliber	6"	1K32026
34.	Smith & Wesson	.38 caliber	6"	K828272
35.	Smith & Wesson	.38 caliber	6"	K302664
36.	Smith & Wesson	.38 caliber	6"	1K1513
37.	Smith & Wesson	.38 caliber	2"	536237
38.	Smith & Wesson	.38 caliber	6"	K235227
39.	Smith & Wesson	.38 caliber	6"	K313478
40.	Smith & Wesson	.38 caliber	6"	K312735
41.	Smith & Wesson	.38 caliber	6"	6K46075
42.	Smith & Wesson	.38 caliber	6"	8K77505
43.	Smith & Wesson	.38 caliber	2"	153987
44.	Smith & Wesson	.38 caliber	6"	6K46658
45.	Smith & Wesson	.38 caliber	6"	16K2972
46.	Smith & Wesson	.38 caliber	6"	K302386
47.	Smith & Wesson	.38 caliber	6"	1K31657

Corrected 11/1/00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-394

Print

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.

The City of Modesto of Stanislaus County, California does resolve as follows:

WHEREAS, the City of Modesto has by previous resolutions or other proceedings 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 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 of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined 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 such charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood

Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2 for the 2000/01 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 2000/01 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, 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 Mike Milich
MICHAEL D. MILICH, City Attorney

Corrected
11-1-00

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-394

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS, THE DISTRICT BALLOTS RECEIVED, AND LEVYING ASSESSMENTS FOR 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, 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 and 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 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, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

CORRECTED 11-1-00

WHEREAS, on June 6, 2000, by motion, the Council approved said annual report, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 2000-2001, and

WHEREAS, the Council adopted Resolution No. 2000-276 on June 6, 2000, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 2000-2001, and

WHEREAS, said Resolution No. 2000-276 set a City Council public hearing to be held on July 25, 2000, at 7:00 p.m. in the Joint City/County Chambers, located at 1010 Tenth Street, Modesto, California, to confirm the annual assessment, and notice of the hearing was given in the time and manner required by law, and

WHEREAS, pursuant to Proposition 218, a statewide initiative approved by the voters in November 1996, an increase in an assessment shall not be considered approved unless the proposed assessment passes by a simple majority of the votes of property owners, and WHEREAS, ballots mailed no less than 45 days prior to the hearing, provided property owners the opportunity to support or protest the proposed increase of the 2000/2001 assessment on Landscape Maintenance District No. 2 from $15.00 to $19.00 a year per residential property and from $75.04 to $95.12 a year per acre for commercial properties, and

Corrected 11-1-00

WHEREAS, in approving the proposed increase, property owners would also be approving an "inflator", not to exceed the Building Cost Index (BCI) for the San Francisco Bay Area as reported in Engineer News Record the first week of March of each year, and

WHEREAS, at the initiation of the duly noticed public hearing held on July 25, 2000, the City Clerk of the City of Modesto announced the results of the Landscape Maintenance Assessment District No. 2 ballots received as required by law:

"YES"	There were 127.34 "Yes" votes supporting the increase in the amount of the annual assessment to pay for landscape maintenance services;
"NO"	There were 98.1 "No" votes protesting the increase in the amount of the annual assessment to pay for landscape maintenance services.

A copy of the Lighting Landscape District No. 2 Vote Tally Sheet is on file in the office of the City Clerk, and

WHEREAS, there being 127.34 "Yes" votes and 98.1 "No" votes, the proposed increase in the 2000/2001 assessment on Landscape Maintenance District No. 2 from $15.00 to $19.00 a year per residential property and from $75.04 to $95.12 a year per acre for commercial properties, passed by a simple majority of the votes returned, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the

CORRECTED 11-1-00

City Engineer, the Engineer of Work, for Landscape Maintenance Assessment District No. 2, and hereby levies the increase in the 2000/2001 assessment on Landscape Maintenance District No. 2 from $15.00 to $19.00 a year per residential property and from $75.04 to $95.12 a year per acre for commercial properties, as approved by a simple majority of the votes returned.

BE IT FURTHER RESOLVED that, as approved by a simple majority of the votes returned, an "inflator", not to exceed the Building Cost Index (BCI) for the San Francisco Bay Area as reported in Engineer News Record the first week of March of each year, shall be applied only when costs and reserves are predicted to be less than the revenue collected.

BE IT FURTHER RESOLVED that the Finance Director is hereby directed to notify the Stanislaus County assessor to levy the specified assessment against the properties included in the Landscape Assessment District No. 2, and after collection, the Stanislaus County Assessor shall transmit funds to the City Finance Department for payment of Assessment District costs, as required.

CORRECTED 11-1-00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, 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

RESOLUTIONS RE. LANDSCAPE MAINTENANCE DISTRICTS

2	Attorney
1	Engineering & Transportation
1	Operations & Maintenance - Duane Fredericks
1	Finance
5	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-395

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) FOR A TERM OF AUGUST 1, 2000 THROUGH JULY 31, 2005.

WHEREAS, representatives of the City of Modesto (CITY) and the Modesto City Employees Association (MCEA) have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in the miscellaneous job classifications, and

WHEREAS, pursuant to an Agenda Report dated July 24, 2000, a copy of which report is on file in the office of the City Clerk, the City and MCEA utilized the Interest-Based Negotiation ("IBN") process in reaching agreement and are committed to continued use of IBN in subsequent MOU negotiations, and

WHEREAS, the proposed MOU provides for across-the-board salary increase, as follows:

- 3% effective August 1, 2000
- 3.25% effective July 31, 2001
- 3% effective July 30, 2002
- 2.75% effective July 29, 2003
- 3.5 effective July 27, 2004, and

WHEREAS, the proposed MOU also creates equity with the City's Police Associations in the City's contribution to employees' health premiums, and

WHEREAS, other changes with cost implications include uniform allowance increases for non-sworn personnel in Police and Fire, bilingual compensation, providing competency is established, and changes to the City's contract with the Public Employees' Retirement System, providing for an enhanced level of "survivor benefit" and 2% at 55%, and

WHEREAS, the agreement also allows reporting of Employer Paid Member Contribution (EPMC) as salary, which benefit is paid for by the employee and provides parity with the Management Confidential unit in this area, and

WHEREAS, the proposed MOU provides for additional work scheduling options allowing Department management to consider the modified 4/10 schedule, the 4/11 schedule (for Community Service Officers in Patrol only), as well as the 12/80 schedule for areas of 24-hour operations such as the Water Quality Control Plant, and

WHEREAS, the Council considered this matter at its meeting of July 25, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA), which covers a term from August 1, 2000, through July 31, 2005. A copy of said MOU 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 25th day of July, 2000, 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: Judy C Hall, acting
for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESCINDED
JAN 10 2012
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2012-15 and 2012-16

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-396

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO CITY EMPLOYEES ASSOCIATION ("MCEA").

WHEREAS, by Resolution No. 95-400 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend said policy as it pertains to Miscellaneous employees,

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

Pursuant to the provisions of Section 20691 of the California Government Code, effective August 1, 2000, the City of Modesto elects to pay six and six-tenths percent (6.60%) of the normal member contributions of seven percent (7%) as employer-paid member contributions (EPMC) and report same to PERS as compensation for Miscellaneous employees. Such payment shall be implemented pursuant to the provisions of Section 209636(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

BE IT FURTHER RESOLVED that this Resolution shall become effective on August 1, 2000.

BE IT FURTHER RESOLVED that effective August 1, 2000, Resolution No. 95-

400 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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, City Clerk

(SEAL)

APPROVED AS TO FORM

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-397

A RESOLUTION APPOINTING EDWARD LOTKO AND KEN WESTERVELT 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. Edward Lotko and Ken Westervelt are hereby appointed to the Citizens Advisory Committee on Recycling, each with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-398

A RESOLUTION APPOINTING TONI HECTOR AND ERMA WHITE 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. Toni Hector and Erma White are hereby appointed to the Disabled Access Appeals Board, each with a term expiration of January 1, 2004.

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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-399

A RESOLUTION APPOINTING ROBYN G. ELLIOTT TO THE DOWNTOWN IMPROVEMENT DISTRICT

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. Robyn G. Elliott is hereby appointed to the Downtown Improvement District, with a term expiration of January 1, 2004.

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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-400

A RESOLUTION APPOINTING CHARLES BEAMER, RAWLEN DAVIS AND GALENA GILSTRAP TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

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

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

SECTION 1. Charles Beamer, Rawlen Davis and Galena Gilstrap are hereby appointed to the Equal Opportunity/Disability Commission, each with a term expiration of January 1, 2004.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 2000, 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. 2000-401

Print

A RESOLUTION APPOINTING ARNIE BLANK AND DONALD KIGER TO THE GOLF COURSE 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. Arnie Blank and Donald Kiger are hereby appointed to the Golf Course Advisory Committee, each with a term expiration of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Golf Course 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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-402

A RESOLUTION APPOINTING JOHN DE LA MORA 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. John De La Mora is hereby appointed to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2004.

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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-403

A RESOLUTION APPOINTING JEFF PERINE 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. Jeff Perine is hereby appointed to the Human Relations Commission, with a term expiration of January 1, 2004.

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 25th day of July, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-404

A RESOLUTION ACCEPTING THE BID OF FAGUNDES AND SON INC. FOR THE PROJECT TITLED "OAKDALE ROAD AND SCENIC DRIVE IMPROVEMENTS"

WHEREAS, the bids received for Oakdale Road and Scenic Drive Improvements were opened at 11:00 a.m. on July 11, 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 $647,938 received from Fagundes and 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 Fagundes and Son 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 1st day of August, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-405

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE 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 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, 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 1st day of August, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-406

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO ESTIMATING ADDITIONAL REVENUE FROM THE DEVELOPER AND APPROPRIATING FUNDS

WHEREAS, staff has completed negotiations with Save Mart on the Oakdale/Scenic Drive development improvements. Save Mart will assume 48% of the total project costs; and

WHEREAS, an additional contribution not previously budgeted has been received by the developer; and

WHEREAS, the capital improvement budget will need to be amended to recognize the additional revenue and to appropriate the funds for additional expense improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
To:	#1410-160-L913-6040	$79,270
Revenue		
To:	#1410-430-4057	$37,920
	#1410-430-3504	$41,350

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 1st day of August, 2000, 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, Friedman, Frohman, Serpa, Smith and 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-407

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND J. EDWARD GISH INC. DBA WOODLAND STAIRS AND MILLWORK FOR RELOCATION COSTS AND RECONVEYANCE OF THEIR RIGHTS TO RENTAL OF THE PROPERTY AND CONVEYANCE OF GOODWILL FOR PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and J. Edward Gish Inc. dba Woodland Stairs and Millwork for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing 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 1st day of August, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-408

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND J. EDWARD GISH INC. DBA WOODLAND STAIRS AND MILLWORK FOR ACQUISITION OF THE TENANT-OWNED IMPROVEMENTS ON THE PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and J. Edward Gish Inc. dbs Woodland Stairs and Millwork for acquisition of the tenant-owned improvements on the property needed for the Kansas/Needham overcrossing 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 1st day of August, 2000, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-409

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR THE DEEDS INVOLVED IN THE ACQUISITION OF PROPERTY NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager sign acceptance forms for the deeds involved in the acquisition of property needed for the Kansas/Needham overcrossing project, 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 1st day of August, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-410

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY WADE CHRISTIANSEN, JOHN ROBERT CHRISTIANSEN, AND THE BRADFORD FAMILY TRUST DATED JANUARY 2, 1990 FOR THE ACQUISITION OF A PORTION OF THEIR PROPERTY LOCATED AT 321 KANSAS AVENUE FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY 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 January 2, 1990 for the acquisition of a portion of their property located at 321 Kansas Avenue for the Kansas/Needham overcrossing 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 1st day of August, 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. 2000-411

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EWING IRRIGATION PRODUCTS TO REIMBURSE THEM FOR RELOCATING PIPES AND A SHED FROM RIGHT-OF-WAY BEING PURCHASED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ewing Irrigation Products to reimburse them for relocating pipes and a shed from right-of-way being purchased for the Kansas/Needham overcrossing 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 1st day of August, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-412

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR THE DEEDS INVOLVED IN THE ACQUISITION OF PROPERTY LOCATED AT 321 KANSAS AVENUE NEEDED FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager sign acceptance forms for the deeds involved in the acquisition of property needed for the Kansas/Needham overcrossing project, 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 1st day of August, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-413

Print

A RESOLUTION CANVASSING THE RESULTS OF THE JULY 25, 2000, 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 #4)

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 declared its intention, by its Resolution of Intention to Annex No. 2000-302, adopted June 13, 2000, to annex certain territory to the District, a boundary map for which is recorded at Volume 3 of Maps of Assessment and Community Facilities Districts at page 37 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 July 18, 2000, and

WHEREAS, at the conclusion of the public hearing, the Council did, on July 18, 2000, adopt its Resolution No. 2000-377, 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 25, 2000, (the "Election"), and

WHEREAS, on July 25, 2000, 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 1st day of August, 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

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

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

Exhibit A

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

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	$2,698,683
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 capitol 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 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		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,

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 #3*, 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

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	$19,715 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

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

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

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

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 fa
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. 2000-337, the Resolution calling for the Election, adopted on July 18, 2000 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(4) on July 25, 2000, 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 cost 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 July 18, 2000, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(4) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 70 NO 0

Dated: July 26, 2000

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

DISTRIBUTION LIST FOR
COMMUNITY FACILITIES DISTRICT RESOLUTIONS

2 - City Clerk
1 - City Clerk - Jean Zahr
1 - City Attorney's Office - Tina
1 - CDD, Phil Testa
1 - CDD, Keith Coggins
1 - Finance
1 - Benchmark Engineering, Inc.
Attn: Al Toschi, Vice-President
1121 Oakdale Road, Suite 5
Modesto, California 95355

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-414

A RESOLUTION APPROVING, IN CONCEPT, A TWO (2%) PERCENT TRANSIENT OCCUPANCY TAX INCREASE AND A COMMITMENT OF THIRTY (30%) PERCENT OF REDEVELOPMENT AGENCY TAX INCREMENT SURPLUS TO FUND THE CITY'S CONTRIBUTION TO A PERFORMING ARTS CENTER.

WHEREAS, the Regional Center for the Performing Arts Ad Hoc Committee met on April 20, May 11, June 12, and June 22, 2000, to discuss the proposed Performing Arts Center project , and

WHEREAS, there is a general consensus of the benefits a Performing Arts Center will bring to our area, and

WHEREAS, various options have been proposed for funding the City's financial participation in the Performing Arts Center project, and

WHEREAS, the Council considered approving, in concept, a Two (2%) Percent increase in the Transient Occupancy Tax (T.O.T.), One (1%) Percent of said increase to be implemented in the first year and an additional One (1%) Percent increase to be implemented the next year, said proposed increase in T.O.T. to be placed on the November 2000 ballot, and

WHEREAS, the Council also considered approval, in concept, of a commitment of Thirty (30%) Percent of the Redevelopment Agency tax increment surplus to fund the City's contribution to a Performing Arts Center in addition to the proposed increase in T.O.T.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves, in concept, a Two (2%) Percent increase in the Transient Occupancy Tax , One (1%) Percent of said increase to be implemented in the first year and an additional One

(1%) Percent increase to be implemented the next year to fund a City contribution of $7.5 million to a Performing Arts Center, said proposed increase in the Transient Occupancy Tax to be placed on the November 2000 ballot.

BE IT FURTHER RESOLVED that the Council hereby approves, in concept, a commitment of Thirty (30%) Percent of the Redevelopment Agency tax increment surplus to fund the City's contribution to a Performing Arts Center in addition to the proposed increase in the Transient Occupancy Tax.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 2000, 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, Friedman, Frohman, Serpa,

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Smith, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-415

A RESOLUTION APPROVING THE CLOSURE OF WASHINGTON STREET BETWEEN 1ST STREET AND H STREET TO VEHICULAR TRAFFIC.

WHEREAS, Modesto City School officials approached the City to discuss what might be done to enhance student pedestrian safety at the intersection of Washington Street and H Street, and

WHEREAS, this is a signalized intersection and is the primary path of travel for students crossing to and from Modesto High School's main campus to their secondary site on the opposite side of H Street, and

WHEREAS, several hundred students traverse this intersection multiple times each day, and concerns were raised about pedestrian safety particularly as it related to the skewed angle at which Washington Street approached H Street, and

WHEREAS, both the City of Modesto and Modesto City Schools desire to enhance pedestrian safety for students and faculty at Modesto High School, and

WHEREAS, City staff is recommending the closure of Washington Street between 1st Street and H Street to vehicular traffic, and

WHEREAS, pursuant to California Vehicle Code Division 11, Section 21101, the local authority, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution, and

WHEREAS, Section 21101(1)(a), provides for "closing any highway to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the highway is . . . no longer needed for vehicular traffic", and

WHEREAS, the Transportation Policy Committee considered the closure of Washington Street between 1st Street and H Street to vehicular traffic at their meeting of July 20, 2000, and

WHEREAS, property owners and tenants of the residences along 1st Street between Washington Street and H Street were notified of the committee meeting, and three owner-occupants participated in the meeting and a fourth sent in a letter on the subject and all were initially opposed to the closure as presented by staff, and

WHEREAS, after receiving input from City staff, school representatives, and the public, a compromise concept was developed that was supported by all, and

WHEREAS, that concept (Phase 1, attached hereto as Exhibit "A") involved the permanent closure of Washington Street on the south end at H Street, and a temporary closure of the north end of Washington Street at 1st Street, and

WHEREAS, this compromise was reached in order for staff to assess the impact the closure had on traffic in the area, and in particular, on 1st Street, and

WHEREAS, the closure would remain for three months and an assessment of traffic would then be made, and

WHEREAS, if it was decided that the traffic diverted onto 1st Street, as a result of the closure was intolerable, then consideration of closing Washington Street at Vine Street

and making 1st Street one way (northbound) would be undertaken (Phase 2, attached hereto as Exhibit "B"), and

WHEREAS, the Transportation Policy Committee endorsed the Phase1/Phase 2 concept on a 2-1 vote,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the closure of Washington Street between 1st Street and H Street to vehicular traffic, as set forth in Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 2000, 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, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

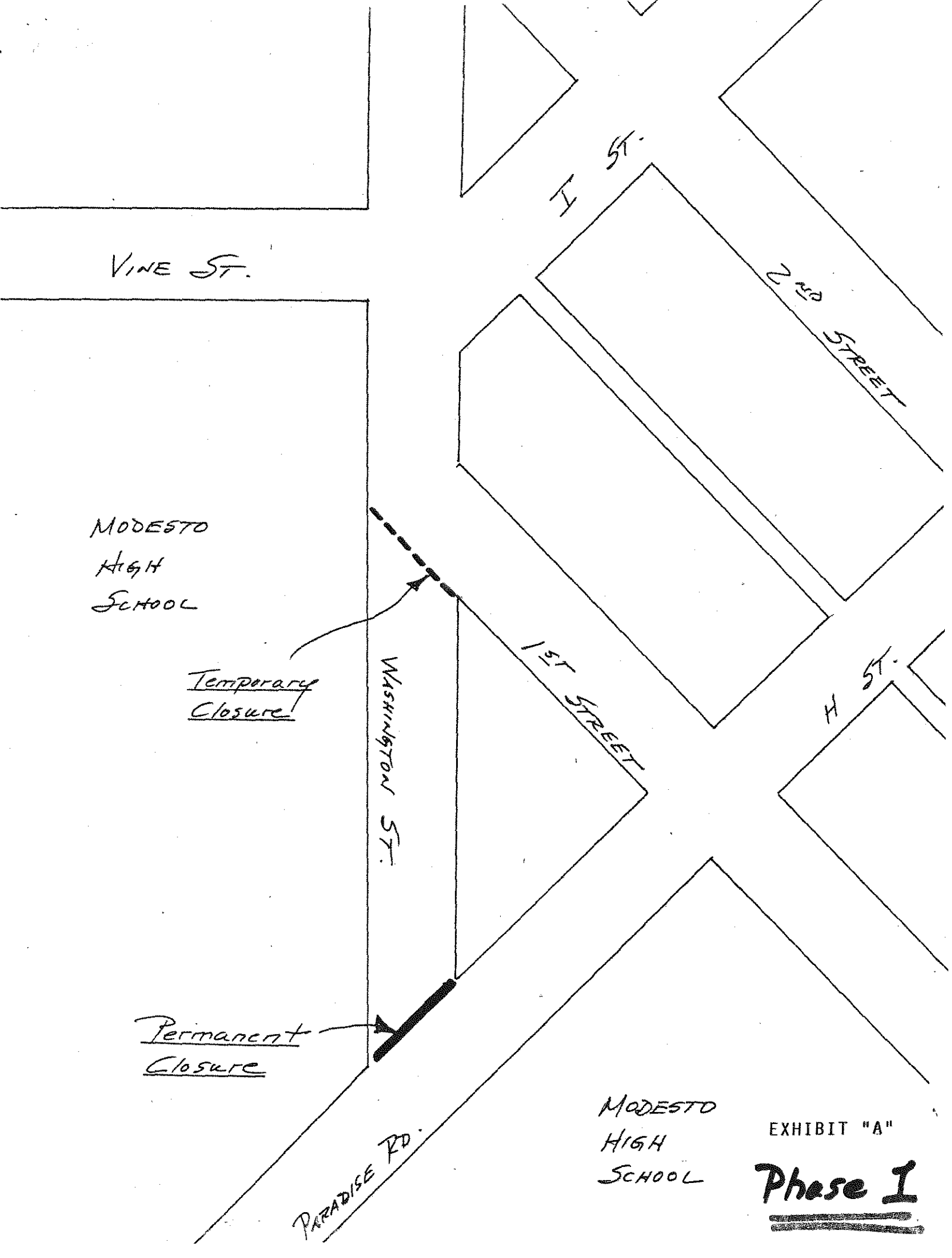
ABSENT: Councilmembers: None

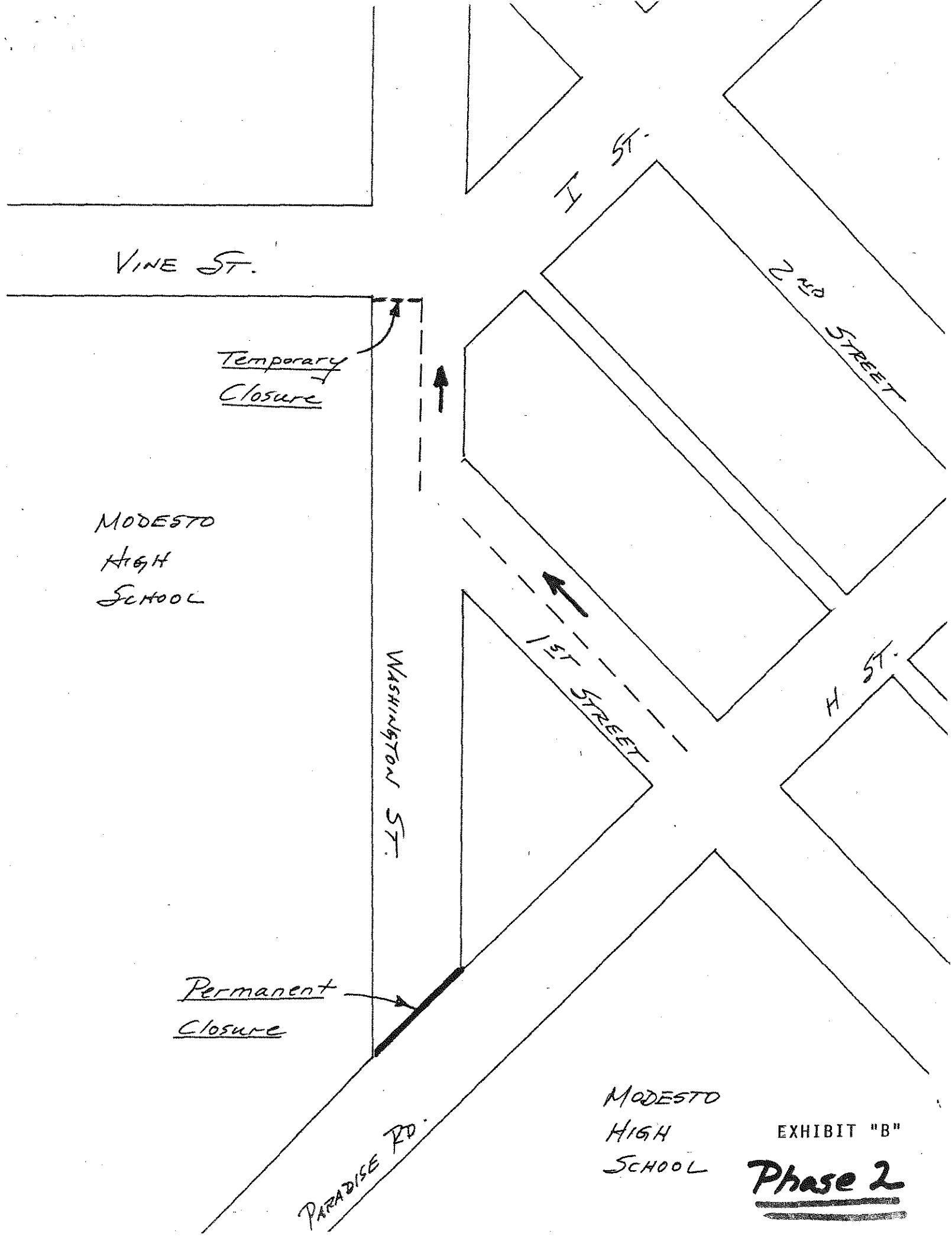
ATTEST: for JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney


I ST.
VINE ST.
2ND STREET
MODESTO
HIGH
SCHOOL
Temporary
Closure
WASHINGTON ST.
1ST STREET
H ST.
Permanent
Closure
PARADISE RD.
MODESTO
HIGH
SCHOOL
EXHIBIT "A"
Phase 1


I ST.
VINE ST.
2ND STREET
Temporary Closure
MODESTO HIGH SCHOOL
WASHINGTON ST.
1ST STREET
H ST.
Permanent Closure
PARADISE RD.
MODESTO HIGH SCHOOL
EXHIBIT "B"
Phase 2

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-416

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS RELATIVE TO THE STREET CLOSURE OF THAT PORTION OF WASHINGTON STREET BETWEEN FIRST STREET AND H STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools relative to the street closure of that portion of Washington Street between First Street and H Street 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 1st day of August, 2000, 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, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-417

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE FOR A NEW CIP PROJECT ENHANCING STUDENT PEDESTRIAN SAFETY

WHEREAS, both the City of Modesto and Modesto City Schools desire to enhance pedestrian safety for students and faculty at Modesto High School; and

WHEREAS, staff is recommending that street improvements and road closure to through traffic be implemented before school starts in September; and

WHEREAS, a new CIP project needs to be created, with $50,000 gas tax revenue to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expenses:	
#0700-160-M270-6040	$50,000
Revenue	
#0700-510-9510-3730	$50,000

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 1st day of August, 2000, 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 votes:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-418

Print

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STORER TRANSIT SYSTEMS TO ADD ONE VAN TO THE MODESTO DIAL-A-RIDE SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Storer Transit Systems to add one van to the Modesto Dial-A-Ride system to improve service during peak travel periods be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to 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 8th day of August, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-419

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PURCHASE OF LIQUID CHLORINE WITH TWO ONE-YEAR EXTENSIONS

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 liquid chlorine, with two one-year extensions, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on August 22, 2000 at 11:00a.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 8th day of August, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-420

Print

A RESOLUTION AUTHORIZING THE PURCHASING OFFICER TO PURCHASE VEHICLES THROUGHOUT FISCAL YEAR 2000-01 IN A CUMULATIVE AMOUNT NOT TO EXCEED THE BUDGETED AMOUNT OF $3,244,454.00

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Purchasing Officer be authorized to purchase vehicles throughout FY 2000-01 in a cumulative amount not to exceed the budgeted amount of $3,244,454.00 and the execution of necessary documents 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 8th day of August, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-421

Print

A RESOLUTION ACCEPTING THE BID OF AMERICAN AVK AND GENERAL PLUMBING SUPPLY AND AUTHORIZING THE PURCHASE OF FIRE HYDRANTS AND WATER VALVES FOR FY 2000-01, AND AUTHORIZING SAID PURCHASES FOR AN ADDITIONAL TWO YEARS UP TO AND INCLUDING JUNE 30, 2003

WHEREAS, the bids received for Fire Hydrants and Water Valves, were opened at 11:00 a.m. on June 27, 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 American AVK and General Plumbing Supply for a total amount of $193,972 for FY 2000-01 and for an additional two years up to and including June 30, 2003 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American AVK and General Plumbing Supply 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 8th day of August, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-422

A RESOLUTION APPROVING THE FINAL MAP OF THE DOMINION SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Dominion Developers, L.P., a California Limited Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 25.4 acres, known as The Dominion Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 9th 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 Dominion 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, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed 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 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 8th day of August, 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: _____
Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By _____
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 -Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-423

A RESOLUTION DECLARING FIVE (5) POLICE CANINE PUPPIES AS SURPLUS AND AUTHORIZING THE SALE OF THE ANIMALS BY SEALED BID.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, in 1998 permission was given to begin a breeding program for Police canines, and

WHEREAS, the intent of the program was to eliminate the expense of purchasing Police canines, and

WHEREAS, in May of this year, the Police Departments German Shepherd female delivered her first litter that produced five (5) viable puppies, and

WHEREAS, during the process of handler selection, questions arose regarding handler compensation for placed puppies, and

WHEREAS, the cost to purchase a Police canine is approximately $3,500 and the cost of raising the puppies to a level of certified Police service dogs would be an estimated $4,700, with no real guarantee that the dogs would become working Police dogs, and

WHEREAS, by an agenda report dated July 31, 2000, City staff has indicated that due to unanticipated costs, the breeding program is considered not financially sound and has recommended that five (5) Police canine puppies could best be sold on a sealed bid basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said five (5) Police canine puppies are declared to have become surplus property

to the City's needs and the Council does hereby authorize the sale of said five (5) Police canine puppies.

BE IT FURTHER RESOLVED that said five (5) Police canine puppies are authorized to be sold on a sealed bid basis to the highest bidder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 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: Judy C. Hall
Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-424

A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2000, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THE SPECIAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF MODESTO A PROPOSAL, BY MOTION OF THE COUNCIL, TO INCREASE BY ORDINANCE THE CITY'S TRANSIENT OCCUPANCY TAX FROM NINE (9) TO ELEVEN (11) PERCENT OVER A TWO (2) YEAR PERIOD FOR THE SPECIFIC PURPOSE OF FUNDING THE CITY'S CONTRIBUTION TO A PERFORMING ARTS CENTER.

WHEREAS, the City Council desires to submit to the voters a special tax measure to increase the Transient Occupancy Tax rate from nine (9) to eleven (11) percent for the specific purpose of funding City's contribution to the proposed performing arts center.

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

SECTION 1. Pursuant to Elections Code Section 9222 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 a special election to be held on November 7, 2000, a proposal to increase Modesto's Transient Occupancy Tax (T.O.T.) from nine (9) percent to eleven (11) percent over a two (2) year period for the specific purpose of funding Modesto's contribution to a proposed performing arts center. The proposed ordinance is attached hereto as Exhibit "A" and is incorporated herein by reference.

SECTION 2. That it hereby orders the City Clerk to submit the proposal to the voters at a special municipal election on November 7, 2000.

SECTION 3. 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 general election on Tuesday, November 7, 2000, for the purpose of submitting the proposal to the voters and that a measure is to appear on the ballot as follows:

Shall the City's existing Transient Occupancy Tax rate be increased from nine (9) percent to eleven (11) percent, shall the proceeds of such a tax rate increase be placed into a special fund to be used for a City contribution of seven million five hundred thousand dollars ($7,500,000) for a performing arts center and for no other purpose, and shall the tax rate immediately revert to nine (9) percent once the City's contribution has been paid in full?	YES	
	NO	

SECTION 4. That the County Election Department is authorized to canvas the returns of the special municipal 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 5. That the City of Modesto recognizes that an additional cost will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.

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 regular meeting of the Council of the City of Modesto held on the 8th day of August, 2000, 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, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Smith, Mayor Sabatino

ATTEST: Judy C. Hall
Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

ORDINANCE NO. _____-C.S.

AN ORDINANCE AMENDING SECTIONS 8-2.603 AND 8-2.615 OF ARTICLE 6 OF CHAPTER 2 OF TITLE 8 OF THE MODESTO MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX FROM NINE (9) TO ELEVEN (11) PERCENT FOR THE SPECIFIC PURPOSE OF FUNDING THE CITY'S CONTRIBUTION TO A PERFORMING ARTS CENTER.

The people of the City of Modesto do ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 8-2.603 and 8-2.615 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.603. TAX IMPOSED.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the following amount:

(a) Commencing July 1, 1985, a tax in the amount of seven (7) percent of the rent charged by the operator.

(b) Commencing July 1, 1986, a tax in the amount of eight (8) percent of the rent charged by the operator.

(c) Commencing July 1, 1987, a tax in the amount of nine (9) percent of the rent charged by the operator.

(d) Commencing December 1, 2000, a tax in the amount of ten (10) percent of the rent charged by the operator.

(e) Commencing December 1, 2001, a tax in the amount of eleven (11) percent of the rent charged by the operator.

Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall

pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require such tax shall be paid directly to the Tax Administrator.

SEC. 8-2.615. DISPOSITION OF PROCEEDS.

(a) Except as set forth in subdivision (b), all moneys received by the City under or pursuant to the provisions of this article shall be deposited and paid into the General Fund of the City.

(b) All that portion of the tax greater that nine (9) percent which is collected pursuant to subdivisions (d) and (e) of Section 8-2.603 shall be placed in a special fund to be used for a City contribution of seven million five hundred thousand dollars ($7,500,000) to a performing arts center and for no other purpose. It is contemplated that the City will finance its contribution. Once that debt has been paid in full the tax rate shall immediately revert to nine (9) percent.

SECTION 2. Nothing herein shall prohibit the City Council from amending or repealing those provisions of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code which remain unaffected by this ordinance. In no event, however, may the City Council alter the provisions of those portions of Sections 8-2.603 and 8-2.615 of the Modesto Municipal Code enacted by this ordinance without the approval of two-thirds (2/3) of the voters of the City of Modesto voting on the question.

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective only if approved by two-thirds (2/3) of the voters voting thereon and shall, pursuant to Elections Code Section 9217, go into effect ten (10) days after the City Council confirms the canvas of the vote.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-425

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE MEASURE TO INCREASE FROM NINE (9) PERCENT TO ELEVEN (11) PERCENT THE TRANSIENT OCCUPANCY TAX FOR THE SPECIFIC PURPOSE OF FUNDING MODESTO'S CONTRIBUTION TO A PERFORMING ARTS CENTER TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.

WHEREAS, the Modesto City Council has called for a special election to held on November 7, 2000, to be consolidated with the statewide general election to be held on that date, for the purpose of submitting to the electors of the City of Modesto a proposal, by motion of the Council, to increase by ordinance the City's Transient Occupancy Tax from nine (9) percent to eleven (11) percent over a two (2) year period for the specific purpose of funding the City's contribution to a performing arts center.

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 8th day of August, 2000, 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, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Smith, Mayor Sabatino

ATTEST: Judy C. Hall
Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-426

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 INCREASE FROM NINE (9) PERCENT TO ELEVEN (11) PERCENT THE TRANSIENT OCCUPANCY TAX FOR THE SPECIFIC PURPOSE OF FUNDING MODESTO'S CONTRIBUTION TO A PERFORMING ARTS CENTER.

WHEREAS, the Modesto City Council has called for a special election to held on November 7, 2000, to be consolidated with the statewide general election to be held on that date, for the purpose of submitting to the electors of the City of Modesto a proposal, by motion of the Council, to increase by ordinance the City's Transient Occupancy Tax from nine (9) percent to eleven (11) percent over a two (2) year period for the specific purpose of funding the City's contribution to a performing arts center.

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 8th day of August, 2000, 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, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Smith, Mayor Sabatino

ATTEST: Judy C. Hall
Judy C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk (1)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-427

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND WESTLAND DEVELOPMENT COMPANY, LLC, AND OTHER RELATED ACTIONS.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from Westland Development Company, LLC, a California limited liability company whose members are Craig A. Mangano, an individual, and SHP Development Co., a general partnership (the "Developer"), providing for the acquisition and sale of certain property located within the Redevelopment Project Area (the "Site"), and development of the Site with a multi-story professional office building with possible retail or restaurant uses designated for the first floor (the "Office Project"), and

WHEREAS, the Site is currently owned by the City of Modesto (the "City") and will be acquired by the Agency and subsequently sold to the Developer for development and operation of the Office Project, and

WHEREAS, parking for the Office Project will be provided in a separate public parking garage (the "Parking Garage") to be constructed by the County of Stanislaus (the "County") on adjacent property currently owned by the County (the "Parking Garage Parcel")

pursuant to a separate license agreement (the "Parking Agreement") to be entered into between the Developer and the County under which a portion of the parking spaces to be developed within the Parking Garage will be available for use by the tenants and users of the Office Project, and

WHEREAS, the DDA provides for, among other things, (a) the acquisition of the Site by the Agency from the City; (b) the subsequent sale of the Site to the Developer pursuant to the DDA; and (c) the development of the Office Project as more particularly described in the DDA, in conjunction with the construction of the Parking Garage pursuant to the Parking Agreement, and

WHEREAS, the DDA further provides that the Agency will contribute toward the cost of construction of the Parking Garage in the amount of $200,000 net present value, plus the Net Tax Increments from the Site (as defined in the DDA) for so long as the Agency receives tax increment revenues from the Site (collectively, the "Agency's Parking Contribution"), which Agency's Parking Contribution shall be paid directly to the County pursuant to an agreement to be prepared and entered into between the Agency and County, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be

approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community, and

WHEREAS, notice of a joint public hearing by the City Council and the Agency were published in the local newspaper on May 24, May 28, May 30, and June 4, 2000, and

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code, containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Section 33433, and said report was made available to the public for inspection, and

WHEREAS, the City Council and the Agency held joint public hearings on

June 6, July 5, July 18, July 25, and August 8, 2000, at Tenth Street Place, 1010 Tenth Street, Modesto, California, to consider and act on the disposition and development of the Site pursuant to the DDA,

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

SECTION 1. The City Council hereby finds and determines that the sale of the Site to the Developer, and development of the Office Project on the Site pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Site is being sold for purposes of development on the Site of the Office Project pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

SECTION 2. The City Council hereby finds and determines that the purchase price for the Site to be paid by the Developer is not less than the fair market value of the Site at its highest and best use in accordance with the Redevelopment Plan. This finding is based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

SECTION 3. The City Council hereby finds and determines that the payment by the Agency of costs for the acquisition of the Site and the Agency's Parking Contribution is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further

finds and determines that the construction of the Parking Garage is of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's Parking Contribution are available to the community, and that the payment of funds for the acquisition of land and the cost for the Agency's Parking Contribution will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

SECTION 4. The City Council hereby approves the DDA in substantially the form on file with the City Clerk. The City Council further authorizes (a) the sale of the Site by the City to the Agency and the acquisition of the Site by the Agency from the City for a purchase price not to exceed $245,000, and (b) the subsequent sale of the Site from the Agency to the Developer pursuant to the terms and conditions set forth in the DDA.

SECTION 5. The Agency is hereby authorized to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel, and to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation (a) the acquisition of the Site from the City, (b) the sale of the Site to the Developer, and (c) the payment of the Agency's Parking Contribution as contemplated under the DDA.

SECTION 6. The City Manager and City Clerk are hereby authorized and directed to cooperate with the Agency and prepare and execute any documents or agreements determined to be necessary to effectuate the sale of the Site to the Agency as authorized under this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2000, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Smith, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-428

A RESOLUTION APPROVING AMENDMENT NO. 9 TO THE PELANDALE-SNYDER SPECIFIC PLAN TO REDESIGNATE 2.1 ACRES LOCATED ON THE NORTH SIDE OF SNYDER AVENUE EAST OF DALE ROAD FROM MULTIFAMILY RESIDENTIAL (MFR) TO COMMERCIAL (C). (BRIAN VELTHOEN.)

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 January 16, 1996, the City Council by Resolution No. 96-19, adopted the Pelandale-Snyder Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, on March 18, 1997, the City Council, by Resolution No. 97-136, approved Amendment No. 1 to the Pelandale-Snyder Specific Plan to change funding of certain public facilities from an Assessment District to a City Mello-Roos Community Facilities District, and

WHEREAS, on March 18, 1997, the City Council, by Resolution No. 97-139, approved Amendment No. 2 to the Pelandale-Snyder Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program Collection of an Affordable Housing Fee, and

WHEREAS, on October 21, 1997, the City Council, by Resolution No. 97-590 approved Amendment No. 3 to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale Avenue, to delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards, and

WHEREAS, on November 4, 1997, the City Council, by Resolution No. 97-624 approved Amendment No. 4 to the Pelandale-Snyder Specific Plan to allow changes in public service providers, and

WHEREAS, on February 23, 1999, the City Council, by Resolution No. 99-67 approved Amendment No. 5 to the Pelandale-Snyder Specific Plan to allow a fence separation between multi-family and single-family areas and to relocate a fire station site, and

WHEREAS, on April 13, 1999, the City Council, by Resolution No. 99-164 approved Amendment No. 6 to the Pelandale-Snyder Specific Plan to redesignate 2.5 acres located at the northwest corner of Tully Road and Snyder Avenue from Multifamily Residential to Professional Offices, and

WHEREAS, on August 17, 1999, the City Council, by Resolution No. 99-419 approved Amendment No. 7 to the Pelandale-Snyder Specific Plan to redesignate 13.75 acres located on the east side of Dale Road south of Pelandale Avenue from Multifamily Residential to Commercial, and

WHEREAS, on November 2, 1999, the City Council, by Resolution No. 99-536 approved Amendment No. 8 to the Pelandale-Snyder Specific Plan to redesignate 5.0

acres located on the east side of Prescott Road south of Pelandale Avenue from Multifamily Residential to Commercial, and

WHEREAS, Brian Velthoen has proposed amendment No. 9 to the Pelandale-Snyder Specific Plan to redesignate 3.5 acres located on the north side of Snyder Avenue east of Dale Road from Multifamily Residential to a new land use designation, Multifamily Residential/Commercial (MFR/C), which would allow both residential uses consistent with the Multifamily Residential (R-3) Zone and commercial uses consistent with the Commercial (C-1) Zone, including the addition of mini-storage warehouses, and

WHEREAS, the new designation would require approval of a conditional use permit from the Board of Zoning Adjustment prior to any development in this area, and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 19, 2000, 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 regarding the proposed Specific Plan Amendment, and

WHEREAS, there being a bare quorum of the Planning Commission at said public hearing, motions which were introduced to approve the project failed, resulting in the recommendation of the Planning Commission being deemed to be for denial, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 25, 2000, at 7:00 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 and evidence both oral and documentary was received and considered, and

WHEREAS, the City Council wished to retain the easterly 1.38 acres of the area for Multi-Family Residential and did not with to create a new land use designation of Multifamily Residential/Commercial,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Pelandale-Snyder Specific Plan Amendment No. 9, as modified by the City Council, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The addition of 2.1 acres of Commercial to the existing Commercial area at Dale Road and Snyder Avenue is not a significant increase in the amount of neighborhood commercial in this area.

2. The street improvements and traffic control measures that will be implemented with this project will ensure that there will be no significant increase in traffic impacts to the surrounding area resulting from this project.

BE IT FURTHER RESOLVED that said Amendment No. 9 to the Pelandale-Snyder Specific Plan to redesignate 2.1 acres located on the north side of Snyder Avenue east of Dale Road from Multifamily Residential (MFR) to Commercial (c), is hereby approved as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, and 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 8th day of August, 2000, 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, Smith

NOES: Councilmembers: Frohman, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

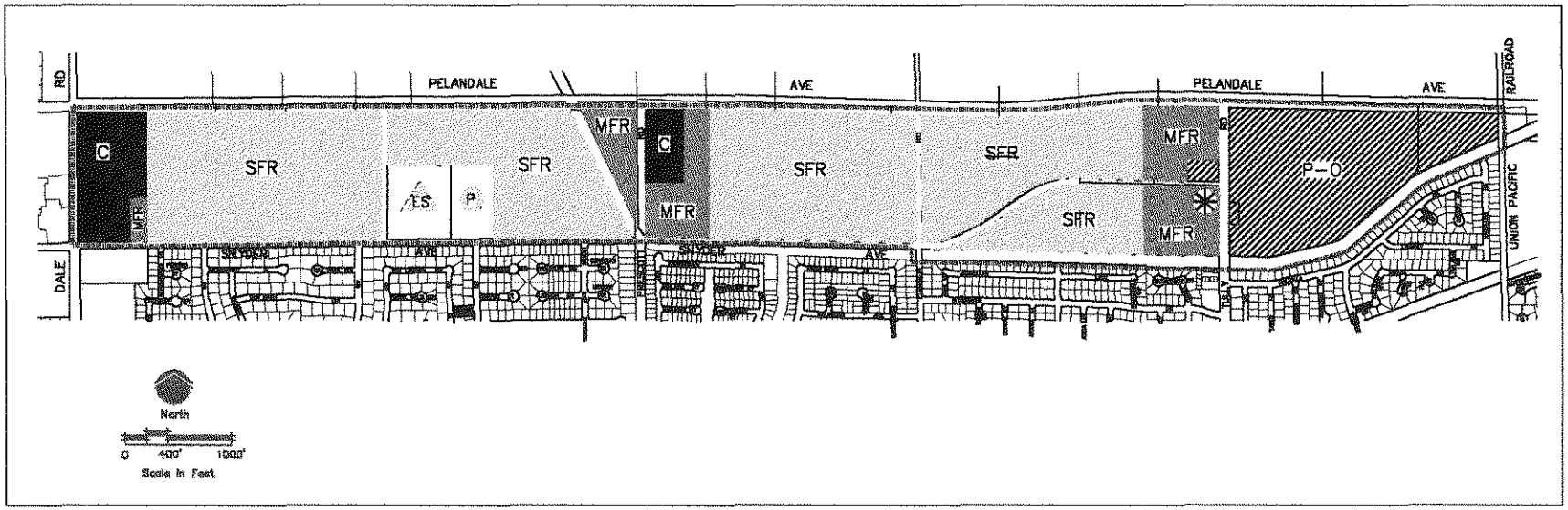
(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 9



SFR Single Family Residential
MFR Multi-Family Residential
P-O Professional Offices
C Commercial
Fire Station
ES School
P Park
Boundary

Figure 5
Land Use Diagram

CITY OF MODESTO
PELANDALE-SNYDER SPECIFIC PLAN

A.2.b. Areas designated SFR shall have a maximum overall density of 7.0 dwelling units/gross area. SFR areas shall have a Principal Underlying Zone of R-1. Zoning of P-D is permitted as an overlay to allow for creative and enhanced design solutions requiring flexibility in zoning standards.

A.2.c. The area designated Professional Office (P-O) shall be zoned with a Principal Underlying Zone of P-O. Zoning of Planned Development (P-D) is permitted to encourage creative design solutions requiring flexibility in zoning standards.

A.2.d. Densities may vary within a land use area provided the maximum allowable gross density is not exceeded.

A.2.e. The area designated for commercial shall be zoned with a principle underlying zone of C-1. The permitted uses shall also include mini warehouse facilities.

Objective A.3. Minimize use conflicts among existing and proposed land uses.

Policies

A.3.a. Where either MFR or SFR designated land use areas adjoin the Pelandale Expressway or Major Street, a 12-foot landscape easement or buffer shall be provided.

A.3.b. An 8-foot masonry wall shall be installed between SFR areas and the Pelandale Expressway, consistent with the design standards in section II.H.

A.3.c. MFR and SFR residential land uses may be separated by a local or collector street upon which both uses front. Land use transition also may be separated with a masonry wall with units in both uses backing up to the wall.

A.3.d. An eight (8) foot sound wall and minimum ten (10) foot planting strip with screen landscaping shall be provided between the commercial area and adjacent residential uses. Except in the case of mini-warehouses, which can abut residential development.

AMENDMENT TO SPECIFIC PLAN

1 Attorney - Rosemarie
1 CDD/Planning - Steve Mitchell
1 Applicant - Brian Velthoen
3

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-428A

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 93042004) RELATING TO THE APPROVAL OF THE PELANDALE-SNYDER SPECIFIC PLAN: APPROVING AMENDMENT NO. 9 TO THE PELANDALE SNYDER SPECIFIC PLAN TO REDESIGNATE 2.1 ACRES LOCATED ON THE NORTH SIDE OF SNYDER AVENUE EAST OF DALE ROAD FROM MULTIFAMILY RESIDENTIAL (MFR) TO COMMERCIAL (C). (BRIAN VELTHOEN)

WHEREAS, on January 16, 1996, by Resolution No. 96-22, the City Council of the City of Modesto certified the Final Environmental Impact Report ("EIR") (SCH No. 93042004) for the Pelandale-Snyder Specific Plan, and

WHEREAS, Section 21166 of the Public Resources Code provides that the lead agency not require a subsequent or supplemental EIR for a project where an EIR has already been certified, unless the lead agency finds that substantial changes are proposed that will require major revisions of the EIR, substantial changes have occurred with respect to the circumstances under which the project is being undertaken, or new information becomes available that would change the conclusions of the EIR, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2000-40 reviewed the proposed Amendment No. 9 to the Pelandale-Snyder Specific Plan to redesignate 2.1 acres located on the north side of Snyder Avenue east of Dale Road from Multifamily Residential (MFR) to Commercial (C), and made the determination that there are no substantial changes proposed in the project which will

require major revisions in the Final EIR, that no substantial changes have occurred in the circumstances under which the project is being undertaken, and that there is no new information that would change the conclusions of the Final 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 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 specific plan amendment that will require major revisions of the Pelandale-Snyder Specific Plan EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the amendment is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

3. No new information, which was not known and could not have been known at the time the Pelandale-Snyder Specific Plan EIR was certified as complete, has become available.

4. The Initial Study, Environmental Assessment No. EA/CDD 2000-40, provides substantial evidence to support findings 1-3 above.

5. As per Section 21166 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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 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 8th day of August, 2000, 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, Smith

NOES: Councilmembers: Frohman, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Judy C Hall, acting
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

EA/CDD 2000-40

City of Modesto

Initial Study

Pelandale-Snyder Specific Plan Amendment No. 9

EA/CDD 2000-40
June 6, 2000

I. PURPOSE

On January 16, 1996, the Modesto City Council certified the Final Environmental Impact Report for the Pelandale-Snyder Specific Plan (SCH# 93042004). This Final EIR analyzed the impacts of build-out of the Pelandale-Snyder Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Pelandale-Snyder Specific Plan EIR to be used for subsequent projects, provided 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:
Pelandale-Snyder Specific Plan Amendment No. 9

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

D. Project Location:
The north side of Snyder Avenue east of Dale Road.

E. Project Sponsor:
Brian Velthoen, 1700 Standiford Ave., Ste. 130, Modesto, CA 95350

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:
This is an amendment to the Pelandale-Snyder Specific Plan to redesignate 3.5 acres from Multi-Family Residential to MFR/Commercial.

I. Surrounding land uses:
The project is bounded on the west and north by vacant land designated for commercial development in the Pelandale-Snyder Specific Plan, to the east by vacant land with an approved tentative subdivision map for a single-family subdivision, and to the south by an existing church and single-family subdivision.

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

III. ANALYSIS OF CONFORMANCE WITH SECTION 21166 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 Pelandale-Snyder Specific Plan EIR:

1. Land Use, Consistency with Plans and Policies, and Agriculture

Impacts to land use, consistency with plans and policies, and agriculture, are discussed on pages 33 through 41 of the Pelandale-Snyder Specific Plan EIR. Although the proposed amendment will change the planned land uses for the area, the General Plan anticipates limited amounts of neighborhood commercial uses in the Pelandale-Snyder area. Since there is no proposed expansion of the Specific Plan, there would be no additional impacts on agriculture. Therefore, there would be no substantial changes to the Land Use, Consistency with Plans and Policies, and Agriculture section of the EIR.

2. Population, Employment, and Housing

Impacts to population, employment, and housing are analyzed on pages 42 through 44 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment would not result in any increase in population or housing in the Specific Plan. Therefore, there would be no change needed to the impacts to population, employment, and housing analyzed in this section of the EIR.

3. Traffic and Circulation

Traffic and circulation impacts are analyzed on pages 45 through 94 of the Pelandale-Snyder Specific Plan EIR. Although this amendment may result in an increase in the amount of traffic generated by development of this property, the

magnitude of the increase is not significant in the context of overall traffic for this area, and will not result in any decrease in the level of service in any of the adjacent intersections. Therefore, there would be no significant traffic impacts resulting from this project, and no change would be needed in the Traffic and Circulation section of the EIR.

4. Noise

Noise impacts are analyzed on pages 95 through 109 of the Pelandale-Snyder Specific Plan EIR. Although commercial development will create additional noise, the requirement for an eight-foot-high masonry wall between the commercial center and the adjacent residential development will ensure that there will be no significant increase in noise to the surrounding residential neighborhood. Therefore, there would be no change needed to the noise analyzed in this section of the EIR.

5. Air Quality

Impacts to air quality are analyzed on pages 110 through 126 of the Pelandale-Snyder Specific Plan EIR. Air quality impacts for this project are directly related to traffic congestion. Because this amendment will not increase traffic beyond that predicted in the EIR, there would be no increase in air quality impacts analyzed in the EIR.

6. Biology

Impacts to biology are analyzed on pages 127 through 129 of the Pelandale-Snyder Specific Plan EIR. The EIR concluded that there were no significant biological impacts. The proposed amendment will not impact any additional areas not already analyzed in the EIR. Therefore, there would be no change needed to the section of the EIR analyzing biological impacts.

7. Archaeology

Impacts to archaeology are analyzed on page 130 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will not impact any additional areas not already analyzed in the EIR. Therefore, there would be no change needed to the section of the EIR analyzing archaeological impacts.

8. Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment was referred to affected public agencies for comments. None of the agencies indicated that the amendment would result in any increase in the need for services. Therefore, there would be no change needed to the impacts to public services analyzed in the EIR.

9. Hydrology and Drainage

Hydrology and drainage are analyzed on pages 137 through 141 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will not affect the conclusions reached in the EIR regarding hydrology and drainage, as the project will continue to provide storm drainage consistent with the Specific Plan.

10. Growth Inducing Impacts

Growth-inducing impacts are analyzed on page 142 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment may result in additional commercial development, but this development would be designed to serve the existing and planned residential areas for this area, and thus will not result in any additional growth-inducing impacts. Therefore, there would be no change needed to the analysis of growth-inducing impacts in the EIR.

11. Geology/Soils

Impacts to geology and soils are analyzed on pages 143 through 144 of the Pelandale-Snyder Specific Plan EIR. The proposed amendment will not impact any additional areas not already analyzed in the EIR. Therefore, there would be no change needed to the section of the EIR analyzing impacts to soils and geology.

B. <u>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</u>

The Pelandale-Snyder Specific Plan EIR was certified by the Modesto City Council on January 16, 1996. In the period since then, the City Council has approved the Carver-Bangs and Kiernan Business Park Specific Plans for development immediately to the north of the Pelandale-Snyder Specific Plan. However, this development was consistent with the City's General Plan, and was therefore assumed in the analysis of the Pelandale-Snyder Specific Plan EIR. Therefore, 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 Pelandale-Snyder Specific Plan EIR.

C. <u>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</u>

The Pelandale-Snyder Specific Plan EIR was certified by the Modesto City Council on January 16, 1996. In the intervening period, there has been no new information, which was not known at the time the Pelandale-Snyder Specific Plan EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed amendment which will require major revisions of the Pelandale-Snyder Specific Plan EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the amendment is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

C. No new information, which was not known and could not have been known at the time the Pelandale-Snyder Specific Plan 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 Mitchell

Steve Mitchell,
Associate Planner

EA RESOLUTION

1	Attorney
1	CDD - Construction Administration
1	CDD - Planning- Attention: Steve Mitchell
3	

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-429

A RESOLUTION DETERMINING THAT THE PROPOSED LONG-RANGE TRANSIT PLAN IS EXEMPT FROM CEQA AND MAKING THE FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (State Clearing House No. 92052017) for the Modesto Urban Area General 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 City's Engineering and Transportation Department by Environmental Assessment Initial Study EA/ET No. 2000-32 reviewed the proposed Long-Range Transit Plan, 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,

WHEREAS, the City's Engineering and Transportation Department by Environmental Assessment Initial Study EA/ET No. 2000-32 further made the determination that the project is an exempt project pursuant to Section 15262 of the CEQA guidelines,

WHEREAS, on August 8, 2000, the City Council considered approving and adopting a proposed long-range public transportation plan (the "Project"), concurrently with this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA/ET No. 2000-32 for the Proposed Long-Range Transit Plan, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, the Council makes the following findings:

1. That the proposed Long-Range Transit Plan project is within the scope of the General Plan and the Master EIR (State Clearing House No. 92052017).

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 pursuant to Section 21157.1 of the Public Resources Code, no new environmental document in addition to the Environmental Assessment and the accompanying Statement of Exemption or findings are required by the California Environmental Quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures different from those contained in the Master

EIR document. All certified mitigation measures identified in the Master EIR will apply city-wide.

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

6. That this project is exempt under the separate and additional authority found in Section 15262 of the CEQA Guidelines on the grounds that the Project involves only feasibility or planning studies for possible future actions which the City has not yet approved, adopted or funded.

7. That the Initial Study provides substantial evidence to support all of the above findings.

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 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 8th day of August, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

INITIAL STUDY EA/ET NO. 2000-32

EXHIBIT "A"

STATEMENT OF EXEMPTION

Date: July 19, 2000

EA/ET NO. 2000-32

PROJECT PROPONENT: City of Modesto Engineering and Transportation Department

PROJECT LOCATION: The project is located in the Modesto General Plan Urban Area

PROJECT IDENTIFICATION: Long-Range Transit Plan

A. Project Description:

Adopt a Long-Range Transit Plan planning study for the future implementation of Modesto Urban Area Transit service programs and enhancements. The Long-Range Plan contains cost estimates and strategies for future projects that could: implement the following programs:

Maintain Existing Service:
- Maintain existing Modesto Area Express bus service
- Maintain existing Dial-A-Ride service

Enhancements of Existing Service:
- 15-minute weekday service on nine routes
- Extend evening service to 8:30 on weekday
- Enhanced Vintage Faire transfer facility
- Commuter bus service
- Vanpool program
- Automated passenger information
- Automatic passenger counters
- Automated fare payment
- Implement marketing program
- MAX service to Ceres
- Accommodate increased DAR demand

Service Extensions:
- Extend MAX to developing areas
- Required ADA paratransit in developing areas

B. Guidelines Section (s) Under Which Exempt:

Statutory Exemption, Section 15262 of CEQA Guidelines

C. Reasons to Support Findings:

This planning study qualifies as an exempt project pursuant to Section 15262 because it is a planning study for future possible actions regarding the Long-Range Transit service and enhancements for the Modesto Urban Area. It will take future actions by the Modesto City Council to implement these programs and enhancements through the adoption and funding of these individual projects/programs. This exemption requires the "consideration of environmental factors" by an agency that would use it. The City has prepared an Initial Study pursuant to its adopted General Plan Master EIR (see attached Initial Study) to provide that consideration. In addition, the adoption of the proposed Long-Range Transit Plan will not have a legally binding effect on the later activities (above-described projects in Section A, project description).

Steve Nish, Associate Planner

SN/sfl

City of Modesto

Initial Study

Long-Range Transit Plan Planning Study For the City of Modesto

EA NO. ET 2000-32

I. PURPOSE:

CEQA Section 15262, a statutory exemption for Planning and Feasibility Studies applies to this project. This Section would exempt the adoption of the proposed Long-Range Transit Plan planning study for the City of Modesto as a project that is only a planning study for possible future actions that the City Council has not approved, adopted, or funded. However, in order to qualify for the exemption Section 15262 requires the "consideration of environmental factors." The purpose of this Initial Study is provide that "consideration of environmental factors" for the exemption.

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed Long-Range Transit Plan planning study. 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 analyzed by the Master EIR.

II. PROJECT DESCRIPTION:

A. Project Title:
Long-Range Transit Plan for the City of Modesto

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Fred Cavanah, 801 Eleventh Street, Modesto, CA
(209) 577-5298

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 is adoption of a Long-Range Transit Plan planning study for the City of Modesto's transit services (see attached Plan dated August 1999) that includes cost estimates and strategies for future projects that would:

Maintain Existing Service:
- Maintain existing Modesto Area Express bus service
- Maintain existing Dial-A-Ride service

Enhancements of Existing Service:
- 15-minute weekday service on nine routes
- Extend evening service to 8:30 on weekday
- Enhanced Vintage Faire transfer facility
- Commuter bus service
- Vanpool program
- Automated passenger information
- Automatic passenger counters
- Automated fare payment
- Implement marketing program
- MAX service to Ceres
- Accommodate increased DAR demand

Service Extensions:
- Extend MAX to developing areas
- Required ADA paratransit in developing areas

This document is a planning and feasibility study that describes existing conditions, compares Modesto's transit to service in other cities, analyzes growth trends, and provides a vision of future transit for Modesto. The study also identifies possible transit alternatives as described above and analyzes revenue sources, service implementation scenarios and revenue and cost projections. Because this document is basically a planning study, implementation of any of the projects/programs contained in the Plan would require further action by the Modesto City Council and therefore, individual project CEQA review at such time.

I. Surrounding Land Uses:
Unincorporated County .

J. Other Public agencies whose approval is require
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**

Implementation of the proposed transit service additions and enhancements contained in the proposed Long-Range Transit Plan study for the City of Modesto would not adversely effect the roadway or intersection capacity of the City's circulation system. In fact, ultimate development of the proposed transit service additions and enhancements could increased the efficiency of the circulation system by reducing the number of single occupancy vehicles on the City's circulation system. Thus the proposed adoption of the Long-Range Transit Plan for the City of Modesto would result in no significant increase in demand for circulation facilities that are not anticipated by the traffic model that analyzed the General Plan Thus the proposed adoption of the Long-Range Transit Plan 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

Adoption of the proposed Long-Range Transit Plan for the City of Modesto would not degrade the level of service of roadways or intersections but rather increase efficiencies. In fact, the Long-Range Transit Plan contains strategies for the use of smart technologies and alternate fuels which could contribute to improved air quality. Thus, adoption of the proposed Long-Range Transit Plan 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**

Adoption of the proposed Long-Range Transit Plan for the City of Modesto would not adversely effect the level of service of roadways or intersections but rather implementation of transit enhancements could increase efficiencies. Because there would not be a significant increase in traffic impacts, and roadway level of service would be consistent with the General Plan, the change will not affect 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 programs and services proposed in the Long-Range Transit Plan are all contained within the existing General Plan area and do not require development on productive agricultural lands. Therefore, implementation of the programs contained in the Long-Range Transit Plan study would not result in the conversion of productive farm land beyond that 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**

Implementation of the programs contained in the Long-Range Transit Plan study would not result in a substantial increase in demand for water supplies. Implementation of the transit plan services or facilities would require no additional water supplies 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.

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

Implementation of the programs in the Long-Range Transit Plan study does not require any significant increase in sewer services but rather is focused on increasing the capacity for transit ridership. Therefore, it would not create a significant increase in demand for sewer capacity not already 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**

Implementation of the programs/enhancements to the City's transit system proposed by the Long-Range Transit Plan would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, there is clearly no impact to sensitive wildlife or any plant habitat 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 programs/enhancements proposed for the City's transit system by the Long-Range Transit Plan study would occur almost entirely within the context of the adopted General Plan analyzed by the Master EIR. Therefore, its implementation would not disturb any new archaeological or historic sites not already analyzed in the General Plan MEIR, Figure 8-1. 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**

Implementation of the programs/enhancements to the City's transit system proposed by the Long-Range Transit Plan would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. 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**

Implementation of the programs/enhancements to the City's transit system proposed by the Long-Range Transit Plan would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. All projects implementing the Transit Plan will 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

Implementation of the programs and or enhancements to the City's transit system proposed by the Long-Range Transit Plan would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. The transit plan study programs or enhancements 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

Implementation of the programs/enhancements to the City's transit system proposed by the Long-Range Transit Plan would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Since there will be no students generated, the transit programs 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

Implementation of the programs/enhancements to the City's transit system proposed by the Long-Range Transit Plan will not result in a significant increase in service demand for the City of Modesto Police Department. The programs and transit facilities are located in the area studied by the General Plan Master EIR and 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

Implementation of the programs/enhancements to the City's transit system proposed by the Long-Range Transit Plan will not result in a significant increase in service demand for the City of Modesto Fire Department. The programs and transit facilities are located in the area studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional fire services. 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

Implementation of the programs and or enhancements to the City's transit system proposed by the Long-Range Transit Plan would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. The transit plan study programs or enhancements would not generate any new population that would generate additional solid waste. 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

Because the proposed Long-Range Transit Plan programs or enhancements will not result in additional industrial development not already identified in the adopted General Plan, 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

Because the proposed Long-Range Transit Plan programs or enhancements will be focused on transit service improvements to existing planned roads or road or rail right-of-ways it 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

Because the proposed Long-Range Transit Plan program or enhancements, when implemented, would be located essentially within the planned Modesto Urban Area General Plan there will not be a significant increase in demand for energy beyond that analyzed 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

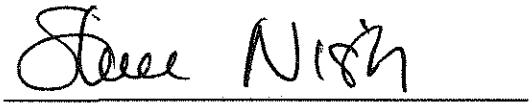
A. The proposed Long-Range Transit Plan for the City of Modesto is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed Long-Range Transit Plan 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 Long-Range Transit Plan 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: 

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-430

Print

A RESOLUTION APPOINTING EVERETT JACKSON, LISA MICHAEL AND RICHARD RAND TO THE ECONOMIC DEVELOPMENT 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. Everett Jackson, Lisa Michael and Richard Rand are hereby appointed to the Economic Development Loan Committee, with a term expiration of January 1, 2004 for Evereet Jackson and term expiration of January 1, 2005 for Lisa Michael and Richard Rand.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Economic Development 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 8th day of August, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-431

A RESOLUTION APPOINTING JOHN CRABB AND JULIUS MANRIQUE TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. John Crabb and Julius Manrique are hereby appointed to the Landmark Preservation Commission, each 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 members 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 8th day of August, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-432

A RESOLUTION APPOINTING DR. PELAJI KYAUKA 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. Dr. Pelaji Kyauka is hereby appointed to the Local Cable Programming Committee, 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 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 8th day of August, 2000, 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

Clerk (2)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-433

A RESOLUTION AMENDING RESOLUTION NO. 2000-307 IN SUPPORT OF THE RETENTION OF THE 209 AREA CODE IN STANISLAUS COUNTY.

WHEREAS, by Resolution No. 2000-307 adopted on June 13, 2000, the City Council of the City of Modesto approved support of Alternative 9A (shown on the attached map and marked Exhibit "A"), as proposed by the North American Numbering Plan Administrator ("NANPA") for the California Public Utilities Commission ("CPUC"), for the retention of the 209 Area Code in Modesto and Stanislaus County, and

WHEREAS, the CPUC has now removed Alternative Relief Plan 9A and introduced Alternative Relief Plan 10B (shown on the attached map and marked Exhibit "B"), which also keeps Stanislaus County intact and extends the eastern boundary line to include all of Mariposa and Tuolumne Counties, and

WHEREAS, Alternative Relief Plan 10B, which represents a north/south split and includes Stanislaus, Merced, Tuolumne, and Mariposa Counties is supported by the City of Modesto, and

WHEREAS, the City of Modesto remains supportive of encouraging the CPUC to delay the current process to adopt all available conservation measures which will act to delay an area code split for several years, and

WHEREAS, the City of Modesto encourages the CPUC to explore all avenues and options, such as the utilization of unblocked numbers and number pooling in order to postpone the proposed 209 Area Code split, and

WHEREAS, City of Modesto believes that County boundary lines, not rate centers, should be utilized in deciding area code boundaries, and

WHEREAS, the City of Modesto specifically requests the CPUC to implement certain policies regarding flex rate and sequential numbering in order to maximize the efficient use of telephone numbers previously provided to current carriers, and

WHEREAS, the City of Modesto requests the CPUC to impose a time limitation on reserved numbers thereby increasing the numbers available for current assignment, and

WHEREAS, the City of Modesto requests the CPUC order the carriers in the 209 Area Code to provide an inventory and accounting of aged and reserved numbers, and

WHEREAS, the City of Modesto requests the CPUC acknowledge that the 209 Area Code is not in imminent need of an area code split and that there are several area codes in the state that have a higher need, and

WHEREAS, the City of Modesto's position is that in the event the CPUC adopts an area code split, that Stanislaus County stays intact for purposes of an area code split,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto hereby supports Alternative 10B, in the event the CPUC adopts an area code split, and further directs its City Manager, or his authorized designee, to notify the CPUC of Modesto's support of Alternative Relief Plan 10B.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 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

(SEAL)

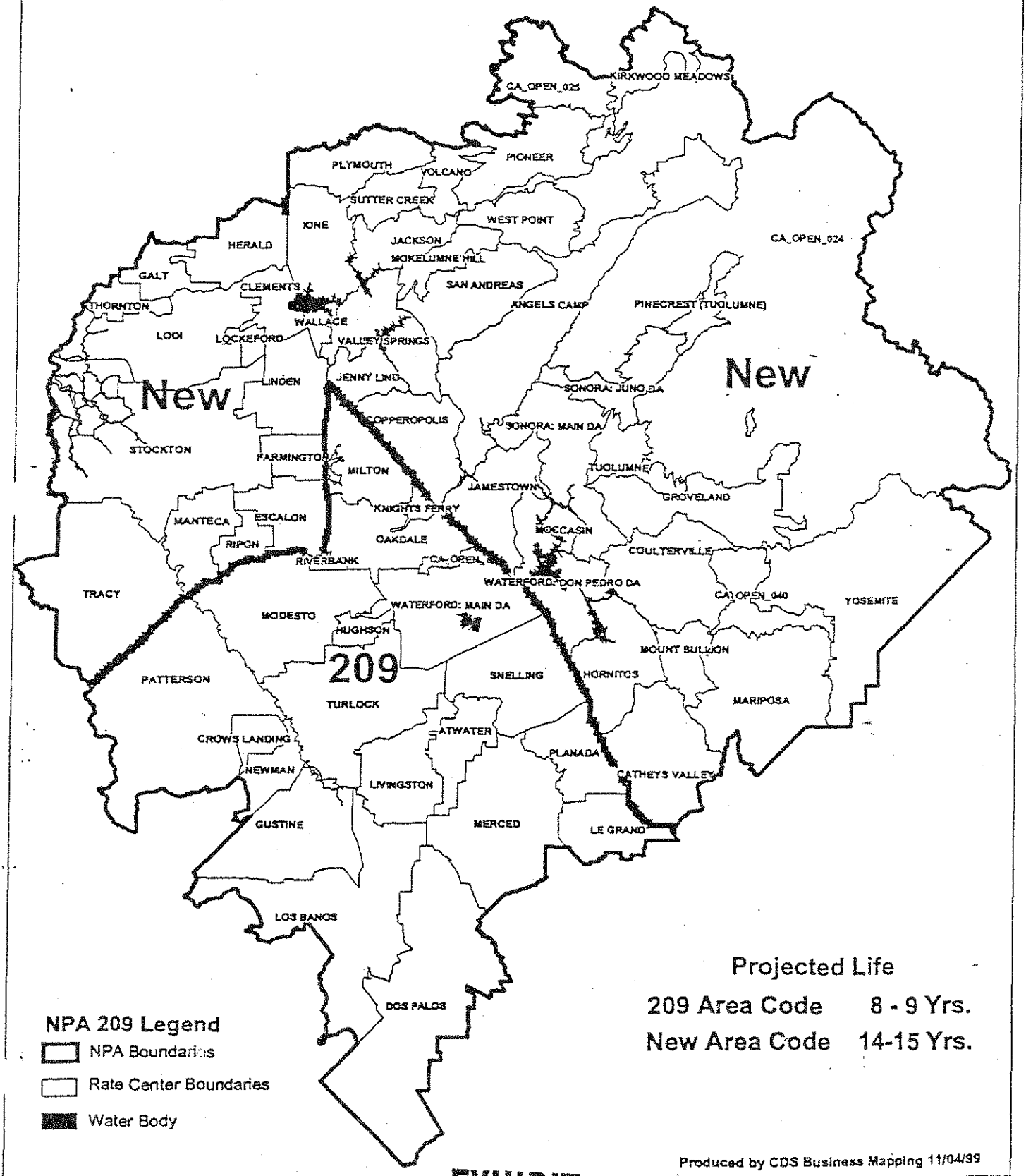
APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

NPA 209 Rate Center Map

Alternative #9A

2-Way Split



Projected Life

209 Area Code 8 - 9 Yrs.

New Area Code 14-15 Yrs.

NPA 209 Legend

- NPA Boundaries
- Rate Center Boundaries
- Water Body

Produced by CDS Business Mapping 11/04/99

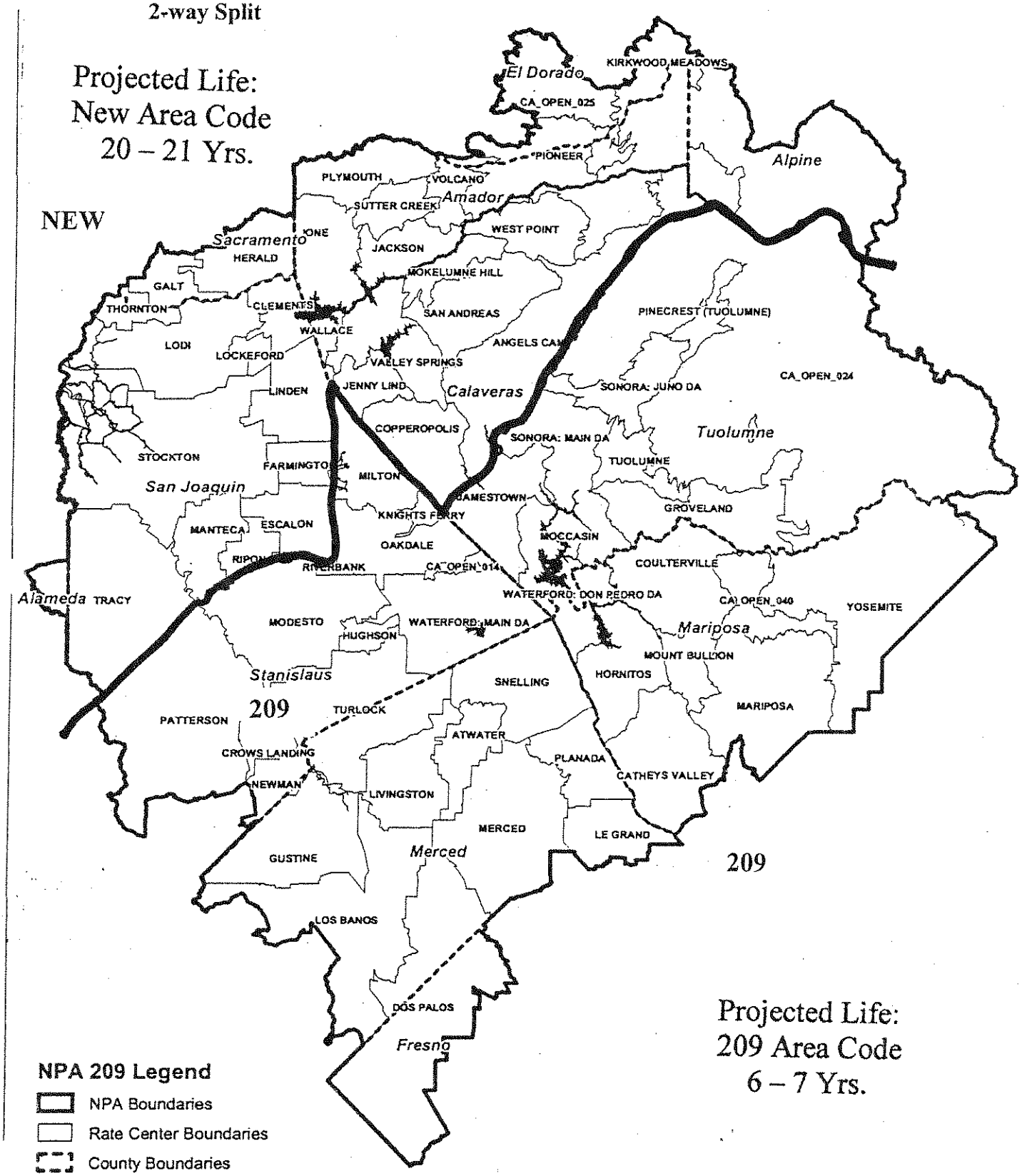
EXHIBIT "A"

NPA 209 Rate Center & County Map

Alternative #10B
2-way Split

Projected Life:
New Area Code
20 – 21 Yrs.

NEW



Projected Life:
209 Area Code
6 – 7 Yrs.

NPA 209 Legend

- NPA Boundaries
- Rate Center Boundaries
- County Boundaries

Produced by CDS Business Mapping 11/09/99

EXHIBIT "B"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-434

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE MODESTO CITY-COUNTY AIRPORT IMPROVEMENTS PROJECT NO. AIP 3-06-0153-22 AND 23 TO REHABILITATE TAXIWAYS "A" AND "B", CONSTRUCT ELECTRICAL VAULT BUILDING, AND RELOCATE/UPGRADE ELECTRICAL VAULT EQUIPMENT FOR $755,870

WHEREAS, the bids received for the Modesto City-County Airport improvements AIP No. 3-06-0153-22 and 23 project were opened at 11:00 a.m. on June 20, 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 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 $755,870 from Tiechert 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 15th day of August, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-435

A RESOLUTION ACCEPTING THE ENTERPRISE BUSINESS PARK WATERLINE PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Engineering & Transportation Director that the Enterprise Business Park Waterline project, has been completed by Fagundes and Son, Inc. in accordance with the contract agreement dated September 14, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Enterprise Business Park Waterline project, be accepted from said contractor Fagundes and Son, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $270,330.93 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 15th day of August, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-436

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $41,465 TO FULLY FUND THE PRIMARY PLANT HEADWORKS AND CANNERY SEGREGATION PROJECT

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

FROM:	Cannery Segregation Pipeline 623 480 H865,	$34,868
	Dryden Relief Sewer Pipeline 623 480 H867,	$ 6,597
TO:	Primary Plant Headworks & Cannery Segregation, 628 480 L009,	$41,465

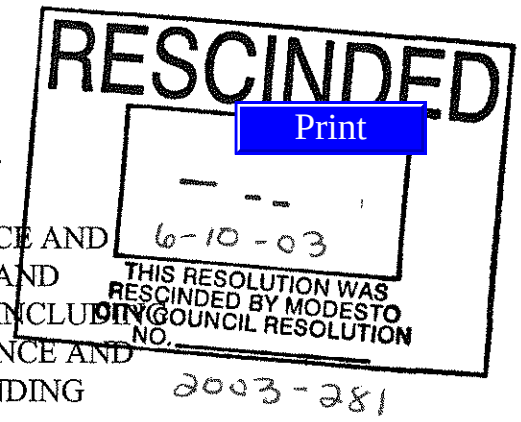
Black and Veatch has completed construction management of the project and submitted final bills for payment. Transfer needed to fully fund the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August 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

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 2000-437

A RESOLUTION RESTATING TERMS OF OFFICE AND PROCEDURES FOR THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, INCLUDING DISSOLUTION OF THE HOUSING MAINTENANCE AND COUNSELING SUBCOMMITTEE, AND RESCINDING RESOLUTION NO. 96-576.

WHEREAS, by Resolution No. 75-834, adopted on August 11, 1975, the City Council appointed members to the Housing Maintenance and Counseling Subcommittee of the Citizens Housing and Community Development Committee ("CH&CDC") , and

WHEREAS, said subcommittee's role was development of the Housing Maintenance Program, development of a relocation program including provisions for emergency housing, and development of a relocation program including provisions for emergency housing, among other things, and

WHEREAS, the Housing Maintenance and Counseling Subcommittee has not met for approximately ten years, and many of its responsibilities have either been fulfilled or assumed by other advisory committees, and

WHEREAS, the CH & CDC Committee met on May 26, 2000, and supported dissolution of the Housing Maintenance and Counseling Subcommittee, and

WHEREAS, the Council desires to dissolve the Housing Maintenance and Counseling Subcommittee of the CH & CDC Committee, and

WHEREAS, the Council further desires to restate the terms of office and procedures for the CH & C DC Committee, without inclusion of the Housing Maintenance and Counseling Subcommittee,

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

A. Committee Titles and Roles.

The Committee titles and roles as hereinafter stated are hereby established.

1. Title: **Citizens Housing and Community Development Committee.**

Role: To provide overall review and make recommendations to the City Council regarding the City's Housing and Community Development Act ("HCDA") program and its projects; to review the annual HCDA application, including the Housing Assistance Plan; to monitor and evaluate the entire program and committee effectiveness; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the City Council.

2. Title: **Housing Rehabilitation Loan Committee.**

Role: To develop a rehabilitation loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these rehabilitation loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Housing Rehabilitation programs; and to formulate and transmit recommendations regarding policy matters to the CH & CDC Committee.

3. Title: **Economic Development Loan Committee.**

Role: To develop an economic development loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of

governmental and private sector commitment of funds; to monitor and evaluate these economic development loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Economic Development Revolving Loan Fund; and to formulate and transmit recommendations regarding policy matters to the CH & CDC Committee.

B. Committee Membership Composition and Terms.

Committee membership composition and terms of office shall be as follows:

1. Terms of Office

   a. There shall be a two term maximum for any person.

   b. Full terms shall be four years.

   c. A partial term of two or more years shall be considered a full term.

2. Membership Composition

All regular Committee members shall be appointed by the City Council. The two alternate members of the Housing Rehabilitation Loan Committee shall be appointed as follows:

Alternate Seat No. 8 - A member of the Citizens Housing and Community Development Committee who volunteers to be an Alternate delegate shall be approved by the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of the Housing Rehabilitation Loan Committee.

Alternate Seat No. 9 - A member o f the Housing Authority of Stanislaus County who volunteers to be an Alternate delegate shall be approved by the Executive Director of the Housing Authority of Stanislaus County, the Chairperson of the Citizens Housing and Community Development Committee, and the Chairperson of the Housing Rehabilitation Loan Committee.

a. **Citizens Housing and Community Development Committee.**

Seat No. 1 - City Council Member
Seat No. 2 - Citizen At Large

Seat No. 3 - Board of Supervisors Member
Seat No. 4 - Planning Commissioner
Seat No. 5 - Human Relations Commissioner
Seat No. 6 - Citizen At Large
Seat No. 7 - Citizen At Large
Seat No. 8 - Citizen At Large
Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
Seat No. 10 - Citizen At Large
Seat No. 11 - Chairperson, Economic Development Loan Committee

b. **Housing Rehabilitation Loan Committee:**

Seat No. 1 - City Council Member
Seat No. 2 - Financial Institution/Provider
Seat No. 3 - Citizen At Large
Seat No. 4 - Financial Institution
Seat No. 5 - Provider/Services
Seat No. 6 - Housing Authority of Stanislaus County
Seat No. 7 - Provider/Services
Seat No. 8 - Alternate, Citizens Housing and Community Development Committee

c. **Economic Development Loan Committee:**

Seat No. 1 - City Council Member
Seat No. 2 - Business Institution
Seat No. 3 - Commercial Financial Institution
Seat No. 4 - Business Institution
Seat No. 5 - Commercial Financial Institution
Seat No. 6 - Low Income/Minority Citizen
Seat No. 7 - Low Income/Minority Citizen

C. Chairperson and Vice Chairpersons.

1. Chairperson for the Citizens Housing and Community Development Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be appointed by the City Council.

2. Vice Chairperson for the Citizens Housing and Community

Development Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be elected by the respective committees.

3. Full terms of the office of Chairperson and Vice Chairperson of the committee shall be four years commencing on July 1 of a given year and ending on June 30 four years later. Incumbents may serve more than one term.

D. Quorum and Voting.

1. A quorum shall be six persons for the Citizens Housing and Community Development Committee and four person each for the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

2. To take formal action, six affirmative votes shall be necessary for the Citizens Housing and Community Development Committee. To take formal action, a vote of a majority of those present, as long as at least a quorum is present, shall be necessary for the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

3. The Housing Rehabilitation Loan Committee, in order to guarantee a quorum necessary for each meeting, may have two Alternate members who shall be invited to each Committee meeting. These two Alternate delegates may participate in all discussions, but shall not vote on any action, unless their attendance is necessary to make a Committee quorum.

E. Staff.

The Community Development Department shall provide staff support for the Housing and Community Development Act Committees and coordinate assistance from other City departments.

BE IT FURTHER RESOLVED that City Council Resolution No. 96-576 is

hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-438

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE REQUESTED BY THE REALITY ALUMNI ASSOCIATION FOR THEIR ANNUAL RALLY FOR RECOVERY EVENT AND APPROVING THE USE OF AMPLIFIED INSTRUMENTS AND VOICE DURING THE RALLY.

WHEREAS, the Reality Alumni Association has requested direct City assistance for its Rally for Recovery Event to be held at Graceada Park on Friday, September 8, 2000, from 11:00 a.m. to 5:00 p.m., 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 Reality Alumni Association was established in 1992 to provide encouragement and support to clients of the Reality Alcohol Treatment Program, and

WHEREAS, the Alumni's mission is to provide assistance and support to current and former clients of alcohol and drug treatment facilities by providing a safe, healthy environment for those individuals seeking recovery, and their families, and

WHEREAS, the Alumni Association now works in partnership with the Stanislaus County Department of Alcohol and Drug Programs, and

WHEREAS, this year the annual Recovery Rally has been moved from the County Court House lawn to Graceada Park to enhance the event and to accommodate the anticipated increase in event participation, and

WHEREAS, City staff supports the Association's request for assistance and

recommends that the City waive the key deposit fee, park rental fees ($240), Operations and Maintenance Department staff fees ($457), and pay for insurance coverage ($88), totaling an estimated $785, and

WHEREAS, the Association is also requesting that the City grant them permission to use amplified instruments and voice during the rally, and

WHEREAS, the current City Council Policy 6.007 - Amplification of Music in City Parks, prohibits the use of amplified music in public parks but allows the City Council the discretion to approve such use where an event is part of an annual community-wide celebration of an established event, if the amplified music is played in a location and at a volume that will not unreasonably disturb or annoy the peace and quiet of the residents living adjacent to the park, and the volume will conform with the noise regulations contained in Section 4-9.101, et seq., of the Modesto Municipal Code, and

WHEREAS, in order for the Reality Alumni to provide this community event for individuals seeking to recover from their drug addiction, direct assistance from the City is needed, and

WHEREAS, the Human Services Committee met on August 2, 2000, and recommended that City assistance be provided and that permission be granted to use amplified instruments at the Rally for Recovery Event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Reality Alumni Association for direct City assistance in the total estimated amount of $785 for the Association's annual Rally for Recovery Event.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby approves the Association's request for the use of amplified music and voice on Friday, September 8, 2000, from 11:00 a.m. to 5:00 p.m., provided that the amplified music is played in a location and at a volume that will not unreasonably disturb or annoy the peace and quiet of the residents living adjacent to the park, and the volume will conform with the noise regulations contained in Section 4-9.101, et seq., 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 15th day of August, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-439

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE FUNDS TO COVER THE COST OF SERVICES AND FEES FOR THE RALLY FOR RECOVERY AT GRACEADA PARK

WHEREAS, the Reality Alumni Association has relocated their annual Recovery Rally from the County Court House lawn to Graceada Park to enhance the event and to accommodate the anticipated increased event participation; and

WHEREAS, staff supports the Association's request and recommends that the City Council waive the key deposit fee, park rental fees, staff fees, and pay for their insurance coverage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:	
#0100-800-8000-8003	$(785.00)
#0100-380-3801-0416	$ 88.00
#0100-480-4522-0130	$ 697.00

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 15th day of August, 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 votes:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:
STAN FEATHERS, Budget Officer

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-440

A RESOLUTION APPROVING THE ADOPTION OF THE RISK MANAGEMENT MANUAL.

WHEREAS, the Personnel Department, Risk Management Division, by agenda report dated August 15, 2000, to the Mayor and Members of the City Council, is requesting the adoption of the Risk Management Manual (hereafter referred to as "Manual") for the employees of the City of Modesto, and

WHEREAS, the Manual is intended to provide a single source for all risk management policies and procedures that require dissemination to the general City staff, and

WHEREAS, since the Manual includes new and updated policies Council action is required for adoption, and

WHEREAS, after adoption of the Manual by the Council copies will be distributed to all City of Modesto employees, and

WHEREAS, the Council considered the adoption of the Manual as recommended by the Personnel Department, Risk Management Division, at its meeting held on August 15, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of the Risk Management Manual as recommended by the Personnel Department, Risk Management Division, copies of which will be distributed to all City of Modesto employees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESOLUTION

1	Attorney
1	Personnel/Risk Management
2	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-441

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A STORM DRAIN PIPELINE UNDER AND ACROSS M.I.D. LATERAL NO. 6 FOR THE NORTHGATE VILLAGE SHOPPING CENTER PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District consenting to common use for the installation, operation and maintenance of a storm drain pipeline under and across M.I.D. Lateral No. 6 for the Northgate Village Shopping Center project 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 15th day of August, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-442

A RESOLUTION APPROVING THE FINAL MAP OF LEGENDS VILLAGE UNIT NO. 4 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, J.K.B. HOMES, CORP., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 13.91 acres, known as LEGENDS VILLAGE UNIT NO. 4 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 28th 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. 4 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 15th day of August, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 -Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-443

A RESOLUTION APPROVING THE FINAL MAP OF ARBOR LANE NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, FLORSHEIM BROS., a California general partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 22.16 acres, known as ARBOR LANE NO. 1 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st 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. 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 15th day of August, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Friedman

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

RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 -Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-444

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:

Events Supervisor I

Events Supervisor II

The specifications for the classifications of Events Supervisor I (Range 430),and Events Supervisor II (Range 434), as shown on the attached Exhibit "A", 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 AMENDED. The Position Classification Plan of the city of Modesto is hereby amended to revise the following classifications:

Maintenance Worker I

Maintenance Mechanic Crewleader - Pumps

Airport Operations and Maintenance Supervisor

The revised specifications for the classification of Maintenance Worker I (Range 110), as shown on the attached Exhibit "B", Maintenance Mechanic Crewleader - Pumps (Range 124), as shown on the attached Exhibit "C", and Airport Operations and Maintenance Supervisor (Range 428), as shown on the attached Exhibit "D", 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 3. CLASSIFICATIONS ABOLISHED. The Position classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Events Supervisor

Business Development Division Manager

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 15, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 2795
No. 2796

AUGUST, 2000

EVENTS SUPERVISOR I
EVENTS SUPERVISOR 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

Under direction, supervise and coordinate the needs and services of lessees for events at the Modesto Centre Plaza. This work includes booking, scheduling, planning, and supervision of events.

DISTINGUISING CHARACTERISTICS

Events Supervisor I - This is the entry-level class in the Events Supervisor series. This class is distinguished from the Events Supervisor II 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 work experience.

Events Supervisor II – This is the full journey level class within the Events Supervisor series. Employees within this class are distinguished from the Events Supervisor I by the performance of the full range of duties 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.

SUPERVISION RECEIVED AND EXERCISED

Events Supervisor I
Receives direction from the Centre Plaza Manager or Events Supervisor II.

May exercise direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

Events Supervisor II
Receives general direction from the Centre Plaza Manager.

Exercises direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

EXHIBIT "A"

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

Essential Functions:

Booking, scheduling, and sales of Centre Plaza events.

Working with Centre Plaza users to plan the execution of their events, including equipment, personnel, and services.

Supervise Centre Plaza events while in progress. This includes some evening and weekend events.

Prepare event settlements and evaluations.

Operation of box office functions including ticket ordering, ticket sales, ticket taking, supervision of related personnel and final ticket auditing.

Record, transfer and process all monies that the Centre generates through ticket sales, rental deposits and settlement, novelty sales and other.

Assist in budget preparation and administration.

Respond to facility user complaints and inquiries.

Maintain and update as needed: rental agreement, permit agreements, and associated rules and regulations for events and outside services; service manuals, box office manuals, and operations manual for contracted services and center personnel; evaluation procedures for catering, concessions, and decorators who provide services.

Maintain records and prepare reports and correspondence, as necessary, related to events and facility use.

In addition to the above, the functions of the Events Supervisor II may include:

Proactive communication with representatives of various organizations regarding potential facility use.

Recommendations for rate schedules.

Supervision of the Events Supervisor.

Working closely with the Modesto Convention and Visitors Bureau.

Preparation of the division's annual operating budget.

Recommendation for capital improvement projects and expenditure of FF&E funds.

Identification of new and existing markets for facility use.

Development and utilization of avenues of distribution for promotional information to potential users.

Maintenance of effective public, media and community relations for the Centre.

Maintenance and supervision of vendors, subcontractors and employees, including the hiring/discharging, training and supervision of staff.

Marginal Functions:

Perform other related work as may be assigned.

QUALIFICATIONS:

Knowledge of:

Principals and techniques for scheduling, booking, planning, servicing and coordinating a variety of theatrical, entertainment, meeting, banquet, and convention events.

Basic accounting as used in event and box office bookkeeping and settlement.

Knowledge of, Continued:

Fire and safety regulations and emergency procedures related to public assembly facilities.

Security, catering, concessions, equipment, services, and other operational needs of community/convention center events.

Principles of box office and ticketing operations.

In addition to the knowledge for Events Supervisor I, Events Supervisor II requires:

Knowledge of:

Negotiation techniques.

Principals of administration, budget and personnel management.

Process and structure of City and department.

Pertinent Federal, State, local laws, codes and regulations.

Ability to:

Book, Schedule, and sell Centre Plaza space to potential users.

Plan, organize, and coordinate the activities of various service providers associated with Centre Plaza events.

Supervise events in progress.

Communicate clearly and concisely, orally and in writing.

Respond appropriately to Center Plaza guests within the context of Centre Plaza policies and procedures while maintaining a high customer service ethic.

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Lift and carry objects, if it becomes necessary.

Establish and maintain cooperative relationships with those contacted during work.

In addition to the Ability for Events Supervisor I, Events Supervisor II requires:

Hire, supervise, train, and evaluate subordinates.

Identify and respond to public and City Council issues and concerns.

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

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

Events Supervisor I:

Experience:

Two (2) years experience in supervising and coordinating a variety of events in a conference center, convention center, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

Training:

Equivalent to graduation with a Bachelor's Degree from an accredited college or university.

License or Certificate

Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.

Possession of a certificate from the International Association of Assembly Managers (IAAM) school for Public Assembly Management is desirable.

Events Supervisor II

Experience and Training Guideline

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years experience in supervising and coordinating a variety of events in a conference center, convention center, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

Training:

Equivalent to graduation with Bachelor's Degree form an accredited college or university.

License or Certificate

Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.

Possession of certificate from the International Association of Assembly Managers (IAAM) school for Public Assembly Management is desirable.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

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.

CITY OF MODESTO
No. 6707
No. 6705

AUGUST, 2000

MAINTENANCE WORKER I
MAINTENANCE WORKER 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 perform semiskilled labor in the maintenance and repair of parks and park facilities, street trees, water distribution systems, sewer systems, parking lots, bus shelters, streets, traffic control markings, fire hydrants, or other public works.

DISTINGUISHING CHARACTERISTICS

Maintenance Worker I - This is the entry level class in the Maintenance Worker series. This class is distinguished from the Maintenance Worker II class 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.

Maintenance Work II - This is the full journey level class within the Maintenance Worker series. Employees within this class are distinguished from the Maintenance Worker I by the performance of the full range of duties as assigned, including the ability to work independently exercising judgment and initiative and the ability to operate the full range of tools and mechanical equipment related to a specific assignment. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and they are fully aware of the operating procedures and policies of the work unit. **Level I/II positions assigned to the Parks Division of Operations and Maintenance are subject to assignment to weekend work during the summer months and may not be able to schedule vacation at that time.**

SUPERVISION RECEIVED AND EXERCISED

Maintenance Worker I

Receives immediate supervision from higher level supervisory and management staff.

Maintenance Worker II

Receives general supervision from higher level supervisory and management staff.

EXHIBIT "B"

Exercises 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:

Work as part of a street maintenance crew; shovel and spread asphalt and asphalt base in patching, repairing and reconstructing streets.

Use concrete cutting and breaking equipment; operate a jackhammer; pour and assist in finishing concrete and masonry work; construct concrete forms and perform rough carpentry work.

Install street barricades and cones prior to the performance of street repair activities; direct and control traffic around work sites.

Clean and maintain City restrooms, pools, picnic areas, buildings and other public facilities.

Clean up debris form parking lots, walkways, ditches, alleys, streets and storm drains.

Trim, prune, plant and maintain City trees; work in a tree trimming crew; operate a chain saw, chipper, stump digger and root cutter.

Mow, edge, fertilize and maintain grass and turf; remove weeds, prune shrubs, maintain plants and flowers; operate a mower, edger, blower and tractor.

Maintain and repair public sprinkler systems.

Inspect and clear obstructions from storm drains' maintain and rebuild rockwells.

Identify equipment needs for each assigned project.

Pick up and transport refuse to the appropriate dumping site.

Operate construction equipment such as dump trucks, rollers, front loaders, and power tools such as compressors, jack hammers, paint sprayers, sandblasters, and concrete saws.

Perform work in emergency situations as required.

Marginal Function Statements:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Uses and purposes of general construction tools and equipment.

Safe work practices.

Ability to:

Understand and follow oral and written directions.

Learn to perform unskilled and semi-skilled tasks in a variety of construction and maintenance activities.

Perform heavy manual labor, meaning lifting and carrying fifty (50) to one hundred (100) pounds of weight.

In addition to the qualifications for Maintenance Worker I, Maintenance Worker II requires:

Knowledge of (Depending upon assignment):

Methods, techniques and tools and the operational characteristics of mechanical equipment used in the construction and maintenance of asphalt and/or concrete facilities.

Methods, techniques and tools and the operational characteristics of mechanical equipment used in maintenance of buildings, park areas, trees and golf courses.

Ability to:

Perform semi-skilled maintenance, construction and repair work in the area of work assigned.

In addition to the qualifications for Maintenance Worker I, Maintenance Worker II requires:

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

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:
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

Experience and Training Guidelines, Continued:

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

A Class B California driver's license is required prior to the end of the 12-month probationary period. Failure to obtain this license will result in release from probation.

Maintenance Worker II Experience:

One (1) year of increasingly responsible experience performing field maintenance duties comparable to those performed by a Maintenance Worker I.

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.

CITY OF MODESTO AUGUST, 2000
No: 6149

MAINTENANCE MECHANIC CREWLEADER - PUMPS

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 supervising and to participate in the work of a crew involved in the maintenance, repair, and service of water, sewer, and storm drain lift stations; and to perform the most complex maintenance and inspection activities in the work group.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff. Exercises functional and technical supervision over assigned Maintenance Mechanics in Pumps.

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

Provide lead supervision, training and assistance to maintenance staff involved in the operation and maintenance of the City's storm and sewer lift stations, and pumping plants.

Train maintenance staff in confined space entry procedures for lift and/or pump stations and other confined spaces.

Assign work activities and assist in the coordination of water, sewer, and storm drain maintenance activities.

Monitor repair and service work; requisition supplies; maintain time, material, equipment use, and detailed maintenance records.

Inspect lift stations and pumping plants for needed work and overall cleanliness; coordinate and schedule major repairs to storm and sewer lift stations and/or water pumping plants.

Inspect, maintain, troubleshoot, repair, and service machinery and equipment, including pumps, valves, motors, engines, compressors, and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Provide input on design blueprints and recommend changes before finalization.

EXHIBIT "C"

EXAMPLES OF DUTIES (Continued)

Operate steam cleaner and/or portable sample pump.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Fabricate parts and equipment, including mounts, brackets, and shields; operate welding and cutting equipment.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Operate a Supervisory Control and Data Acquisition (SCADA) computerized pump control system.

Backflush plugged pumps as required.

Monitor and maintain Granular Activated Carbon (GAC) filters, assist in removal and replacement of carbon, backwashes as required.

Inspect and calibrate gauges and meters; inspect and test air quality and analyzers.

Perform plumbing duties, as required.

Marginal Function Statements:

Perform related duties, as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.

Principles of supervision and training.

Principles and practices of hydraulics related to pumps.

Preventive maintenance and inspection methods.

QUALIFICATIONS (Continued)

Knowledge:

Safety and health hazards related to sewer, water, and/or storm collection systems.

Proper lock-out and tag-out procedures.

Confined space entry procedures using atmospheric hazard test equipment and SCBA (self-contained breathing apparatus) gear required to comply with CAL-OSHA environmental standards.

Appropriate safety practices and regulations.

Ability to:

Lead, train, and supervise Maintenance Mechanics in Pumps; use and train others in safe work procedures.

Supervise and monitor the repair and maintenance of the City's lift stations and/or water pumping plants and related equipment.

Work independently in the absence of supervision, or lead a crew in a situation involving investigating and resolving sewer, water, and/or storm complaints; using good judgment and tact with irate citizens/customers.

Represent the City in situations where the public is frequently upset over sewer or water service interruptions or street flooding.

Independently perform a variety of complex repair, maintenance, servicing, and cleaning tasks involving pumps and motors.

Read and interpret blueprints.

Work in confined spaces and follow confined space entry/egress procedures.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 pounds.

Estimate necessary materials and supplies with a reasonable degree of accuracy; handle contaminated, infectious materials, and equipment.

QUALIFICATIONS (Continued)

Ability to:

Communicate effectively with those contacted in the course of work including government regulatory agencies.

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 experience comparable to that of a Maintenance Mechanic - Pumps.

Training:

Equivalent to the completion of the twelfth grade, supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate:

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

When assigned to Collections:

Possession of a Grade II Mechanical Technologist Certification, issued by the California Wastewater Pollution Control Association, is desirable.

When assigned to Water:

Possession of an AWWA Water Distribution Operator Grade II Certificate is desirable.

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade II Water Treatment Plant Operator Certificate is desirable.

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.

CITY OF MODESTO
NO. 2790

AUGUST, 2000

AIRPORT OPERATIONS AND MAINTENANCE 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, supervise, and review the work of employees engaged in the maintenance of the airport, and as necessary, complete needed maintenance; to handle some day-to-day operational activities, to assist airport Manager with monitoring and implementing airport services, to assist in the preparation and management of the annual budget, and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Airport manager.

Exercises direct supervision over maintenance staff in assigned area.

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

Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in maintenance activities related to airfield, buildings and grounds, as well as the security at the City airport.

Recommends and enforces airport system rules and regulations.

Assist in determining and recommending maintenance and construction needs; coordinate operational activities with the Airport Manager.

Attend planning and pre-construction conferences.

Prepare and submit equipment and short-term capital project needs, recommendations, and estimate the cost.

Prepare and answer correspondence; provide airport facility information on request.

EXHIBIT "D"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Continued

Essential functions:

Coordinate and supervise FAA airport security and certification program; review and inspect airport safety and security operations to ensure compliance with local, state and federal requirements.

Plan, conduct and coordinate the airport Storm Water Pollution Prevention Plan.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various operation and activity reports.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; evaluate staff; implement discipline procedures.
Act as liaison with Fire Department involving Aircraft Firefighting and Rescue activities.

Maintain airport activity records.

Compile information for duties and reports.

Assume the duties of the Airport Manager in his absence and share emergency week-end and holiday call duty with the Airport Manager.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern office procedures, methods and computer equipment.

Business letter writing and basic report preparation.

QUALIFICATIONS (Continued)

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

Material, equipment and practices of maintenance and repair of buildings, airports, runways and aprons including pavement and airfield electrical systems.

Pertinent Federal, state, and local laws, codes and regulations.

Communication procedures on maintenance and ground control radios, and understanding of aviation industry terminology.

Various operational activities within the airport system.

Ability to:

Supervise, train and evaluate assigned staff.

Operate computer systems, radios, and small and large ground maintenance equipment.

Order and maintain adequate level of maintenance materials and supplies.

Provide excellent customer service to both internal and external customers.

Coordinate and supervise the work of subordinate personnel.

Exercise mature judgment and make sound decisions.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 pounds.

Ability to, Continued:

Read plans and specifications.

Communicate clearly and concisely, both orally and in writing.

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:

Three years progressively responsible experience in airport operations and maintenance in a non-hub or larger general aviation airport involving daily public contact.

Training:

Equivalent to an Associate of Arts degree with major coursework in business Administration, aviation, or a related field.

License or Certificate:

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

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 sitting for prolonged periods of time; operating motorized equipment and vehicles.

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - Recreation & Neighborhoods
1 - Finance — CDD
6 — Operations & Maintenance

Clerk (12)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-445

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 EVENTS SUPERVISOR I AND EVENTS SUPERVISOR II, AMEND THE CLASS RANGE TABLE FOR PARKS PLANNING AND DEVELOPMENT MANAGER, AND ABOLISH THE SALARY RANGES FOR EVENTS SUPERVISOR ANDBUSINESS DEVELOPMENT DIVISION MANAGER; AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO AMEND THE CLASS RANGE TABLE FOR MAINTENANCE MECHANIC CREWLEADER-PUMPS.

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 August 15, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Events Supervisor I (Range 430) and Events Supervisor II (Range 434) to the Class Range Table, amends the salary range for Parks

Planning and Development Manager from Range 438 to Range 441, and abolishes the salary ranges for Events Supervisor and Business Development Division Manager.

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 August 15, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" amends the salary range for Maintenance Mechanic Crewleader-Pumps from Range 123 to Range 124.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 15, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective August 15, 2000

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 Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor **Events Supervisor I**

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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator **Events Supervisor II**

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
439	Administrative Services Officer
440	Purchasing Officer 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)

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 Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
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	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective **August 15, 2000**

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

EXHIBIT "A"

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

RANGE	TITLE
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

RANGE	TITLE
127	Civil Engineering Assistant Landscape Technician Senior Fire Equipment Mechanic
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist 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 Fire Plan Checker Plan Review Engineer

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved – Recreation & Neighborhoods
1 - Finance — CDD
6 — Operations and Maintenance

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-446

A RESOLUTION RETURNING $7.2 MILLION TO THE GENERAL FUND AND ALLOCATING A MAXIMUM OF $367,000 ANNUALLY FOR STREET REPAIRS FOR STREETS THAT ARE IN NEED OF REPAIR DUE TO THE INSTALLATION AND MAINTENANCE OF WATER AND SEWER LINES.

WHEREAS, by Ordinance No. 3181-C.S. , introduced on June 27, 2000, a copy of which is on file in the office of the City Clerk, the City Council adopted the budget for Fiscal Year 2001, and

WHEREAS, on June 13, 2000, the City received a report from the Stanislaus County Civil Grand Jury which addressed the City's practice of making annual transfers to the General Fund from the utility fund, and

WHEREAS, the Grand Jury report recommended that the City consider refunding the transfers from the water and sewer funds to the General Fund for the period of July 1997, the effective date of Proposition 218, through September 1999, when the fund transfers ceased, and

WHEREAS, until such time as the Council could properly consider those recommendations, the City Council, as part of the budget for Fiscal Year 2001, designated the sum of $7.2 million of the General Fund's fund balances as potential refund to the utility funds, and

WHEREAS, the City Council, having considered the recommendations of the Stanislaus County Civil Grand Jury, desires to return the $7.2 million to the General Fund and

allocate a maximum of $367,000 annually to be earmarked for street repairs for streets that are in need of repair due to the installation and maintenance of water and sewer lines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the return of $7.2 million to the General Fund and hereby allocates a maximum of $367,000 annually to be earmarked for street repair due to the installation and maintenance of sewer and water lines, said sum of $367,000 to be reviewed annually as to any adjustment which may be needed. In this manner the General Fund will be reimbursing the Utility Enterprise Funds for the "transfers" criticized by the Grand Jury because those are costs that would otherwise be paid by those funds in the ordinary course of business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 2000, 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
NOES:	Councilmembers:	Conrad, Serpa, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk (2)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-447

A RESOLUTION ACCEPTING GRANT FUNDING IN THE AMOUNT OF $159,483 FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT A GRANT AGREEMENT TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION.

WHEREAS, in September, 1998, Council authorized the City Manager to sign an application for $250,000 in funding from the State Resources Agency, Environmental Enhancement and Mitigation Program, and

WHEREAS, the program provides grant funding for projects that mitigate the environmental impact of recently constructed or modified transportation facilities, and

WHEREAS, the transportation project related to the grant proposal is the widening of Standiford Avenue in 1992, which is to continue development of the Class I bicycle trail within the Hetch Hetchy utility easement from Shawnee Avenue to Semallon Drive, including trail construction, installation of signals at the Shawnee/Standiford intersection and landscaping along the trail, and

WHEREAS, on June 19, 2000, the Department of Transportation notified the City that a grant of $159,483 had been allocated to the Hetch Hetchy Bicycle Trail project, and

WHEREAS, said project will provide a much needed east-west link to several north-south Class II bicycle lanes, and will serve recreational bicyclists and pedestrians as well as commuter cyclists,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts grant funding in the amount of $159,483 from the Environmental Enhancement and Mitigation Program for the Hetch Hetchy Bicycle Trail project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Applicant-State Agreement and related documents on behalf of the City of Modesto for submittal to the State Department of Transportation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-448

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET ESTABLISHING A NEW CIP, ESTIMATING REVENUE FOR THE HETCH HETCHY BICYCLE TRAIL PROJECT

WHEREAS, the Department of Transportation notified staff that a grant of $159,483 had been allocated to the Hetch Hetchy Bicycle Trail project; and

WHEREAS, the total project costs are estimated at $259,007; with the balance of project funds coming from the Local Non-Motorized Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
From:	#0520-310-K092-6040	$(99,524)
To:	#1400-310-M271-6040	$ 99,524
	#1400-310-M271-6040	$159,483
Revenue:		
To:	#1400-510-9510-3134	$325,575
Transfer:		
To:	#1400-700-7000-9052	$99,524
To:	#0520-700-7000-7140	$99,524

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 22nd day of August 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: PE
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-449

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $99,524 TO PROVIDE THE BALANCE NEEDED TO COMPLETE CONSTRUCTION OF THE CLASS I BICYCLE TRAIL IN THE HETCH HETCHY EASEMENT PROJECT

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

FROM:	Non-Motorized Transportation Plan, 052 310 K092 6040	$99,524
TO:	Hetch Hetchy Bicycle Trail, 1400-310-New CIP	$99,524

Funds will provide for the balance needed to complete construction of the Class I bicycle trail in the Hetch Hetchy easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-450

A RESOLUTION SUPPORTING PROPOSED PROJECTS FOR REMOVE GRANT FUNDING THROUGH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT A GRANT APPLICATION AND RELATED DOCUMENTS FOR GRANT FUNDING TO THE DISTRICT.

WHEREAS, in late June, the City of Modesto received application packets for Phase VII of the REMOVE Program, sponsored by the San Joaquin Valley Air Pollution Control District ("SJVAPCD"), and

WHEREAS, the REMOVE Program's goal is to assist with meeting the requirements of the California Clean Air Act by reducing motor vehicle emissions, and

WHEREAS, it is anticipated that $2.4 million will be awarded during this allocation phase, and

WHEREAS, REMOVE Grant requirements are very stringent and involve numerous calculations to determine the pounds of emissions removed by a project, and eligible projects must have a direct air quality benefit to the SJVAPCD, and

WHEREAS, City staff has recommended the following projects for the REMOVE Grant:

1. Rideshare & Bicycling Program - REMOVE (Match) Request - $6,882.

2. Clean Air Rewards Program (incentives for carpooling) - REMOVE (Match) Request - $3,000.

3. E-Community Project (comprised of Web Enhancements and Community Web Portals (or Kiosks)) - REMOVE Request - $24,900.

and

WHEREAS, grant recipients have one year to complete their projects, and project funds (even matching funds), may not be expended until March 1, 2001, and

WHEREAS, the Transportation Policy Committee reviewed the proposed projects at their July 20, 2000, meeting, unanimously recommending Council approval of the projects, and suggesting staff attempt to find additional projects to forward to the Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the proposed projects for REMOVE Grant Funding through the San Joaquin Valley Air Pollution Control District.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a grant application and related documents on behalf of the City of Modesto for REMOVE Grant Funding for proposed projects through 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 22nd day of August, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-451

A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN SALARY FOR THE CITY ATTORNEY AND A ONE-TIME FIVE (5%) PERCENT BONUS.

WHEREAS, by Resolution No. 2000-272 effective June 20, 2000, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00-01 Effective June 20, 2000", 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 City Council desires to approve a five (5%) percent increase in salary to MICHAEL D. MILICH, City Attorney, effective August 22, 2000, which increase is within the range established in Exhibit "J" of Resolution No. 2000-272, and

WHEREAS, the Council is desirous of approving a one-time bonus for the City Attorney in the amount of $5,862.52, which is equivalent to five (5%) percent of his salary, in recognition of extraordinary performance during this review period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5%) percent increase in salary to MICHAEL D. MILICH, City Attorney, effective August 22, 2000, as follows:

Title	Hourly	Bi-Weekly	Monthly
City Attorney	$ 58.9622	$ 4,716.99	$10,259.43

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves a one-time bonus for the City Attorney in the amount of $5,862.52.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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, City Attorney

PERSONNEL RESOLUTION

re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved
1 - Finance

6

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-452

A RESOLUTION APPROVING A FOUR (4%) PERCENT INCREASE IN SALARY FOR THE CITY CLERK/AUDITOR

WHEREAS, by Resolution No. 2000-272 effective June 20, 2000, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00-01 Effective June 20, 2000", 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 City Council desires to approve a four (4%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective August 22, 2000, which increase is within the range established in Exhibit "J" of Resolution No. 2000-272, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a four (4%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective August 22, 2000, as follows:

Title	Hourly	Bi-Weekly	Monthly
City Clerk/ Auditor	$ 33.4539	$ 2,676.32	$ 5,820.99

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-453

A RESOLUTION APPROVING THE FINAL MAP OF THE LEGACY UNIT NO. 1 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 10.97 acres, known as Legacy Unit No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission 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 Legacy 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, and

WHEREAS, the Community Development Director has certified that all public improvements required by the City of Modesto, except the Landscaping improvements, have been completed in said tract to the satisfaction of the Community Development Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract, except the Landscaping improvements, 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 22nd day of August, 2000, 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, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Friedman

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

RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 -Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-454

A RESOLUTION ACCEPTING THE CERTIFICATION OF THE SIGNATURE COUNT FOR THE CHARTER AMENDMENT PETITION - ARTICLE 3, SECTION 300. CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM NOVEMBER TO MARCH AND ADDING SECTION 506 TO ARTICLE 5, LIMITATIONS OF TERMS OF OFFICE.

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 to March and adding Section 506 to Article 5, to provide for term limits for 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the certification of signature count as set forth on the Certificate of Signatures For An Initiative Amending The Modesto City Charter Providing For Term Limits For Members Of The Modesto City Council And Changing The Date Of The Regular Municipal Election From November to March, a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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, City Attorney

CERTIFICATE OF SIGNATURES FOR
AN INITIATIVE AMENDING THE MODESTO CITY CHARTER PROVIDING FOR TERM LIMITS FOR MEMBERS OF THE MODESTO CITY COUNCIL AND CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM NOVEMBER TO MARCH
("The Term Limits Act of 2000")

ARTICLE 3, SECTION 300 – REGULAR MUNICIPAL ELECTIONS AND ADDING SECTION 506 TO ARTICLE 5, LIMITATIONS OF TERMS OF OFFICE

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office on August 18, 2000 to verify signatures for the above stated petition.

A total of 18,144 were submitted for the petition containing the term limit provisions and 12,236 were found to be sufficient.

A total of 15% (11,966) of the registered voters signatures were required for the amendment to qualify for placement on the ballot at either a special, municipal or any established election date.

Jean Zahr
City Clerk/Auditor
City of Modesto

August 18, 2000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-455

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO SUBMIT CITY'S RESPONSE TO THE 1999-00 STANISLAUS COUNTY CIVIL GRAND JURY'S REPORT REGARDING THE MODESTO FIRE DEPARTMENT.

WHEREAS, on May 31, 2000, the Stanislaus County Civil Grand Jury released Final Report - Part Thirteen regarding the City of Modesto/Modesto Fire Department, which report followed a citizen complaint alleging a "Conflict of Interest" within the Fire Department, and

WHEREAS, a response from the Modesto City Attorney and Modesto Fire Department is required within ninety days of the report being released, by Section 933(c) and 933.05 of the California Penal Code, and

WHEREAS, the Council considered this matter at its meeting of August 22, 2000, which was held in the Chambers located at 1010 Tenth Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager and the City Attorney to convey the City's response to the 1999-00 Stanislaus County Civil Grand Jury's Final Report regarding the Modesto Fire Department. A copy of said report 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 22nd day of August, 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

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-456

A RESOLUTION APPROVING AN AGREEMENT WITH EIP ASSOCIATE TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR MODESTO JUNIOR COLLEGE COMMERCIAL CENTER, FOR A TOTAL AMOUNT NOT TO EXCEED $80,000, WITH AN UNCONDITIONAL REIMBURSEMENT OF COSTS WITHIN THREE YEARS FROM THE APPLICANT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EIP Associates to prepare a Focused Environmental Impact Report for Modesto Junior College Commercial Center for a total amount not to exceed $80,000, with an unconditional reimbursement of costs within three years from the applicant, 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 22nd day of August, 2000, 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, Serpa, Smith
NOES:	Councilmembers:	Frohman, Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-457

A RESOLUTION ACCEPTING THE BID OF AUBURN CONSTRUCTORS FOR THE PROJECT TITLED "PRIMARY CLARIFIERS NO. 1 AND 2 RENEWAL"

WHEREAS, the bids received for Primary Clarifiers No. 1 and 2 Renewal were opened at 11:00 a.m. on August 15, 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 $895,400 received from Auburn Constructors be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $895,400 from Auburn Constructors 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 5th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-458

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $263,802 TO FULLY FUND THE PROJECT TITLED "PRIMARY CLARIFIERS NO. 1 AND 2 RENEWAL"

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

FROM:	Clarifier Pumps, 6210-480-L073 6040	$23,000
	Cathodic Protection, 6210-480-L081 6010	$25,000
	Cathodic Protection, 6210-480-L081 6040	$195,000
	Cathodic Protection, 6210-480-L081 6050	$20,000
	Secondary Plant Flow Meters, 621-480-F798 6070	$15,802
TO:	Clarifier 1&2 Rebuild, 6210-480-L072 6040	$263,802

The project scope has increased to replace all moving parts at both Clarifiers. This could be accomplished by repairing one Clarifier, then re-budgeting/re-bidding for the second Clarifier. However, economy of scale was utilized by bidding both Clarifiers in one contract, also alleviating the possibility of two different units by two different manufacturers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-459

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FULLY FUND THE KANSAS AVENUE RECONSTRUCTION PROJECT

WHEREAS, primary funding for the Kansas Avenue Reconstruction project is provided by the State Transportation Improvement Program, with the remainder funded by local street and drainage funds; and

WHEREAS, this project was originally budgeted as an overlay, however, further testing showed that a reconstruction was more economical; and

WHEREAS, by adding City funds, the project will now provide a complete reconstruction of the roadway, resulting in a longer pavement life.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:	
#070-430-K156-6010	$(2,500)
#070-430-K156-6040	$(28,500)
#070-430-K156-6050	$(20,000)
#070-430-K156-6060	$(26,000)
#0700-430-M141-6040	$(74,200)
#628-800-8003	$(40,000)
To:	
#2300-430-M206-6040	$191,200

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 5th day of September, 2000, 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 and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-460

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "KANSAS AVENUE RECONSTRUCTION"

WHEREAS, the bids received for Kansas Avenue Reconstruction were opened at 11:00 a.m. on August 15, 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 $747,109 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 $747,109 from George Reed 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 5th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-461

A RESOLUTION ACCEPTING THE PROJECT TITLED "CONSTRUCTION OF RANCH CANNERY PUMP STATION AND FORCEMAIN" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Construction of Ranch Cannery Pump Station and Forcemain, has been completed by Rutherford and Smith Construction Inc., in accordance with the contract agreement dated August 25, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Construction of Ranch Cannery Pump Station and Forcemain be accepted from said contractor, Rutherford and Smith Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $3,578,334.69 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 5th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-462

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PURPOSE OF ACQUIRING RIGHT-OF-WAY

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 purpose of acquiring right of way for the Pelandale/McHenry intersection improvements project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said joint powers 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 September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-463

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) RELATING TO A JOINT POWERS AGREEMENT WITH STANISLAUS COUNTY FOR THE PURPOSE OF ACQUIRING RIGHT-OF-WAY PROPERTY FOR THE PELANDALE AVENUE/MC HENRY AVENUE INTERSECTION IMPROVEMENTS PROJECT.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Engineering and Transportation Department, by Initial Study No. 99-16, reviewed the proposed Pelandale Avenue/McHenry Avenue intersection improvements project, and

WHEREAS, it was 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 measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on September 5, 2000, the City Council considered authorizing the City Manager to execute a Joint Powers Agreement with Stanislaus County for the purpose of acquiring right-of-way for the Pelandale Avenue/McHenry Avenue Intersection Improvements project, and considered adopting the findings of the Initial Study,

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

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the 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. 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. There are no special features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

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 5th day of September, 2000, 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, City Attorney

City of Modesto
Initial Study

PELANDALE / MCHENRY INTERSECTION IMPROVEMENTS

EA/ET: #99-16

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:

Pelandale / McHenry Intersection Improvements

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

C. Contact person, address and phone number:

Dean Phillips, Engineering and Transportation Department, (209) 577-5260

D. Project Location:

The intersection of Pelandale Avenue and McHenry Avenue (State Route 208)

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

The General Plan Designation for the adjacent properties to the intersection is Planned Development - Highway Commercial. East and West of the intersection, the General Plan Designation changes to Urban Transition.

G. Zoning:

The Northeast, Northwest and Southwest quadrants of the intersection are currently within Stanislaus County and zoned PD 56, PD109, and A.2.10-Urban Transition. The Southeast quadrant is within City of Modesto jurisdiction and zoned Specific Plan Overlay (SP-O), with the majority of usage proposed as residential.

H. Description of Proposed Project:

This is an application to widen the existing intersection and install traffic signals within the limits previously described. Pelandale Avenue is planned to be constructed from Dale Road to McHenry Avenue (State Route 108). It is anticipated the traffic generated along the new roadway will necessitate a traffic signal at the Pelandale / McHenry / Claratina intersection. The installation of a traffic signal will safely transmit vehicular traffic through the intersection in addition to making right and left turning movements. Another portion of the project will be to widen Pelandale and Claratina to accommodate a designated left turn lane, and the installation of curb and gutter at the intersection returns.

I. Surrounding land uses:

The project is bounded on the North by commercial development, to the Southwest by a vacant residential house and to the Southeast by vacant land.

J. Other public agencies whose approval is required:

Stanislaus County and the State of California Department of Transportation.

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 Pelandale / McHenry Intersection Improvements propose public improvements consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. 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, therefore, still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development 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

Because the proposed use is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. 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 therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in commercial portion of Modesto and Stanislaus County. The project is consistent with 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 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.

F. Increased Demand for Sanitary Sewer Services

The proposed project 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 project is located within commercial and agricultural lands, however it 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. Figure 8-1of the MEIR 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

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed 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. 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 project will not present any new impacts that have not already been addressed in the MEIR. 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 proposed intersection improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. 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 intersection improvements will not create any 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

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. 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

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. 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 project 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

This proposed use 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

This use 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 use 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 still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Pelandale / McHenry Intersection Improvements are within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area, including roadways in this area.

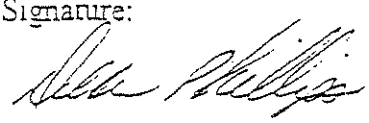
B. No additional significant environmental effects will occur as a result of the Pelandale / McHenry Intersection Improvements, that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed Pelandale / McHenry Intersection Improvements, that were not previously considered in the General Plan Master EIR.

D. There are no specific feanures unique to the Pelandale / McHenry Intersection Improvements 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:



Dean Phillips,
Associate Civil Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-464

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR AN INDEPENDENT CONSULTANT TO PERFORM A FINANCIAL PROGRAM REVIEW AND RECONCILIATION OF HUD FUNDS RECEIVED BY THE CITY OF MODESTO FROM 1997 THROUGH 2000.

WHEREAS, due to the loss of staff and institutional knowledge combined with the complex nature of the Housing and Urban Development (HUD) funding, City staff has recommended that authorization be given to proceed with a Request for Proposals for an independent consultant to perform a Financial Program Review and Reconciliation of Housing and Urban Development (HUD) Funds received by the City of Modesto from 1997 through 2000, and

WHEREAS, this matter was presented to the Financial Policy Committee on August 24, 2000, as part of a larger discussion of the Community Development Block Grant (CDBG) program, and the Committee unanimously supported proceeding with this program review, and

WHEREAS, by an agenda report dated September 5, 2000, City staff recommended that authorization be given to proceed with the Request for Proposals, and

WHEREAS, at its meeting of September 5, 2000, 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 an independent consultant to perform the Financial Program Review and Reconciliation of Housing and Urban Development (HUD) Funds received by the City of Modesto from 1997 through 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-465

A RESOLUTION ACCEPTING THE BID OF PIONEER AMERICAS INC. FOR FURNISHING LIQUID CHLORINE

WHEREAS, the bids received for Liquid Chlorine, were opened at 11:00 a.m. on August 22, 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 Pioneer Americas Inc. for a total amount of $150,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pioneer Americas Inc. 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 5th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-466

A RESOLUTION IN SUPPORT OF PROPOSITION 35, "THE FAIR COMPETITION AND TAXPAYERS SAVINGS ACT" INITIATIVE.

WHEREAS, an initiative known as Proposition 35 and titled, "The Fair Competition And Taxpayers Savings Act" is scheduled to appear on the November, 2000, statewide ballot, and

WHEREAS, said initiative will allow state and local governments, special districts and school districts to contract with private companies for architectural and engineering services, which will include such services as architectural, landscape architectural, environmental, engineering, land surveying and construction management, and

WHEREAS, Proposition 35, sponsored by the Taxpayers for Fair Competition, is in direct response to a series of lawsuits filed and won on behalf of Caltrans engineers, by their professional organization, to restrict project design and engineering work from going outside their organization to private engineers and architects, and

WHEREAS, as a result of said lawsuits by Caltrans engineers, state law enacted recently prohibits Caltrans and other State agencies from contracting their design work out, and

WHEREAS, there is increasing concern statewide that without the ability to contract work out, delivery of transportation and other public work projects could suffer delays, and

WHEREAS, the "Purpose and Intent" of the proposed initiative is more fully

stated in Exhibit "A" attached hereto, and

WHEREAS, the Financial Policy Committee met and considered this initiative at its August 24, 2000, meeting, and recommended on a 3-0 vote that the City Council adopt a resolution of support for Proposition 35,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby approves the adoption of a resolution in support of Proposition 35, "The Fair Competition and Taxpayer Savings Act".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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, City Attorney

"It is the intent of the people of the State of California in enacting this measure:

(a) To remove existing restrictions on contracting for architectural and engineering services and to allow state, regional and local governments to use qualified private architectural and engineering firms to help deliver transportation, schools, water, seismic retrofit and other infrastructure projects safely, cost effectively and on time;

(b) To encourage the kind of public/private partnerships necessary to ensure that California taxpayers benefit from the use of private sector experts to deliver transportation, schools, water, seismic retrofit and other infrastructure projects;

(c) To promote fair competition so that both public and private sector architects and engineers work smarter, more efficiently and ultimately deliver better value to taxpayers;

(d) To speed the completion of a multi-billion dollar backlog of highway bridge, transit and other projects;

(e) To ensure that contracting for architectural and engineering services occurs through a fair, competitive selection process, free of undue political influence, to obtain the best quality and value for California taxpayers; and

(f) To ensure that private firms contracting for architectural and engineering services with governmental entities meet established design and construction standards and comply with standard accounting practices and permit financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget."

Staff contacted the League of California Cities to find out their position on the initiative. Their Board of Directors voted, on July 29, 2000, to support the initiative, stating "The League believes this measure will assist in expediting completion of the backlog of State transportation projects."

Attached are:

- A one-page explanation of the initiative.
- A complete copy of the initiative text.
- A list of more than 200 organizations that have already acted to support this initiative.

(The source for the attachments is the Taxpayers for Fair Competition)

EXHIBIT "A"

The Fair Competition and Taxpayer Savings Initiative

For Architectural and Engineering Services

1. Permits Contracting Out of Architectural and Engineering Services:

Allows state and local governments, special districts and school districts to contract with private companies for architectural and engineering services. Defines such services as architectural, landscape architectural, environmental, engineering, land surveying and construction management.

2. Local Choice to Deliver Transportation Projects On-Time:

Gives local governments greater control over transportation improvements so that highway, bridge and transit projects can be delivered on-time and within budget.

3. Taxpayer Safeguards:

- Prohibits government employees from awarding contracts if they have a financial or business relationship with the companies involved.
- Requires compliance with all laws regarding political contributions, conflicts of interest or unlawful activities.
- Subjects all architecture and engineering contracts to standard accounting practices.
- Permits financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

4. Strict Design and Construction standards:

Already established project seismic safety, project design and construction standards are not changed by the initiative.

5. Only Applies to Architectural and Engineering Services:

This measure does not apply to any other contracts except for architecture and engineering services. For example, it does not apply to peace officers, teachers or correction officers.

5/17/99

Taxpayers for Fair Competition
111 Anza Boulevard, Suite 406 • Burlingame, CA 94010 Phone: (650) 340-0470 • Fax: (650) 340-1740
11300 W. Olympic Boulevard, #640 • Los Angeles, CA 90064 • (310) 996-2600 • Fax: (310) 996-2673

FAIR COMPETITION AND TAXPAYER SAVINGS INITIATIVE

SECTION 1. TITLE. This measure shall be known and may be cited as the "Fair Competition and Taxpayer Savings Act."

SECTION 2. PURPOSE AND INTENT.

It is the intent of the people of the State of California in enacting this measure:

(a) To remove existing restrictions on contracting for architectural and engineering services and to allow state, regional and local governments to use qualified private architectural and engineering firms to help deliver transportation, schools, water, seismic retrofit and other infrastructure projects safely, cost effectively and on time;

(b) To encourage the kind of public/private partnerships necessary to ensure that California taxpayers benefit from the use of private sector experts to deliver transportation, schools, water, seismic retrofit and other infrastructure projects;

(c) To promote fair competition so that both public and private sector architects and engineers work smarter, more efficiently and ultimately deliver better value to taxpayers;

(d) To speed the completion of a multi-billion dollar backlog of highway, bridge, transit and other projects;

(e) To ensure that contracting for architectural and engineering services occurs through a fair, competitive selection process, free of undue political influence, to obtain the best quality and value for California taxpayers; and

(f) To ensure that private firms contracting for architectural and engineering services with governmental entities meet established design and construction standards and comply with standard accounting practices and permit financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

SECTION 3. Article XXII is hereby added to the California Constitution to read:

§ 1. The State of California and all other governmental entities, including, but not limited to, cities, counties, cities and counties, school districts and other special districts, local and regional agencies and joint power agencies, shall be allowed to contract with qualified private entities for architectural and engineering services for all public works of improvement. The choice and authority to contract shall extend to all

compliance with all laws regarding political contributions, conflicts of interest or unlawful activities.

§ 4529.13. Nothing contained in this act shall be construed to change project design standards, seismic safety standards or project construction standards established by state, regional or local governmental entities. Nor shall any provision of this act be construed to prohibit or restrict the authority of the Legislature to statutorily provide different procurement methods for design-build projects or design-build-and-operate projects.

§ 4529.14. Architectural and engineering services contracts procured by public agencies shall be subject to standard accounting practices and may require financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

§ 4529.15. This act only applies to architectural and engineering services defined in Government Code section 4529.10. Nothing contained in this act shall be construed to expand or restrict the authority of governmental entities to contract for fire, ambulance, police, sheriff, probation, corrections or other peace officer services. Nor shall anything in this act be construed to expand or restrict the authority of governmental entities to contract for education services including but not limited to, teaching services, services of classified school personnel and school administrators.

§ 4529.16. This act shall not be applied in a manner that will result in the loss of federal funding to any governmental entity.

§ 4529.17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

§ 4529.18. If any act of the Legislature conflicts with the provisions of this act, this act shall prevail.

§ 4529.19. This act shall be liberally construed to accomplish its purposes.

§ 4529.20. This act seeks to comprehensively regulate the matters which are contained within its provisions. These are matters of statewide concern and when enacted are intended to apply to charter cities as well as all other governmental entities.

Taxpayers for *Fair* Competition

☐ 111 Anza Boulevard, #406 • Burlingame, CA 94010
• 650-340-0470 • FAX: 650-340-1740

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WHO SUPPORTS THE FAIR COMPETITION AND TAXPAYER SAVINGS ACT?

(as of 5/1/00)

California Chamber of Commerce

California Taxpayers' Association

Coalition for Adequate School Housing

Operating Engineers, Local Union No. 3 (AFL -- CIO)

Operating Engineers, Local Union No. 12 (AFL -- CIO)

State Building and Construction Trades Council of California (AFL -- CIO)

California Special Districts Association

National Council for Public-Private Partnerships

American Institute of Architects, California Chapter

American Subcontractors Association, California Chapter

Associated General Contractors

California Association of Sheet Metal and
Air Conditioning Contractors, National Association

California Building Industry Association

California Business Properties Association

California Business Roundtable

California Cement Promotion Council

California Chapter, American Planning Association

California Contract Cities Association

California Fence Contractors Association

Californians for Better Transportation

California Groundwater Association

California Manufacturers Association

California Minority and Women's Business Coalition

California Park & Recreation Society

Local & Regional Business Organizations (cont'd)

Milpitas Chamber of Commerce

Modesto Chamber of Commerce

Mountain View Chamber of Commerce

Newport Harbor Area Chamber of Commerce

North Coast Builders Exchange

Northern California Engineering Contractors Association

Oceanside Chamber of Commerce

Orange Chamber of Commerce

Orange County Business Council

Orange County Transportation Coalition

Rancho Cucamonga Chamber of Commerce

Sacramento Metro Chamber of Commerce

Salinas Valley Chamber of Commerce

Santa Ana Chamber of Commerce

Greater San Diego Chamber of Commerce

San Francisco Chamber of Commerce

San Jose Silicon Valley Chamber of Commerce

San Leandro Chamber of Commerce

San Mateo Chamber of Commerce

San Rafael Chamber of Commerce

Simi Valley Chamber of Commerce

Greater Stockton Chamber of Commerce

Local & Regional Business Organizations (cont'd)

Southern California Contractors Association

Greater Tulare Chamber of Commerce

Visalia Chamber of Commerce

Cities & Counties

City of Angels Camp

City of Arcadia

Arcata City Public Works Department

City of Arroyo Grande

City of Belmont

City of Belvedere

City of Camarillo

City of Campbell

City of Carpenteria

City of Ceres

City of Claremont

City of Clayton

City of Colfax

City of Concord

City of Corcoran

City of Cotati

City of Daly City

City of Del Mar

City of Dublin

City of Emeryville

City of Escalon

Cities & Counties (cont'd)

City of Taft

City of Tehachapi

City of Temecula

Town of Tiburon

City of Tulare

City of Trinidad

City of Ukiah

City of Vallejo

City of Watsonville

City of Westminster

Town of Windsor

City of Winters

Amador County

Fresno County

Glenn County

Humboldt County

Kern County

Kings County

Lake County

Madera County

Mono County

Nevada County

Santa Cruz County

Siskiyou County

Sonoma County

Stanislaus County

Santa Barbara County Association of Governments

Local Government Agencies

Apple Valley Heights County Water District

Contra Costa Transportation Authority

Elsinore Water District

Heritage Ranch Community Services District

Ironhouse Sanitary District

Lake County Flood Control & Water Conservation District

Lake County Sanitation District

Livermore/Amador Valley Transit District

Los Alisos Water District

Novato Sanitary District

San Bernardino Valley Water Conservation District

Santa Cruz County Regional Transportation Commission

South Tahoe Public Utilities District

Sunline Transit Agency

Vista Irrigation District

Westborough Water District

Education

Alum Rock School District

Barstow Unified School District

Central Unified School District

Clovis Unified School District

Downey Unified School District

Eastside Union School District

Encinitas Union School District

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-467

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND RESERVE

WHEREAS, the Internet/Intranet Technology Action Plan ("Action Plan") has been adopted by the City Council; and

WHEREAS, grant funding will assist with implementation of a variety of projects within the Action Plan; however, additional internal funding is needed to maintain existing components of the City's web site and to move the City from Level II to Level III of the Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

#0100-800-8000-8003	$(107,000)
#0100-020-0201-0110	63,000
#0100-020-0201-0306	7,000
#0100-020-0201-0235	7,000
#0100-020-0201-5400	30,000

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 5th day of September, 2000, 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, Frohman, Friedman, Serpa, Smith, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-468

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SUBMIT THE CITY'S RESPONSE TO THE 1999-00 STANISLAUS COUNTY CIVIL GRAND JURY'S FINAL REPORT REGARDING THE MODESTO SEWER AND WATER RATES.

WHEREAS, on June 13, 2000, the Stanislaus County Civil Grand Jury released Final Report - Part 15 regarding transfers from the City of Modesto's Utility Funds to the General Fund, and

WHEREAS, California Penal Code Sections 933(c) and 933.05 mandate that the City respond to the findings and recommendations of the Grand Jury within 90 days of the report being released, and

WHEREAS, a staff report dated August 29, 2000, from the City Attorney recommended City responses to the Mayor and Councilmembers for their consideration, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, at its meeting held in the Chambers located at 1010 Tenth Street, on September 5, 2000, the City Council considered the City Attorney's report and City responses, as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Attorney to convey the City's response to the 1999-00 Stanislaus County Civil Grand Jury's Final Report regarding Modesto sewer and water rates as recommended by the City Attorney in his report dated August 29, 2000, including clarifications

requested by the Council to responses 15, 21, 22, 24, 26 and 35. A copy of said response, which includes the clarifications as requested by the Council, is attached 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 5th day of September, 2000, by Councilmember 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, 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, City Attorney

RESPONSES TO THE FINAL REPORT PART 15 OF THE STANISLAUS COUNTY 1999/2000 CIVIL GRAND JURY RELATING TO THE CITY OF MODESTO WATER AND SEWER FEES

The City of Modesto responds to the Grand Jury's findings as follows:

Finding No. 1: Prior to July 1979, the CITY funded its water and sewer utilities from its General Fund.

Response No. 1: The City agrees with the finding.

Finding No. 2: In July 1979, the CITY established separate enterprise funds for the collection and accounting of Water Fees and Sewer Fees from property owners. The purpose of an enterprise fund is to isolate a specific activity within a budget so it may be funded, monitored, analyzed and tracked separately from other budget items.

Response No. 2: The City agrees with the finding.

Finding No. 3: In 1988, the rate at which water and sewer fees were collected was such that annual revenues collected from Modesto water and sewer ratepayers exceeded the operating costs of water and sewer operations, including the indirect costs, by approximately $250,000 per year. Funds in excess of the cost of operating the water and sewer operations were transferred to the General Fund, as authorized by CITY Council budget approval.

Response No. 3: The City agrees with the finding.

Finding No. 4: By 1997, the rate at which utility fees were collected was such that the annual revenues collected from Modesto water and sewer ratepayers exceeded the operating costs of water and sewer operations, including the indirect costs, by more than $3,000,000 per year. At that time, budget transfers to the General Fund were routinely included in the CITY Budget by the CITY Council, and appeared in the General Fund projections.

Response No. 4: The City agrees with the finding.

Finding No. 5: Between the 1990-91 CITY Budget and the 1996-7 CITY Budget, the Finance Department, with the knowledge and consent of the CITY Council, CITY Attorney and CITY Manager, justified the transfer of excess Water and Sewer Enterprise Funds to the General Fund as "Payments In Lieu Of Taxes," or "PILOT fees" (also referred to as "in lieu charges.")

Response No. 5: The City agrees with the finding.

Finding No. 6: PILOT fees are monies that, if the provision of water and sewer service had been contracted through a private company, would have been collected in the form of property taxes and franchise fees, and deposited in the General Fund. Numerous cities throughout California have collected PILOT fees from their City-owned utility operations.

Response No. 6: The City agrees with the finding.

Finding No. 7: Although the collection of PILOT fees financially benefits city government by increasing General Fund revenues, the practice inflates the cost of the city's utility services above the actual cost of providing the service.

Response No. 7: The City agrees with the first part of the finding. The City disagrees with the second part of this finding to the extent that PILOTS provide cities with a rate of return on their investment in the utilities. The appellate law in California is that when a city operates a utility it is entitled to a "fair return" on its investment and therefore the rate of return is a proper component of the cost of providing the service. See Hansen v. City of San Buenaventura, 42 Cal.3d 1172 (1986). See also Brydon v. East Bay Municipal Utility District, 24 Cal.App.4th 178 (1994) (citing Hansen for the proposition that "municipal utilities are entitled to incorporate a reasonable rate of return on investment on rates charged customers

. . ."). So that portion of the Grand Jury's finding determining that the collection of PILOTS "inflates the cost of the City's utility services above the actual cost" is not correct.

Finding No. 8: To fund the operation of its water system, the CITY collects fees from ratepayers in two ways. Approximately one-third of water service ratepayers, primarily businesses, are charged by volume of usage (up to an established maximum) as measured by water meters. The remainder of the ratepayers are primarily the CITY's residential property owners who are charged a flat fee for services. The formula (rate) for the fee is adjusted periodically to ensure that the amount of revenue collected covers the cost of water and sewer operations.

Response No. 8: The City agrees with the finding.

Finding No. 9: Water and sewer utility fees paid by Modesto's non-metered ratepayers are imposed on property owners as an incident of property ownership.

Response No. 9: The City disagrees with the finding. The applicability of Proposition 218 to Modesto's sewer and water fees is uncertain.

As noted by the Grand Jury in its Finding No. 17, the California Attorney General has opined that water fees that are based on metered amounts are not "property related fees" for purposes of Proposition 218. The metered versus non-metered distinction is not made in Proposition 218. The Attorney General believes that each non-metered fee ". . . must be examined individually in light of the constitutional mandate." No court has held either way on the precise point to this date, but arguments have been advanced that consumption of water and sewer services, even in the context of flat rates, does not render such services "property related" and thus subject to Proposition 218. Therefore, even though the City has assumed that its water and sewer fees are property related for the purpose of forestalling expensive

litigation of that issue, an appellate court opinion could at any time confirm that utility fees are not property related.

Finding No. 10: Ballot Proposition 218 was proposed and published in early 1996. It proposed new restrictions on the authority of governmental entities with respect to the collection and expenditure of "property-related fees."

Response No. 10: The City agrees with the finding.

Finding No. 11: During the six months prior to the passage of Proposition 218, the CITY, including the Modesto City Council, was made aware on multiple occasions of the potential negative impact on the CITY budget with respect to the practice of transferring funds from the Water and Sewer Enterprise Funds to the General Fund.

Response No. 11: We understand this finding to mean that the Grand Jury believes that the City was generally aware prior to the passage of Proposition 218 of its potential impact on the fund transfers. In the event our understanding is correct, the City agrees with this finding.

Finding No. 12: In November 1996, Proposition 218, called the "Right to Vote on Taxes Act," was passed by the voters of the State of California with 56.6% voting in favor.

Response No. 12: The City agrees with the finding.

Finding No. 13: The Stanislaus County Clerk Recorder reported that in November 1996, 55.4% of the City of Modesto electorate voted in favor of Proposition 218.

Response No. 13: The City agrees with the finding.

Finding No. 14: On July 1, 1997, the Governor approved the *Proposition 218 Omnibus Implementation Act* (SB No. 919; Stats. 1997, ch. 38) as an urgency statute that took effect immediately. This Act directed that Proposition 218 was to be followed by all local

governments that obtain revenue from tax assessments and property-related fees unless and until a court orders the jurisdiction to do otherwise.

Response No. 14: The City disagrees with this finding because it is unaware of any such statutory authority.

Finding No. 15: No court in the State of California has, to date, issued an order releasing the CITY, or any other local government, from the requirements of Proposition 218 (Articles 13C and 13D of the Constitution of the State of California).

Response No. 15: The City agrees with the literal accuracy of this finding. However, this finding lacks significance because there is no provision in the *Proposition 218 Omnibus Implementation Act* (SB No. 919; Stats. 1997, ch. 38) directing all local governments to follow Proposition 218 unless and until the court orders the jurisdiction to do otherwise. (See Finding No. 14.)

Finding No. 16: The text of Proposition 218, includes the following provision to aid in its interpretation and application:

> "SECTION 5. LIBERAL CONSTRUCTION. The provisions of this act shall be liberally construed to effectuate its purposes of limiting local government revenue and enhancing taxpayer consent."

Response No. 16: Except for one typographical error, the City agrees with this finding.

Finding No. 17: The California Attorney General opined that "fees for water that are based upon metered amounts used are not 'imposed...as an incident of property ownership.' Consequently, such fees would not be governed by [Proposition 218"]. Thus, in the opinion of the California Attorney General some water fees charged on the basis of usage and not as an

incident of property ownership, are exempt from the restrictions of Proposition 218. The Attorney General offered no such opinion regarding non-metered water fees.

Response No. 17: The City agrees with this finding.

Finding No. 18: ARTICLE 13C of the Constitution of the State of California states, in part:

"SECTION 1. Definitions. As used in this article:

(a) 'General tax' means any tax imposed for general governmental purposes.

(d) 'Special tax' means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

"SECTION 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall nave no power to levy general taxes.
(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote...
(c) Any general tax imposed, extended, or increased , without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article...
(d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote..."

Response No. 18: The City agrees that this finding is, in substance, correct.

Finding No. 19: ARTICLE 13D of the Constitution of the State of California states, in part:

"SECTION 2. Definitions. As used in this article:

(e) 'Fee' or 'charge' means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.

(f) 'Maintenance and operation expenses' means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

(h) 'Property-related service' means a public service having a direct relationship to property ownership."

"SECTION 3. Property Taxes, Assessments, Fees and Charges Limited.

(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIIIA.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIIIA.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership."

"SECTION 6. Property Related Fees and Charges.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel."

Response No. 19: Except for the Grand Jury's heading and typographical errors, the City agrees with this finding.

Finding No. 20: After July 1997, the CITY Council was made aware that the funding transfers may have violated Proposition 218 and that it was an unresolved legal question; nevertheless, the CITY Council continued its practice for two additional years.

Response No. 20: The City agrees with this finding.

Finding No. 21: In 1997, the CITY employed MBIA, a consulting firm for municipalities, to review the water and sewer enterprise PILOTs, and to make recommendations regarding "alternative structures or sources of revenue." In their September 23, 1997 report to the CITY Finance Director, MBIA concluded:

a. Proposition 218 casts doubt on the validity of PILOT payments and therefore they should be discontinued.
b. From 1910 to 1978, the CITY's general tax base made capital contributions to the water enterprise with a present cost value of $34,240,759.
c. From 1910 to 1978, the CITY's general tax base made capital contributions to the sewer enterprise with a present cost value of $33,228,249.
d. The total value of capital contributions made by the general tax base to the water and sewer enterprises constitutes a debt that is owed by the enterprise funds to the General Fund.

Response No. 21: The City disagrees with the finding insofar as it states that the MBIA report of September 23, 1997, concluded that the total value of capital contributions made by the general tax base to the water and sewer enterprises constituted a debt. The word "debt" neither appears in the report, nor does the report suggest the existence of an actual debt. The Interim Finance Director's report of September 23, 1997, specifically points out that the prior capital contributions will not be recorded as a debt in the City's audited financial statements. A debt is a legally enforceable obligation owed by one to another. That couldn't be the case where, as here, the City Council has authority over both the General Fund and the utility funds. The real question for purposes of Proposition 218 compliance is whether or not such a repayment is "required" as that term is used in Section 6 of Article XIIID of the

California Constitution where the City Manager and/or the City Council direct the repayment pursuant to their powers under the City's charter. This is another open question for the appellate courts to decide.

Finding No. 22: In the same report, MBIA recommended a repayment schedule in which:

a. From 1998 onward, annual payments of $2,487,554 are made from the water enterprise to the General Fund (these payments are referred to as "contributed capital transfers").
b. From 1998 onward, annual payments of $2, 413,996 are made from the sewer enterprise to the General Fund.

Response No. 22: The City disagrees with the finding insofar as it suggests that repayments were suggested by MBIA to be made in perpetuity. The perpetual repayment schedule was, in fact, made by the City's then Interim Finance Director, Charles Long, in his memorandum dated September 23, 1997. The MBIA report amortized the repayments over 30 years, and a repayment schedule "based on fully repaying these capital investments" was attached to the memorandum.

Finding No. 23: The basis and methodology of the September 23, 1997, MBIA report to the CITY included the following:

a. The MBIA analysis and identification of the debt owed by the water enterprise to the General Fund for historical contributions, was based on an initial identification of $9,882,968 in "general fund capital contributions" to water services made between 1910 and 1978. This figure was raised to a value of $34,240,759 by applying the prevailing annual costs of borrowing to the $9.88 million principal amount, over the period 1979-1997.

b. The MBIA analysis and identification of the debt owed by the sewer enterprise to the General Fund for historical contributions, was based on an initial identification of $8,427,293 in "general fund capital contributions" to sewer services made between 1910 and 1978. This figure was raised to a value of $33,228,250 by applying the prevailing annual costs of borrowing to the $8.43 million principal amount, over the period 1979-1997.

c. The repayment schedule recommended to the CITY by MBIA included a total principle of $67,469,009 of debt owed (with a 6% annual interest rate applied) by the water and sewer enterprises to the General Fund. The recommended annual fund transfers for repayment of the debt amounted to $4,087,029 per year. This repayment rate fell short of covering the 6% increase in principal each year, resulting in an ever-increasing debt. The repayments (contributed capital transfers) would, therefore, continue ad infinitum.

Response No. 23: The City disagrees with this finding insofar as it assumes the existence of a "debt" owed by the water enterprise to the general fund. The City has the same objection with respect to the characterization of the repayment of the sewer enterprise historical contributions. Charles Long, Interim Director of Finance, stated in his memo of September 23, 1997, to then City Manager, Ed Tewes, with respect to the Grand Jury's allegation that the subject moneys constitute a "debt:"

> It should be noted that neither these payments nor the underlying obligations, will be recorded as contributed capital or as debt in the audited financial statements. Generally Accepted Accounting Principles (GAAP), requires that contributed capital be reported at historical "costs," and also includes other revenue-like items such as capital grants and connection fees. The "contributed capital" discussed here is only that contributed by the General Fund or general tax base, and has been imputed to current dollars to reflect economic reality. Therefore, due to these differences, the ongoing payments will not be reported as a reduction of debt or of contributed capital in the financial statement. (Report, page 3, emphasis added)

Finally, the repayment schedule recommended to the City by MBIA did not recommend a "debt owed," and did not recommend annual fund transfers for repayment of the debt amounting to $4,087,029.00 per year. Moreover, the MBIA repayment schedule did not ". . . [fall] short of covering the six percent increase in principal each year, resulting in an ever-increasing debt." As the MBIA report states, the total repayments were amortized over a 30-year period resulting in a zero balance.

Finding No. 24: On the same day the CITY received the MBIA report, September 23, 1997, the CITY Interim Director of Finance issued his "Analysis and recommendations on charges from General Fund to Enterprise Funds." This analysis echoed the conclusions and recommendations of the MBIA report as described in Findings 21 and 22 above. In his analysis, the Interim Director of Finance recommended to the City Manager and the City Attorney that the CITY Council institute the "repayment" schedule recommended by MBIA in the form of regular contributed capital transfers to the General Fund.

Response No. 24: The City disagrees with the finding in that it assumes that the City made a determination that the value of capital contributions set forth in the MBIA report and the Interim Finance Director's report constituted a debt. Neither report suggests the existence of an actual debt. In addition, the City also disagrees with this finding where it states that the Interim Director of Finance, ". . . recommended to the City Manager and the City Attorney that the City Council institute the 'repayment' schedule recommended by MBIA . . .." It was Mr. Long who offered a perpetual repayment schedule in the event that the utility funds were unable to meet debt service requirements.

Finding No. 25: In September 1997, the CITY Finance Director and CITY Manager determined that the PILOT fees "bore insufficient relationship to the costs imposed on the General Fund" and recommended to the CITY Council that the practice of collecting Pilot fees be discontinued. The CITY Council, through the adoption of the 1997-98 Budget, discontinued the PILOT fees.

Response No. 25: The City agrees with this finding.

Finding No. 26: In their approval of the 1997-98 CITY Budget, the City Council adopted the September 23, 1997 recommendations of MBIA and the CITY Interim Finance

Director. The CITY Council approved a new budget category, entitled "Repayment of Contributed Capital," to be transferred from the Water and Sewer Enterprise Funds to the General Fund according to a payment schedule in which the debt would be perpetual.

Response No. 26: The City disagrees with the finding in that it assumes that the City made a determination that the value of capital contributions set forth in the MBIA report and the Interim Finance Director's report constituted a debt. Neither report suggests the existence of an actual debt. The finding is also incorrect in that it implies the repayment would be perpetual. Mr. Long pointed out in his memo that the repayment would be perpetual only in the event the utility funds could not afford the fully amortized payments set forth in the MBIA memo. The City understands the remainder of this finding to mean that the City Council approved of the implementation of the repayment of contributed capital as recommended by the Interim Finance Director. If this understanding is correct, the City agrees with the remainder of the finding.

Finding No. 27: From 1979, when the water and sewer enterprise funds were established, until CITY receipt of the MBIA Report in 1997, no "debt" from the enterprise funds to the General Fund for contributed capital was ever recognized, identified, established or documented by the CITY.

Response No. 27: The City agrees that no "debt" was established. However, it should be noted that a liability for "contribution from municipality" was noted in city financial documents from 1979, when the enterprise funds were created, onward.

Finding No. 28: In November 1997, the CITY Manager was informed by one of the authors of Proposition 218 that the continued transfer of funds under the guise of "return of

investment" [repayment of contributed capital] was a violation of Proposition 218 and was "a blatant violation of taxpayers rights..."

Response No. 28: The City agrees with the finding.

Finding No. 29: In January 1998, the Stanislaus Taxpayers Association, a Modesto taxpayer, and the Howard Jarvis Taxpayer Association sued the CITY, challenging the legality of collecting and transferring excess water and sewer enterprise funds after July 1, 1997.

Response No. 29: The City agrees with the finding.

Finding No. 30: In December 1998, a motion to seek the approval of the electorate (through a local ballot measure) for transfers of funds from the water and sewer enterprise funds to the General Fund failed to receive the required unanimous vote of the CITY Council.

Response No. 30: The City agrees with the finding.

Finding No. 31: In May 1999, the lawsuit filed by the Stanislaus Taxpayers Association, et al., was settled out of court with the CITY Council agreeing to cease the contributed capital transfers no later than June 30, 2001.

Response No. 31: The City agrees with this finding.

Finding No. 32: In the settlement agreement between CITY Council and the Stanislaus Taxpayers Association, et al., there was no provision concerning the return of the funds that were transferred to the CITY General Fund (between July 1, 1997 and October 1, 1999), nor any discussion of how these funds might be returned to the CITY ratepayers.

Response No. 32: The City agrees with this finding.

Finding No. 33: In September 1999, the CITY Council voted to cease the contributed capital transfers effective October 1, 1999.

Response No. 33: The City agrees with this finding.

Finding No. 34: In September 1999, the CITY Attorney reaffirmed that "Proposition 218 created a number of open legal questions," but stated, "In the meantime, of course, the city is required to make a good faith attempt to comply with it." He further stated, "...we have assumed that our water rates are subject to Proposition 218."

Response No. 34: The City agrees with this finding.

Finding No. 35: Since the October 1999, cessation of contributed capital transfers from the utility enterprise funds to the General Fund, the CITY has continued to recognize the existence of the contributed capital "debt," and includes the calculated amount of debt as a basis of computing indirect overhead costs.

Response No. 35: The City disagrees with this finding because it is based on the existence of a "debt." The City also disagrees with the finding in that it assumes that the City made a determination that the value of capital contributions set forth in the MBIA report and the Interim Finance Director's report constituted a debt. Neither report suggests the existence of an actual debt. The City does continue to recognize the existence of the contributed capital for accounting purposes only. However, no interest accrues on this amount, nor is it a basis for computing indirect costs.

Finding No. 36: Since the October 1999, cessation of contributed capital transfers from the utility enterprise funds to the General Fund, the CITY has made a single 5% reduction in water rates for non-metered customers (in January 2000). To date, the CITY has not adjusted its sewer rates.

Response No. 36: The City agrees with this finding. (See Response to Finding No. 37).

Finding No. 37: The CITY continues to collect revenues in excess of the direct and indirect costs of operating these utilities.

Response No. 37: The City disagrees with this finding. Prior to the cessation of the transfer in September, 1999, the sewer fund was in need of a 14% rate increase. The elimination of the transfer reduced the need for a rate increase of 14% to 6%. The cessation of the transfer resulted in a $1.3 million savings to the water fund. In order to meet the demand for deferred maintenance in the water fund, the funding for water fund maintenance projects was increased by $500,000 in the current fiscal year. The balance of $800,000 was accounted for by a 5% water rate reduction in January.

RECOMMENDATIONS:

Recommendation No. 1: Immediately direct the Director of Finance to determine the total amount of funds that were transferred from the Water and Sewer Enterprise Funds to the General Fund between July 1, 1997 and October 1999.

Response to Recommendation No. 1: This recommendation has been implemented. The City's Director of Finance has determined that the total amount of funds transferred from the Water and Sewer Enterprise Funds to the General Fund between July 1, 1997, and October, 1999, was $7.2 million.

Recommendation No. 2: Immediately cease considering interest on contributed capital as a cost, either direct or indirect, to the water and sewer enterprise operations.

Response to Recommendation No. 2: The City Council implemented this recommendation as of October, 1999.

Recommendation No. 3: Direct the City Engineer to recalculate the water and sewer utility fees to:

a. Facilitate a possible rebate to the ratepayers of the fund transfers as noted in Recommendation 1 above.
b. Calculate actual direct and indirect costs of the water and sewer enterprise operations excluding the "repayment of contributed capital."

Response to Recommendation No. 3: With respect to subparagraph (a), this recommendation will not be implemented because on August 15, 2000, the City Council determined to repay the total amount of the transfers, $7.2 million, to the Water and Sewer Enterprise Funds by allocating up to $367,000.00 annually for the repair of streets that is necessary due to the installation and maintenance of water and sewer lines. In this manner, the General Fund would be reimbursing the enterprise funds because those are costs that would otherwise be paid by those funds in the ordinary course of business.

With respect to subparagraph (b), this recommendation has been implemented. See response to Recommendation No. 2.

Recommendation No. 4: Determine, through open public discourse and/or local ballot measure, if the funds that were transferred to the General Fund since July 1, 1997 should be:

a. Refunded to the Water and Sewer Enterprise Funds.
b. Refunded to the ratepayers.
c. Used to facilitate setting a water and sewer rate at lower than current operational costs.

Response to Recommendation No. 4: This recommendation has been implemented and the City Council has determined to refund the transfers to the Water and Sewer Enterprise Funds in the manner described in response to Recommendation No. 3.

Recommendation No. 5: Take steps to seek the approval of the electorate, if the CITY wishes to reinstate the practice(s) of:

a. Collecting funds in excess of the actual costs of water and sewer services.
b. Transferring funds collected for water and sewer services to the General Fund.

Response to Recommendation No. 5: We interpret this recommendation to mean that the City should seek the approval of the electorate if the City in the future desires to reinstate the practice, discontinued in October, 1999, of requiring the Sewer and Water Enterprise Funds to make repayments of contributed capital. Assuming such action is legally required at the time, this recommendation will be implemented.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-469

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM 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 21354 (2% @ 55 Full and Modified formula) and Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby gives notice of intention to approve an amendment to the contract between the City of Modesto and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment is 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 5th day of September, 2000, 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, City Attorney

CalPERS

EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Modesto

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 and July 25, 1997 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 July 25, 1997, and hereby replaced by the following paragraphs numbered 1 through 13 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.

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 local miscellaneous members for each year of credited prior and current service 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).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).

8. Public Agency elected and elects to be subject to the following optional provisions:

   a. Section 21222.1 (Special 5% Increase-1970). Legislation repealed said Section effective January 1, 1980.

   b. Section 21222.2 (Special 5% Increase-1971). Legislation repealed said Section effective January 1, 1980.

   c. Section 21319 (Special 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 safety 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 (Special 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.

k. Section 21322 (Special 4% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1981).

l. Section 21317 (Special 15% Increase for Certain Local Safety Members Who Retired for Service Retirement).

m. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MODESTO

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"
PLEASE DO NOT SIGN "EXHIBIT ONLY"

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-470

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALPERS TO POOL 1959 SURVIVOR BENEFITS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and CalPERS to pool 1959 Survivor Benefits 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 day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-471

A RESOLUTION REJECTING BIDS FOR SCENIC BEND LIFT STATION - PUMPS, OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 1, 2000

WHEREAS, the bids received for Scenic Bend Lift Station - Pumps were opened at 11:00 a.m. on August 1, 2000, and;

WHEREAS, a bid protest was filed by Water Technologies because their bid had not been considered, due to being delivered a day late to the City Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Scenic Bend Lift Station - Pumps, opened in the office of the City Clerk on August 1, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-472

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LEONARD REISZ FOR LEASE OF CITY-OWNED ORCHARD PROPERTY AT 4205 GOMES ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Leonard Reisz for lease of City-owned orchard property at 4305 Gomes Road be, and it is hereby approved.

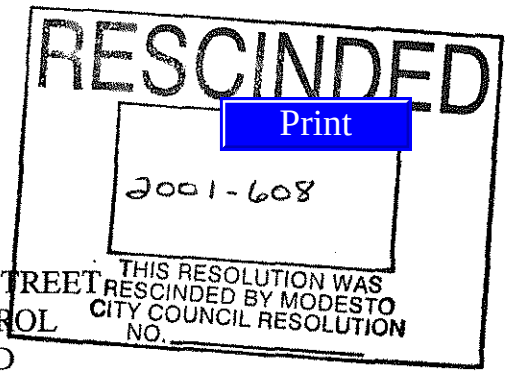
BE IT FURTHER RESOLVED that the execution of said lease agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 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
JEAN ZAHR, City Clerk

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 2000-473

A RESOLUTION UPDATING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, INCREASING PARKING RATES, AND RESCINDING RESOLUTION NO. 94-535.

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, by an agenda report dated August 21, 2000, City staff has recommended parking rate increases, and on September 12, 2000, the City Council considered this matter at a duly noticed public hearing,

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

SECTION 1. GARAGE PARKING FACILITIES.

(a) The following municipal off-street garage parking facilities are hereby established:

(1) Eleventh Street Garage (Lot –28) west side of 11th Street between I and J Streets; Ninth Street Garage (Lot - 43) west side of 9th Street between K and L Streets, and Tenth Street Garage (Lot- 44) west side of 11th Street between J and K Streets.

(b) Vehicular parking on said garage 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 seventy-five cents (75¢) 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 $80 for a book of one hundred (100) stamps.

(d) The Operations and 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 and 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 Thirty-five and no/100ths Dollars ($35.00) for the three garages (Lots 28, 43, and 44).

(f) Additional hours of operation, including weekends, may be authorized by the Operations and Maintenance Director as appropriate to meet parking needs, comply with existing agreements, or allow 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 and 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 and no/100ths Dollars ($20.00).

(c) Monthly reserved parking passes may be authorized by the Operations and 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-10 east side of 8th Street between I and K Streets.

(2) Lot-13 north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library).

(3) Lot-15 east side of 11th Street between F and G Streets (north of Fire Station #1).

(4) Lot-16 east side of 11th Street between F and G Streets (south of Fire Station #1).

SECTION 4. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 5. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facility in compliance with the fees and regulations specified in this resolution:

(1) Lot-10 - exclusive all day.

SECTION 6. In addition to the above parking rate increases and updating the Municipal Off-Street Parking Facilities, the Council hereby directs that staff conduct a review in six months of the special events rate, and the Council further directs staff to annually review all parking rates with the City Council, and that the annual review shall include recommendations for rate adjustments to account for inflation.

SECTION 7. EFFECTIVE DATE. The effective date of this resolution shall be November 1, 2000.

SECTION 8. RESCIND. Resolution No. adopted September 6, 1994, is rescinded effective at midnight on October 31, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2000, 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, 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.	$0.75/hour	$35	n/a	
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.	$0.75/hour	$35	n/a	
44	10th Street Place Garage	RDA	No Limit	8:00 - 6:00 p.m.	$0.75/hour	$35	n/a	

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-474

A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON NOVEMBER 14, 2000, WITH THE INTENT TO CONSIDER THE ADOPTION OF PROPOSED POLICIES RELATING TO SEWER RATE EQUITY AND THE EQUITY ADJUSTMENT PROCESS, AND ALSO WITH THE INTENT TO REVISE THE EXISTING RESERVE POLICY, AND GIVING NOTICE AS PROVIDED BY LAW OF A PROPOSED EQUITY ADJUSTMENT AND PROPOSED SEWER RATE INCREASE OF 3% ACROSS-THE-BOARD.

WHEREAS, under Proposition 218, a fee or charge cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, by an Agenda Report dated September 5, 2000, from the Engineering and Transportation Department, City staff recommended a sewer rate equity review, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on September 12, 2000, 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 14, 2000, to consider the adoption of policies relating to sewer rate equity and the equity adjustment process, and also the intent to revise the existing reserve policy, and to consider a proposed equity adjustment and proposed 3% across-the-board sewer rate increase, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, November 14, 2000, 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 public hearing

to consider the adoption of proposed policies relating to sewer rate equity and the equity adjustment process, and also to revise the existing reserve policy, and giving notice as provided by Proposition 218 of a proposed equity adjustment and the proposed 3% across-the-board sewer rate increase, as recommended by City staff in its Agenda Report dated September 5, 2000, 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 12th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-475

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE MAYOR TO INITIATE DISCUSSIONS WITH STANISLAUS COUNTY FOR THE PURPOSE OF AMENDING THE BRADLEY-BURNS SALES TAX AGREEMENT TO DISCONTINUE THE CITY'S FIVE (5%) PERCENT TRANSFER OF SALES AND USE TAX TO STANISLAUS COUNTY AND AUTHORIZING THE MAYOR AND THE CITY MANAGER TO INVITE THE MAYORS OF TURLOCK AND OAKDALE TO PARTICIPATE IN THE DISCUSSIONS WITH THE COUNTY FOR THE SAME PURPOSE ON BEHALF OF THEIR RESPECTIVE CITIES.

WHEREAS, in 1955 the State Legislature passed the Bradley-Burns Uniform Sales and Use Tax law providing statewide uniformity in sales and use tax levy and distribution , and

WHEREAS, under State law, one (1%) percent is the maximum sales tax that a municipal government may impose, and

WHEREAS, cities may impose sales and use taxes only if the counties in which they are located also impose a sales and use tax, and

WHEREAS, after the Bradley-Burns legislation became law, the County of Stanislaus requested ten (10%) percent of the cities' sales and use taxes, and cities granted five (5%) to ten (10%) percent of the one (1%) percent sales and use tax, provided the funds were used to rebuild roads and bridges destroyed in the flood of the winter of 1955-56, and

WHEREAS, in March 1957, an agreed sales and use tax split was negotiated at seven and one-half (7 ½%) percent of the one (1%) percent allocated to the cities, and

WHEREAS, from April 1957 to June 1960, said sales and use tax sharing

agreement was operational, and

WHEREAS, since early in 1980, the cities and the County agreed to adjust the sales and use tax split so that cities receiving in excess of $1 million in sales and use tax would pay only two and one-half (2 ½%) percent of the one (1 %) percent , and cities receiving in excess of $5 million in sales and use tax would pay five (5%) percent of the one (1%) percent, and

WHEREAS, from June 1980 through July 1984, the one (1%) percent sales and use tax split with the County of Stanislaus was reduced each fiscal year from seven and one-half (7 ½%) percent to five (5%) percent of the one (1%) percent levied by the City, and

WHEREAS, the City of Modesto's sales and use tax sharing agreement with the County of Stanislaus has been amended since July 1, 1984, and the City receives one (1%) of the sales and use tax collected within its legal boundaries and shares five (5%) percent of that total with Stanislaus County, and

WHEREAS, $900,000 in sales and use tax is transferred annually to Stanislaus County under said agreement, and

WHEREAS, the Council desires to amend the Bradley Burns Sales Tax Agreement to discontinue the five (5%) percent transfer of sales and use tax to Stanislaus County, and

WHEREAS, the City has significant financial needs for public improvements, and the justification for sharing no longer exists,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and the Mayor are hereby authorized to initiate discussions with Stanislaus

County for the purpose of amending the Bradley-Burns Sales Tax Agreement in order to discontinue the City's five (5%) percent transfer of sales and use tax to Stanislaus County and further authorizing the City Manager and the Mayor to invite the mayors of Turlock and Oakdale to participate in the discussions with the County for the same purpose on behalf of their respective cities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2000, 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, City Attorney

Clerk (2)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-476

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 USING HOME FUNDS.

WHEREAS, the Recreation and Neighborhoods Department, by an Agenda Report dated September 8, 2000, 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 August 25, 2000, and the Committee supported staff's recommendation to proceed with solicitation of Requests for Proposals, and

WHEREAS, at its meeting of September 19, 2000, 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 19th day of September, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-477

A RESOLUTION APPROVING THE FINAL MAP OF MADISON POINTE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, WESTERN PACIFIC HOUSING - WINDSOR POINTE, LLC, a Delaware Limited Liability Company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.28 acres, known as MADISON POINTE ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 9th 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 MADISON POINTE 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 19th day of September, 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
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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-478

A RESOLUTION AUTHORIZING CERTAIN BENEFIT CHANGES FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES AND CERTAIN BENEFIT CHANGES FOR DEPARTMENT HEADS AND COUNCIL APPOINTEES TO ALIGN WITH RECENT MCEA MOU PROVISIONS.

WHEREAS, the Council desires to authorize certain benefit changes for Unrepresented Management and Confidential Employees, and certain benefit changes for Department Heads and Council Appointees, as requested by an Agenda Report dated September 8, 2000, from the Personnel Department, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, said matter was considered by the City Council at its meeting of September 19, 2000,

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

SECTION 1. The Council hereby authorizes benefit changes for Unrepresented *Confidential Employees* consistent with those recently approved for the Modesto City Employees Association (MCEA) Represented Employees, as follows:

a. Effective October 1, 2000, Confidential Employees shall be allowed to accrue up to 120 hours of CTO before cash-out is required. Effective August 1, 2003, this accrual cap shall be raised to 160 hours.

b. Effective, January 1, 2001, Confidential Employees shall be provided bi-lingual compensation (three hours compensatory time off per pay period) provided competency is established.

SECTION 2. The Council hereby authorizes benefit changes for Unrepresented *Management and Confidential Employees* consistent with those recently approved for the Modesto City Employees Association (MCEA) Represented Employees, as follows:

a. Effective with the quarter ending September 25, 2000, those Management and Confidential Employees in the Police Department eligible for a uniform allowance shall receive uniform increases consistent with those approved for Represented Employees (see Attachment A).

SECTION 3. The Council hereby authorizes benefit changes for Unrepresented *Management and Confidential Employee including Department Heads and Council Appointees* consistent with those recently approved for the Modesto City Employees Association (MCEA) Represented Employees, as follows:

a. Effective upon adoption of this Resolution, *Management and Confidential Employees including Department Heads and Council Appointees*, shall be allowed to cash out up to 40 hours of "Grandfathered" holiday time annually in November.

b. Effective upon adoption of this Resolution, the Employees' Bereavement Leave for Management and Confidential Employees including Department Heads and Council Appointees shall be changed from twenty-four (24) hours to three (3) working days regardless of schedule, and grandchild and legal-guardianship dependent shall be added to the definition of immediate family.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By
MICHAEL D. MILICH, City Attorney

ATTACHMENT "A"
9-19-00

UNIFORM ALLOWANCE
FISCAL YEAR 2000-01

Unrepresented Police Department Employees:

TITLE	CURRENT ALLOWANCE	PROPOSED ALLOWANCE
Police Records and Training Technician	$40.00/Mo.	$45.00/Mo.
Secretary (2)	$40.00/Mo.	$45.00/Mo.
Police Support Services Supervisor (4)	$40.00/Mo.	$45.00/Mo.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-479

A RESOLUTION ACCEPTING THE PROJECT TITLED "CLARIFIER CONTROL BOX REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Clarifier Control Box Rehabilitation, has been completed by Conco-West Inc., in accordance with the contract agreement dated May 11, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Clarifier Control Box Rehabilitation be accepted from said contractor, Conco-West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $101,600.00 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 26th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-480

A RESOLUTION ACCEPTING THE PROJECT TITLED "BANGS AVENUE WATER AND SEWER MAINS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Bangs Avenue Water and Sewer Mains, has been completed by Mozingo Construction Company, in accordance with the contract agreement dated May 18, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Bangs Avenue Water and Sewer Mains be accepted from said contractor, Mozingo Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,701,194.58 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 26th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-481

A RESOLUTION DECLARING USED FURNISHINGS AS SURPLUS AND AUTHORIZING THE DISPOSAL OF THE USED FURNISHINGS BY MODESTO JUNK COMPANY.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City possesses used furnishings which have been placed into surplus, and

WHEREAS, City staff contacted auctioneer Roger Ernst, with Ernst and Associates Auctioneers, to view the furnishings, and

WHEREAS, Mr. Ernst declared the used furnishings to be of no value and, therefore, determined that it would not be worthwhile to sell said used furnishings through an auction, and

WHEREAS, by an agenda report dated September 18, 2000, City staff reported to the Council that the used furnishings are of no value and recommended that the furnishings be disposed of by Modesto Junk Company, and

WHEREAS, a list of the used furnishings proposed to be disposed of are attached hereto as Attachment "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the used furnishings are hereby declared to have become surplus property to the City's needs, and the Council does hereby authorize the disposal of said used furnishings by Modesto Junk Company.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

(SEAL)

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

ATTACHMENT "A"

ITEM #	QUANTITY	DESCRIPTION
1	18	METAL DESKS WITH RETURNS
2	41	METAL DESKS
3	9	WOOD DESKS
4	3	WOOD DESKS WITH RETURNS
5	3	METAL CREDENZAS
6	2	WOOD CREDENZAS
7	1	SMALL WOOD COMPUTER STAND
8	6	SMALL METAL WORK TABLES
9	8	LARGE METAL WORK TABLES
10	2	WOOD WORK TABLES
11	4	SMALL WOOD DESK SHELVES
12	1	METAL DESK SHELF
13	6	WOOD BOOK SHELVES
14	1	METAL SHELF
15	13	GRAY PARTITIONS
16	4	SMALL BULLETIN BOARD
17	2	LARGE BULLETIN BOARDS
18	53	MISC CHAIRS
19	43	METAL CHAIRS
20	1	4 DRAWER MICROFICHE FILING CABINET
21	1	7 DRAWER MICROFICHE FILING CABINET
22	9	METAL 4 DRAWER FILE CABINET
23	3	METAL 5 DRAWER FILE CABINET
24	1	METAL 3 DRAWER FILE CABINET
25	1	METAL 2 DRAWER FILE CABINET
26	144	METAL GREEN LOCKERS
27	1	WOOD TWIN BED WITH MATTRESS

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-482

Print

A RESOLUTION REJECTING BIDS FOR CONSTRUCTION MATERIALS TESTING SERVICES, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 13, 2000, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for Construction Materials Testing Services were opened at 11:00 on June 13, 2000, and;

WHEREAS, during the bid evaluation process, concerns expressed by two vendors in regards to the ambiguity of a portion of the requirements dealing with laboratory staffing, caused staff to recommend 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 Construction Materials Testing Services, opened in the office of the City Clerk on June 13, 2000, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Construction Materials Testing Services will be held at 11:00 a.m. on October 10, 2000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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. 2000-483

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO, RICK ARMSTRONG ENGINEERING & BUILDING CONTRACTOR AND BURTSON CONSTRUCTION FOR BUS YARD FUEL FACILITY REPLACEMENT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the settlement agreement between the City of Modesto, Rick Armstrong Engineering & Building Contractor and Burtson Construction for Bus Yard Fuel Facility Replacement 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 26th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-484

A RESOLUTION ACCEPTING AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT 24 FOR MODESTO CITY-COUNTY AIRPORT IMPROVEMENT PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, Modesto City-County Airport is certified for air carrier services 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, an application requesting $380,000 was submitted to the Federal Aviation Administration (FAA), in May 2000 to complete airport improvements, and

WHEREAS, the FAA has offered a $380,000 grant for the airport construction improvements including the final phase of reconstruction of taxiways A&B, resurfacing the general aviation service road, and Phase 1, to expand and reconstruct the air carrier and transient aircraft ramp next to the passenger terminal, and

WHEREAS, approximately $42,223 of airport revenues or Passenger Facility Charges will be required to match the Federal grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of Airport Improvement Program (AIP) 24 grant funding in the amount of $380,000 from the Federal Aviation Administration (FAA), to complete airport improvements including the final phase of reconstruction of taxiways A&B, resurfacing the general aviation service road, and Phase 1, to expand and reconstruct the air carrier and transient

aircraft ramp next to the passenger terminal.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute acceptance documents on behalf of the City of Modesto for said grant funds in the amount of $380,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-485

A RESOLUTION ACCEPTING AN AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT 25 FOR COMPLETION OF AN AIRPORT MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, Modesto City-County Airport is certified for air carrier services 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, an application requesting $270,000 was submitted to the Federal Aviation Administration (FAA), in May 2000 to complete an update to the Airport Master Plan and Environmental Impact Report (EIR), and

WHEREAS, the FAA has offered a $270,000 grant for the completion of an Airport Master Plan and an Environmental Impact Report (EIR), and

WHEREAS, approximately $30,000 of airport revenues or Passenger Facility Charges will be required to match the Federal grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of Airport Improvement Program (AIP) 25 grant funding in the amount of $270,000 from the Federal Aviation Administration (FAA), for completion of an Airport Master Plan and Environmental Impact Report(EIR),

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute acceptance documents on behalf of the City of Modesto for said grant funds in the amount of $270,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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, Sepra, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-486

A RESOLUTION APPROVING THE FINAL MAP OF THE SERENO UNIT NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The Bluffs Senior Housing 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 17.34 acres, known as Sereno Unit No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 18th 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 Sereno Unit No. 3 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 Community Development Director has certified that all public improvements required by the City of Modesto have been completed in said tract, to the satisfaction of the Community Development Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed 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 26th day of September, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-487

A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER FOR PROVISION OF PSYCHOLOGICAL SERVICES TO COMMUNITY SERVICE OFFICERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the addendum to an agreement between the City of Modesto and Dr. Philip Trompetter for provision of psychological services to Community Services Officers be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said addendum to the 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 26th day of September, 2000, 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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-488

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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Systems Analyst

Assistant City Clerk/Auditor

Deputy City Clerk

Housing Financial Specialist

Drafting and Graphics Technician

The revised specifications for the classification of Systems Analyst, as shown on the attached Exhibit "A", Assistant City Clerk/Auditor, as shown on the attached Exhibit "B", Deputy City Clerk, as shown on the attached Exhibit "C", Housing Financial Specialist, as shown on the attached Exhibit "D", and Drafting and Graphics Technician, as shown on the attached Exhibit "E", 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 revised to abolish the following classifications:

Police Administrative Assistant

Public Improvement Specialist

Landscape Technician

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 26, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

CITY OF MODESTO
No. 3705

September 2000

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 perform technical work in the administration installation, testing and maintenance of mini - and micro-computer hardware and software, web based Internet and Intranet technologies or helpdesk and customer support management; to provide training and technical assistance for users; to diagnose and repair hardware problems, to assist in the selection of new systems and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level management staff. May supervise technical support staff.

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

Researches and evaluates advances in personal computer hardware and software including web based and helpdesk technologies.

Participates in planning, policy development and budgeting for short- and long-range systems needs.

Assists in review of all capital budget requests for personal computer equipment; insures connectivity of systems; coordinates between user departments, purchasing unit and vendors in hardware and software acquisition and staff training.

Develops, selects and monitors City-wide training programs for personal computer hardware, software, web based technologies or helpdesk support systems.

Serves as technical resource for developing office systems and solving wide area networking problems; assists in programming and systems analysis.

Installs server/personal computer hardware and peripherals; cables and hooks up modems; installs boards and cards as necessary.

EXHIBIT "A"

EXAMPLES OF DUTIES (continued)

Installs system, emulation and application software packages.

Responds to requests for assistance with hardware and software problems; diagnoses problems; repairs or arranges for the repair or replacement of faulty hardware, disks, drives, peripherals and software packages.

Trains users on the use of computer equipment and peripherals, and software packages including word processing, data base management, graphics, and spreadsheet programs; web based technologies, helpdesk systems and assists users in developing applications.

Maintains inventory records of existing and newly acquired computer hardware and software.

Assists with installation and maintenance of centralized computer systems, telecommunications, data communications equipment, or web oriented Intranet/Internet or helpdesk support systems.

Maintains records; prepares oral and written reports.

Serves as system administrator for the City's work processing mini-computer system and may serve as administrator for future local area network configurations.

Marginal functions:

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Principles and techniques of training.

Principles and techniques of budgeting.

Personal computer hardware and software.

Principles of office automation systems.

QUALIFICATIONS (Continued)

Knowledge of:

Principles of customer oriented languages.

Principles of customer relationship management.

Principles of web oriented languages.

Principles of Intranet/Internet based systems.

Personal computer hardware architecture.

Principles of multiple complex personal computer operating systems and network systems.

Principles and techniques of computer systems analysis and programming.

Ability to:

Develop and maintain effective working relationships.

Communicate effective both verbally and in writing.

Work independently with minimal supervision.

Research and evaluate office automation hardware and software; web based technologies or helpdesk support systems.

Gather, analyze and organize information.

Develop and evaluate training programs.

Coordinate information and programs, write clear instructions, and train others.

Occasionally lift and carry up to 75 pounds.

Experience and Training Guidelines:

Any combination of experience and training that would be likely to provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of experience in the analysis and design of office automation systems, including word processing and personal computing; web based Intranet/Internet technologies or helpdesk systems and support.

Education:

Equivalent to graduation from an accredited four-year college with a major in computer science, mathematics, accounting, public or business administration. Specialized training and certification may be substituted for part of the education requirement.

License:

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

Other Requirement:

Candidates must pass a P.O.S.T..level background investigation for clearance to work on Police Department systems.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require physical condition necessary for sitting, bending, stooping, kneeling, crawling, and standing for prolonged periods of time; using a computer and related equipment; and lifting up to 75 pounds.

CITY OF MODESTO
No. 2640

SEPTEMBER, 2000

ASSISTANT CITY CLERK/AUDITOR

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 monitor the clerical operations within the City Clerk's/Auditor's office; to assist in the maintenance of official City records; and to provide technical staff assistance to the City Clerk/Auditor.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the City Clerk/Auditor.

May exercise technical supervision over department staff.

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

Essential functions:

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

Serve as Clerk to the City Council as required; attend City Council and other public meetings and record all official proceedings in the absence of the City Clerk; supervise the preparation of minutes and other documents; direct the publication, filing, indexing and safekeeping of all proceedings of the Council.

Oversee the preparation, organization, printing and distribution of the agenda for the City Council, Redevelopment Agency, Central California Mortgage Authority, and Industrial Development Agency meetings; distribution includes posting to the City's Web site.

Participate in the development of the City Clerk/Auditor's office work plan; assign work activities, projects and programs; monitor workflow; implement policies and procedures; review and evaluate work products, methods and procedures.

EXHIBIT "B"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Assist the City Clerk in the conduct of elections and other legal requirements of the City Clerk's office; monitor Conflict of Interest and Campaign Statements as required by local and state law; and respond to questions on elections.

Assist in the coordination of office activities with those of other departments, outside agencies and organizations.

Participate and make recommendations in the development of the office budget.

Compose, prepare and process a variety of notices, documents, agreements, deeds, and resolutions; follow-up as necessary ensuring documents are endorsed, certified and notarized.

Assist in the auditing functions of the Finance Department including approving and signing checks for accounts payable and payroll, accept and process wage garnishments, claims and summons, review purchase orders, invoices, and records; maintain office's payroll records.

Accept formal bids and conduct bid openings.

Maintain database for Council and other agency actions; coordinate and prepare Council-adopted ordinances; schedule printing of municipal code supplements; and assure distribution to proper City departments and agencies.

QUALIFICATIONS:

Knowledge of:

Pertinent Federal, State, and local laws, codes and regulations.

Political reform requirements.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles of supervision, training, and performance evaluation.

QUALIFICATIONS (Continued):

Knowledge of:

Business English, spelling, grammar and punctuation.

Principles and methods of record keeping and report writing.

Modern office procedures, methods, and computer equipment.

Principles and practices of records management systems including various computer software databases and optical imaging systems.

Election laws and procedures including State law regarding Public Records Act, Brown Act, Political Reform Act, the Government Code, and Election Code.

Ability to:

Organize and provide material in compliance with laws, regulations and policies.

Identify and respond to public and City Council issues and concerns.

Supervise, train and evaluate assigned staff.

Compose correspondence and prepare and maintain a variety of reports.

Communicate clearly and concisely, both orally and in writing.

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

Analyze and interpret complex legal documents and administrative procedures and regulations.

Use a variety of computer software applications.

Demonstrate effective employee supervision in a complex and diverse organization.

Type at a speed necessary for successful job performance.

Experience and Training Guidelines:

Experience:

Three years of responsible experience performing a variety of technical administrative clerical tasks. Experience must include analyzing and interpreting complex legal documents, administrative procedures and/or regulations.

Training:

Equivalent to high school graduation supplemented by college level course work in business administration, public administration or a related field, or other related specialized training.

Certification as a Municipal Clerk (CMC) or Master Municipal Clerk (MMC) designation desirable.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting, or standing for prolonged periods of time; operating a personnel computer and other office equipment.

CITY OF MODESTO SEPTEMBER, 2000
No. 4660

DEPUTY CITY CLERK

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 complex and responsible clerical and administrative duties in the conduct of the activities of the City Clerk's Office; and to assist in the maintenance of official City records. In the absence of the Assistant City Clerk/Auditor, to assume all responsibilities as Acting Assistant City Clerk/Auditor.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the City Clerk.

May exercise technical supervision over 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:

Assist the City Clerk/Auditor in performing the day-to-day functions of the City Clerk's office.

Respond to inquiries from the public regarding Council action and records; research information for public or City staff when necessary; create and edit a variety of documents and files.

Assist the City Clerk in the conduct of elections, respond to questions on elections. Assist the City Clerk with other legal requirements of the City Clerk's office; monitor Conflict of Interest and Campaign Finance Statements as required by local and state law.

Compose resolutions, prepare, edit, and distribute Council minutes, including posting to the City's Web site, and maintain database for future reference of Council actions.

Witness signatures on legal documents, certify public documents for public agencies and others; act as Notary Public for the City.

EXHIBIT "C"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Continued

Prepare updates and revisions of Council Policy, Fees Guide and other documents published to the City's internal Web site.

Maintain the records management system.

Maintain calendar for the City Clerk/Auditor including making and confirming reservations, meetings and appointments.

Proofread reports, forms and other material for mathematical, grammatical and procedural adequacy.

Maintain the office library and files including resolutions, ordinances, minutes, agreements, card files and computer accessed files; and process claims and liens.

In the absence of the Assistant City Clerk, assume all responsibilities of that position.

Assist with the preparation and distribution of City Council agenda.

Compose correspondence, research information and prepare reports.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

English usage, spelling, grammar and punctuation.

Modern office procedures, methods, and computer equipment.

Research methods which include compiling and verifying information and follow-up summary or report writing.

Business letter writing and report preparation.

Functions and organization of municipal government.

QUALIFICATIONS (Continued)

Knowledge of:

Principles and practices of records management systems, including various computer software databases and optical imaging systems.

State law regarding the Public Records Act, Brown Act, Political Reform Act, the Government Code and the Election Code.

Ability to:

Comprehend and follow complex oral and written instructions.

Function under minimal supervision, exercise common sense and sound judgment in making independent decision.

Effectively plan and complete assignments meeting deadlines.

Type at a speed necessary for successful job performance.

Analyze and interpret complex legal documents and administrative procedures and regulations.

Use a variety of computer software applications

Demonstrate effective employee relations in a complex and diverse organization.

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 responsible experience performing a variety of technical administrative clerical tasks.

EXPERIENCE AND TRAINING (Continued)

Training:

Equivalent to completion of high school graduation supplemented by college level coursework in business administration, public administration, or a related field or other specialized training related to the functions and activities of a City Clerk's Office.

Certification as a Municipal Clerk (CMC) is desirable.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting, walking, or standing for prolonged periods of time; operating a personal computer and other office equipment.

CITY OF MODESTO SEPTEMBER, 2000
No. 3560

HOUSING FINANCIAL 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

To evaluate loan and grant applications and preliminary title reports for program participants; to verify income and prepare financial data summaries for review by the Rehabilitation Loan Pool Committee; and to monitor the disbursement of funds to projects.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Housing Program Supervisor.

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

Essential functions:

Prepare preliminary financial analyses of rehabilitation loan applicants; review applications to determine if applicant qualifies for a loan or grant; verify income, property ownership, and encumbrances against property.

Review title reports for possible defects; assist owner in clearing clouds on the title.

Work with borrower to clarify the process; assure the borrower has clear understanding of program guidelines, policies and procedures; prepare and have applicant complete required documents to secure loans to protect City's interest.

Order, review and analyze credit reports, lot books, title reports, and property appraisals.

Summarize applicant's financial data; present to Rehabilitation Loan Pool Committee for review and approval; package the loan files for bank approval.

Prepare notes, Deed of Trust and loan agreement; meet with loan applicant to execute loan documents, have documents executed by City and; forward original loan documents to City vault, and forward copies of loan documents to loan servicer.

EXHIBIT "D"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Set up disbursement ledger; monitor all disbursements until project has been completed; review all check requests for completeness, accuracy and proper documentation; post checks in disbursement ledger.

Prepare spreadsheets summarizing the ethnic, income level, family size and other characteristics of loan or grant recipients.

Assist in the review, analysis of proposals and establishing of agreements for leveraging of loan funds with local financial institutions; assist in the selection of financial institutions for loan fund leveraging; assist in negotiating with financial institutions regarding services provided under loan leveraging agreement.

Assist program participants with temporary relocation and temporary storage of household goods, who are required to move during completion of rehabilitation of their property.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Lending, foreclosure, title, real estate, and appraisal terminology, practices and procedures.

Pertinent Federal, State, and local laws, codes and regulations.

Housing program loan and grant guidelines, and policies and procedures.

Mortgage financing and credit evaluation.

Federal, grant (particularly HUD) programs and reporting requirements.

Techniques of comparative analysis.

Counseling methods and techniques.

QUALIFICATIONS (Continued)

Knowledge of:

Basic accounting, business law, building construction, and housing rehabilitation terminology.

Ability to:

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

Gather and analyze data and come to accurate conclusions.

Review and interpret title reports and learn what needs to be done to clear title problems.

Compute and analyze credit reports.

Accurately post figures.

Gather and organize data.

Relate to minority, female heads of households, and low-income persons.

Relate to the culture and problems of minorities and low-income groups.

Communicate clearly and concisely, both orally and in writing.

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

Work as a team with other City 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:

A minimum of two years of responsible loan processing, real estate financing, mortgage financing, credit evaluation, or related experience.

Training:

Equivalent to an Associate of Arts Degree from an accredited college in Business Administration, Accounting, or a related field. Additional specialized training in finance, and loan processing 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; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require physical condition necessary for sitting for prolonged periods of time; using a personal computer and other office equipment.

CITY OF MODESTO SEPTEMBER, 2000
No. 3360

DRAFTING AND GRAPHICS 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 prepare and maintain a variety of maps, diagrams, illustrations, signs, posters, charts, brochures and other printed materials or art work for City departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level management and supervisory staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Depending on assigned department, essential and other important responsibilities and duties may include, but are not limited to the following:

Essential Functions

Conduct field surveys to update and verify data.

Design and prepare/draw posters, illustrations, charts, brochures, displays and other art work, including multi-colored graphics, as requested.

Prepare preliminary and final sketches of fire hydrant locations and street layout; draw, finish and update maps.

Prepare and ensure distribution to appropriate personnel a variety of documents including running card maps, index book updates, dispatch cards, and page card maps.

Sort, index and file master plans, preliminary and original working drawings.

Update a variety of information files and drawings, as necessary.

Prepare visual slide presentations.

Perform basic mathematical calculations.

Respond to questions from the public; refer calls to appropriate staff; take and deliver messages, mail, equipment, property and supplies as necessary.

EXHIBIT "E"

Examples of Duties – (Continued)

Assemble a variety of resource documents including booklets, training manuals, reports and other office materials.

Perform other duties as assigned.

In addition to the above when assigned to the Transit Division:

Maintenance of transit division website and database maintenance.

Design and prepare system-wide route map, informational brochures, signs, coupons, tickets, transfers and various printed marketing materials.

Prepare graphics for City Council presentations using appropriate software and format.

Maintenance of bus stop and bus stop amenities.

Coordinate the printing of all printed materials used in the promotion and operation of transit services.

Coordinate the purchase of supplies used in daily operations.

Prepare reports for Federal, State, regional and city agencies.

Prepare surveys, collect and enter data.

Perform other related transit division duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and procedures of record and file maintenance.

Basic mathematics.

Principles and procedures of record and file maintenance.

QUALIFICATIONS - (Continued):

Knowledge of:

Modern office procedures, methods and drafting equipment including Microsoft Office.

Personal computers and related software including advertising, desktop publishing, spreadsheet, word processing (when assigned to Transit).

Graphic presentation methods and materials.

English usage, spelling, grammar and punctuation.

Symbols, methods, practices and techniques used in drafting and mapping.

Ability to:

Design a variety of maps, illustrations, charts, graphic presentations, and other materials.

Learn and apply related computer applications including website maintenance.

Perform routine clerical work.

Prepare various written documents including letters and reports.

Understand and carry out oral and written directions.

Communicate clearly and concisely, both orally and in writing.

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

EXPERIENCE TRAINING AND 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 increasingly responsible drafting and/or graphic work using computer assisted techniques. Related computer experience highly desirable.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized drafting and graphics training.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; may travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting, walking, or standing for prolonged periods of time; operating a personnel computer and other office equipment; and the ability to distinguish color.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-489

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE SALARY RANGE FOR ASSISTANT CITY ATTORNEY, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO DELETE THE NON-SWORN CLASSIFICATIONS OF POLICE ADMINISTRATIVE ASSISTANT, PUBLIC IMPROVEMENT SPECIALIST, AND LANDSCAPE TECHNICIAN FROM THE CLASS RANGE TABLE.

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 September 26, 2000", 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 Assistant City Attorney from Range 453 to Range 455.

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 September 26, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes the classifications of Police Administrative Assistant (Range 119), Public Improvement Specialist (Range 128), and Landscape Technician (Range 127) from the class range table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 26, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2000, 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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective September 26, 2000

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"

092600

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 Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor Events Supervisor I

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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator Events Supervisor II

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
439	Administrative Services Officer
440	Purchasing Officer 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)

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 Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
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
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective **September 26, 2000**

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

EXHIBIT "A"

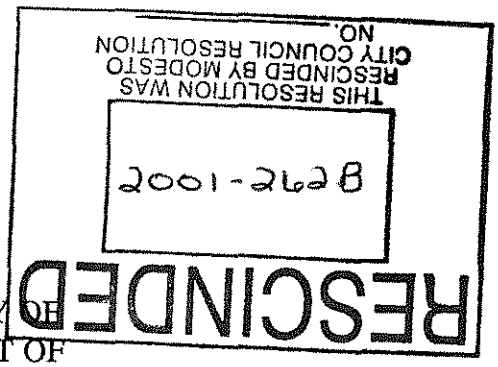
092600

RANGE	TITLE
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
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
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

RANGE	TITLE
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 Fire Plan Checker Plan Review Engineer

Clerk



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-490

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. 98-592.

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 departments of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2000, 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. 98-592 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 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE

OF THE

OFFICE OF THE CITY MANAGER

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

OFFICE OF THE CITY MANAGER

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Assistant to the City Manager	2
City Manager	1
Consultant	3
Deputy City Manager	2
Management Analyst	2
Public Information Technician	2

OFFICE OF THE CITY MANAGER

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-491

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE OF THE COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 96-615.

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 September 26, 2000, 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. 96-615 adopted by the Council is hereby rescinded.

RESCINDED
2001-263
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE

OF THE

COMMUNITY DEVELOPMENT DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

COMMUNITY DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Administrative Analyst I, II	1
Assistant Planner	1
Associate Civil Engineer	1
Associate Planner	1
Building Inspector I, II	1
Business Analyst	1
Chief Building Official	1
Community Development Director	1
Consultant	2
Deputy Chief Building Official	1
Junior/Assistant Civil Engineer	1
Plan Review Engineer	1
Planning Assistant	1
Planning Division Manager	1
Planning Technician II	1
Principal Planner	1
Property Agent	1
Senior Building Inspector	1
Senior Business Analyst	1
Senior Civil Engineer	1
Strategic Planning Manager	1
Supervising Building Inspector	1

COMMUNITY DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

Print

RESCINDED
2001-264
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-492

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE ENGINEERING AND TRANSPORTATION DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 98-600.

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 September 26, 2000, considered the adoption of amended conflict of interest codes for various City departments, including the Engineering and 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 and Transportation Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-600 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 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE
OF THE
ENGINEERING & TRANSPORTATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Engineering & Transportation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

ENGINEERING & TRANSPORTATION DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Catetory
Administrative Analyst	1
Airport Manager	1
Associate Civil Engineer	1
Associate Traffic Engineer	1
Civil Engineering Assistant	1
Construction Inspector	1
Consultant	2
Deputy Engineering & Transportation Director (2)	1
Electrical Supervisor	1
Engineering &Transportation Director	1
Integrated Waste Specialist	1
Junior/Assistant Civil Engineer	1
Junior/Assistant Traffic Engineer	1
Land Surveyor	1
Recycling Coordinator	1
Senior Civil Engineer	1
Senior Civil Engineering Assistant	1
Senior Construction Inspector	1
Solid Waste Program Manager	1
Supervising Construction Inspector	1
Traffic Engineer	1
Transit Manager	1
Transportation Planner	1

ENGINEERING & TRANSPORTATION DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

RESCINDED
2001-265,
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-493

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. 98-594.

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 September 26, 2000, 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. 98-594 adopted by the Council is hereby rescinded.

RESCINDED
[redacted]
9-26-06
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

2006-593

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE

OF THE

FIRE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

FIRE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Administrative Analyst	1
Apparatus Committee Members	2
Buyer	1
Consultant	3
Fire Chief	1
Fire Division Chief	1
Fire Battalion Chief	1
Fire Marshall	1
Plan Checker	2
Senior Fire Mechanic	2

FIRE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

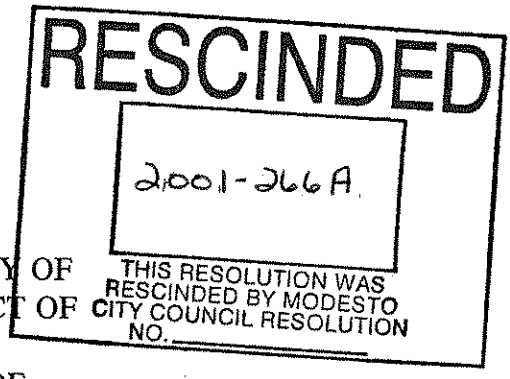
Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

Print



MODESTO CITY COUNCIL
RESOLUTION NO. 2000-494

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 98-601.

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 September 26, 2000, considered the adoption amended of conflict of interest codes for various City departments, including the Operations and 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 and Maintenance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-601 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 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE

OF THE

OPERATIONS & MAINTENANCE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Operations & Maintenance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

OPERATIONS & MAINTENANCE DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "A"

Designated Positions	Disclosure Category
Administrative Services Officer	1
Arborist	2
Associate Traffic Engineer	1
Building Maintenance Superintendent	1
Consultant	3
Custodian Supervisor	2
Electrical Supervisor	2
Fleet Manager	1
Hazardous Materials Specialist	2
Industrial Waste Inspector	2
Industrial Waste Supervisor	2
Operations & Maintenance Director	1
Operations & Maintenance Supervisor	1
Parks Operations Superintendent	1
Plant Maintenance Supervisor	2
Secondary Treatment Facilities Supervisor	1
Streets Maintenance Superintendent	1
Urban Forestry Superintendent	1
Wastewater Collection Superintendent	1
Water Quality Control Operations Supervisor	1
Water Quality Control Superintendent	1
Water Superintendent	1

OPERATIONS & MAINTENANCE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-495

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE PERSONNEL DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 98-595.

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 September 26, 2000, considered the adoption of amended conflict of interest codes for various City departments, including the Personnel Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Personnel Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-595 adopted by the Council is hereby rescinded.

RESCINDED
9-26-06
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2006-596

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE

OF THE

PERSONNEL DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Personnel Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

PERSONNEL DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Assistant Personnel Director	1
Assistant Risk Manager	1
Consultant	3
Personnel Director	1
Risk Manager	1
Workers Compensation Claims Examiner	2

PERSONNEL DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C, D, E and F - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

RESCINDED
2001-266
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-496

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. 98-596.

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 September 26, 2000, 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. 98-596 adopted by the Council is hereby rescinded.

RESCINDED
— --
9-26-06
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2006-597

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE

OF THE

POLICE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Police Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

POLICE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Administrative Analyst	2
Chief of Police	1
Consultant	3
Police Captain (3)	1
Police Lieutenant (11)	2

POLICE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

Print

RESCINDED
2001-267
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. ____

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-497

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE RECREATION AND NEIGHBORHOODS DEPARTMENT OF THE CITY OF MODESTO (FORMERLY THE COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DEPARTMENT) AND RESCINDING RESOLUTION NO. 98-599.

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 September 26, 2000, considered the adoption of amended conflict of interest codes for various City departments, including the Recreation and Neighborhoods Department (formerly the Community Services and Neighborhood Connections 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 and Neighborhoods Department (formerly the Community Services and Neighborhood Connections Department) of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-599 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 26th day of September, 2000, 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

CONFLICT OF INTEREST CODE
OF THE
RECREATION & NEIGHBORHOODS DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the Recreation & Neighborhoods Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

RECREATION & NEIGHBORHOODS DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Position	Disclosure Category
Administrative Analyst II	2
Associate Planner	2
Code Enforcement Officer I, II	2
Community Development Program Specialist II	2
Consultant	3
Cultural Services Manager	2
Deputy Director – Cultural & Enterprise Services	1
Deputy Director – Recreation & Neighborhoods	1
Events Supervisor	2
Housing Financial Specialist	2
Housing Program Supervisor	2
Housing Rehabilitation Specialist II	2
Neighborhood Preservation Supervisor	2
Operations Supervisor	2
Parks Planning & Development Manager	1
Project Coordinator	2
Public Information Technician	2
Recreation & Neighborhoods Director	1
Recreation Superintendent	1
Recreation Supervisor II	2
Senior Building Inspector	2
Senior Community Development Program Specialist	2
Senior Housing Rehabilitation Specialist	2
Social Services Program Supervisor	2

RECREATION & NEIGHBORHOODS DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department that hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest, which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-498

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MCHENRY MUSEUM SOCIETY FOR STAFF AT MUSEUM STORE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Museum Society for staff at Museum store 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 26th day of September, 2000, 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. 2000-499

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CANDI COPE FOR CONCESSION SERVICES AT MODESTO SKATE PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Candi Cope for concession services at Modesto Skate Park 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 26th day of September, 2000, 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. 2000-500

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the City applied and was granted funds for the 1999/2001 Local Law Enforcement Block Grant Program; and

WHEREAS, the funds will be utilized to procure equipment and technology to enhance law enforcement; and

WHEREAS, a match for the Federal grant program is $36,175 and will be made from the Supplemental Law Enforcement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expenses:	
#0400-800-8000-8003	$(36,175)
#0400-190-1980-5900	$361,750
Revenue:	
#0400-190-1980-3506	$325,575

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 26th day of September, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-501

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET APPROPRIATING $36,175 FROM THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND AS MATCH TO THE $325,575 FEDERAL GRANT

WHEREAS, the Police Department made application to the U.S. Department of Justice for the 1999-2001 Local Law Enforcement Block Grant Program; which includes program areas of procuring equipment and technology to enhance law enforcement; and

WHEREAS, a required match of the Federal grant program is $36,175; which will be made from the Supplemental Law Enforcement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
From:	#0400-800-8000-8003	$(36,175)
	#0400-190-1980-5900	$361,750
Revenue:		
To:	#0400-190-1980-3506	$325,575

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 26th day of September, 2000, 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 votes:

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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-502

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(542). (DONALD L. SANDERS)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Donald L. Sanders on February 16, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(542), to allow neighborhood commercial development, including a convenience market/gas station, property located on the southeast and southwest corners of Hatch Road and Dallas Street, described as follows:

R-1 to P-D(542)

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

Description No. 1:

Lot 3 of the Rio Grande Colony, according to the map thereof, filed in the office of the County Recorder of Stanislaus County, California, on July 5, 1912, in volume 6 at Maps, at Page 47.

Excepting therefrom all that portion lying North of the Southerly line of Hatch Road and West of the Easterly line of Dallas Street as conveyed to City Of Modesto by deed dated February 2, 1968, and recorded March 14, 1968, as instrument No. 8053.

Together with all that portion of abandoned road described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as Follows:

Commencing at the North quarter corner of said Section 8; thence along the North line of Section 8, South 88° 53' 00" East, 715.42 feet, to the iron pipe

marking the intersection of the former center line of 40.00 foot Hatch Road and said Section Line; thence along said centerline, South 46° 46' 52" West, 79.93 feet, to a point on the Southern line of the new Hatch Road right of way, said point being on a non-tangent curve from which a radial line bears South 04° 57' 15" East; thence Westerly along said Southern line on a curve concave to the South, having a radius of 955.00 feet, a central angle of 01° 58' 53" and an arc length of 33.03 feet, to its intersection with the former Northwestern line of said Hatch Road, said point being on a non-tangent curve from which a radial line bears South 06° 56' 08" East; thence along said Northwestern line, South 46° 46' 52" West, 95.72 feet, to a point on the existing City Limits as established by the Modesto Industrial Park Addition, and the true POINT OF BEGINNING of this description; thence continuing along said Northwestern line, South 46° 46' 52" West, 166.12 feet, to a point on the Eastern line of 80.00 foot Dallas Street, said point being on a non-tangent curve from which a radial line bears South 80° 56' 25" West; thence Southerly along said Eastern line on a curve concave to the West, having a radius of 540.00 feet, a central angle of 5° 18' 11" and an arc length of 49.98 feet to a point on the former Southeastern line of Hatch Road, said line also being the Northwestern line of the Turlock Irrigation District Lateral Number 1, and said point being on a non-tangent curve from which a radial line bears South 86° 14' 36" West; thence along said Southeastern line and Lateral Number 1, North 46° 46' 52" East, 196.05 feet, to a point on the existing City Limits; thence along said existing City Limits, North 43° 13' 08 West, 40.00 feet to the POINT OF BEGINNING.

Description No. 2:

Lots 4 and 5 and the East 0.057 chains of Lot 8 of Rio Grande Colony, as per map filed July 5, 1912, in Volume 6 of Maps, at Page 47, Stanislaus County records.

Excepting therefrom all the portion of said Lots 4 and 5 lying North of the Southerly line of Hatch Road and East of the Westerly line of Dallas as conveyed to the City of Modesto by deed dated February 2, 1968, and recorded March 14, 1968, as per instrument No. 8052.

Also excepting from said East 0.057 chains of said Lot 8 all that portion thereof lying North of the Southwest extension of the Southerly line of Hatch Road as said road was conveyed to the City of Modesto by deed March 14, 1968 in Volume 2211 of official records, at Page 227, as instrument No. 8053.

Also: all of Dallas Street, the Southeasterly half of Hatch Road, and the Northwesterly half of T. I. D. Lateral No. 1, all being immediately adjacent to the above described properties.

and

WHEREAS, after a public hearing held on August 7, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-41, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The requested zone change is required by public convenience or necessity. The proposal will provide needed neighborhood convenience commercial goods and services in the underserved Bret Harte Neighborhood and the Fairview Neighborhood to the west.

2. The requested change will result in an orderly planning use of land resources. The subject lots in relationship with the adjoining land and street patterns are not likely candidates for other land uses than that proposed and the development with its design and conditions bear a proper relationship with its surroundings.

3. The requested zone change is in accordance with the community's objectives as set forth in the Neighborhood Plan Prototype Policies. Section 2. F. calls for adjustments to the Plan Prototype when accommodating existing development in the area. The lesser sizes of the subject properties are a direct result from the existing development pattern in the immediate areas.

4. Adequate environmental mitigation has been provided through implementation of appropriate mitigation measures established by the MEIR. Traffic signalization at this intersection is scheduled in the Capital Improvements Program (CIP) for construction this summer, and considerable utility expenditures have been made in the immediate area both in and out of the incorporated area.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 26, 2000, in the Tenth Street Place Chambers located at 1010 10th 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 Donald L. Sanders 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. 2000-41 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3188-C.S. on the 26th day of September, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(542).

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(542), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plans, Musante Engineering" as amended in red, stamped approved by the City Council on September 26, 2000.

2. Prior to 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. The plans shall incorporate climbing plants for both walls and fences.

3. Fences and walls shall be constructed prior to occupancy and shall be as follows:

a. Six-foot-high chain-link fence along the Turlock Irrigation District's right-of-way to within 15 feet of Hatch Road and Dallas Street right-of-way as shown on the approved plans.

b. Eight-foot-high solid decorative masonry wall set back ten feet from and parallel to Dallas Court as shown on the approved plans.

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, 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. The driveway onto Hatch Road shall be designed for right turns only.

6. 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.

7. 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 problems in the area. The City portion of a cul-de-sac on Dallas Court shall be included in the improvements.

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 Director.

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. Building/canopy sprinklers shall be employed as required by the Fire Chief.

11. Prior to issuance of a building permit, the developer shall dedicate ten-foot public utility easements and such other public utility easements as required by the Director of Engineering and Transportation or the Director of Recreation and Neighborhoods.

12. Any business may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

13. No signs shall be permitted above eight feet in height on the south face of the buildings.

14. All signs shall comply with the sign requirements of the C-3 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(542):

The entire construction program be accomplished in one phase, construction to begin on or before September 15, 2002, and completion to be not later than September 15, 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(542), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Planning Division

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-503

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 8-4-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(542), PROPERTY LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF HATCH ROAD AND DALLAS STREET. (DONALD L. SANDERS)

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, Donald L. Sanders has proposed that the zoning designation for the property located on the southeast and southwest corners of Hatch Road and Dallas Street, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(542), in the City of Modesto ("the project"), to allow neighborhood retail commercial development, including a convenience market/gas station, 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 2000-34 reviewed the proposed amendment to the Zoning Map and rezone to P-D(542) 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(542) 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 26th day of September, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frhoman, was upon roll call carried and the resolution adopted by the following 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"

Initial Study

EA/CDD 2000-34

ITEM C
8/7/00 P/C AGENDA

City of Modesto
Initial Study

Rezoning R-1 to P-D, Sanders

EA/CDD 2000-34

April 12, 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 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, Sanders

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Bob Cannell, Community Development Department, (209) 577-5274

A. Project Location:
The south side of Hatch Road at Dallas Street.

E. Project Sponsor:
Don Sanders, 2424 Pine Ridge Dr., Modesto, CA 95351

F. General Plan Designation:
Residential (R)

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 two small retail centers containing a gas station, video store and restaurants on two parcels located on the southwest and southeast corners of Hatch Road and Dallas Street.

I. Surrounding land uses:
The project is surrounded to the north, east and west by existing single-family homes, and to the south by ranchettes.

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 commercial, this rezone is nevertheless consistent with the General Plan in land use and intensity, because the General Plan anticipated small retail commercial 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 Hatch 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 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 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 to 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 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 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 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 provide the necessary infrastructure to provide storm drainage to meet City standards. 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 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 Materials

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 service stations 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. 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 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 provide. substantial evidence to support findings A, B, C, and D above.

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-504

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(543). (ROSS BRILES)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Ross Briles on July 5, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(543), to allow for a health club facility, property located on the south side of Floyd Avenue east of Oakdale Road at 2254 Floyd Avenue, described as follows:

R-1 to P-D(543)

All that certain real property situate in the Northwest Quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California as follows:

Parcel 2 as shown on map, filed for record in Book 8 of parcel Maps at Page 36, Stanislaus County Records;

Including also that portion of Floyd Avenue South of the centerline of original 40-foot Floyd Avenue, all being adjacent to the above-described property.

and

WHEREAS, after a public hearing held on August 28, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-42, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the conditions of approval of the planned development zone will tend to ensure compatibility of this commercial health club facility with surrounding residential and commercial land uses.

2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 26, 2000, in the Tenth Street Place Chambers located at 1010 10th 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 Ross Briles 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. 2000-42 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3189-C.S. on the 26th day of September, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(543).

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(543), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan for In Shape Health Club" as amended in red, stamped approved by the City Council on September 26, 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 south property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. An 8-foot-high decorative masonry wall shall be constructed prior to occupancy along the entire south property.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. 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 and east, substantially as shown in red on the plot plan.

6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

7. Trash cans shall be screened from view from any public street.

8. Any activity in the outdoor lap pool area may be conducted only between the hours of 7 a.m. and 10 p.m.

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 Public Works and Transportation Director.

10. All signs shall comply with the sign requirements of the C-3 Zone.

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. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(543):

> The entire construction program be accomplished in one phase, construction to begin on or before September 15, 2002, and completion to be not later than September 15, 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(543), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2000, 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, 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, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-505

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 14-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(543), PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE EAST OF OAKDALE ROAD AT 2254 FLOYD AVENUE. (ROSS BRILES)

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, Ross Briles has proposed that the zoning designation for the property located on the south side of Floyd Avenue east of Oakdale Road at 2254 Floyd Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(543), in the City of Modesto ("the project"), to allow for a health club facility, 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 2000-48 reviewed the proposed amendment to the Zoning Map and rezone to P-D(543) 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(543) 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 26th day of September, 2000, 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, 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, City Attorney

EXHIBIT "A"

Initial Study

EA/CDD 2000-48

City of Modesto
Initial Study

EA NO. CDD 2000-48

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from R-1 to P-D, property located on the south side of Floyd Avenue west of Oakdale 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:
Application of Ross Briles to Rezone From R-1 to P-D For Development of A Health Club Facility, Property Located on the South Side of Floyd Avenue East of Oakdale Road at 2252 Floyd 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:
South side of Tully Road east of Oakdale Road
Modesto, CA

E. Project Sponsor:
Ross Briles

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-1, Low Density Residential

H. Description of Proposed Project:
This is an application to rezone 1.53 acres, located on the south side of Floyd Avenue east of Oakdale Road, from R-1 to P-D for a health club facility including

an out-of-doors lap pool and accessory parking lot area. This property is bordered by commercial development to the west and east, single-family houses to the south, and undeveloped residential properties to the north. The applicant's property was previously developed, while in the County, as a miniature golf facility. That legal nonconforming use was discontinued and the applicant has since relocated the operation out of the City. The applicant's plot plan indicates that the property is now proposed to be redeveloped with a new 24,000 square foot, 20 foot high, health club building together with a lap pool as previously noted. The pool will be located in an area to the south and rear of the club building. In order to create this secure pool area, the building is proposed to set back 45-feet from the south property line of the development which abuts the single-family neighborhood to the south. Gated fences will extend between the ends of the club building and a proposed eight-foot-high solid masonry wall along the south property line. An 83 space parking area for this facility will be provided between the building front and Floyd Avenue. The plot plan indicates that this parking area will be connected with the existing commercial parking lots to the east and west. Development of this parking area will also include removal one driveway on the Floyd Avenue frontage.

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 commercial health club facility 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 commercial 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 commercial health club facility 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 commercial health club facility is adjacent to and surrounded by urban development. The adjacent

developed neighborhood contains a mixture of residential and 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 P-D zone and resulting commercial health club facility 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 R-1 for residential uses. However, the property has been long developed commercially under a legal nonconforming status. The proposed P-D zone and resulting commercial 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 commercial health club facility 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 resulting commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility will not impact the Modesto School system, as the low intensity commercial use will not increase enrollment in the public schools beyond that which is projected for this commercial 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 commercial health club facility 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 commercial health club facility will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 7 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 health club facility 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: _____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-506

A RESOLUTION DENYING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN WHICH PROPOSED TO REDESIGNATE A PORTION OF CLAUS ROAD BETWEEN CLARIBEL AVENUE AND BRIGGSMORE AVENUE FROM A CLASS A EXPRESSWAY TO A CLASS B EXPRESSWAY.

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, and 2000-303, 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, pursuant to the provisions of Government Code Section 65402, the Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, Marchbrook Building Company filed an application to amend the Modesto Urban Area General Plan to redesignate the section of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, and

WHEREAS, on August 7, 2000, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to a proposed amendment to the Modesto Urban General Plan to redesignate the section of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-40, recommending to the City Council an amendment to the Modesto Urban Area General Plan to redesignate a portion of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 26, 2000, 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 General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after careful consideration the Council finds and determines that the proposed amendment to the Modesto Urban General Plan to redesignate that section of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, should not be approved, therefore, the Council hereby denies the proposed amendment to the Modesto Urban Area General Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-507

A RESOLUTION APPROVING THAT PORTION OF AMENDMENT NO. 15 TO THE VILLAGE ONE SPECIFIC PLAN WHICH PROPOSES TO REDUCE THE NOISE SETBACK ALONG CLAUS ROAD. (MARCHBROOK BUILDING COMPANY)

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, to guide the development of 1,780 acres located in northeast Modesto, 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, Marchbrook Development Company filed an application to amend the Village One Specific Plan to eliminate the planned realignment of the future Claus Road expressway, redesignate 14 acres from Business Park to Village Residential, and reduce the noise setback along Claus Road, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 7, 2000, in the Tenth Street Place Chambers

located at 1010 10th Street, Modesto, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment No. 15, and

WHEREAS, after considering public comments, the Planning Commission introduced two motions, one to continue the matter to a future date and one to recommend denial of the Specific Plan amendment, however, both motions failed for lack of four votes, therefore, the recommendation to the City Council is deemed to be for denial of an amendment to the Village One Specific Plan to eliminate the planned realignment of the future Claus Road expressway, redesignate 14 acres from Business Park to Village Residential, and reduce the noise setback along Claus Road, and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on September 26, 2000, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, and

WHEREAS, by a report to the Council dated September 1, 2000, from the Community Development Department, a copy of which report is on file in the City Clerk's Office, City staff recommended to the Council denial of that portion of Village One Specific Plan Amendment No. 15 which would eliminate the planned realignment of the future Claus Road expressway and redesignate 14 acres from Business Park to Village Residential, and recommended approval of that portion of said Specific Plan Amendment that would reduce the noise setback along Claus Road, and

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

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

SECTION 1. That this Amendment No. 15 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby approves that portion only of Amendment No. 15 to the Village One Specific Plan, which proposes to reduce the noise setback along Claus Road, as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

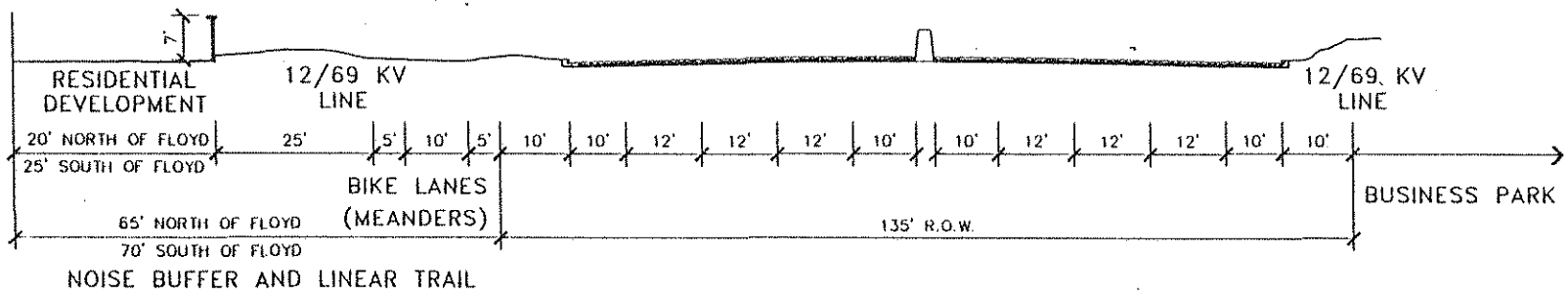
(SEAL)

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

EXHIBIT "A"

VILLAGE ONE SPECIFIC PLAN

AMENDMENT NO. 15



Claus Road (Looking North) : 135' Right-of-way, 6 Lanes

FIGURE II–3

Claus Road Exspressway Illustrative Cross Section

Facilities Master Plan will provide details

Oakdale		
	Sylvan to Floyd	214 ft.
	Floyd to Briggsmore	209 ft.
Roselle		
	Sylvan to Merle	126 ft.
	Merle to Briggsmore	150 ft.
Claus		
	Sylvan to Floyd	132.5 ft.
	Floyd to Briggsmore	137.5 ft.

Source: Brown-Buntin Associates Noise Study, April 1993 as amended May 25, 2000.

12. All Precise Plans shall contain the following statement:

> "Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 a.m. to 9:00 p.m. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

13. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's Hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's Hawks. This survey shall be conducted in concert with the Environmental Impact Report for the Modesto General Plan Rewrite.

    In conducting this survey, the most recent documentation from the State Department of Fish and Game shall be employed, including the "Draft Swainson's Hawk Guidelines" dated 1994.

    If an active Swainson's Hawk nest is located within an approximate 10-mile radius, then a foraging habitat compensation ratio of one-half acre preserved in close proximity of the nest, for every one acre of foraging habitat lost will be required. This can be accomplished by, but not limited to, the acquisition and preservation in perpetuity, of suitable grassland foraging habitat, and through the use of conservation easements on suitable "grassland-like" agricultural lands.

14. Precise Plans for development within the project area shall contain the following statement:

> During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-508

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. 15 TO REDUCE THE NOISE SETBACK ALONG CLAUS ROAD (MARCHBROOK BUILDING COMPANY).

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

WHEREAS, City staff has proposed to the City Council Village One Specific Plan Amendment No. 15 to reduce the noise setback along Claus Road, 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. CDD 2000-47 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 Village One Specific Plan Amendment No. 15, 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 Village One Specific Plan Amendment No. 15 is within the scope of the General Plan Master EIR (SCH No. 92052017).

2. 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.

3. 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.

4. There are no specific features unique to this proposed Village One Specific Plan Amendment No. 15 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, No. EA/CDD 2000-47, provides substantial evidence to support findings Nos. 1 through 4 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 26th day of September, 2000, 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 Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

ITEMS A & B
8/7/00 P/C AGENDA

City of Modesto
Initial Study

General Plan Amendment No. 12 and Village One Specific Plan Amendment No. 15

EA/CDD 2000-47
June 30, 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. 12 and Village One Specific Plan Amendment No. 15

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:
Claus Road between Claribel Avenue and Briggsmore Avenue

E. Project Sponsor:
Marchbrook Building Co., 3255 W. March Ln., Stockton, CA 95219

F. General Plan Designation:
Class A expressway

G. Current Zoning:
Not applicable

H. Description of Proposed Project:
This is an amendment to the General Plan to redesignate the section of Claus Road from Claribel Avenue to Briggsmore Avenue from a Class A expressway to a Class B expressway, and to eliminate three urban interchanges at Claus Road/Claribel Avenue, Claus Road/Sylvan Avenue, and Claus Road/Floyd Avenue.

Also included is an amendment to the Village One Specific Plan to realign the future

Claus Road expressway back to its current alignment, to redesignate approximately 25 acres from Business Park to Village Residential, and to allow a reduced noise setback for development along Claus Road with construction of a 7-foot-high masonry wall.

I. Surrounding land uses:
Claus Road is bounded on both sides by vacant agricultural land, ranchettes, churches, and industrial operations.

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 deletion of three planned urban interchanges along Claus Road and their replacement with at-grade intersections is a substantive change in the circulation system of this area of the City. Because of this, an analysis of the impacts of this change was done by K.D. Anderson Transportation Engineers. This analysis concluded that the deletion of these urban interchanges would not result in Levels of Service (LOS) lower than LOS D at any of the proposed intersections. The City's Traffic Engineer has reviewed this analysis, and agrees with its conclusions.

The General Plan Master EIR has adopted a significance threshold for traffic impacts of LOS D; that is, any change that would result in a LOS lower than D is considered a significant impact. Conversely, any change that does not result in Levels of Service lower than LOS D is not considered to have a significant impact. Since the proposed amendments will not result in any Levels of Service lower than D, the proposed amendments will create no additional significant traffic impacts beyond those analyzed in the MEIR. 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 of the MEIR.

B. Degradation of Air Quality

The air quality impacts for these amendments are directly related to the traffic impacts, as the amendments affect only automotive traffic. Since the amendments 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

As the amendments will result in the deletion of planned above-ground traffic overcrossings at the interchanges, there should be a reduction of noise impacts to adjacent land uses at these locations, relative to the impacts analyzed by the MEIR. As for the proposed reduction in noise setback, a noise analysis prepared by Brown-Buntin

Associates concludes that the reduced setback will not increase noise in the adjacent uses higher than the 60 dB that is the threshold of significance adopted in the MEIR. 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 amendments 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 25 acres from Business Park to Village Residential 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 land use amendment 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 amendments 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 amendments is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the amendments 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 amendments 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. 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. Therefore, 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 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, and 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 amendments 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 amendments 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. 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 amendments 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 amendments will not result in any increase in the generation of hazardous materials, because residential development will not generate as much hazardous materials as business park development. 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

These amendments 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 amendments 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 amendments 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 amendments 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 amendments that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to these amendments 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

Steve Mitchell,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-509

A RESOLUTION ACCEPTING THE PROJECT TITLED "RUNWAY 10R-28L RESURFACING, RUNWAY 10R-28L LIGHT AND SIGNAL RELOCATION, RUNWAY 10L-28R RUNUP APRON CONSTRUCTION, SECURITY LIGHTING REHABILITATION, ROTATING BEACON REHABILITATION AND PAPI INSTALLATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Runway 10R-28L Resurfacing, Runway 10R-28L Light And Signal Relocation, Runway 10L-28R Runup Apron Construction, Security Lighting Rehabilitation, Rotating Beacon Rehabilitation and PAPI Installation, has been completed by Teichert Construction, in accordance with the contract agreement dated August 17, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Runway 10R-28L Resurfacing, Runway 10R-28L Light And Signal Relocation, Runway 10L-28R Runup Apron Construction, Security Lighting Rehabilitation, Rotating Beacon Rehabilitation And PAPI Installation be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $777,525.07 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 3rd day of October, 2000, 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, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-510

A RESOLUTION ACCEPTING THE PROJECT TITLED "CARVER/SCOTT LIFT STATION REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carver/Scott Lift Station Rehabilitation, has been completed by Howk Systems, in accordance with the contract agreement dated October 26, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Carver/Scott Lift Station Rehabilitation be accepted from said contractor, Howk Systems Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $201,500.00 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 3rd day of October, 2000, 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, 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. 2000-511

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MATHNEY FAMILY TRUST, THE GEORGE R. WILLS AND BEVERLY A. WILLS 1992 TRUST AND FRANK W ROBERTS JR. FOR ACQUISITION OF THEIR PROPERTY LOCATED AT THE INTERSECTION OF MCHENRY AND DOWNEY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mathney Family Trust, the George R. Wills and Beverly A. Wills 1992 Trust, and Frank W. Roberts Jr. for acquisition of their property located at the intersection of McHenry and Downey 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 day of October, 2000, 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, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-512

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNY'S INC., A CALIFORNIA CORPORATION, FOR PROPERTY NEEDED TO COMPLETE A RIGHT TURN LANE AT THE DOWNEY/MCHENRY INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Denny's Inc., a California Corporation for property needed to complete a right turn lane at the Downey/McHenry intersection 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 day of October, 2000, 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, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-513

A RESOLUTION ACCEPTING RIGHTS OF ENTRY IN THE PROPERTY LOCATED AT THE INTERSECTION OF MC HENRY AND DOWNEY AVENUES FOR A RIGHT TURN LANE PROJECT.

WHEREAS, the acquisition of a portion of the property from the Mathney Family Trust, George R. Wills and Beverly A. Wills,1992 Trust, and Frank W. Roberts, Jr., located at the intersection of McHenry and Downey Avenues is needed for the McHenry/Downey Right Turn Lane project, and

WHEREAS, acceptance of the Rights of Entry by the City is necessary to proceed with construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Rights of Entry in the property located at the intersection of McHenry and Downey Avenues for a right turn project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, 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, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-514

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR DEEDS INVOLVED IN THE ACQUISITION FOR PROPERTY FOR THE MCHENRY/DOWNEY RIGHT TURN LANE PROJECT

WHEREAS, the Council of the City of Modesto has approved a right turn lane on Downey Avenue at McHenry Avenue, and;

WHEREAS, acquisition of property interests is needed for the completion of said 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 the Deeds involved in said acquisition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, 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, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-515

A RESOLUTION DETERMINING THAT THE ACTION OF THE ACQUISITION OF PROPERTY LOCATED FOR A RIGHT TURN LANE PROJECT AT THE INTERSECTION OF MC HENRY AND DOWNEY AVENUES IS EXEMPT FROM CEQA REVIEW.

WHEREAS, the acquisition of a portion of the property from the Mathney Family Trust, George R. Wills and Beverly A. Wills,1992 Trust, and Frank W. Roberts, Jr., located at the intersection of McHenry and Downey Avenues is needed for the McHenry/Downey Right Turn Lane project, and

WHEREAS, City staff determined that said project is exempt from environmental review pursuant to CEQA Guidelines Class III, Section 15303, Statement of Exemption attached hereto, and

WHEREAS, the CEQA review process has been completed and the matter was considered by the City Council at its meeting held on October 3, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds and determines that the McHenry/Downey Right Turn Lane project is exempt from environmental review pursuant to CEQA Guidelines Class III, Section 15303 and approves the Statement of Exemption attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, 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, 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

STATEMENT OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth St., Room 121
Sacramento, CA 95814

From: City of Modesto
P.O. Box 642
Modesto, CA 95353

☑ County Clerk
County of Stanislaus

E.A. No: EA/ET 2000-42

Project Title:

Provide Right-Turn Lane on McHenry and Downey Intersection

Project Location – Specific:

At the intersection of Downey Avenue and McHenry Avenue

Project Location – City: Modesto

Project Location – County: Stanislaus

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project:

City of Modesto

Name of Person or Agency Carrying Out Project:

City of Modesto

Exempt Status: *(check one)*

[ ] Ministerial (Sec. 21080(b)(1); 15268);
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Class III, Section 15303
[ ] Other

Reasons Why Project is Exempt:

Contact Person: Firoz Vohra

Area Code/Telephone: (209) 577-5430

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☑ Yes ☐ No

Date Received for Filing: September 19, 2000

Signature: _____ Title Traffic Engineer

Corrected

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-516

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 5 SUBDIVISION, EXCEPT FOR THE STORM DRAIN BASIN, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 5 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $631,314 and $315,657 respectively to guarantee improvements in Rose Lane No. 5 subdivision name and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement, except the storm drain basin, 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, except the storm drain basin, as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

WHEREAS, the City Clerk is holding a faithful performance bond in the amount of $583,200, and a labor and materials bond in the amount of $291,600 in connection with Rose Lane Unit No. 4 subdivision to secure the storm drain basin improvements.

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

1. The improvements in Rose Lane No. 5 Subdivision, except the storm drain basin, are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $631,314 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 $315,657 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 3rd day of October, 2000, 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:	Fisher, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad & Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-517

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION UNDER THE FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR FEDERAL FUNDS FOR PURCHASE OF MOBILE DATA TERMINALS FOR POLICE VEHICLES.

WHEREAS, the Federal Government has released another round of funds under the noncompetitive Local Law Enforcement Block Grant Program, and

WHEREAS, the Modesto Police Department desires to submit an application to complete the purchase of mobile data terminals for all patrol vehicles, and

WHEREAS, it is proposed that the grant project will total $299,416; the Federal Grant Program would provide a ninety (90%) percent grant in the amount of $269,474, with a ten (10%) percent local match requirement of $29,942 in local funds; said local match in funds to be provided by the Supplemental Law Enforcement Services Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee is hereby authorized to execute and submit an application and grant-related documents to the Federal Government for the Local Law Enforcement Block Grant Program for a ninety (90%) percent grant in the amount of $269,474, to complete the purchase of mobile data terminals for all patrol vehicles, which requires $29,942 in local funds, a ten (10%) percent match of the total project cost of $299,416.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, 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, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-518

A RESOLUTION ORDERING THE NORTH 99/WOODLAND REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, on December 8, 1998, the City Council adopted Resolution No. 98-648, a Resolution of Application to the Stanislaus County Local Agency Formation Commission (LAFCO), initiating the North 99/Woodland Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, on April 13, 1999, the City Council adopted Resolution No. 98-649 approving an Initial Study prepared pursuant to Section 21157.1 of the Public Resources Code (CEQA), including findings that the proposed reorganization conforms with the General Plan Master Environmental Impact Report (EIR), and

WHEREAS, because the annexation area was not covered by the Master City/County Property Tax Sharing Agreement, a separate property tax sharing agreement was required, therefore, a Property Tax Sharing Agreement for the area has been entered into between the City of Modesto, on May 2, 2000, and the County of Stanislaus, on May 9, 2000, and

WHEREAS, on August 23, 2000, LAFCO conducted a public hearing on the proposed North 99/Woodland Reorganization to the City of Modesto, and by Resolution No. 2000-15, dated August 23, 2000, approved the proposed reorganization to the City of Modesto

(CITY) upon the condition that it be processed as an uninhabited reorganization and that the reorganization be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Woodland Avenue Fire Protection District, and

WHEREAS, LAFCO designated said reorganization the North 99/Woodland Reorganization to the City of Modesto, and

WHEREAS, LAFCO designated, pursuant to Section 56852 of the California Government Code, the City of Modesto as the Conducting Authority and directed the City to initiate reorganization proceedings in accordance with Section 57000 et seq. of the Government Code, and

WHEREAS, LAFCO found that the City of Modesto shall be responsible for monitoring and reporting to ensure CEQA compliance, and

WHEREAS, said proposed Reorganization is located in a Redevelopment Area of the City's General Plan along the north and south sides of Woodland Avenue between Highway 99 and north Ninth Street, consisting of 64.77 acres of land, a description of the boundaries of the territory is set forth in Exhibit "A", attached hereto and by this reference incorporated herein, and

WHEREAS, the subject territory is within the current Sphere of Influence of the City of Modesto as adopted on December 19, 1994, and

WHEREAS, there are no Williamson Act contracts located within the territory, and

WHEREAS, information satisfactory to LAFCO was presented that a majority of the owners of land within the affected territory had given their consent to the proposal, and

WHEREAS, pursuant to Section 56852 of the Government Code, LAFCO designated the City of Modesto as the conducting authority and directed the City to initiate proceedings in accordance with Government Code Section 57000, et seq., and

WHEREAS, said proposal was duly noticed for a public hearing by the Council of the City of Modesto and was held at 5:15 p.m. on October 3, 2000, in the Council Chambers located at 1010 Tenth Street, Modesto, California, for hearing protests against said reorganization, and the City Clerk gave notice to all persons legally entitled thereto, and

WHEREAS, this Council finds and determines that no written protests were filed by property owners of land within the annexation territory, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, the reasons for this annexation are as follows:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

WHEREAS, the regular County assessment roll is utilized by the City of Modesto, and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, the North 99/Woodland Reorganization consists solely of land designated for Industrial uses on the City's General Plan, therefore, a Measure "M" Citizens Advisory Vote is not required,

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

1. That all requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory designated as the North 99 Woodland Reorganization to the City of Modesto, consisting of 64.77 acres of land, is described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. That said territory is hereby ordered to be annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

4. Said territory is hereby ordered detached from the Woodland Avenue Fire Protection District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution stating the date of its passage and to obtain such further documentation as is

required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government.

BE IT FURTHER RESOLVED that pursuant to Section 5702 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

NORTH 99/WOODLAND
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the a portion of Section 19 and Section 3 , Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the intersection of the Northeasterly right of way line of the Southern Pacific Railroad and the Southerly projection of the Centerline of Carver Road, said point being an angle point in the City limits line as described in the Northwest Addition (44) as filed for record on December 10, 1951 at instrument number 28460, Stanislaus County Records; thence along the existing City Limits line the following twenty-five (25) courses:

1. thence South 43°29'30" East, along the Northeasterly right of way line of said Southern Pacific Railroad and the Basis of bearings herein described, a distance of 1553.25 feet, more or less to the beginning point of the Woodland-Barium Annexation as described in the document filed for record on February 28, 1979 at instrument number 54252, Stanislaus County Records;

2. thence North 89°49'30" West, along the centerline of Woodland Avenue and the North line of said Woodland-Barium Annexation, a distance of 812.91 feet;

3. thence South 00°33'30 East, along the west line of said Woodland-Barium Annexation, a distance of 375.54 feet;

4. thence South 89°57'30" East, along the south line of said Woodland-Barium Annexation, a distance of 939.83 feet;

5. thence North 00°42'30" West, along the city limits line as described in said Woodland-Barium annexation, a distance of 62.47 feet;

6. thence North 46°30'30" East, along the city limits line as described in said Woodland-Barium annexation, a distance of 120.00 feet to a point on said Northeasterl Right of way line of the Southern Pacific Railroad and also being a point on the city limits line as described in said Northwest Addition (44);

Approved as to description

EXHIBIT "A"

ON 9/20/00

BY H.I

7. thence South 43°29'30" East, along said Northeasterly Right of way and city limits line as described in said Northwest Addition (44), a distance of 318.56 feet, more or less to the northerly most angle point in the City limits line as described in the Kansas Avenue Addition as described in the document filed for record on July 24, 1978 at instrument number 4617, Stanislaus County Records;

thence along the City limits line as described in said Kansas Avenue Addition the following eighteen (18) courses

8. thence South 47°18'10" West 100.00 feet

9. thence South 00°11'40" East 7.02 feet to a point of curvature, non-tangent to the preceding course, concave westerly, having a radius of 562.22 feet, of which radius bears South 64°03'23" West;

10. thence southerly, along the arc of said curve, through a central angle of 47°37'57", an arc distance of 467.40 feet;

11. thence South 21°41'20" West 135.05 feet to a point of curvature, concave easterly, having a radius of 583.14 feet, of which radius bears South 68°18'40" East;

12. thence southerly, along the arc of said curve, through a central angle of 21°53'00", an arc distance of 222.72 feet;

13. thence South 00°11'40" East 484.27 feet;

14. thence South 07°58'20" West 98.55 feet;

Approved as to description
ON 9/20/00
BY H.I

15. thence South 00°11'40" East 20.04 feet;

16. thence North 89°48'20" East 14.07 feet;

17. thence South 00°11'40" East 231.60 feet;

18. thence North 49°22'30" West 142.01 feet;

19. thence North 37°24'39" West 35.78 feet;

20. thence North 00°11'40" West 69.47 feet;

21. thence North 89°47'15" West 89.26 feet to a point of curvature, non-tangent to the preceding course, concave northeasterly, having a radius of 1972.00 feet, of which radius bears North 43°17'09" East;

22. thence Northwesterly, along the arc of said curve, through a central angle of 3°35'21", an arc distance of 123.53 feet;

23. thence North 43°07'30" West 1084.67 feet;

24. thence North 13°46"00" West 81.72 feet to a point on the northeasterly line of Graphics Road (formerly Barium Road);

25. thence South 89°39'17" West 30.00 feet to a point on the centerline of said Graphics Road;

26. thence South 89°39'17" West, leaving said city limits line, a distance of 45.16 feet to a point on the Northeasterly right of way line of State Highway 99;

27. thence North 42°44'29" West, along said Northeasterly line, a distance of 491.38 feet to the southwest corner of that certain 3.046 acre tract of land as shown on the survey filed for record on May 30, 1978 in Book 14 of Surveys, at page 95, Stanislaus County Records;

28. thence South 89°36'16" East, along the south line of said 3.046 acre tract of land, a distance of 16.21 feet to the southeast corner of said tract of land;

29. thence North 00°23'31" West, along the East line of said 3.046 acre tract of land, a distance of 628.88 feet to a point on the South right of way line of Woodland Avenue (30.00 foot half-width);

30. thence North 89°49'30" West, along the South right of way line of said Woodland Avenue, a distance of 267.58 feet, more or less, to a point on the southerly projection of the Easterly line of Lot 3 of the Woodland Avenue Park as shown on the map filed for record on July 15, 1908 in Volume 3 of Maps, at page 46, Stanislaus County Records;

31. thence North 00°19'38" West, along the southerly projection and the east line of said Lot 3, a distance of 1215.78 feet, more or less, to a point on the southeasterly line of Parcel 3 as shown on the Parcel Map filed for record on June 20, 1967 in Book 3 of Parcel Maps, at page 98, Stanislaus County Records;

32. thence North 36°38'29" East, along the Southeasterly line of said Parcel 3, a distance of 132.70 feet to a point on the Southwesterly right of way line of said Southern Pacific Railroad;

33. thence South 43°29'30" East, along said Southwesterly right of way line, a distance of 328.91 feet, more or less to a point which bears South 46°30'30" West 100.00 feet from the Point of Beginning;

34. thence North 46°30'30" East 100.00 feet to the Point of Beginning, and Containing 64.77 acres, more of less.

END DESCRIPTION

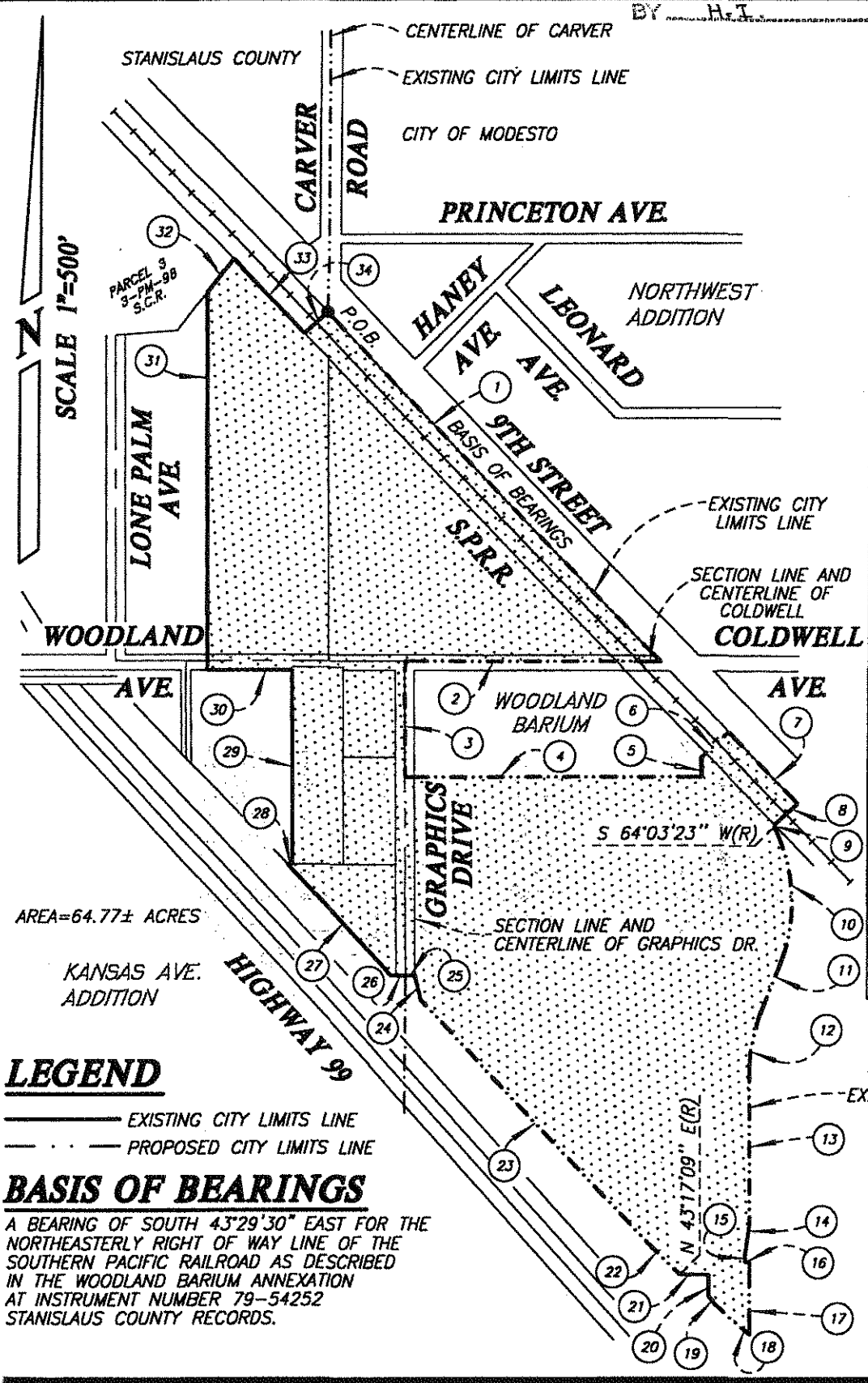
Approved as to description
ON 9/20/00
BY H.I.

LICENSED LAND SURVEYOR
MICHAEL K. JONES
No. 6805
Ex. 9-30-2000
STATE OF CALIFORNIA

Approved as to description

ON 9/20/00

BY H.I.



LINE TABLE

NUMBER	DIRECTION	DISTANCE
1	S 43°29'30" E	1553.25'
2	N 89°49'30" W	812.91'
3	S 00°33'30" E	375.54'
4	S 89°57'30" E	939.83'
5	N 00°42'30" W	62.47'
6	N 46°30'30" E	120.00'
7	S 43°29'30" E	318.56'
8	S 47°18'10" W	100.00'
9	S 00°11'40" E	7.02'

NUMBER	DELTA	RADIUS	LENGTH
10	47°37'57"	562.22'	467.40'

NUMBER	DIRECTION	DISTANCE
11	S 21°41'20" W	135.05'

NUMBER	DELTA	RADIUS	LENGTH
12	21°53'00"	583.14'	222.72'

NUMBER	DIRECTION	DISTANCE
13	S 00°11'40" E	484.27'
14	S 07°58'20" W	98.55'
15	S 00°11'40" E	20.04'
16	N 89°48'20" E	14.07'
17	S 00°11'40" E	231.60'
18	N 49°22'30" W	142.01'
19	N 37°24'39" W	35.78'
20	N 00°11'40" W	69.47'
21	N 89°47'15" W	89.26'

NUMBER	DELTA	RADIUS	LENGTH
22	03°35'21"	1972.00'	123.53'

NUMBER	DIRECTION	DISTANCE
23	N 43°07'30" W	1084.67'
24	N 13°46'00" W	81.72'
25	S 89°39'17" W	30.00'
26	S 89°39'17" W	45.16
27	N 42°44'29" W	491.38'
28	S 89°36'16" E	16.21'
29	N 00°23'31" W	628.88'
30	N 89°49'30" W	267.58'
31	N 00°19'38" W	1215.78'
32	N 36°38'29" E	132.70'
33	S 43°29'30" E	328.91'
34	N 46°30'30" E	100.00'

LEGEND

EXISTING CITY LIMITS LINE

PROPOSED CITY LIMITS LINE

BASIS OF BEARINGS

A BEARING OF SOUTH 43°29'30" EAST FOR THE NORTHEASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD AS DESCRIBED IN THE WOODLAND BARIUM ANNEXATION AT INSTRUMENT NUMBER 79-54252 STANISLAUS COUNTY RECORDS.

KANSAS AVE. ADDITION

EXISTING CITY LIMITS LINE

LICENSED LAND SURVEYOR
MICHAEL K. JONES
No. 6805
Ex. 9-30-2004
STATE OF CALIFORNIA

SCALE :	1"=500'
DRAWN BY :	W. PAUL
FILE :	4962ANX1.DWG
DATE :	SEPT. 11, 2000

O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

NORTH 99/WOODLAND REORGANIZATION TO THE CITY OF MODESTO

DISTRIBUTION LIST
FOR
RESOLUTION ORDERING REORGANIZATION

2- Clerk
1 - Attorney
1 - Initiating Department - CDD - Steve Nish
10- LAFCO/ certified

Others from City Clerk's Distribution list.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-518A

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR A HIGH-PRESSURE COMPRESSED AIR BREATHING SYSTEMS WITH STORAGE TANKS AND AUTHORIZING TRADE-IN OF BAUER VT35 AIR COMPRESSOR

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 a high-pressure air breathing system with storage tanks and authorizing the trade-in of the Bauer VT35 air compressor, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on October 24, 2000 at 11:00a.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 10th day of October, 2000, 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. 2000-519

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICES FOR ROADWAY APPROACHES TO THE CARPENTER ROAD BRIDGE OVER TUOLUMNE RIVER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dokken Engineering for professional design services for roadway approaches to the Carpenter Road Bridge over Tuolumne River 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 10th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-520

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:

Recreation Coordinator

The specifications for the classification of Recreation Coordinator (Range 118), 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 October 10, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3165

OCTOBER, 2000

RECREATION COORDINATOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize and supervise major recreational programs such as adult and youth recreation activities, social services, sports and aquatics, special events, camps and classes.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from a Recreation Supervisor II.

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

Essential Functions:

Plan, organize, supervise and evaluate recreation programs.

Assist with hiring of part-time personnel necessary for programs, special events, camps and classes.

Conduct orientation meetings for part time staff; assign and train part-time staff; and work with part time employees to correct deficiencies.

Schedule specific program hours and schedule and assign staff to provide program coverage, including contacting off-duty employees to make necessary adjustments in schedules.

Maintain and submit reports and records.

Monitor the certification of instructor-lifeguards in the aquatics programs; monitor first aid certification of recreation leaders in the park program.

EXHIBIT "A"

Ability to, Continued:

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Perform medium manual labor, meaning lifting and carrying up to fifty (50) pounds of weight.

Establish and maintain cooperative relationships with those contacted during work.

Coordinate, organize and implement recreation and leisure activities and special events.

Operate programs within allocated budget.

Monitor programs to ensure compliance with related regulations, policies and procedures.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years of increasingly responsible experience in development, administration or facilitation of a related program (such as aquatics, sports, senior activities, special population, after school activities, physical education).

Training:

Equivalent to an Associates of Arts degree with an emphasis in recreation, physical education or a related field.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-521

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ADD RECREATION COORDINATOR (RANGE 118).

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," 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 October 10, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Recreation Coordinator (Range 118) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 10, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective, **October 10, 2000**

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

EXHIBIT "A"

RANGE	TITLE
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
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

RANGE	TITLE
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 Fire Plan Checker Plan Review Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO.2000-522

A RESOLUTION AUTHORIZING ADDING DISABLED BOWLING TO THE CITY'S RECREATION PROGRAMS.

WHEREAS, City staff has received a request from the Roadrunners Bowling League for the City to add the league to its adaptive recreation program, and

WHEREAS, the league has been meeting for the past ten years every Thursday at 4:00 p.m. at McHenry Bowl, and

WHEREAS, during this time the adaptive bowling league has been coordinated and supervised by a volunteer, and

WHEREAS, the volunteer coordinator has now resigned from this weekly commitment, and

WHEREAS, the league has a long and successful history, and it meets the needs of persons with disabilities by enabling them to participate in valuable and challenging recreation, and

WHEREAS, the Human Services Committee met on September 25, 2000, and supported staff's recommendations to add this activity to the City's adaptive recreation program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes adding the Disabled Bowling Program to the City's recreation program activities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-523

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE FUNDS TO THE DISABLED BOWLING PROGRAM

WHEREAS, staff received a request from the Roadrunners Bowling League for the City to add this league to its adaptive recreation program; and

WHEREAS, the estimated expenditure for this program would be $10,000; with $7,500 coming from the General Fund Reserve and $2,500 coming from increased revenue (25% cost of recovery).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:	
#0100-800-8000-8003	$(7,500)
To:	
#0100-370-3712-0140	$ 6,383
#0100-370-3712-0189	$ 574
#0100-370-3712-0235	$ 2,303
#0100-370-3712-0315	$ 740
Revenue:	
#0100-370-3712-4074	$ 2,500

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 10th day of October, 2000, 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 votes:

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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-524

A RESOLUTION REVISING PARKS AND RECREATION ACTIVITY FEES AND REVENUE TO INCLUDE ADAPTIVE BOWLING AT THE RATE OF TWENTY-FIVE (25%) PERCENT OF THE COST OF THE SERVICE.

WHEREAS, by Resolution No. 2000-522, the City Council authorized adding the Disabled Bowling program to the City's recreation program activities, and

WHEREAS, the budget required to conduct said adaptive bowling league is $10,000, and

WHEREAS, the 16-week bowling league would be conducted three times a year with a 24-bowler maximum per league, and

WHEREAS, the program would include an Adaptive Recreation Coordinator and Recreation Leaders, bowling fees, equipment replacement and repair, end-of-league pizza party, and awards for all participants, and

WHEREAS, the cost for each participant per league is $154.00, and

WHEREAS, the majority of the participants have a limited or fixed income and have the ability to pay twenty-five (25%) of the cost of service ($38.50 per session or $116 per year), and

WHEREAS, the Human Services Committee met on September 25, 2000, and supported staff's recommendations to make the necessary budget adjustments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes revising the Parks and Recreation activity fees and revenue

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2021-245

to include adaptive bowling at a rate of twenty-five (25%) percent of the cost of the service per each participant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October 2000, 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, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-525

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET INCREASING THE DEPARTMENT'S ABS TARGET

WHEREAS, staff received a request from the Roadrunners Bowling League for the City to add this league to its adaptive recreation program; and

WHEREAS, the estimated expenditure for this program would be $10,000; with $7,500 coming from the General Fund Reserve and $2,500 coming from increased revenue (25% cost of recovery); and

WHEREAS, the department's ABS target for FY01 and subsequent years needs to be increased by $7,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:	
#0100-800-8000-8003	$(7,500)
To:	
#0100-370-3712-0140	$ 6,383
#0100-370-3712-0189	$ 574
#0100-370-3712-0235	$ 2,303
#0100-370-3712-0315	$ 740
Revenue:	
#0100-370-3712-4074	$ 2,500

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 10th day of October, 2000, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-526

A RESOLUTION APPROVING THE RENAMING OF THE CITY PARK CURRENTLY REFERRED TO AS "FLOYD II PARK", LOCATED AT 2025 WOLCOTT WAY AND ELLISON DRIVE, TO "***BREWER'S ROSE PARK***".

WHEREAS, with increased citizen input in the development of parks in their neighborhoods, citizens have a greater interest in naming their parks, and

WHEREAS, pursuant to City Council Policy No. 6.005, names of parks not adjacent to schools are to be selected by the City Council from names submitted by the Culture Commission according to certain procedures, and

WHEREAS, at a hearing on July 24, 2000, the City of Modesto's Culture Commission reviewed and selected no more than three names for the renaming of the site, currently referred to as "Floyd II Park", located at 2025 Wolcott Way and Ellison Drive, and

WHEREAS, on September 25, 2000, the Human Services Committee met and carefully reviewed the three proposed park names, and

WHEREAS, renaming the City park located at 2025 Wolcott Way and Ellison Drive to ***Brewer's Rose Park*** was recommended by the Human Services Committee, and

WHEREAS, Clyde Oris Brewer farmed in Stanislaus County for 50 years and founded Brewer Trucking; in 1950, Clyde and Peggy Brewer bought their last farming ranch on Rose Avenue; the 20 acre ranch produced some of Stanislaus County's best grapes and peaches; and today, the original Brewer Ranch encompasses the site of the new park, and

WHEREAS, Clyde Brewer had grown roses on the ranch as a hobby, hence, the addition of "Rose" to the name, thus, the Human Services Committee recommended that the park be named ***Brewer's Rose Park***,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renaming the City park currently referred to as "Floyd II Park, located at 2025 Wolcott Way and Ellison Drive, to "***Brewer's Rose Park***".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-527

A RESOLUTION ACCEPTING THE BID OF MITCHELL'S MODESTO HARLEY DAVIDSON FOR FURNISHING SEVEN HARLEY DAVIDSON POLICE MOTORCYCLES AND APPROVE TRADE-IN OF SEVEN USED MOTORCYCLES

WHEREAS, in March 1997 bids were obtained for policy motorcycles, and;

WHEREAS, it was determined that Mitchell's Modesto Harley Davidson was the lowest responsive and responsible bidder, and;

WHEREAS, as part of said bid package Mitchell's Modesto Harley Davidson agreed to buy back the 1997 Harley Davidson motorcycles after a period of 24-36 months, and;

WHEREAS, in November 1999, Mitchell's Modesto Harley Davidson again presented the lowest responsive and responsible bid for seven 2000 Harley Davidson motorcycles, and;

WHEREAS, Mitchell's Harley Davidson has agreed to provide 2000 year model police motorcycles with an agreement to buy them back at full base value after two years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mitchell's Modesto Harley Davidson 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 10th day of October, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-528

A RESOLUTION DESIGNATING THE PROPERTY AT 124 SYCAMORE AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: DOROTHY AND ARTHUR SCULLY)

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. 99-9, that the property at 124 Sycamore Avenue 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, after a public hearing held on October 10, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, the Council found and determined that the property at 124 Sycamore Avenue 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 124 Sycamore Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 124 Sycamore Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Architectural significance - Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.

This stately house combines colonial and classical elements with side-facing gable roof which features boxed cornices with brackets. Eaves extend part way around the end of the gables. The front corners of the house are trimmed with fluted pilasters. The slightly recessed front entrance is capped by a triangular pediment which is supported by paired round columns. The entry door is framed by a leaded glass fan light and multi-pane side lights. The exterior of the house is sheathed in shiplap siding, painted white. The carport on the south side echoes the style of the house and is topped with a balcony.

Historical significance - Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

This house was constructed in 1925. The original owner of this home was Warren S. Tillson, son of the founder of the Modesto Lumber Company established in 1878. Warren Tillson became the president of this company and remained active in the business until his death in 1948.

The Tillson family was involved in agriculture as well as commerce. The Tillson dairy, west of Modesto, was noted for its purebred Guernsey cattle.

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 10th day of October, 2000, 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
NOES:	Councilmembers:	Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
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 ___ of ___ *Resource Name or #: (Assigned by recorder)

P1. Other Identifier: Tillson House

*P2. Location: ☐ Not for Publication ☐ Unrestricted *a. County

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad ___ Date ___ T___; R___; ___ ¼ of ___ ¼ of Sec___; ___ B.M

c. Address 124 Sycamore Ave. City Modesto Zip 95354

d. UTM: (Give more than one for large and/or linear resources) Zone ___; ___ mE/ ___ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

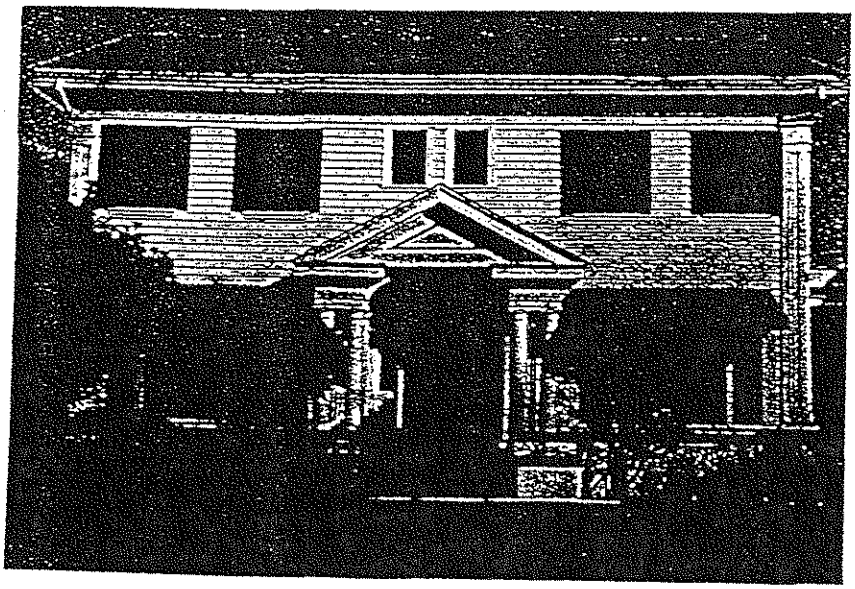
*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

This stately house successfully combines colonial and classical elements. The side-facing gable roof features boxed cornices with brackets. Eaves extend part way around the end of the gable. The front corners of the house are trimmed with fluted pilasters. The slightly recessed front entrance is capped by a triangular pediment which is supported by paired round columns. The entry door is framed by a leaded glass fan light and multipane side lights. The exterior of the house is sheathed in shiplap siding, painted white. The carport on the south side echoes the style of the house and is topped with a balcony.

*P3b. Resource Attributes: (List attributes and codes) HP2

*P4. Resources Present: ☒Building ☐Structure ☐Object ☐Site ☐District ☐Element of District ☐Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #) Front of house looking east March 1999

*P6. Date Constructed/Age and Sources: ☐Historic ☐Prehistoric ☐Both
c. 1925

*P7. Owner and Address:
Arthur & Dorothy Scully
124 Sycamore Ave.

*P8. Recorded by: (Name, affiliation, and address)
William A. Stewart
Modesto LPC

*P9. Date Recorded: 3/15/99

*P10. Survey Type: (Describe)
California Register Nomination

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Modesto City Directories 1911-1941 Modesto High School Broadcast SpecialEdition July 1983

*Attachments: NONE ☐Location Map ☐Sketch Map ☐Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____
HRI # _____

*NRHP Status Code _____

Page _____ of _____ *Resource Name or #(Assigned by recorder) _____

B1. Historic Name: Tillson House
B2. Common Name: Tillson House
B3. Original Use: Single-Family Residence
B4. Present Use: Single-Family Residence
*B5. Architectural Style: Colonial Revival
*B6. Construction History: (Construction date, alterations, and date of alterations)

*B7. Moved? X No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features: Detached garage at rear of property

B9a. Architect: unknown b. Builder: unknown

*B10. Significance: Theme _____ Area: _____

Period of Significance: _____ Property Type: Residential Applicable Criteria: _____
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The original owner of this home was Warren S. Tillson, son of the founder of the Modesto Lumber Company established in 1878. Warren Tillson became the president of this company and remained active in the business until his death in 1948.

The Tillson family was involved in agriculture as well as commerce. The Tillson dairy, west of Modesto, was noted for its purebred Guernsey cattle.

B11. Additional Resource Attributes: (List attributes and codes) HP2

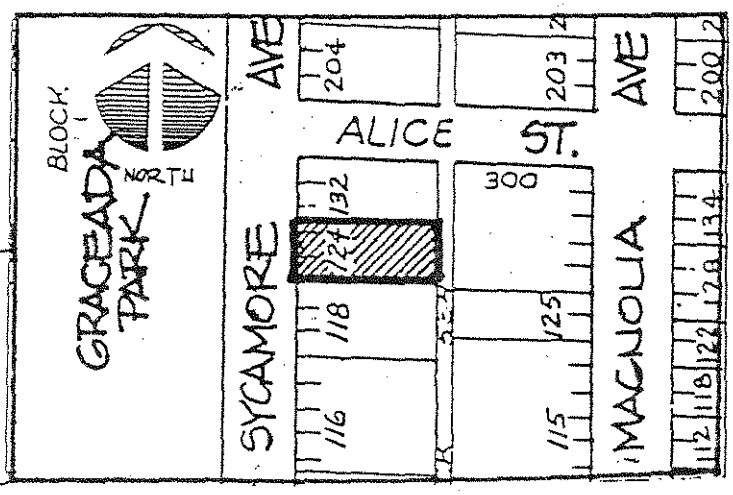
*B12. References: Melgard/Boer Study April 1984

B13. Remarks:

*B14. Evaluator: William A. Stewart

*Date of Evaluation: _____

(This space reserved for official comments)



DPR 523B (1/95) [ACROBAT WEBDOC Posted 11/98]

*Required information

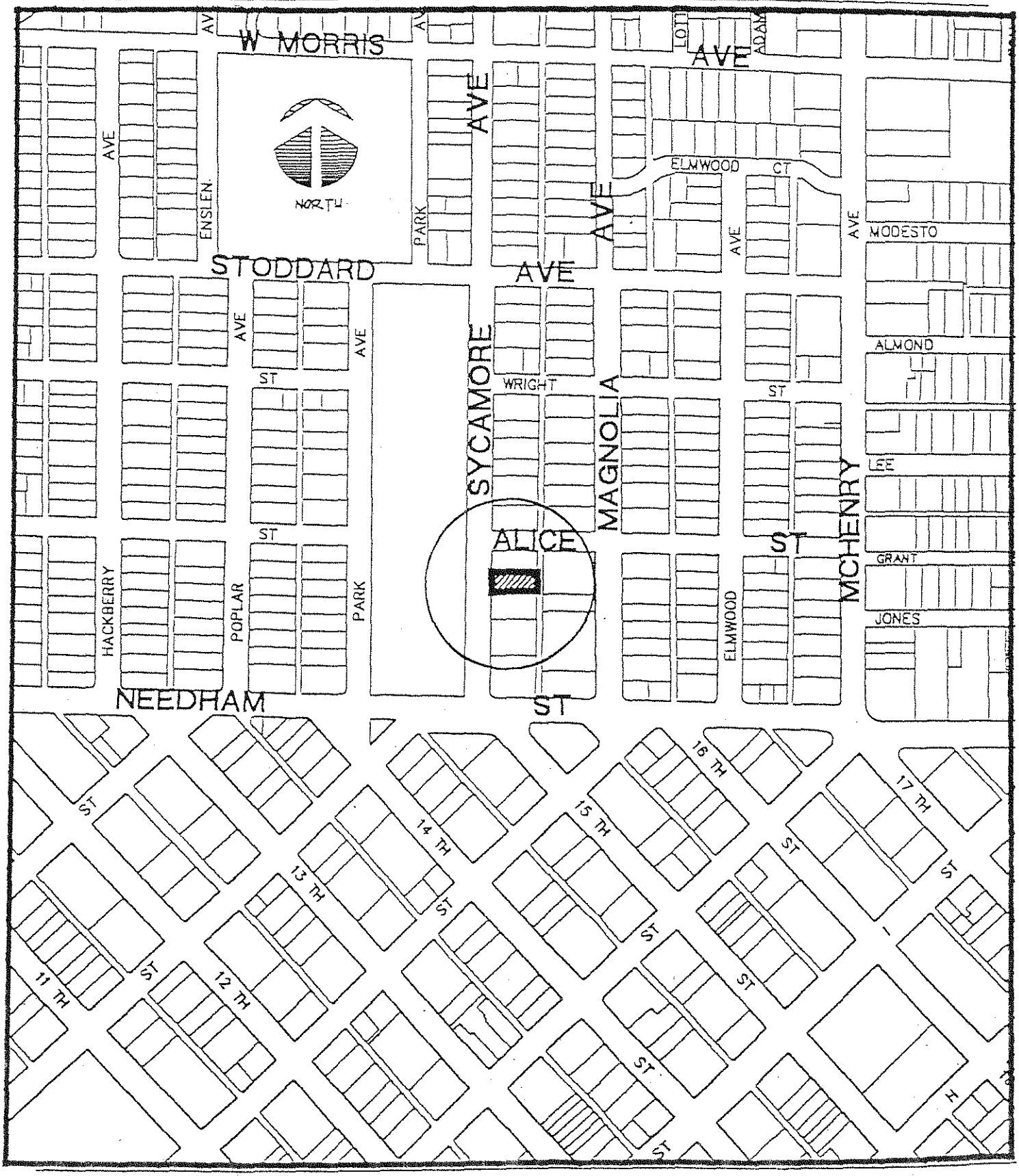
State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

LOCATION MAP

Primary # _____
HRI# _____
Trinomial _____

Page _____ of _____ *Resource Name or # (Assigned by recorder) _____

*Map Name: *Scale: _____ *Date of map: _____



*Required information

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-529

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE MODESTO REDEVELOPMENT AGENCY AND VALLEY TOWER, LLC, AND OTHER RELATED ACTIONS.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from Valley Tower, LLC, a California limited liability company whose members are John B. Hinchey, an individual, and Roger K. Rempfer (the "Developer"), providing for the acquisition and sale of certain property located within the Redevelopment Project Area (the "Site"), and development of the Site with a multi-story commercial office structure, consisting of subterranean parking, ground floor retail uses, above-ground parking, and a five-story commercial office building located above the above-ground parking, together with appurtenant landscaping improvements and additional on-street parking spaces (the "Office Project"), and

WHEREAS, the Site is currently owned by the City of Modesto (the "City"), and is currently improved with a public parking lot, which will be acquired by the Agency and subsequently sold to the Developer for development and operation of the Office Project, and

WHEREAS, the DDA further provides that the Developer and City will enter into a Parking Agreement whereby, following completion of the Parking Garage to be constructed as a part of the Office Project, the Developer will maintain, manage and operate the Parking Garage as a private parking garage, a portion of the parking spaces within the Parking Garage shall be designated as public parking spaces and available to members of the public (the "Designated Public Parking Spaces"), and the remainder of the parking spaces shall be available for public parking uses as more fully described in the DDA, and

WHEREAS, the DDA provides for, among other things, (a) the acquisition of the Site by the Agency from the City; (b) the subsequent sale of the Site to the Developer pursuant to the DDA; (c) the development of the Office Project as more particularly described in the DDA; and (d) the use and operation of the Parking Garage for public parking uses pursuant to

the Parking Agreement provided for in the DDA, and

WHEREAS, the DDA further provides that, as consideration for conveyance of the Site from the Agency to the Developer, the Developer will construct the Parking Garage and provide public parking spaces within the Parking Garage pursuant to the Parking Agreement, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community, and

WHEREAS, notice of a joint public hearing by the City Council and the Agency were published in the local newspaper on September 26, 2000 and October 2, 2000; and

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code, containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the consideration to be paid by the Developer, and other information required by said Section 33433, and said report was made available to the public for inspection, and

WHEREAS, the City Council and the Agency held a joint public hearing on October 10, 2000, at Tenth Street Place, 1010 Tenth Street, Modesto, California, to consider and act

on the disposition and development of the Site pursuant to the DDA;

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

Section 1. The City Council hereby finds and determines that the sale of the Site to the Developer, and development of the Office Project on the Site pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Site is being sold and conveyed to the Developer for purposes of development on the Site of the Office Project pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 2. The City Council hereby finds and determines that the consideration for the Site provided for under the DDA is not less than the fair reuse value of the Site at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the fact that, as consideration for the Site, the Developer will construct the Parking Garage and provide public parking spaces within the Parking Garage pursuant to the Parking Agreement to be entered into between the Developer and the City, as provided for under the DDA. This finding is further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The City Council hereby finds and determines that the payment by the Agency of costs for the acquisition of the Site and the Agency's contribution toward the construction of the Parking Garage, and the public parking uses to be provided within the Parking Garage pursuant to the Parking Agreement, are necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the construction of the Parking Garage and provision of the Designated Public Parking Spaces, and other public use of the Parking Garage, are of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's contribution toward the Parking Garage are available to the community, and that the payment of funds for the acquisition of land and the Agency's contribution toward the Parking Garage will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 4. The City Council hereby approves the DDA in substantially the form on file with the City Clerk. The City Council further authorizes (a) the sale of the Site from the City to the Agency for a purchase price not to exceed $550,000, and (b) the subsequent sale and conveyance of the Site by the Agency to the Developer pursuant to the terms and conditions set forth in the DDA.

Section 5. The Agency is hereby authorized to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel and to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation (a) cooperate with the City and prepare and execute any documents or agreements determined to be necessary to effectuate the acquisition of the Site from the City as authorized under this Resolution; (b) take all actions and execute such documents as are necessary to effectuate the sale and conveyance of the Site to the Developer, and (c) all other actions and documents necessary for the acquisition, sale, and development of the Site, and the improvements to be developed thereon, in accordance with the DDA.

Section 6. The City Manager and City Clerk are hereby authorized and directed to cooperate with the Agency and prepare and execute any documents or agreements determined to be necessary to effectuate the sale of the Site to the Agency as authorized under this Resolution. The City Manager is further authorized and directed to cooperate with the Agency in the negotiation and preparation of the Parking Agreement provided for under the DDA, which Parking Agreement will be presented to the City Council at a future date for final approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Acting Mayor Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Frohman, Serpa, Smith, Acting Mayor Friedman

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City clerk

APPROVED AS TO FORM;

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-530

A RESOLUTION FINDING THAT THE PROPOSED VALLEY TOWER MULTI-STORY OFFICE PROJECT AND PARKING GARAGE, TO BE LOCATED AT THE SOUTHWEST CORNER OF 10TH AND H STREETS IN THE CITY OF MODESTO, IS CONSISTENT WITH THE REDEVELOPMENT PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90021233). (HINCHEY-BRAY DEVELOPMENT)

WHEREAS, the City Council of the City of Modesto adopted Ordinance No. 2203-C.S. on July 12, 1983, as amended by Ordinance Nos. 2269-C.S. and 2793-C.S. approving and adopting the Redevelopment Plan for the Modesto Redevelopment Project, and

WHEREAS, the mitigation measures as identified in Council Resolution No. 91-673 and Agency Resolution No. 27-91, adopted on November 5, 1991, making findings as to the Final Environmental Impact Report on the Amended Plan to the Redevelopment Plan are incorporated into the proposed redevelopment of the added areas, and the Modesto City Council adopted the Redevelopment Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90021233) as being complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Program 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 EIR and whether the subsequent project was described in the EIR as being within the scope of the project, and,

WHEREAS, on September 27, 2000, the City Community Development Department by an Initial Study dated September 27, 2000, reviewed the proposed Valley Tower Office Project (the "project") to determine if said project might have a significant effect on the environment other than those identified in the Program EIR, and

WHEREAS, on October 10, 2000, the City Council considered approving and authorizing a Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage (the "project"), concurrently with this resolution,

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 Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The project will have no new effects which were not examined in the Redevelopment Plan Program EIR and no new mitigation measures would be required.

2. There are no substantial changes proposed in the project which will require major revisions of the Redevelopment Plan Program EIR.

3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Redevelopment Plan Program EIR.

4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Redevelopment Plan Program EIR was certified as complete, has become available.

5. As per Sections 15168 and 15162 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Redevelopment Plan Program EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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. That 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 provides substantial evidence to support findings 1 through 7 above.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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: Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY of MODESTO

INITIAL STUDY

1. Project title:

2. Hinchey-Bray Disposition and Development Agreement (Valley Towers Office Project)

Proposed Changes:

2. Lead Agency name and address: City of Modesto, 1010 10th Street, Modesto, CA 95354

Proposed Changes:

3. Contact person and phone number: Linda Boston, 571-5179

Proposed Changes:

4. Project location: Southwest corner of 10th and H Streets

4. Project location, Continued

Proposed Changes: _____

5. Project sponsor's name and address: JBH Real Estate & Development, 3001 Coffee Rd., Suite 4, Modesto, CA 95355

Proposed Changes: _____

6. General plan designation: Redevelopment Project Area, designation Commercial, Residential, Public

Proposed Changes: _____

7. Zoning: Commercial, Residential, Public

Proposed Changes: _____

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Sale of 31,000 s.f. city-owned lot to the Agency, and subsequently to the Developer, in exchange for 110 replacement parking spaces licensed to the City for a period of at least 55 years. Construction of a 9-story commercial office building, including 10,ooo of retail space, and a 410 space parking garage.

Proposed Changes:

9. Surrounding land uses and setting; briefly describe the project's surrounding:

The project is surrounded by one and two story downtown retail uses, a multi-story commercial office building and various publicly owned buildings and parking lots.

Proposed Changes:

10. Other public agencies whose approval is required (e.g., permits financing approval, or participation agreement.)

None.

10. Other public agencies whose approval is required, Continued.

Proposed Changes: _____

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

[X]	Aesthetics	[ ]	Agriculture Resources	[ ]	Air Quality
[ ]	Biological Resources	[X]	Cultural Resources	[ ]	Geology/Soils
[X]	Hazards & Hazardous Materials	[ ]	Hydrology/Water Quality	[ ]	Land Use/Planning
[ ]	Mineral Resources	[X]	Noise	[ ]	Population/Housing
[X]	Public Services	[ ]	Recreation	[X]	Transportation/Traffic
[X]	Utilities/Service Systems	[ ]	Mandatory Findings of Significance		

Proposed Changes: _____

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.

[ ] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[X] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

Philip A. Testa
Signature

9/27/00
Date

PHILIP A. TESTA
Printed Name

For

Proposed Changes: _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cities in the parentheses following each questions. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be crossed-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environment effects in whatever format is selected.

9) The explanation of each issue should identify:

a) The significance criteria or threshold , if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Proposed Changes: _____

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SAMPLE QUESTION

ISSUES AS COMPARED TO THE ADOPTED REDEVELOPMENT PLAN PROGRAM EIR (SCH # 90021233)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS –would the project:				
a) Have a substantial adverse effect on a scenic vista?	[ ]	[ ]	[ ]	[x]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	[ ]	[ ]	[ ]	[x]
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	[ ]	[ ]	[ ]	[x]
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	[ ]	[ ]	[ ]	[x]
No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.2-1. The new building and garage will compliment the existing multi-story office building located immediately adjacent to the project site.				

Proposed Changes: _____

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to theCalifornia Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	[ ]	[ ]	[ ]	[X]
b) Conflict with existing zoning for agricultural use, or a	[ ]	[ ]	[ ]	[X]

Williamson Act contract?

c)Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	[ ]	[ ]	[ ]	[X]

The project is located in the downtown urban core area of the City, away from agricultural areas.

Proposed Changes: _____

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	[ ]	[ ]	[ ]	[x]
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	[ ]	[ ]	[ ]	[x]
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	[ ]	[ ]	[ ]	[x]

d) Expose sensitive receptors to substantial pollutant concentrations?	[ ]	[ ]	[ ]	[x]
e) Create objectionable odors affecting a substantial number of people?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.4-1.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[ ]	[ ]	[ ]	[x]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[ ]	[ ]	[ ]	[x]
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the	[ ]	[ ]	[ ]	[x]

Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	[ ]	[ ]	[ ]	[x]
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	[ ]	[ ]	[ ]	[x]
f) Conflict with the provisions of an adopted Habitat Conversation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.6-1. The project is located within the urban core are of the City and is considerably distant from any sensitive natural habitats.

Proposed Changes: _____

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	[ ]	[ ]	[ ]	[x]
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	[ ]	[ ]	[ ]	[x]
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	[ ]	[ ]	[ ]	[x]

d) Disturb any human remains, including those interred outside of formal cemeteries?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.10-1. The project site is not located near any known paleontological resources, geological features, nor cultural resources. The project will provide parking for the proposed Modesto Performing Arts Center.

Proposed Changes: _____

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VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	[ ]	[ ]	[ ]	[x]
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	[ ]	[ ]	[ ]	[x]
ii) Strong seismic ground shaking?	[ ]	[ ]	[ ]	[x]
iii) Seismic-related ground failure, including liquefaction?	[ ]	[ ]	[ ]	[x]
iv) Landslides?	[ ]	[ ]	[ ]	[x]

VI. GEOLOGY AND SOILS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	[ ]	[ ]	[ ]	[x]
c) Be located on a geologic unit or soil that is unstable, or	[ ]	[ ]	[ ]	[x]

that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?	[ ]	[ ]	[ ]	[x]
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.7-1.

Proposed Changes: _____

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VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	[ ]	[ ]	[ ]	[x]
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	[ ]	[ ]	[ ]	[x]

VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact

c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	[ ]	[ ]	[ ]	[x]
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	[ ]	[ ]	[ ]	[x]
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	[ ]	[ ]	[ ]	[x]
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	[ ]	[ ]	[ ]	[x]
g)Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	[ ]	[ ]	[ ]	[x]
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-5. The project will comply with state and federal agencies with regard to contaminated soils. Hazardous materials soils testing will take place on site as a precondition to construction of the project.

Proposed Changes: _____

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements.	[ ]	[ ]	[ ]	[x]
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	[ ]	[ ]	[ ]	[x]
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on – or off-site?	[ ]	[ ]	[ ]	[x]
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site?	[ ]	[ ]	[ ]	[x]
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	[ ]	[ ]	[ ]	[x]
f) Otherwise substantially degrade water quality?	[ ]	[ ]	[ ]	[x]
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	[ ]	[ ]	[ ]	[x]
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	[ ]	[ ]	[ ]	[x]
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	[ ]	[ ]	[ ]	[x]

VIII. HYDROLOGY AND WATER QUALITY, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-1.

Proposed Changes: _____

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IX. LAND USE AND PLANNING – Would the project:

a) Physcially divide an established community?	[ ]	[ ]	[ ]	[x]
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	[ ]	[ ]	[ ]	[x]
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see section 3.1-1.
The project is consistent with the land uses set forth in the approved Redevelopment Area Master Plan.

Proposed Changes: _____

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Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	[ ]	[ ]	[ ]	[x]
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use pan?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR. There are no known mineral resources on or near the project site.

Proposed Changes: _____

_____

_____

_____

_____

_____

XI. NOISE – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	[ ]	[ ]	[ ]	[x]
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	[ ]	[ ]	[ ]	[x]
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	[ ]	[ ]	[ ]	[x]
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels	[ ]	[ ]	[ ]	[x]

existing without the project?

XI. NOISE, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[ ]	[x]
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.5-1. The project is a commercial office building, retail uses, and a parking garage.

Proposed Changes: _____

_____

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_____

XII. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of reads or other infrastructure?	[ ]	[ ]	[ ]	[x]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[ ]	[x]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR. The project will substantially 'nduce residential growth.

Proposed Changes: _____

_____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
▪ Fire Protection?	[ ]	[ ]	[ ]	[x]
▪ Police protection	[ ]	[ ]	[ ]	[x]
▪ Schools	[ ]	[ ]	[ ]	[x]
▪ Parks	[ ]	[ ]	[ ]	[x]
▪ Other public facilities?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections3.9-5 to 8.

Proposed Changes: _____

XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational	[ ]	[ ]	[ ]	[x]

facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	[ ]	[ ]	[ ]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR

XIV. RECREATION, Continued:

Proposed Changes: _____

_____

_____

_____

_____

_____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i..e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	[ ]	[ ]	[ ]	[x]
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[ ]	[x]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[ ]	[ ]	[ ]	[x]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[ ]	[ ]	[ ]	[x]
e) Result in inadequate emergency access?	[ ]	[ ]	[ ]	[x]

f) Result in inadequate parking capacity?	[ ]	[ ]	[ ]	[x]
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[ ]	[ ]	[ ]	[x]

No traffic impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.3-1.

XV. TRANSPORTATION/TRAFFIC, Continued:

Proposed Changes: _____

_____

_____

_____

_____

_____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[ ]	[ ]	[ ]	[x]
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?	[ ]	[ ]	[ ]	[x]
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?	[ ]	[ ]	[ ]	[x]
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	[ ]	[ ]	[ ]	[x]
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	[ ]	[ ]	[ ]	[x]

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	[ ]	[ ]	[ ]	x
g) Comply with federal, state, and local statutes and regulations related to solid waste?	[ ]	[ ]	[ ]	[x]

No utility and service system impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-1.

XVI. UTILITIES AND SERVICE SYSTEMS, Continued

Proposed Changes: _____

_____

_____

_____

_____

_____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	[ ]	[ ]	[ ]	[x]
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects).	[ ]	[ ]	[ ]	[x]
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	[ ]	[ ]	[ ]	[x]

Proposed Changes: _____

E.A. RESOLUTION

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 CDD - Attention: Phil Testa
1 CDD - Brian Smith
1 CDD - Linda Boston

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-531

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "MAZE BOULEVARD SIDEWALK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Maze Boulevard Sidewalk, has been completed by 7/11 Material Inc., in accordance with the contract agreement dated September 28, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Maze Boulevard Sidewalk be accepted from said contractor, 7/11 Material Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $30,692.95 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 17th day of October, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-532

A RESOLUTION ACCEPTING THE PROJECT TITLED "ANNUAL SUNKEN SIDEWALK AT ROCKWELLS 99/00" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Sunken Sidewalk at Rockwells 99/00, has been completed by 7/11 Material Inc., in accordance with the contract agreement dated October 12, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Annual Sunken Sidewalk at Rockwells 99/00 be accepted from said contractor, 7/11 Material Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $100,771.23 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 17th day of October, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-533

A RESOLUTION AUTHORIZING THE PURCHASE OF MOBILE DATA COMPUTERS FROM LITTON INDUSTRIES UP TO A TOTAL OF $700,000 OVER THE NEXT TWO YEARS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of mobile data computers for a not to exceed price of $700,000 over the next two years is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 2000, 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. 2000-534

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FUND THE PURCHASE OF MOBILE DATA COMPUTERS

WHEREAS, the replacement of the mobile data computers is a part of the migration from the antiquated Wang records management system to the new H.T.E. records management system; and

WHEREAS, funding for the purchases is provided by grant revenue connected with the 1998 COPS MORE and 1999 and 2000 Local Law Enforcement Block Grants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
To:	#0400-190-1980-5900	$700,000
Revenue:		
To:	#0400-190-1980-3502	$200,000
	#0400-190-1980-3506	$500,000

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 17th day of October, 2000, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-535

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WASTE MANAGEMENT DBA MODESTO DISPOSAL FOR PRUNED REFUSE RECEIVING AND TRANSFER SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Waste Management dba Modesto Disposal for pruned refuse receiving and transfer 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 17th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-536

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GILTON RESOURCE RECOVERY FOR PRUNED REFUSE RECEIVING AND TRANSFER SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gilton Resource Recovery for pruned refuse receiving and transfer 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 17th day of October, 2000, 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

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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-537

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2000-2, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT (COFFEE-CLARATINA)

WHEREAS, pursuant to Chapter 25 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" (hereinafter the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (hereinafter the "City"), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to pay for certain services (hereinafter the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district (hereinafter "District") is established, it is the intention of the Council to finance the cost of the Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act,

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

SECTION 1. The above recitals are true and correct. The documents entitled "Policies And Procedures For The Formation, Annexation, And Administration Of Community Facilities Districts Created Pursuant To The Provisions Of The Mello-Roos Community Facilities Act of 1982" (hereinafter referred to as "Policies & Procedures", a copy of which is on file with the City Clerk), adopted by the City Council on September 3, 1996, and most recently amended by the Council on October 12, 1999, was adopted by the Council pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this Council. It is the intention of the Council that its Policies & Procedures be adhered to, to the greatest extent practicable with respect to both the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. The name proposed for the community facilities district is "Community Facilities District No. 2000-2" and is referred to in this resolution as the District.

SECTION 3.

(1) The boundaries of the District are shown on a map entitled "Proposed Boundaries of CFD District No. 2000-2, City of Modesto, County of Stanislaus, State of California", a copy of which is attached hereto as Exhibit "B". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this resolution, file the original in the City Clerk's office, and within fifteen (15) days after the adoption of this resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 7, file a copy of the map with the County Recorder of the County of Stanislaus.

(2) The Council finds that no land proposed to be included in the District is devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products.

SECTION 4.

(1) The Services proposed to be financed by the District are more particularly 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 proposed Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the District, before the District was created.

SECTION 5. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 6.

(1) It is the intention of the Council that, except where funds are otherwise available to pay for the Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment, and manner of collection of such proposed special tax is set forth in Exhibit "C". Exhibit "C" provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Services. It is the intention of the Council that in the event all of the subject taxes are not approved by the qualified electors of the District at an election to be held subsequent to the approval of a Resolution of Formation, that then, and in that sole event, the formation of the District approved therein shall be a nullity, and void from the date the Resolution of Formation is approved.

(2) As permitted by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit "C" is based on the cost of making authorized Services available to each parcel in the District and not on the ownership of real property.

SECTION 7. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 5:15 p.m,., or as soon thereafter as practicable, on Tuesday, November 28, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption hereof.

SECTION 8. The District Administrator will be responsible for providing the proposed Services to be financed by the District, if it is established. The District Administrator is directed to study the proposed District, and, at or before the time of the hearing on the Resolution of Formation of the District, cause to be prepared and filed with the Council a report containing:

(1) a brief description of the Services by type which will, in the District Administrator's opinion, be required to adequately meet the needs of the District;

(2) an estimate of the cost of providing the Services; and

(3) an estimate of the fair and reasonable cost of incidental expenses (as defined in Section 53317(e)) to be incurred in connection with providing the Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Section 53314.9, 53313.5(g) and 53318(d) of the Act.

The report shall be made a part of the record of the hearing to be held pursuant to Section 7 hereof.

SECTION 9. At the time and place set forth in this resolution for the public hearing, any interested persons, including taxpayers, property owners and registered

voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Services, or the proposed rate, method of apportionment and manner of collection of the special tax 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 a notice (hereinafter the "Notice) of the hearing described in Section 7, in the form required by the Act, not later than seven (7) days prior thereto, 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.

SECTION 11. The City Clerk may also send a copy of the Notice of the hearing not later than fifteen (15) days prior thereto, by first-class United Stated mail, postage prepaid, to each registered voter and to each landowner within the proposed District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.

SECTION 12.

(1) If fifty (50%) percent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of 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 create the District, or to levy the specified special tax, shall be taken for a period of one (1) year from the date of the decision of the Council.

(2) If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of the Services within the District, or against levying a specified special tax, those types of Services or the specified special tax shall be eliminated from the District proceedings.

At the conclusion of the hearing, if the Council determines to establish the District, it shall adopt a resolution of formation and then submit the levy of any special taxes to the qualified electors of the District in a special election.

SECTION 13.

(1) If, after the hearing described in Section 7, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the

resolution of formation. The City Clerk shall, within three (3) business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map of sufficient scale and clarity to show the boundaries of the District, and a sufficient description to allow the election official to determine the boundaries of the District, to the official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing District's boundaries and if requested by the official conducting the election.

(2) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the election official conducting the election shall be required.

(3) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election.

(4) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the closing of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one (1) vote.

(5) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by

a particular landowner shall be specified on the ballot provided to that landowner.

(6) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepared or by personal service by the election official. The official conducting the election may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(7) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(8) If the election is to be conducted by mail ballot, the election official conducting the election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (i) the name of the landowner; (ii) the address of the landowner; (iii) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the

landowner entitled to vote and is the person whose name appears on the identification envelope; (iv) the printed name and signature of the voter; (v) the address of the voter; (vi) the date of the signing and the place of execution of the declaration described in (iii) above; and (vii) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(9) The procedures set forth in this Section 13 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 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: 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

EXHIBIT "A"

Services To Be Financed by District

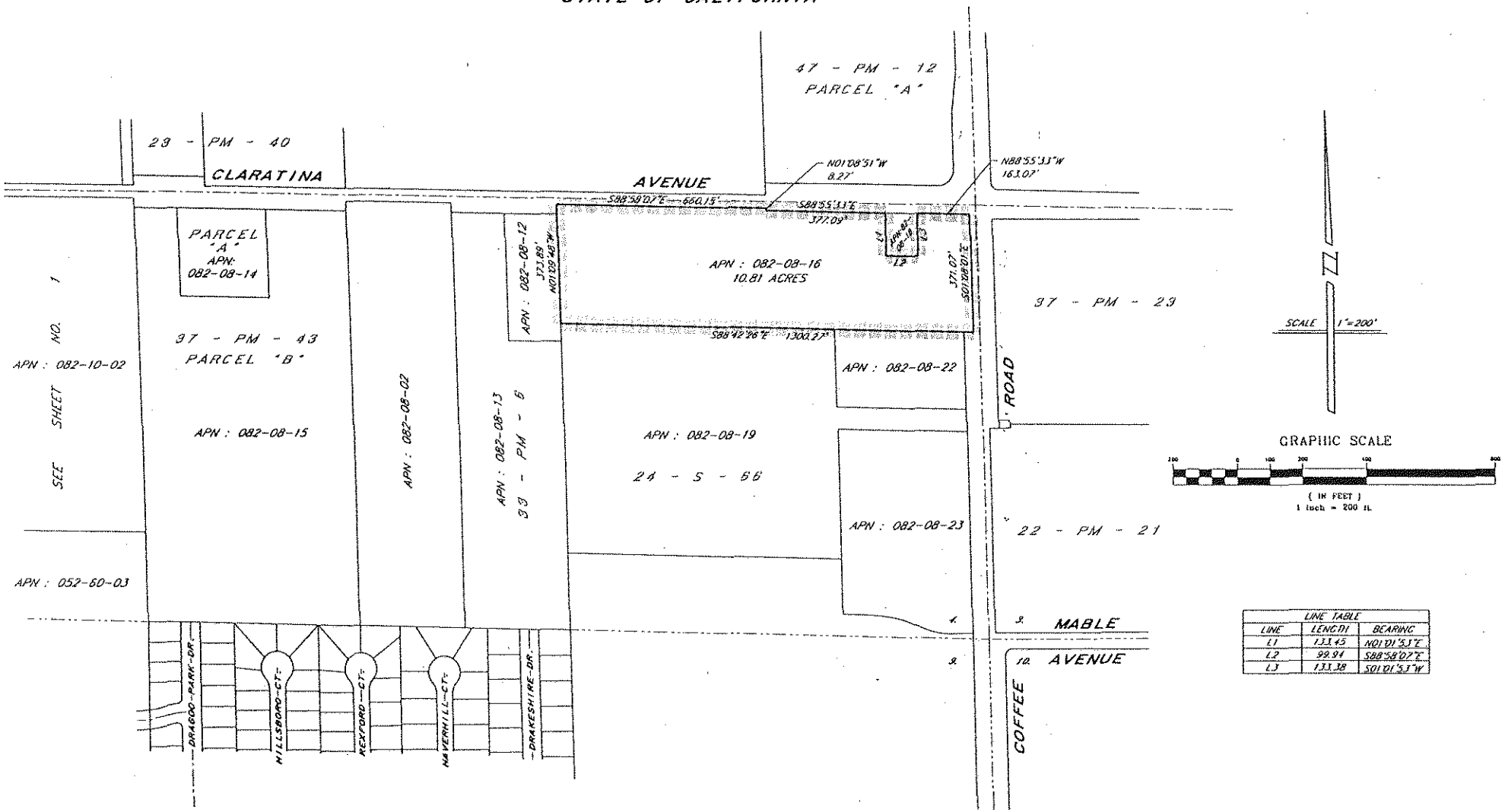
- Maintenance of median, bikeway, round-about and miscellaneous planting areas
- Maintenance and repair of a storm drain basin
- Maintenance and repair of a dual-use flood control/recreation facility

EXHIBIT "B"

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

COFFEE-CLARATINA CFD NO. 2000-2

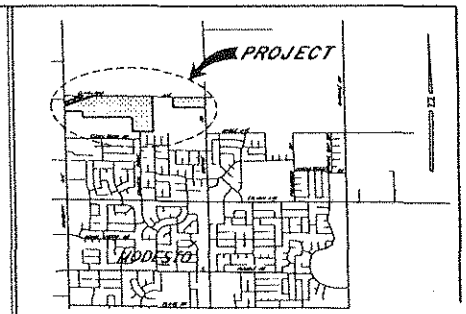
PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



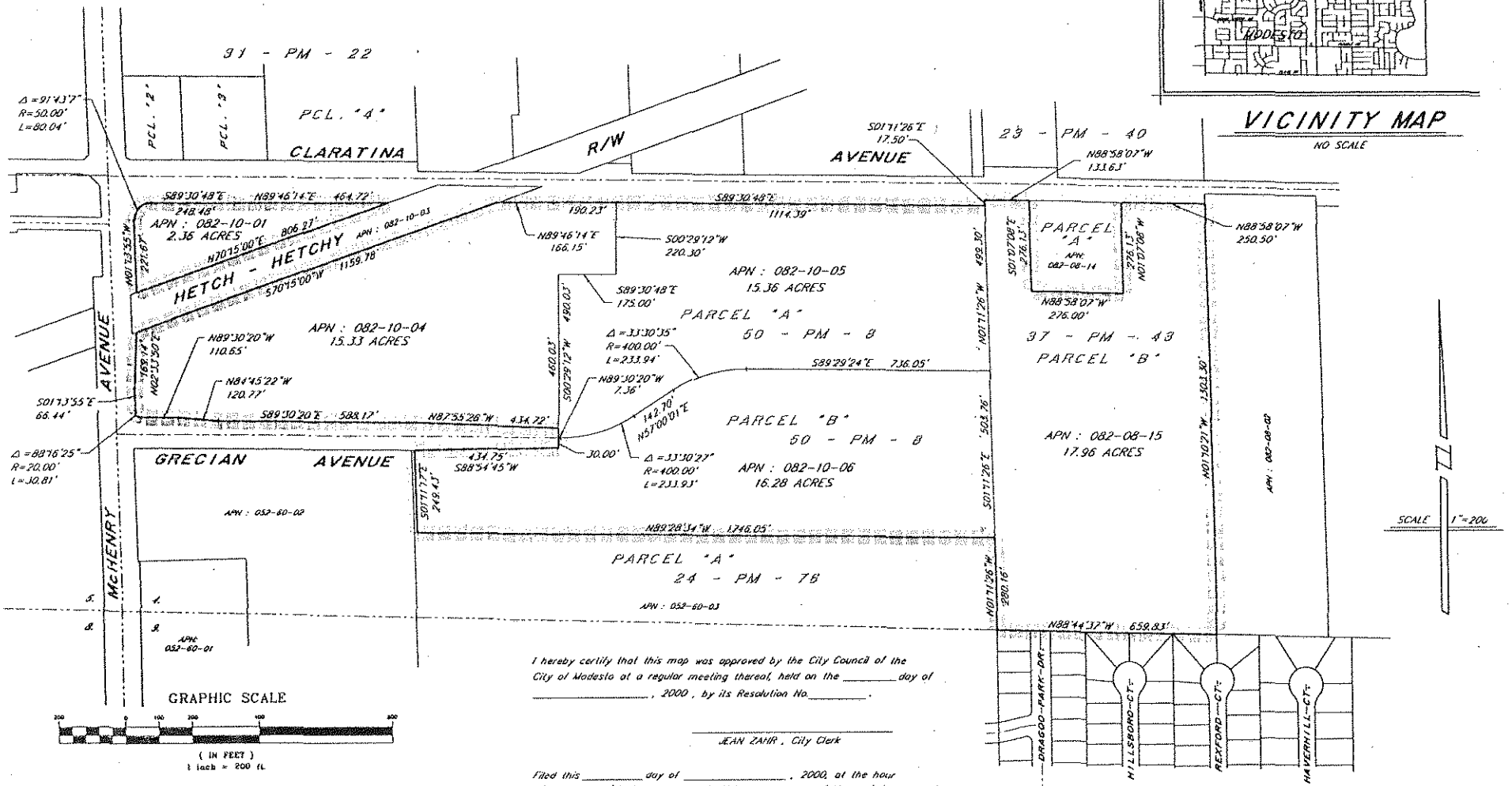
LINE TABLE		
LINE	LENGTH	BEARING
L1	133.45	N01°01'53"E
L2	99.94	S88°58'07"E
L3	133.38	S01°01'53"W

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



VICINITY MAP
NO SCALE



GRAPHIC SCALE

200 0 100 200 400 600
(IN FEET)
1 inch = 200 ft.

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____ , 2000.

_____
JEAN ZAHR , City Clerk

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____ , 2000 , by its Resolution No._____ .

_____
JEAN ZAHR , City Clerk

Filed this _____ day of _____ , 2000, at the hour of _____ o'clock _____ .m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California.

_____
KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

BASIS OF BEARINGS :
The bearing of North 86°41'13" East between GPS monuments 2724 and 2725 as shown on the " Annexed City of Modesto Record of Survey " recorded March 30, 1995 in Book 32 of Surveys at Page 31, Stanislaus County Records, was used as the basis for all bearings shown hereon.

Job No. 71-647

SHEET 1 OF 2

EXHIBIT "C"

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Coffee-Claratina Community Facilities District No. 2000-2 (herein "CFD No. 2000-2") 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. 2000-2, 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. 2000-2 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 Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

"Assessor's Parcel" means a lot or parcel shown 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 Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2000-2, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

"Maximum Annual Special Tax" means the maximum Annual Special Tax determined in accordance with Section C below, that can be levied on Taxable Property in any Fiscal Year.

"Proportionately" means, for Developed Property, that the ratio of the actual Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Special Tax to the Maximum Annual Special Tax is equal for all Assessor's Parcels of Undeveloped Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2000-2 which are not exempt from the Annual Special Tax pursuant to law or Section E below.

"Undeveloped Property" means, in any Fiscal Year, all Taxable Property that is not Developed Property.

B. CATEGORIZATION OF PARCELS

Each Fiscal Year, the District Administrator shall identify the current Assessor's Parcel number for each Assessor's Parcel within the CFD, and shall categorize each Parcel of Taxable Property as Developed Property or Undeveloped Property. The District Administrator shall also identify the current Acreage of each Parcel by reference to the Stanislaus County Assessor's Parcel Maps.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Parcels of Taxable Property within CFD No. 2000-2 for Fiscal Year 2001-02 is $2,468 per Acre. Beginning in January 2002, the Maximum Annual Special Tax shall be adjusted annually by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Special Tax shall become effective on the subsequent July 1.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

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

Step 1: The Annual Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C;

Step 2: If additional revenues are needed to meet the Maintenance Special Tax Requirement after Step 1, the Annual Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C.

The Annual Special Tax for CFD No. 2000-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2000-2 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Tax will be

equally subject to foreclosure if delinquent.

E. ANNEXATION ONE-TIME SPECIAL TAX

A one-time Special Tax shall be levied on property that annexes into CFD No. 2000-2 after the CFD is formed. This "Annexation One-time Special Tax" shall be used to reimburse the landowner who made the initial deposit to the City to cover the costs of forming the CFD. The Annexation One-time Special Tax shall be calculated for each annexing property as follows:

Step 1. Add the estimated net developable acres for the annexing property to the estimated net developable acreage for property already within the CFD at the time of annexation;

Step 2. Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property's share of the total net developable acreage within the CFD;

Step 3. Multiply the quotient determined in Step 2 by either (i) $64,500 in 2000 dollars, which shall increase on January 1, 2001 and on each January 1 thereafter by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) such lower number as shall be determined by the City as the amount that was actually expended to cover the costs of formation of CFD No. 2000-2.

The Annexation One-time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation. If for any reason the Annexation One-time Special Tax has not been paid for property that has been annexed into the CFD, the Annexation One-time Special Tax 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 City Council adopted the resolution approving the annexation 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 along with the Annual Special Tax levied pursuant to Section D above. The amount placed on the roll shall include the 10% penalty and interest charges through the following December 1.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Annual Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

G. ENFORCEMENT

If any delinquent Annual Special Taxes are billed off the County tax roll, such Annual Special Taxes 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-538

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 6 SUBDIVISION, AND ACCEPTING THE STORM DRAIN BASIN, LOCATED IN THE NORTH BEYER PARK SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Florsheim Brothers, a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 6 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $320,300 and $160,150 respectively to guarantee improvements in Rose Lane No. 6 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 Rose Lane No. 6 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $320,300 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 $160,150 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 17th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-539

A RESOLUTION ACCEPTING A REPORT ENTITLED "LEGISLATIVE PROCESS REVIEW" PREPARED BY MANAGEMENT PARTNERS, INC., AND DIRECTING STAFF.

WHEREAS, by Resolution 2000-306, adopted by the Council on June 13, 2000, the City Council approved an agreement with Management Partners, Inc., for consultant services relating to a review of the City's legislative process, and

WHEREAS, Management Partners, Inc., conducted a review of City legislative practices and policies and performed a comparison with best practices in other comparable cities, and

WHEREAS, Management Partners, Inc., prepared a report entitled "Legislative Process Review", which articulates the findings of their review and makes recommendation for system enhancement, and

WHEREAS, said report was submitted to the City Council for review,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the "Legislative Process Report" prepared by Management Partners, Inc.

BE IT FURTHER RESOLVED by the Council that it hereby directs the City Manager to require departments to prepare and submit any staff recommended Council Resolutions and Ordinances as attachments to staff reports effective January 1, 2001.

BE IT FURTHER RESOLVED by the Council that it hereby refers the "Legislative Process Report" and its accompanying recommendations to the City Manager and

hereby directs the City Manager to schedule a Council Workshop for the purpose of considering and acting on each of the recommendations contained in said report.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 2000, 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

ACCEPTING REPORT
& DIRECTING STAFF

2 Clerk
1 Attorney
1 Each Department Head

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-540

Print

A RESOLUTION APPOINTING CHARLES CHITURAS, BRAD PITTS, AND CAROLINE MITTON TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE, EACH WITH AN EXPIRATION DATE OF JANUARY 1, 2005

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. Charles Chituras, Brad Pitts, and Caroline Mitton are hereby appointed to the Citizens Housing & Community Development Committee, each 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 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 17th day of October, 2000, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-541

Print

A RESOLUTION APPOINTING STEVEN BARBIERI, M. DAVID LOPEZ, ALAN STRAUSS, AND LEE STURGILL TO THE COMMUNITY QUALITIES FORUM, EACH WITH AN EXPIRATION DATE OF JANUARY 1, 2005

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 Barbieri, M. David Lopez, Alan Strauss, and Lee Sturgill are hereby appointed to the Community Qualities Forum, each 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 17th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-542

A RESOLUTION APPOINTING KENT FAULKNER TO THE CULTURE COMMISSION, WITH AN EXPIRATION DATE OF JANUARY 1, 2004

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 Faulkner is hereby appointed to the Culture Commission, with a term expiration of January 1, 2004.

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 17th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-543

A RESOLUTION ACCEPTING THE BID OF J.W. EBERT CORP. FOR THE OUTFALL REHABILITATION – PHASE 1 PROJECT FOR $763,000

WHEREAS, the bids received for the outfall rehabilitation – Phase 1 project opened at 11:00 a.m. on October 3, 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 J. W. Ebert Corp. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $763,600 from J. W. Ebert Corp. 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 24th day of October, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-544

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RIGHT-OF ENTRY AGREEMENTS WITH OWNERS OF THREE PARCELS TO PROVIDE ACCESS WHERE THE SEWER OUTFALL LINE EXTENDS UNDER THEIR PROPERTIES

BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry agreements between the City of Modesto and Marjorie Hughes, Glen N. Chaney, Sr. and Grace A. Souza, be, and they are hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreements 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 24th day of October, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-545

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING PREFABRICATED RESTROOMS

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 bids for furnishing prefabricated restrooms, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto, on November 14, 2000, 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 24th day of October, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-546

A RESOLUTION DECLARING A 1977 OSHKOSH MODEL M-1500 CRASH/RESCUE TRUCK AS SURPLUS PROPERTY, AND AUTHORIZING THE SALE OF SAID TRUCK.

WHEREAS, the 1977 Oshkosh Model M-1500 crash/rescue truck which the City posses has been placed in reserve status as parts are extremely difficult to obtain and maintenance is quite costly, and

WHEREAS, the 1977 Oshkosh Model M-1500 crash/rescue truck no longer meets the index rating required by the Federal Aviation Administration, and

WHEREAS, the City of Modesto has purchased a new crash/rescue truck, and

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, by an Agenda Report dated October 13, 2000, City staff has recommended declaring surplus said 1977 Oshkosh Model M-1500 crash/rescue truck, and has recommended that said truck be sold,

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis, however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates, and

WHEREAS, the Council considered staff's recommendation on October 24, 2000, at its City Council meeting,

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

SECTION 1. The 1977 Oshkosh Model M-1500 crash/rescue truck is hereby declared to be surplus to the City's needs.

SECTION 2. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder said surplus truck.

SECTION 3. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered between the City and Roger Ernst and Associates on October 4, 1988, and which was approved by Council Resolution No. 88-757. Said agreement provides that auctioneer services shall be furnished by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale.

SECTION 5. The City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale, and that the list of the items to be offered for sale can be inspected 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 24th day of October, 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
JEAN ZAHR, City Clerk

(SEAL)

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-547

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF THREE USED BUSES FROM TRANSIT SALES INTERNATIONAL FOR THE TOTAL COST OF $106,301.25

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for three used buses from Tranisit Sales International are hereby waived.

BE IT FURTHER RESOLVED that the purchase of three used buses from Transit Sales International for $106,301.25 and the execution of a 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 October, 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
JEAN ZAHR, City Clerk

Clerk
(6)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-548

A RESOLUTION APPROVING THE FINAL MAP OF CHATEAU MAISON SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, WESTERN PACIFIC HOUSING - WINDSOR POINTE, LLC, a Delaware limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.75 acres, known as CHATEAU MAISON ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of March, 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 CHATEAU MAISON 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 24th day of October, 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
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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-549

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT AND RELATED DOCUMENTS WITH DESARROLLO-LATINO-AMERICANO, A NOT FOR PROFIT AGENCY, TO TRANSFER FOUR LOTS PURCHASED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE DESARROLLO-LATINO-AMERICANO

BE IT RESOLVED by the Council of the City of Modesto that the agreement and between the City of Modesto and Desarrollo-Latino-Americano to transfer four lots purchased with Community Development Block Grant funds, be, and it 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 be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24thd day of October, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-550

A RESOLUTION APPROVING A LEASE AGREEMENT WITH TARA FAIRBAIRN FOR LEASE OF THE CARETAKER'S RESIDENCE, A CITY-OWNED PROPERTY AT 801 N. MC CLURE ROAD, LOCATED ADJACENT TO THE MC CLURE HOUSE

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tara Fairbairn for the lease of the caretaker's residence, at 801 North McClure Road, located adjacent to the McClure House, 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 24th day of October, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-551

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KENNETH D. SHIREMAN FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE OCTOBER 24, 2000

WHEREAS, Kenneth D. Shireman was appointed a member of Community Qualities Forum on March 9, 1999; and

WHEREAS, Kenneth D. Shireman has tendered his resignation from the Community Qualities Forum, effective October 24, 2000; and

WHEREAS, Kenneth D. Shireman 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 Kenneth D. Shireman from the Community Qualities Forum be, and is hereby 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 Kenneth D. Shireman 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 24th day of October, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-552

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT A CALIFORNIA *"TREES FOR THE MILLENNIUM"* INITIATIVE GRANT APPLICATION AND SUBSEQUENT AGREEMENTS WITH THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR THE FOLLOWING PROJECT: PLANT AND CARE FOR APPROXIMATELY 600-800 TREES WITHIN CITY BOUNDARIES OF MODESTO ALONG STATE ROUTE 99.

WHEREAS, the Governor of the State of California, in cooperation with the California State Legislature, has enacted the *California Trees for the Millennium Initiative* funds for 1999, which provides to the State of California and its political subdivisions urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State of California, setting up necessary procedures governing application by local agencies and non-profit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant, City of Modesto, 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 an agreement with the State of California to carry out the tree planting project, as follows: Plant and care for approximately 600-800 trees within City boundaries of Modesto along State Route 99.

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

1. That the filing of the *"Trees for the Millennium" Initiative grant* application with the State Department of Forestry and Fire Protection for grant funding in the amount of $50,000, to plant and care for approximately 600-800 trees within the city limits along State Route 99, is hereby approved.

2. The Council hereby certifies that it has or will have sufficient funds to operate and maintain said project.

3. The Council hereby certifies that funds under the jurisdiction of the City of Modesto are available to begin said project.

4. The Council hereby certifies that the City of Modesto will expend grant funds prior to March 1, 2003.

5. The Council hereby authorizes the City Manager of the City of Modesto or his authorized designee to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests, and other related documents, which may be necessary for the completion of said project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-553

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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Public Information Technician

Assistant Traffic Engineer

The specifications for the classifications of Public Information Technician (Range 419), as shown on the attached Exhibit "A", and Assistant Traffic Engineer (Range 434), 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. EFFECTIVE DATE. This resolution shall become effective on and after October 24, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3717

October, 2000

PUBLIC INFORMATION 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 and coordinate technical work in the area of internal and external communications, marketing and public information including writing, graphics, video presentations and internet website development.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from appropriate management 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 implement methods and materials to promote department and/or citywide special events and activities.

Assist in planning and coordinating public events, publications, and marketing programs.

Respond to citizens, community groups, department staff and new media requests for information as directed including preparation of press releases and press conferences/briefings.

Write, edit and distribute news releases and other required materials in clear, concise and accurate language.

Compose and type letters, columns and articles; submit articles and photographs for specialty publications.

Plan and present training to department staff relating to communications, media materials, city image, and customer service.

Create communications using art, photography and layout for brochures, booklets, reports, institutional advertisements and periodical publications.

EXHIBIT "A"

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Essential Functions:

Plan and coordinate video presentation projects using story-boarding and script-writing techniques.

Coordinate specialized printing within the department and outside printing shops.

Develop and coordinate Internet/Intranet websites.

Conduct surveys and analyze results.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

City programs, policies and procedures.

Public information and community relations program development and implementation.

Effective methods of preparation and presentation of facts and information for and to the public and the media, including formatting of materials for publications and news releases.

Statistical methods of graphic representation.

Operations and functioning of local media such as newspaper, radio and television.

Pertinent Federal, State and local laws, codes and regulations.

State and City regulations relating to information releasability.

QUALIFICATIONS (Continued)

Ability to:

Understand and carry out oral and written instructions.

Learn and apply departmental and citywide policies.

Maintain routine positive working relationships with various members of the media and City staff.

Communicate effectively, both orally and in writing.

Prepare accurate and grammatically correct written reports.

Compose and type news releases, newsletters and bulletins.

Write, edit, design and photograph.

Use computer graphic systems and software to automate and create publications and communications.

Understand concepts relating to marketing and public 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:

Two years experience in public information, communications, graphics, or journalism.

Training:

Equivalent to an Associate's Degree from an accredited college or university with major course work in public relations, communications, journalism, 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.

CITY OF MODESTO
No. 3117
No. 3115

OCTOBER, 2000

JUNIOR TRAFFIC ENGINEER
ASSISTANT TRAFFIC ENGINEER

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 professional and technical engineering work in assigned areas of responsibility such as field and office research, analysis and records maintenance; design and modify traffic control devices; develop recommendations for coordinating traffic improvement projects; perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Junior Traffic Engineer - This is the entry level class in the Traffic Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of traffic engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a higher level engineering staff.

This class is distinguished from the next higher level of Assistant Traffic Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Traffic Engineer - This is the second level in the Traffic Engineer series. Incumbents in this class are expected to perform a wide variety of professional traffic engineering work of average difficulty. Assistant Traffic Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of higher level engineering staff.

This class is distinguished from the Associate level of Traffic Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

EXHIBIT "B"

SUPERVISION RECEIVED AND EXERCISED

Junior Traffic Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

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

Essential Functions:

Researches, recommends, and implements traffic control and transportation policies and procedures.

Responds to citizen complaints and public requests for traffic control device changes; evaluates requests and prepares recommendations and necessary correspondence.

Tracks accidents within the City to identify potentially hazardous situations; recommends changes to improve traffic safety.

Conducts hazardous location analysis, traffic studies, and prepares reports on traffic control issues for review by the higher level engineering staff.

Prepares plans, specifications and cost estimates for traffic signal projects.

Programs and operates the City's computerized traffic signal master controller.

Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.

Evaluates traffic flow within the City; conducts traffic engineering studies and surveys.

Provides advice and technical assistance to staff and the public on traffic control and transportation planning matters.

Confers with a variety of public and private officials on related issues and may serve as the City's representative to other governmental agencies.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS: (Continued)

Essential Functions:

Reviews engineering plans prepared by other agencies and/or consultants, and prepares comments and recommendations.

Designs channelization and other traffic control plans and oversees the installation of the more difficult plans.

Marginal Functions:

Performs related duties as assigned.

IN ADDITION TO THE ESSENTIAL AND MARGINAL FUNCTIONS FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Plans, organizes, and supervises the work of staff in the Traffic Paint Division, Traffic Sign Division, Parking Lot/Bus Shelter Maintenance Division, and the validated parking lot operations.

Recommends and assists in the implementation of goals and objectives; establishes schedules and methods for assigned repair and maintenance; implements policies and procedures.

Participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for budget items; monitors and controls expenditures.

Maintains time, material, and equipment use records.

Performs complex engineering calculations.

QUALIFICATIONS

Junior Traffic Engineer

Knowledge of:

Statistics and engineering mathematics, including algebra and analytic geometry.

Qualifications – (Continued)

Junior Traffic Engineer

Knowledge of:

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Traffic engineering design and drafting methods and equipment.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, state, and federal laws and guidelines.

Microcomputer applications related to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

IN ADDITION TO THE KNOWLEDGE FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Knowledge of:

Equipment, materials, methods, and tools used in the maintenance and repair of parking facilities, parking meters, traffic signs, and traffic painting and striping.

Elements of agreements for the use of privately owned land for the operation of parking facilities.

Procedures and requirements used in preparing Federal and State grant applications, and preparing grant reports.

Junior Traffic Engineer

Ability to:

Prepare clear, concise, and accurate reports, records, and correspondence; communicate clearly and concisely, both in writing as well as orally.

Qualifications – (Continued)

Junior Traffic Engineer:

Ability to:

Apply engineering principles and techniques to evaluate and solve simple to difficult traffic engineering problems.

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Establish and maintain effective working relationships with all levels of representatives from governmental and private agencies, constructions and consultant contractors, co-workers, and the public.

Use and maintain Computer Assisted Design and Drafting systems.

IN ADDITION TO THE ABILITIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Ability to:

Perform technical research.

Prepare and present recommendations.

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

Prepare, understand, and interpret traffic engineering plans, specifications, and other contract documents.

Assist in supervising a municipal bus system.

Assist in preparing and administering a budget.

Use computer software such as SOAP, PASSER, Transit, and Netsim.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

JUNIOR TRAFFIC ENGINEER

Experience:

None required.

Education:

Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil traffic engineering, OR possession of a valid certificate as Engineer-in-Training issued by any State Board of Registration approved by the National Council of Engineering Examiners (NCEE).

License or Certificate:

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

ASSISTANT TRAFFIC ENGINEER

Experience:

One year of directly related engineering experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-554

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 ASSISTANT CITY CLERK.

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

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 October 24, 2000", 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 Assistant City Clerk from Range 424 to Range 427.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 24, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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
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 October 24, 2000

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 Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager Police Support Services Supervisor
427	**Assistant City Clerk/Auditor** 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 Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor Events Supervisor I

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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator Events Supervisor II

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
439	Administrative Services Officer
440	Purchasing Officer 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)

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 Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer

RANGE	TITLE
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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-555

A RESOLUTION APPROVING AN AGREEMENT WITH STEVE BURKE FOR A LOCAL CABLE PROGRAMMING GRANT IN THE AMOUNT OF $3,456.00

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Steve Burke for a Local Cable Programming Grant in the amount of $3,456.00 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 24th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-556

A RESOLUTION APPROVING AN AGREEMENT WITH RANDY MAGNUS FOR A LOCAL CABLE PROGRAMMING GRANT IN THE AMOUNT OF $3,150.00

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and $3,150.00 for a Local Cable Programming Grant in the amount of $3,150.00 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 24th day of October, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-557

A RESOLUTION APPROVING THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE FISCAL YEAR 1999- 2000, 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, must be made available for public review and comment for a minimum 15-day period, and all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the Consolidated Annual Performance and Evaluation Report reflects the activity of the City and its sub-recipients for the period from July 1, 1999 through June 30, 2000, and

WHEREAS, the Consolidated Annual Performance and Evaluation Report for Fiscal Year 1999-2000, dated September 2000, was duly noticed for a public hearing of the City Council, to be held on Tuesday, October, 2000, in the Council Chambers, located at 1010 Tenth Street, Modesto California, and

WHEREAS, said public hearing was held at the date, time, and place as noted

above, at which time said report was presented by the Recreation and Neighborhoods Department to the City Council for consideration,

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

1. That the Consolidated Annual Performance and Evaluation Report 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 24th day of October, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-558

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 September 19, 2000, and ended on October 18, 2000, and

WHEREAS, the Financial Policy Committee reviewed both the 2000/2001 Annual Action Plan and the Five-year Consolidated Plan at the direction of the City Council, 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 October 24, 2000, 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

as follows:

1. That the Amendment to the 2000/2001 Annual Action Plan as presented to the Council is hereby approved, except that Project Sentinel is moved to the Administrative Cost category, and a copy of said Amendment to the 2000/2001 Annual Action Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

2. 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.

3. Staff is hereby directed to expedite the Prescott Estates Roof loan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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

Exhibit A

Proposed Amendment to the City of Modesto 2000/2001 Annual Action Plan

Housing Rehabilitation Projects:

1. **CDBG Loan for Roof Repairs on Prescott Estates** **$500,000**

   This is a housing rehabilitation project that supports the private rehabilitation efforts in the Prescott Estates neighborhood. The proposed funding would serve as a loan of $500,000 to the Prescott Estates Home Owner's Association to repair up to 50 roofs in the condominium project. The project was previously allocated $150,000 to serve as a loan guarantee to serve as collateral for a private loan. This proposed amendment would eliminate the need for a loan guarantee. It will reallocate the loan guarantee funds along with other CDBG housing rehab funds to fund this new loan. The City Council authorized the allocation of these funds in July; this action will be incorporated and reflected as an amendment in the Annual Action Plan.

   If approved, the funding for this project will be committed from the previous allocation of $150,000 (for the loan guarantee), and $350,000 from 99/00 program income. The program income was previously allocated for housing rehabilitation loans in the City Target Areas 4, 5, and 6. The housing rehab program will be left with $100,000 for Target Area rehabilitation loans

CDBG Administration

2. **Crime Free Multi-housing Program** **$70,000**

   The Modesto Police Department is in the process of developing a Crime Free Multi-housing Program that will address illegal activity and blighting conditions in low-income rental multi-housing units. The policing activity will consist of landlord and tenant training in addressing illegal activities in rental units. The program also encompasses a building code enforcement component. The policing activity is eligible under the public service and administrative categories of the CDBG program. The enforcement of building codes is eligible under code enforcement category.

   A total of $101,000 from the CDBG Public Service category has already been allocated to this project, $21,000 for the end of the last fiscal year and $80,000 for this fiscal year. An additional allocation of $70,000 is being allocated to pay for the policing component of this program for this fiscal year as well. The additional $70,000 will be funded from the 2000/2001 CDBG entitlement grant.

   The overall administrative cap will be raised to 19.36%. This includes both the administrative expenditure allowance of 20% of the CDBG entitlement grant along with the 20% value from program income. The actual program income funds in the revolving loan accounts will not be impacted as the funding for these administrative costs will come solely from the 2000/2001 CDBG entitlement grant.

3. **Administrative Costs for Professional Services** **$14,000**

Staff is proposing to contract with an accounting firm to provide a program and status review of all CDBG, HOME and ESG funded programs and expenditures for these activities during the last three years. With the departure of key staff and the loss of institutional knowledge, the Recreation and Neighborhoods Department desires to establish a new base of information as well as confirm program expenses. The cost for this effort is estimated at $30,000. Fifteen thousand dollars have been programmed for professional services for this fiscal year in the administrative cap. The additional $14,000 will be added to this amount for a total of allocation of $29,000. The additional funding amount will be taken from the 2000/2001 CDBG entitlement grant. This administrative cost is factored in the administrative cap discussed above.

4. **Minor Reductions in the General Administrative Costs** **-$2,664**

The administrative costs for code enforcement efforts by the Neighborhood Preservation Unit was decreased by $1,264 to reflect the amount listed in the City Budget. In addition the administrative charges to the CDBG entitlement grant was decreased by $1,400 to coincide with the amount listed in the City Budget.

Public Improvements (Capital Improvement Projects)

5. **Americans with Disabilities Act (ADA) Curbs** **$52,550**

The ADA curbs project provides funding to install or retrofit existing curbs for handicapped accessibility. This project is proposed to receive an additional allocation of $52,550. This will result in a total allocation of $102,550 for this program during fiscal year 2000/2001. The funding for this program is proposed to be taken from the 2000/2001 CDBG grant allocation to the ADA public facilities category as described below.

6. **Americans with Disabilities Act (ADA) Public Facilities** **-$50,000**

The ADA public facilities provide funding to bring existing public facilities into compliance with ADA requirements. The funding allocation for this program was initially approved for $100,000. Funding for this program is proposed to be reduced by half for a funding allocation of balance of $50,000.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-559

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET REALLOCATING EXPENDITURES, RESTIMATING REVENUES, AND INCREASING THE DEPARTMENT'S ABS TARGETS

WHEREAS, the Council recommended additional review of the Recreation and Neighborhood's policy and budgetary documents; and

WHEREAS, funding amendments will affect approximately $640,000 in Community Development Block Grant (CDBG) funds; with funds budgeted for positions, service credits and neighborhood revitalization programs to be reallocated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated on Attachment A.

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 24th day of October, 2000, 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, Frohman, Friedman, Serpa, Smith, and 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

ATTACHMENT A

FD	AGY	ORGN	OBJT	APPR UNIT	Revised	Adjustment	Current
0100	320	3201	0188	3200A	(74,840)	(74,840)	0
0100	380	3801	9990	3800AA	(37,280)	(26,940)	(10,340)
0100	320	3201	9990	3200AA	0	146,710	(146,710)
0100	800	8000	8003	0100R	(267,759)	(44,930)	(222,829)
1130	320	3252	0255	3250C	121,588	(61,710)	183,298
1130	320	3252	9990	3250AA	(127,659)	(1,534)	(126,125)
1130	320	3252	0188	3250A	63,244	63,244	0
1130	320	3254	0255	3250C	209,565	(4,171)	213,736
1130	320	3254	0235	3250C	4,171	4,171	0
1170	320	3258	0188	3258A	52,355	52,355	0
1170	320	3258	0255	3258C	31,718	(52,355)	84,073

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-560

A RESOLUTION CERTIFYING AN INITIAL STUDY AND THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED AMENDMENT TO PRECISE PLAN NO. 10 HAVE BEEN ADEQUATELY ADDRESSED BY THE PREVIOUSLY-CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) (SCH NO. 90020181): (MARCHBROOK BUILDING COMPANY).

WHEREAS, on September 11, 1990, by Council Resolution No. 90-757, the City Council of the City of Modesto certified a Final Program Environmental Impact Report ("EIR") (SCH No. 90020181) for the Village One Specific Plan, which analyzed the impacts of build-out of the Village One Specific Plan, and

WHEREAS, subsequently, on May 24, 1994, by Council Resolution No. 94-297, the City Council certified a Supplement to the Village One Program EIR, which superseded and updated the original Program EIR, and

WHEREAS, Marchbrook Building Company has submitted a proposal to amend the Precise Plan for Area No. 10 of the Village One Specific Plan to develop the area, located on the east side of Fine Avenue north of Kodiak Drive, with a 123-lot gated subdivision (Sundance Lake Subdivision) arranged around a private lake utilizing private streets, and

WHEREAS, Section 15168(c) of the CEQA Guidelines, relating to reviewing subsequent projects for a Program 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 EIR and whether

the subsequent project was described in the EIR as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. CDD 2000-57, dated September 29, 2000, reviewed the proposed amendment to determine whether the project might have a significant effect on the environment other than that identified in the Program EIR, and

WHEREAS, on October 24, 2000, the City Council held a duly noticed public hearing to consider the application of Marchbrook Building Company for the proposed amendment to Precise Plan No. 10 of the Village One Specific Plan, property located on the east side fo Fine Avenue north of Kodiak Drive, for the development of a 123-lot gated subdivision arranged around a private lake utilizing private streets, (the "project"), concurrently with this resolution,

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 Precise Plan No. 10 of the Village One Specific Plan, property located on the east side of Fine Avenue north of Kodiak Drive, for the development of a 123-lot gated subdivision arranged around a private lake utilizing private streets, (the "project"), and a copy of said Initial Study is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study the Council makes the following findings:

1. That the proposed amendment to Precise Plan No. 10 of the Village One Specific Plan is consistent with the Modesto Urban Area General Plan and the Village One Specific Plan.

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 precise plan amendment 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 Precise Plan amendment 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. As per Sections 15168 and 15162 of the California Environmental quality Act ("CEQA") Guidelines, this activity is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA..

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. That 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 EA/CDD 2000-57, provides the substantial evidence to support findings 2-8 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 24th day of October, 2000, 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

City of Modesto

Initial Study

Amendment to Precise Plan No. 10 and Sundance Lake Vesting Tentative Subdivision Map

EA/CDD 2000-57
September 29, 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.

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, 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 No. 10 and Sundance Lake 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

D. Project Location:
The west side of Claus Road south of Sylvan Avenue.

E. Project Sponsor:
Marchbrook Building Company, 3255 W. March Ln., Stockton, CA 95219

F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:
The Precise Plan Amendment and subdivision map are to create a 123-unit gated single-family subdivision with a private lake.

I. Surrounding land uses:
The project is bounded to the north and south by vacant land designated future residential development by the Village One Specific Plan, on the east by vacant land designated for a future expressway and future business park by the Specific Plan, and to the west by a currently-developing single-family subdivision, to vacant parcels, one with an approved single-family subdivision on it, and the other designated for a future elementary school by the Specific Plan.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 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 proposed project is consistent with the Specific Plan in land use intensity, and will therefore not generate traffic in excess of what was analyzed in the EIR. 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 traffic impacts for this project are consistent with those in the Village One 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 project is consistent with the Village One Specific Plan in land use and intensity. The applicants have also submitted a noise analysis that concludes that the noise levels in this subdivision will not exceed those specified in the EIR. 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 project 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 project is consistent with the Village One Specific Plan in terms of land use 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 project is consistent with the Village One Specific Plan in terms of land use 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 project is consistent with the Village One Specific Plan in terms of land use intensity, and will provide decorative masonry walls with landscaped setbacks consistent with the Specific Plan. 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 project is consistent with the Village One Specific Plan in terms of land use 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 City's Engineering and Transportation Department has determined that the proposed lake will not significantly impact the hydrology of the area. 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 project is consistent with the Village One Specific Plan in terms of land use 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 project is consistent with the Village One Specific Plan in terms of land use intensity. 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 project is consistent with the Village One Specific Plan in terms of land use 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 project is consistent with the Village One Specific Plan in terms of land use 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.

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.

IV. 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 Mitchell

Steve Mitchell,
Associate Planner

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-561

A RESOLUTION APPROVING CHANGES IN THE BULKY ITEM PICKUP PROGRAM FROM MASS SET OUTS TO AN "ON-CALL" SYSTEM.

WHEREAS, on June 22, 1999, the City Council adopted Resolution No. 99-319 approving the implementation of a citywide twice-a-year bulky item pickup program for residential customers, and

WHEREAS, the collection program began on October 4, 1999, with the second sweep ending on September 29, 2000, and

WHEREAS, during this time frame, 3600 tons of unwanted bulky items were removed from the streets, items that might have otherwise been illegally dumped in alleyways or on vacant lots, and

WHEREAS, approximately 20% of the 3600 tons collected were diverted for recycling, and

WHEREAS, the positive impact this bulky item pickup program has had on the residents and the City of Modesto has been reflected in comments from residents who generally praised the program, and

WHEREAS, some concerns have been raised in the community that could be addressed by changing to an "on-call" type of collection system which would increase the convenience of the program, improve the appearance of the City, and reduce scavenging, and

WHEREAS, City staff has reviewed the bulky item pickup program and recommends that the bulky item pickup program be changed from mass set outs in specified

neighborhoods to an "on-call" system where residents schedule the collection day by appointment with the garbage hauler and the items are collected the same day the items are placed out, and

WHEREAS, the Utility Services and Franchises Committee supports staff recommendations to change the bulky item pickup program to an "on-call" system, and

WHEREAS, a report dated October 16, 2000, from the Engineering and Transportation Department, a copy of which is on file in the Office of the City Clerk, sets forth said recommendations, and

WHEREAS, October 24, 2000, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, was set as the date, time and place for consideration of said recommendations, and

WHEREAS, the City Council of the City of Modesto finds that the bulky item pickup program should be changed from mass set outs in specified neighborhoods to an "on-call" system where residents schedule the collection day by appointment with the garbage hauler and the items are collected the same day the items are placed out,

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

1. That it hereby approves changing the bulky item pickup program from mass set outs in specified neighborhoods to an "on-call" system.

2. Notification of the change would occur via the November and December 2000 utility bill inserts, and a direct mail piece sent in January 2001 to all residential addresses.

3. Residents would be given the name and phone number of their garbage hauler, and the option to call and schedule a bulky item pickup two times each year between January-December.

4. The garbage hauler would schedule the date for bulky item pickup directly with the resident. Residents would need to have those items placed out for collection by 6:00 a.m. on their scheduled day to ensure pickup the same day.

5. The garbage haulers would track the resident's usage of their two bulky item calls during the year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-562

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $60,000 TO PROVIDE FOR THE CITY'S SHARE OF THE COST OF THE INSTALLATION OF A TRAFFIC SIGNAL AT THE CROWS LANDING ROAD/SCHOOL STREET INTERSECTION NEAR SHACKELFORD SCHOOL

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

FROM:	Standiford/Prescott Upgrade, 0700 160 M154	$50,000
	Intersection upgrade – New Location, 0700 160 M153	10,000
TO:	Traffic Signal Crows Land/School, 0700 160, New CIP	$60,000

Funds will provide for the City's share of the cost of the installation of a traffic signal at the Crows Landing Road/School Street intersection near Shackelford School

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	Smith
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-563

A RESOLUTION OPPOSING STATE BALLOT PROPOSITION 36 ENTITLED "THE DRUGS, PROBATION AND TREATMENT PROGRAM" INITIATIVE.

WHEREAS, State Ballot Proposition 36 entitled "The Drugs, Probation and Treatment Program" initiative, if passed, will mandate treatment instead of jail for illegal drug users, and

WHEREAS, Proposition 36 will decriminalize heroin, crack cocaine, PCP, methamphetamine, date rape drugs and other illegal substances, and

WHEREAS, these are the very drugs that fuel most child abuse, domestic violence and other violent crimes, and

WHEREAS, Proposition 36 will divert drug abusers with long histories of drug dealing, parole violations and prior felonies to treatment programs, and

WHEREAS, Proposition 36 includes no safeguards or licensing guidelines to ensure these programs are effective, and

WHEREAS, monies appropriated under Proposition 36 cannot be used for drug testing, and if drug testing is not done accountability of persons in drug treatment is forfeited, and

WHEREAS, Proposition 36 authorizes dismissal of charges when treatment is completed and prohibits using disclosure of arrest and conviction to deny employments, benefits or license, and

WHEREAS, Proposition 36 will be extremely detrimental to the very successful operation of Drug Courts by removing the ability of Drug Court Judges to remand participants to custody for failing drug tests, and

WHEREAS, the passage of Proposition 36, in Stanislaus County, will terminate Drug Courts and their tremendous rehabilitation successes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes State Ballot 36 entitled "The Drugs, Probation and Treatment Program" initiative.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-564

A RESOLUTION REQUESTING ACCESS TO THE BOOKS AND RECORDS OF THE CONVENTION & VISITORS BUREAU AND REQUESTING THE CITY MANAGER TO CONTINUE TO SEARCH FOR AN AUDITOR.

WHEREAS, the Mayor has requested that the City Council adopt a resolution requesting access to the books and records of the Modesto Chamber of Commerce's Convention & Visitors Bureau,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests access to the books and records of the Convention & Visitors Bureau and requesting the City Manager to continue to search for an auditor to audit said books and records.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, by Councilmember Fisher, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-565

Print

A RESOLUTION ACCEPTING THE BID OF D. A. WOOD CONSTRUCTION FOR THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 2000-2001"

WHEREAS, the bids received for Rockwell Replacement/Addition 2000-2001 were opened at 11:00 a.m. on October 10, 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 $449,905.00 received from D. A. Wood be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D. A. Wood 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 7th day of November, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-566

Print

A RESOLUTION REJECTING BIDS FOR BELLENITA PARK RESTROOM REPLACEMENT, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 12, 2000, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for Bellenita Park Restroom Replacement were opened at 11:00 a.m., on September 12, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was 8% over the engineer's estimate and in excess of the funds budgeted therefore 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 Bellenita Park Restroom Replacement, opened in the office of the City Clerk on September 12, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-567

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHNNY M. CRABB FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE NOVEMBER 7, 2000

WHEREAS, Johnny M. Crabb was appointed a member of the Landmark Preservation Commission on August 8, 2000; and

WHEREAS, Johnny M. Crabb has tendered his resignation from the Landmark Preservation Commission, effective November 7, 2000,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Johnny M. Crabb from the Landmark Preservation Commission be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-568

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "FURNITURE FOR THE NEW POLICE HEADQUARTERS AT 600 10TH STREET" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Furniture for the New Police Headquarters at 600 10th Street, has been completed by Keller Group, in accordance with the contract agreement dated April 18, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Furniture for the New Police Headquarters at 600 10th Street be accepted from said contractor, Keller Group; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $291,469.77, 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 7th day of November, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-569

A RESOLUTION APPROVING STAFF RECOMMENDATIONS RELATING TO PEDESTRIAN IMPROVEMENTS AT THE CROWS LANDING ROAD AND SCHOOL AVENUE INTERSECTION NEAR SHACKELFORD SCHOOL IN CONJUNCTION WITH STANISLAUS COUNTY.

WHEREAS, on October 24, 2000, the City Council considered and approved funding for the traffic signal construction at the Crows Landing Road and School Avenue Intersection near Schackelford School, and

WHEREAS, the City Council requested staff to evaluate a "School Zone Warning System" manufactured by Traffic Safety Corporation to be installed within the Shackelford School zone, and

WHEREAS, City of Modesto staff and Stanislaus County staff studied the "School Zone Warning System" as requested by the Council, and

WHEREAS, by a report to the City Council dated October 31, 2000, the Engineering and Transportation Department presented certain design recommendations which would be substantial improvements and significantly improve pedestrian safety at the Crows Landing Road and School Avenue Intersection near Schackelford School, and

WHEREAS, on November 7, 2000, the City Council considered said report and recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the staff recommendations for traffic improvements at the

Crows Landing Road and School Avenue Intersection near Schackelford School as recommended by the Engineering and Transportation Department Agenda Report, a copy of which is on file in the office of the City Clerk. In addition, staff is directed to continue to study and evaluate a "School Zone Warning System" manufactured by Traffic Safety Corporation for possible installation at this intersection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2000, 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

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-570

A RESOLUTION FINDING CABLE ONE IN BREACH OF THE CABLE FRANCHISE AGREEMENT.

WHEREAS, Cable One holds a franchise for cable television services within the City of Modesto, and

WHEREAS, on October 4, 2000, the City Manger issued a Notice of Breach of the Cable One's Cable Television Franchise citing six compliance issues, and

WHEREAS, on October 9, 2000, the City's special counsel sent a supplemental Notice of Breach citing an additional compliance issue, and

WHEREAS, on November 7, 2000, the City Council held a noticed public hearing on whether Cable One was in breach of its obligations on its franchise agreement, and

WHEREAS, the City Council has considered all of the testimony, both oral and written, received by the City Council at or before the hearing on November 7, 2000,

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

SECTION 1. The City Council hereby finds and determines, based on the evidence submitted at the hearing and on the staff report, which is incorporated herein, that Cable One is in material breach of its obligations under its franchise agreement with the City for the following reasons:

1. Cable One's Physical Plant fails to meet applicable safety standards. The City Council hereby finds and determines that the physical plant foes not meet safety standards, including numerous violations of California Public Utilities Commission General

Orders 95 and 128, the City of Modesto's Electrical Code, and the National Electrical Code. The City Council finds and determines that these regulations are adopted at the state and Municipal level to protect all cable subscribers, non-subscribers, utility workers, the general public and others exposed to cable facilities throughout the City. Although Cable One has begun correcting these violations, the need for widespread corrections demonstrates that the physical plant has been, and is, out of compliance and the corrections completed to date do not cure the safety violations throughout Cable One's franchise area. Further, the City Council finds and determines that the cable system must be completed reviewed and either repaired or rebuilt to meet and demonstrate full compliance with applicable safety codes.

2. Cable One is not in compliance with FCC signal quality regulations. The City Council finds and determines that Cable One has failed to demonstrate that its system complies with the required FCC standards for technical quality (47 C.F.R. §76.605) and the Commission's testing requirements (47 C.F.R. §76.601). The City Council further finds that the subscribers within that Modesto cable system have likely been receiving signals that do not meet the standards set forth by the FCC. The subscribers have not, therefore, received the federally-required assurances of picture quality to which they were entitled by reason of subscribing to Cable One's service. Contrary to Cable One's response dated October 17, 2000, the City's consultant, Jonathan Kramer concludes, and the City finds and determines that Cable One has failed to meet the required FCC standards and that Cable One cannot show that compliance beginning in Summer 1996 and continuing through at least Summer 2000.

3. Cable One has refused to pay franchise fees due and owing on advertising revenue in the amount of $59,601 plus interest. The City Council finds and

determines that advertising commissions are properly included in gross system receipts on which franchise fees must be paid. Although Cable One has submitted testimony asserting that advertising commission costs should be excluded from revenues because they are deducted by the advertising agencies, the City Council finds this argument unpersuasive. The City Council finds that gross receipts include 100% of the advertising revenues prior to the payment of any related expenses (such as the commission expense). The method that the advertising agency uses to report and/or remit the revenue to Cable One is not determinative of gross receipts; rather gross revenue of what is actually earned. Cable One's argument would permit Cable One to pay franchise fees based on net revenue every time it decided to change its invoicing methodology to a commission basis. The City Council determines that Cable One is required to pay the franchise fees determined by the City's auditor plus interest from the time the payments were due through time on payment.

4. Public Access Studio, Equipment, staffing and programming fails to meet the requirements of the Franchise. The City Council hereby finds and determined that Cable One is not in compliance with the PEG requirement of the franchise. The City council bases its determination on the written report prepared by The Buske Group, which was consistent with the Wright Assessment. The city council further finds that the availability of adequate, working, reliable equipment is the *sine qua non* of meeting the Local Origination and Peg requirements of the franchise. Yet, Cable One's local origination and public access facilities and equipment do not comply with the City's cable ordinance and franchise requirements. The facilities and equipment are generally in unsatisfactory condition, obsolete and inappropriate for public access use. Nearly all of the equipment is in fair, poor or non-

working condition. In addition, Local Origination Programming falls below the required hours per week; the staff appears to lack training, and the public is discouraged from using the studio and equipment. The City finds that Cable One must cure by providing usable, and up to date, studio and equipment that meets the needs of the citizens of Modesto. The City Council further finds that, to cure, Cable One meet with City Staff and must provide the City with a plan satisfactory to the City that will provide for a new studio and equipment that will meet the needs of the citizens and funding for this studio.

5. Cable One has failed to provide a Dedicated Return Line. The Cable franchise requires that Cable One provide a dedicated return line for use by the City. The City does not believe that Cable One has performed this obligation as it does not appear that any such dedicated return line now exists, or that if such a line exists that it is functional and that its availability for use has been noticed by Cable One to the City. The City Council hereby finds and determines that failure to provide this dedicated return line constitutes a material breach of the franchise.

6. The dedicated institutional network line used primarily for Fire Department training and data transmission is subject to a high failure rate. The City Council finds and determines that the Fire Department's dedicated institutional network line has suffered repeated and random failures in the recent past. Testing conducted by the City discloses that Cable One's facilities are subject to random and prolonged data transmission interruptions that substantially and repeatedly interfere with Fire Department operations, thus causing the Fire Department to expend resources which could otherwise be devoted to fire education, prevention and suppression. The City Council finds and determines that the

repeated failures in the dedicated institutional network constitute a material breach of the franchise.

The City's Staff has already made Cable One management and staff aware of the lack of reliability of this capacity/line, and Cable One has attempted but failed to cure the issues. The City directs it staff to provide additional information on these failures to Cable One as warranted, and to meet with Cable One. Cable One must provide the City with a plan satisfactory to the City to cure so that, at a minimum the institutional network meets standards for reliability common to institutional networks.

7. Cable One has failed to connect City offices and classrooms after being requested to do so. The City council finds and determines that Cable One has failed to connect certain public facilities and classrooms after being requested to do so. Upon receiving the notice of breach, Cable One has begun providing the required connections and repairing signal quality issues. Cable One must continue this work in a diligent manner to completion. Notwithstanding completion of the required work, the city Council is mindful of the fact that there are schools and classrooms that have not had services for extended periods of time and that connections at this time does not fully cure this area on non-compliance. City staff shall monitor the required work and shall inspect to determine that the work is complete. Staff and Cable One shall make a recommendation on additional cure for this matter.

8. Water Damage in 1010 10th Street Place (Modesto Centre Plaza) was caused by Cable One's failure to seal its conduit. The City Council finds and determines that Cable One's failure to seal its cables in the underground conduits in violation of CPUC General Order 128, permitted the rains of May 15 and 16, 2000 to cause considerable damage

to the City's PBX communication room at 1010 10th Street Place, and that Cable One failed to acknowledge the need to pay for this damage until after receipt of the Supplemental breach letter. The City Council does find that, after receipt of the breach letter, Cable One paid for the damages invoiced to date and has agreed to pay for field audit inspection work. The City Council finds that there will be additional cost items that Cable One will be responsible for to cure the damages caused by the water damage. Further, the City Council finds and determines that Cable One must agree to pay for these reasonable additional costs, which will likely include without limitation, staff costs, damages to equipment and loss of warranties.

SECTION 2. Based on the forgoing findings and determinations, the City Council hereby refers this matter to the City Manger and Staff to meet with Cable One to discuss whether Cable One is willing to cure and the manner of cure;

SECTION 3. The City council hereby sets a noticed public hearing for the City Council meeting of December 12, 2000 at 5:15 p.m. or as soon thereafter as the matter may be heard, to determine whether Cable One has developed a binding plan that is satisfactory to the City to bring the system into full compliance or to otherwise cure any and all breaches of the franchise agreement.

SECTION 4. The City Council is aware of the pending application to transfer the cable television system and franchise to AT&T. The City Council encourages all parties, the City staff, Cable One and AT&T to develop a binding, legal commitment on the part of the cable operators to cure or correct all compliance issues so that the City Council may act on the transfer application at its meeting of December 12, 2000.

SECTION 5. Staff is directed to ask AT&T about their plan to provide broadband and internet services to Modesto when the transfer takes place.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-571

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS TO BE OPENED JANUARY 9, 2001, FOR MODIFYING TWELVE GILLIG CORPORATION BUSES FOR THE ENGINEERING AND TRANSPORTATION DEPARTMENT-TRANSIT DIVISION.

WHEREAS, the Engineering and Transportation Department has requested modification of twelve Gillig Corporation transit buses, and

WHEREAS, it is anticipated that the rebuilt buses will cost approximately $114,000 each and extend the useful life of each bus by ten years, and

WHEREAS, a new transit bus costs approximately $280,000 and has an expected life of twelve years, and

WHEREAS, the rebuilding of said buses is considered to be very cost-effective in the public transportation industry, and

WHEREAS, the total project cost is estimated at $1,367,000, and

WHEREAS, the Federal Transit Administration (FTA) will cover $1,125,161 of the cost, the State will cover $60,000 through a transit capital improvement grant, and the City will cover $181,839 with money from the Local Transportation Fund (LTF), and

WHEREAS, in addition to repairing mechanical components and replacing nearly all of the materials in the interior of the buses, the buses will be repowered with state of the art clean diesel engines which will produce at least 93% less soot and 10% less gases that contribute to the formation of smog,

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, to be opened January 9, 2001, at 11:00 a.m., for modifying twelve Gillig Corporation buses for the Engineering and Transportation Department-Transit Division.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-572

A RESOLUTION ACCEPTING THE PROJECT TITLED "WOODLAND PARK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Woodland Park, has been completed by Duley's Landscape Inc., in accordance with the contract agreement dated June 1, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Woodland 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 $499,363.43 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 14th day of November, 2000, 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. 2000-573

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "CREEKWOOD NEIGHBORHOOD PARK, PHASE I" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Creekwood Park, Phase I, has been completed by Grover Landscape Services Inc., in accordance with the contract agreement dated May 25, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Creekwood Neighborhood Park, Phase I be accepted from said contractor, Grover Landscape Services Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $337,622.77 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 14th day of November, 2000, 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

Clerk (5)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-574

A RESOLUTION AUTHORIZING THE MODESTO POLICE DEPARTMENT TO ENFORCE STATE VEHICLE CODE VIOLATIONS ON PRIVATE PROPERTY IN AND AROUND THE VINTAGE FAIRE MALL.

WHEREAS, management of Vintage Faire Mall has requested that the Modesto Police Department provide traffic and parking enforcement in the Vintage Faire Mall parking lots, and

WHEREAS, Section 21107.8 of the California Vehicle Code allows the City Council to authorize such enforcement on "privately owned and maintained roads" . . . "generally held open to the public for purposes of vehicular traffic" and "parking", by resolution, and

WHEREAS, the Public Safety Committee recommended adoption of this resolution at their meeting on November 2, 2000, and

WHEREAS, said traffic and parking enforcement will allow for more complete and seamless traffic services in congested areas both in and around the parking area of Vintage Faire Mall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto Police Department to enforce state vehicle code violations on private property in and around the Vintage Faire Mall, pursuant to California Vehicle Code Section 21107.8.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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, City Attorney

Clerk (6)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-575

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE PROFESSIONAL SERVICES OF AN ARCHITECTURAL FIRM TO PERFORM MODIFICATIONS TO THE MADDUX YOUTH CENTER.

WHEREAS, the Maddux Youth Center, located in West Side Park, was constructed in 1952, and

WHEREAS, since that time, no major improvements have occurred, with the exception of a restroom remodel to meet ADA standards, and

WHEREAS, the facility serves between 3,5000 and 4,000 youths per month, and

WHEREAS, the City desires to make improvements to the facility and has $150,000 budgeted in the FY 00-01 Capital Improvement Program for this purpose, and

WHEREAS, the successful architectural firm will prepare contract documents, consisting of plans, specifications and a cost estimate for the remodeling work.

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 remodeling of the Maddux Youth Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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, City Attorney

RESCINDED
Print
2001-439
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. ____

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-576

A RESOLUTION RESCINDING RESOLUTION NO. 2000-205, AND AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY LOCATED AT 308 RUBERTO STREET TO THE Y.M.C.A. FOR DEVELOPMENT AS A PROGRAM CENTER, FORGIVING A DEFERRED PAYMENT LOAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND NECESSARY RELATED DOCUMENTS FOR THE TRANSFER OF THE PROPERTY TO Y.M.C.A.

WHEREAS, the City Council desires to rescind Resolution No. 2000-205 adopted on May 2, 2000, pertaining to the transfer of City-owned property located at 308 Ruberto Street, and

WHEREAS, on January 6, 2000, Notices of Interest and Proposed Use for the property at 308 Ruberto Street were sent to approximately 90 non-profit agencies including the Housing Authority of the County of Stanislaus in an effort to solicit information for the proposed use of the property, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on April 14, 2000, and the Community Development and Housing Committee (CD&H) met on May 19, 2000, and concurred with City staff that the Y.M.C.A.'s proposal would best serve the community, while meeting CDBG requirements, and

WHEREAS, the Council desires to transfer the property at 308 Ruberto Street to the Y.M.C.A. for the sum of ONE HUNDRED ($100.00) DOLLARS for development as a program center to primarily serve low income residents in the west Modesto area, on a

conditional sale with power of termination, subject to the following conditions:

(a) The property is sold to the Y.M.C.A. and the Y.M.C.A. accepts the property in "as is" condition.

(b) Y.M.C.A. shall rehabilitate the property for use as a Y.M.C.A. program center, including, but not limited to, senior programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low-income residents of the West Modesto Area.

(c) Y.M.C.A. shall seek proper zoning and/or conditional use permit for use and operation as a Y.M.C.A. program center, including but not limited to senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low income residents of the West Modesto Area.

(d) Y.M.C.A. shall inspect the property for presence of lead-based pain and, if present, shall, at its expense, abate, remove, and dispose of lead-based paint in compliance with current lead-based regulations.

(e) Y.M.C.A. shall inspect the property for presence of asbestos and, if present, shall, at its expense, abate, remove and dispose of asbestos in compliance with current asbestos regulations.

(f) Y.M.C.A. shall obtain all necessary permits to complete rehabilitation of the property for use as a Y.M.C.A. Program Center, including, but not limited to, senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public, targeted for low income residents of the West Modesto Area.

(g) With twelve months of obtaining required zoning and permits, Y.M.C.A. shall complete rehabilitation of the property and open and operate on the property continuously for three (3) years as a licensed Y.M.C.A. public center.

(h) Y.M.C.A. shall not request or obtain from City, directly or indirectly, funds for acquisition, rehabilitation or operation of the property,

and

WHEREAS, in the event the Y.M.C.A. does not comply with conditions (a) - (h) set forth above, at the City's option, Y.M.C.A.'s title to the property shall terminate and title to

the property shall revert to City, without further consideration exchanged between the parties, and

WHEREAS, in March, 1982, Ms. Arvelia Moyet received a $45,920.46 Deferred Payment Loan (DPL) to rehabilitate 308 Ruberto Street, as an owner-builder, and

WHEREAS, in September, 1982, Ms. Moyet received a $10,563.70 emergency Deferred Payment Loan to pay a contractor to complete an unfinished part of the project, and

WHEREAS, in September, 1998, Ms. Moyet transferred the property via a grant deed to Ms. Regina Cain who planned to rehabilitate said property and pay the outstanding loans owed the City, and

WHEREAS, the property contained junk and debris and vagrants were living at the property, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) discussed the status of said property and decided foreclosure of the property should be initiated, and

WHEREAS, Ms. Cain was given thirty (30) calendar days to obtain a written loan commitment to pay for required rehabilitation and to pay off the two loans against the property, and

WHEREAS, Ms. Cain did not obtain the loan commitment on the property, and

WHEREAS, the property was foreclosed in November, 1999, and the City acquired the property located at 308 Ruberto Street in the City of Modesto when the property was recorded as a foreclosure at the Stanislaus County Recorder's Office on December 17, 1999, and

WHEREAS, the City desires to forgive the $45,920.46 DPL on the property, and transfer said property to the Y.M.C.A. for development as a program center to be used primarily by low income residents in the west Modesto area, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby rescinds Resolution 2000-205, authorizes the transfer of City-owned property located at 308 Ruberto Street to the Y.M.C.A. for the sum of ONE HUNDRED ($100.00) DOLLARS for development of a program center, on a conditional sale with power of termination, subject to the following conditions:

(a) The property is sold to the Y.M.C.A. and the Y.M.C.A. accepts the property in "as is" condition.

(b) Y.M.C.A. shall rehabilitate the property for use as a Y.M.C.A. program center, including, but not limited to, senior programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low-income residents of the West Modesto Area.

(c) Y.M.C.A. shall seek proper zoning and/or conditional use permit for use and operation as a Y.M.C.A. program center, including but not limited to senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low income residents of the West Modesto Area.

(d) Y.M.C.A. shall inspect the property for presence of lead-based pain and, if present, shall, at its expense, abate, remove, and dispose of lead-based paint in compliance with current lead-based regulations.

(e) Y.M.C.A. shall inspect the property for presence of asbestos and, if present, shall, at its expense, abate, remove and dispose of asbestos in compliance with current asbestos regulations.

(f) Y.M.C.A. shall obtain all necessary permits to complete rehabilitation of the property for use as a Y.M.C.A. Program Center, including, but not limited to, senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public, targeted for low

income residents of the West Modesto Area.

(g) With twelve months of obtaining required zoning and permits, Y.M.C.A. shall complete rehabilitation of the property and open and operate on the property continuously for three (3) years as a licensed Y.M.C.A. public center.

(h) Y.M.C.A. shall not request or obtain from City, directly or indirectly, funds for acquisition, rehabilitation or operation of the property.

BE IT FURTHER RESOLVED that the Deferred Payment Loan in the sum of $45,920.46 be, and hereby is, forgiven.

BE IT FURTHER RESOLVED that City Manager, or his designee, is hereby authorized to execute the Agreement and necessary related documents for the transfer of the property located at 308 Ruberto Street to the Y.M.C.A.

The foregoing resolution was introduced at a regular meeting fo the Council of the City of Modesto held on the 14th day of November, 2000, 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, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-577

RESCINDED
Print
2001-135
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION

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 OF 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, Article 11 of Chapter 3 of Division 2 of Title 5 of the Government Code and Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended (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"); 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 t 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 Refunding Bonds (Shadowbrook Apartments – Freddie Mac Credit Enhanced) Series 2000A" and the "City of Modesto Taxable Multifamily Housing Revenue Bonds (Shadowbrook Apartments - Freddie Mac Credit Enhanced) Series 2000B" in an aggregate principal amount not to exceed $12,000,000 (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 Bon excess of $12,000,000, the initial true interest cost of the Bonds is not in excess c 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 Statement 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 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, the Remarketing 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, accommodate, at the request of the Borrower, the Remarketing Provisions, 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 14th day of November, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk (13)

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-578

Print

RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REFUNDING REVENUE BONDS BY THE CITY OF MODESTO PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the City of Modesto (the "City") proposes to issue its Multifamily Housing Refunding Revenue Bonds (the "Bonds"), 2000 Issue A, in the aggregate principal amount not to exceed $9,500,000, the proceeds of which will be loaned to Shadowbrook Properties, a California limited partnership (or any successor thereto) (the "Borrower"), to refund the City of Modesto Variable Rate Multifamily Refunding Revenue Bonds (Shadowbrook Apartments), 1992 Issue A, and to pay other related expenses (collectively, the "Project"); and

WHEREAS, the facilities to be refinanced are located at 3001 Hahn Drive in the City of Modesto; and

WHEREAS, on October 2, 2000, a notice of a public hearing concerning the issuance of the Bonds and the nature and location of the facilities to be refinanced was published in a newspaper of general circulation in the City of Modesto; and

WHEREAS, the City Council of the City of Modesto (the "City Council"), on November 7, 2000, conducted a public hearing whereby interested parties were given a reasonable opportunity to state their views concerning the issuance of the Bonds and the nature and location of the facilities to be refinanced with a portion of the proceeds thereof; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires, as a condition of the exclusion from federal gross income of the holders thereof of interest on the Bonds, that before the Bonds are issued, the Bonds be approved by the City Council after a public hearing following reasonable public notice;

NOW THEREFORE, the City Council of the City of Modesto hereby resolves as follows:

Section 1. The City Council hereby approves the issuance of not to exceed $9,500,000 aggregate principal amount of the City of Modesto Multifamily Housing Refunding Revenue Bonds (Shadowbrook Apartments), 2000 Issue A, pursuant to Section 147(f)(6) of the Code. This approval is intended solely to comply with the public approval requirements of Section 147(f) of the Code.

Section 2. The City Manager or the Director of Finance for the City are hereby authorized and directed to do any and all things and execute and deliver any and all documents, certificates and other instruments which they may deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds by the City, and to execute and deliver such certificates and other documents they may deem appropriate and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution. Any actions heretofore taken by such officers are hereby ratified and approved.

Section 3. The Bonds will be paid entirely from repayments by the Borrower. Neither the full faith and credit nor the taxing power, if any, of the City or the State of California (the "State") or any other political corporation, subdivision or agency of the State is pledged to the

payment of the principal of, premium, if any, or interest with respect to the Bonds, nor shall the City, the State, or any other political corporation, subdivision or agency of the State be liable or obligated to pay the principal of, premium, if any, or interest with respect to the Bonds.

Section 4. This Resolution shall take effect from and after its passage and approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-579

A RESOLUTION APPROVING POLICIES RELATING TO SEWER RATE EQUITY AND THE EQUITY ADJUSTMENT PROCESS.

WHEREAS, Proposition 218, enacted in 1996, requires a city, when setting sewer and water rates, to allocate the cost of service in proportion to the cost of serving each type of customer in the system, and

WHEREAS, staff originally engaged Brown & Caldwell to provide a preliminary allocation of cost of service, and

WHEREAS, staff has been working closely with the Sewer Rate Advisory Group (SRAG) to define what would be considered equitable and to refine allocation costs, and

WHEREAS, it is necessary for the City to establish a reasonable basis for equity among ratepayers, since Proposition 218 does not provide guidance on how such equity is defined, and

WHEREAS, City staff proposes the adoption of the City of Modesto Sewer Rate Equity Policies as described in Attachment A, attached hereto and made a part hereof, and

WHEREAS, City staff proposes the adoption of the City of Modesto Sewer Rate Equity Adjustment Process as described in Attachment B, attached hereto and made a part hereof, and

WHEREAS, the proposed policies provide that when a customer class' contributions are within five (5%) percent of their allocated costs, equity is within a permissible range, and

WHEREAS, said policies further provide that every three years, an equity evaluation will be performed among the customer classes and necessary adjustments will be recommended, and

WHEREAS, recommendations to adopt said policies were made by SRAG on February 28, 2000, and by the Utility Services and Franchises Committee on May 24, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Sewer Rate Equity Policies set forth in Attachment A, attached hereto and made a part hereof, and the City of Modesto Sewer Rate Equity Adjustment Process set forth in Attachment B, attached hereto and made a part hereof, for use by City staff in establishing a reasonable basis for equity among ratepayers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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

Attachment A

City of Modesto
Sewer Rate Equity Policies

5/00 Proposal

1. Evaluation of sewer rate equity shall be conducted on a revenue neutral basis.

2. The methodology shown in Table 1 of the Equity Adjustment Process shall be used to allocate the costs of service among user classes for purposes of measuring equity among the three user classes: residential, commercial and industrial.

3. User rates shall be determined to be reasonably equitable if the revenue contributions of a user class are within 5% of their allocated cost for that class.

4. The arrangement of the current rate formulas within a customer class shall be maintained.

5. Sewer rate equity shall be reviewed on a 3-year cycle, in accordance with the attached Sewer Rate Equity Adjustment Process.

6. The evaluation of the sewer system's overall revenue requirements shall be conducted separately. Any resulting across-the-board rate increases shall be presented to City Council as a separate action.

Attachment B

City of Modesto
Sewer Rate Equity Adjustment Process

5/00 Proposal

1. **Revenue Neutral:** The evaluation of user class proportionality shall be conducted on a revenue neutral basis, using a full year's actual costs.

2. **Allocation Method:** The percentages in Table 1 shall be used to allocate each cost element to the appropriate customer class.

3. **Calculate Variance:** Determine the "Variance" of each customer class' current revenue base from the ideal proportionality among user classes. The amount of revenue by which a class is out of tolerance by more than 5% of the ideal is its "adjustment." The revenue level at which the customer class meets the 5% tolerance range is the target rate base.

4. **Equity Tolerance Range:** For the initial three years of implementation of this process, a customer class which is within 5% of the ideal proportionality among user classes shall be considered within tolerance. This range represents the uncertainties and annual variations in system costs, system characteristics and customer characteristics. This tolerance range shall be reassessed at the end of three years, with a goal of narrowing the range of uncertainties to 3%.

5. **ATBs Separate:** If an across-the-board (ATB) rate increase is needed to meet the system's overall revenue requirements in any particular year, that increase shall be applied to all customers classes in a separate step. ATB changes may be annual.

Table 1 Allocation of Costs to Flow and Loading				
Cost Element	Flow	BOD	SS	Composite of O & M
Operations & Maintenance				
Utility Administration				100%
Collection	100%			
Primary Treatment	80%		20%	
Secondary Treatment	50%	25%	25%	
Laboratory	50%	25%	25%	
Industrial Waste	50%	25%	25%	
Garden Refuse		50%	50%	
Biosolids Composting		50%	50%	
Billing				100%
Capital Improvement Program				
Collection	100%			
Primary Treatment	80%		20%	
Secondary Treatment	50%	25%	25%	
Biosolids Composting		50%	50%	
'93 & '95 Debt Service	50%	25%	25%	
'97 Debt Service	60%	20%	20%	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-580

A RESOLUTION REVISING THE SEWER FUND RESERVE POLICY FROM TWENTY-FIVE (25%) PERCENT OF THE ANNUAL OPERATING EXPENDITURES TO BETWEEN FIFTEEN-TWENTY (15%-20%) PERCENT OF THE ANNUAL OPERATING EXPENDITURES.

WHEREAS, previously, the City Council approved maintaining a working reserve of twenty-five (25%) percent in the Sewer Fund for annual operating expenditures, and

WHEREAS, City staff, with the concurrence of the Sewer Rate Advisory Group (SRAG), recommends that the working reserve be maintained between fifteen-twenty (15%-20%) percent of the annual operating expenditures, and

WHEREAS, a reserve of fifteen-twenty (15%-20%) percent will provide for needed flexibility when setting future across-the-board rate adjustments, as well as diverting more funds toward deferred maintenance projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves revision of the Sewer Fund Reserve Policy from twenty-five (25%) percent of annual operating expenditures to between fifteen-twenty (15%-20%) of the annual operating expenditures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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

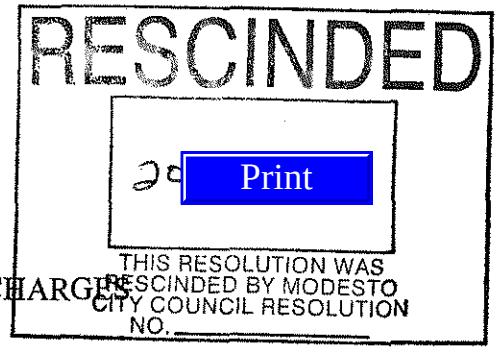
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 2000-581

A RESOLUTION REVISING SEWER SERVICE CHARGES AND RESCINDING RESOLUTION NO. 97-94.

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 November 14, 2000, 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:

Density Category	Property Sq. Ft. Per Dwelling Unit
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:

Each single-family dwelling or mobile home on a lot	$12.19
Each dwelling unit in a duplex	9.53
One additional dwelling unit or mobile home on a lot	7.84
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	7.84

(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 of One and No/100ths ($1.00) Dollar 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.

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
Group 1	$1.49
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
Group 2	1.74
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
Group 3	2.11
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	
Group 4	3.172.54
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1	

(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:

Group 1	$18.76
Group 2	21.62
Group 3	26.50
Group 4	31.79

(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 of One and 60/100ths ($1.60) Dollars 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.

(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 rate of $762.74 per million gallons of total flow.

(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 of $90.21 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.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $85.53 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.

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:

Domestic Use - ADA (Average daily attendance) x
c.f./pupil/month x 12 months x $\frac{\$ .58}{133.69 \text{ c.f.}}$

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:

Empire Union School District	Grade Range
Capistrano Elementary	K-5
Christine Sipherd Elementary	K-5
Bernard Hughes Elementary	K-5

Modesto City School District	
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
Enslen 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

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-6
Sherwood Elementary K-6
Somerset Junior High 7-8
Standiford Elementary K-6
Stockard Coffee Elementary K-6
Sylvan Elementary K-6
Woodrow Elementary K-6

Yosemite Community College District
Modesto Junior College - East Campus . . . . . College

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

Flow Charge at current rate for industrial users
per 1,000 gallons $740.52 per million gallons . . . . . $ 0.74

BOD Surcharge:
(3,680-200) x 0.001 x 8.34 x 87.58/1,000 . . . . . $ 2.54

SS Surcharge:
(20,430-200) x 0.001 x 8.34 x 80.62/1,000 . . . . . $13.60

Clean Septic Pit Twice per week - Equipment Operator
and Vactor Truck

Operator (116)
2 min x $15.8040 hr x 2.71
(benefits and overhead)/60 min/hr . . . . . $ 1.43

Vactor truck 2 min x $20.74/60 min/hr . . . . . $ 0.69

Total Dump Charges per 1,000 gallons of sewage $19.00

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. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	$6.99
Each dwelling unit in a duplex	3.34
One additional dwelling unit or mobile home on a lot	3.34
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	3.34
Billing Fee	0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 10. 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 11. 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:

Land Us	Intensity of Development Factor (IDF)
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:

ARN	Square Footage of Property
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:

Square Footage of Property	Monthly Charge
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 x $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 12. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after January 1, 2001.

SECTION 13. RESCINDING PRIOR RESOLUTIONS. Resolution No. 97-94 is hereby rescinded effective December 31, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Notice of Intention to Adjust Sewer Rates

EXHIBIT "A"

At the regular meeting of the Modesto City Council on September 12, 2000, the City Council set November 14, 2000 at 5:15pm as the date and time for a public hearing to consider:

1. Policies relating to sewer rate equity and equity adjustment process
2. Proposed equity adjustment of sewer rates
3. Revised reserve policy from 25% of operating expenditures to 15-20%
4. The 3% across-the board rate increase

The Proposition 218 (P218) procedures for increasing a fee or charge is proposed shall consist of the following:

1. The parcels upon which a fee or charge is proposed shall be identified.
2. The agency shall conduct a public hearing upon the proposed fee or charge no less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed.
3. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

Two rate adjustments are required: (1) An equity adjustment among the residential, commercial and industrial customer classes of +8%, -20%, and 0% respectfully. P218 eliminates cross customer category subsidies. Analysis revealed that commercial customers now subsidize residential in an amount that will be substantially corrected by the proposed adjustments. One proposed policy eliminates subsidies to within our margin of error in cost computation, which is currently +/- 5%. The proposed adjustments correct the subsidies to within that margin. (2) A 3% across-the-board rate increase for all residential, commercial, and industrial customer classes is needed to collect sufficient revenues to cover expenses for operating and maintaining the wastewater collection and treatment system, as well as, capital improvements. The two adjustments are additive and result as follows: residential class, +11%, commercial class, -17%, and industrial class, +3%.

The following table gives net result of the equity and across the board rate adjustment.

MONTHLY CHARGE	EXISTING	PROPOSED	CHANGE
Residential (+11%)			
Single Family dwelling or mobile home on lot	$11.29	$12.53	+$1.24
Each dwelling in a duplex	$8.82	$9.79	+$0.97
Each additional dwelling unit on a lot	$7.29	$8.09	+$0.80
Each dwelling within an apartment building or mobile home park	$7.29	$8.09	+$0.80
Commercial (-17%)			
Group 1	$1.83/1000 gal	$1.54/1000	($-0.32)
Group 2	$2.17/1000 gal	$1.80/1000	($-0.37)
Group 3	$2.64/1000 gal	$2.19/1000	($-0.45)
Group 4	$3.17/1000 gal	$2.63/1000	($-0.54)
Minimum Commercial Charge for the first 1680 cubic feet of water need:			
Group 1	$23.45	$19.46	($-3.99)
Group 2	$27.02	$22.42	($-4.60)
Group 3	$33.12	$27.49	($-5.63)
Group 4	$39.74	$32.98	($-6.76)
Industrial (+3%)			
Flow - per million gallons of total flow	$762.74	$785.62	+$22.88
Biochemical Oxygen Demand – per 1000# of BOD in excess of 200 mg/l	$90.21	$92.92	+$2.71
Suspended Solids – per 1000# of suspended solids in excess of 200 mg/l	$83.04	$85.53	+$2.49

If you have any questions, you can:
1. View an engineer's report giving detailed information regarding the rate increase. It is available in the Engineering and Transportation Department, 1010 10th Street, 4th Floor.
2. Call the Engineering and Transportation Department at 209/577-5462.

ou oppose this rate adjustment, you are requested to either mail your written protest to City Clerk, P.O. Box 642, Modesto, CA 53 or hand deliver your written protest at the November 14, 2000 public hearing in the Joint Chambers, 1010 10th Street, Basement, Modesto, California, 95353.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-582

A RESOLUTION ACCEPTING THE PROPOSAL OF ESCOM SOFTWARE SERVICES LTD. FOR FURNISHING FACILITY RESERVATION, PROGRAM REGISTRATION, AND SPORTS SCHEDULING SOFTWARE

WHEREAS, on May 26, 2000, the Council approved a request to solicit proposals for Facility Reservation, Program Registration, and Sports Scheduling software; and

WHEREAS, the Finance Director has recommended that the proposal submitted by Escom Software Services Ltd. for a total amount of $69,350 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal of Escom Software Services Ltd. 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 21st day of November, 2000, 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, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-583

A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL HARDWARE AND OPERATING SYSTEMS INCLUDED IN THE PROPOSAL OF ESCOM SOFTWARE SERVICES LTD. FOR FURNISHING FACILITY RESERVATION, PROGRAM REGISTRATION, AND SPORTS SCHEDULING SOFTWARE

WHEREAS, on November 21, 2000, the Council approved Res. 2000-582 approving the purchase of Facility Reservation, Program Registration, and Sports Scheduling software from Escom Software Services Ltd; and

WHEREAS, the proposal submitted by Escom Software Services Ltd. included additional hardware and operating systems for a total amount of $34,127; and

WHEREAS, the Finance Director has recommended that the proposal submitted by Escom Software Services Ltd. for the additional hardware and operating systems for a total amount of $34,127 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of additional hardware and operating systems from Escom Software Services Ltd. 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 21st day of November, 2000, 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, Smith, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-584

Print

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET ALLOCATING FUNDS FOR RESERVATION SOFTWARE

WHEREAS, the Recreation and Neighborhoods Department utilizes a computer program for processing reservations which is outdated and presents numerous time consuming challenges; and

WHEREAS, a request for proposals for the software system was sent to eight national vendors; with Escom Software Services being chosen as the preferred vendor; and

WHEREAS, funds need to be moved into the Capital Project #L118 to fully fund the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
From:	#0100-300-3001-8099	$(39,707)
To:	#1300-310-L118-6070	$ 39,707
Transfer:		
From:	#1300-700-7000-9010	$39,707
To:	#0100-700-7000-7130	$39,707

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 21st day of November, 2000, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-585

A RESOLUTION ACCEPTING THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PURCHASE PROGRAM GRANT OF $165,091 FOR ACQUISITION OF NEEDED HIGH TECHNOLOGY POLICE EQUIPMENT.

WHEREAS, as a result of State legislation, all California law enforcement agencies were allotted a minimum of $100,000 for high technology police equipment, and

WHEREAS, larger jurisdictions were then allocated a portion of the balance remaining after the minimum payments to all California law enforcement agencies, and

WHEREAS, the City of Modesto was allotted the sum of $165,091, and

WHEREAS, said grant funds must be used for purchase of high technology police equipment, and

WHEREAS, the Modesto Police Department is allocating the funds for the purchase of equipment, completion of the security and electronics for the new G. L. McKinsey Police Administration building and computer hardware and software, as more fully shown on Exhibit "A" attached hereto, and

WHEREAS, acquisition of this equipment and technology greatly enhances the ability of the Police Department to provide law enforcement services, in addition to completing the security and electronics systems for the new police building, and

WHEREAS, if said grant money is not allocated and spent, it will be forfeited back to the State,

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

Modesto that it hereby accepts the California Law Enforcement Equipment Purchase Program Grant in the amount of $165,091 for acquisition of needed high technology police equipment.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CLEEP - California Law Enforcement Equipment Program

Total Funds: $165,091

Must Be Utilized For: High Technology Equipment for Law Enforcement

Equipment	Price
Communication and Illumination Equipment for Bicycle Patrol Officers Night Rider Light/Siren Systems Set Coms	$5,091
Computer Disaster Recovery System Software	11,000
Street Terrorist Attack Team DataBase Software Development	14,000
Professional Standards Unit DataBase Software Development	28,000
Security and Electronics for New Police Building Microphones Televisions Telephone Upgrades Video Systems	42,000
Palm Pilots for Command Personnel	10,000
Laptop Computers for Presentations 6 at $2,500/ea	15,000
Personal Computers 20 @ $2,000/ea	40,000
TOTAL	**$165,091**

EXHIBIT "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-586

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET ESTIMATING AND APPROPRIATING FUNDS FOR GRANT REVENUE

WHEREAS, as a result of State legislation, all California law enforcement agencies were allotted funds for high technology police equipment, with the City of Modesto receiving $165,091.00.

WHEREAS, these funds must be used for the purchase of high technology police equipment. The Police Department will budget the funds for equipment, completion of the security and electronics for the new administration building as well as computer hardware and software.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expenses to: #0400-190-1921-5400	$165,091
Revenue to: #0400-190-1921-3132	$165,091

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 10th day of October, 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 votes:

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

NOES: Councilmembers:None

ABSENT: Councilmembers:None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-587

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND STANISLAUS COUNTY TO AUTHORIZE AN EXTENSION FOR DISBURSEMENT OF FUNDS HELD IN THE AB 939 SOURCE REDUCTION AND RECYCLING ACCOUNT.

WHEREAS, pursuant to a Memorandum of Understanding ("MOU") between the City of Modesto ("City") and the County of Stanislaus ("County"), which was executed on August 25, 1994, the City's proportional share of funds from the AB 939 Source Reduction and Recycling Account are disbursed to the City on an ongoing quarterly basis for waste diversion programs, and

WHEREAS, in June, 1997, the City executed an Amendment to the MOU with the County to allocate a portion of the fees to cover the cost of preparing quarterly "disposal-based" reports for City, and

WHEREAS, said reports provide the basis for the City's Annual Report to the State on attainment of the mandated reduction in disposal and the City's portion of the costs of preparing the quarterly reports is $7,500.00, and

WHEREAS, AB 939 plans have been completed and are in the implementation phase, and the Public Resources Code allows the ongoing collection of solid waste fees for solid waste diversion program implementation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an amendment to the Memorandum of Understanding ("MOU") between the City

of Modesto and the County of Stanislaus is hereby approved to authorize an extension for disbursement of funds held in the AB 939 Source Reduction and Recycling Account, and the City Manager or his authorized 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 21st day of November, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-588

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE CAROLINAS SUBDIVISION, IN THE NORTH BEYER PARK SPECIFIC PLAN AREA AND AUTHORIZING RELEASE OF BONDS

WHEREAS, McRoy-Wilbur Communities Inc., a California Corporation, subdividers of The Carolinas subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $764,600 and $382,300 respectively to guarantee improvements in The Carolinas 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 The Carolinas Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $764,600 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 $382,300 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 21st day of November, 2000, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-589

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR THE DESIGN OF A NEW TRANSIT BUS MAINTENANCE AND STORAGE FACILITY.

WHEREAS, the City of Modesto has proposed a new Transit Bus Maintenance and Storage Facility to accommodate 65 transit vehicles, and

WHEREAS, the new facility will feature a new bus parking area, new bus maintenance facility, fuel island, wash house and off-street employee parking, and

WHEREAS, the new facility will be located on the north end of the existing Corporation Yard and will replace the existing facility located adjacent to the City's existing Corporation Yard, and

WHEREAS, the estimated cost of the consultant contract for Engineering Services for the design of the new facility is $500,000, and

WHEREAS, Federal Transit Funds will cover 80% of the design and construction costs, and the additional 20% will come from the City's Local Transportation Fund, and

WHEREAS, City staff does not have the available manpower or expertise to provide the design service on this specialized project, and

WHEREAS, the new Transit Bus Maintenance and Storage Facility is needed for the existing fleet of buses and will provide enough room for current operations and future expansion of the transit system,

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 Engineering Services for the design of a new Transit Bus Maintenance and Storage Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-590

A RESOLUTION AUTHORIZING IMPLEMENTATION OF THE LEGISLATIVE PROCESS REVIEW REPORT AND AUTHORIZING THE CITY MANAGER TO TAKE THE RECOMMENDED ACTIONS.

WHEREAS, the City Manager authorized a contract with Management Partners, Incorporated to review the City of Modesto's legislative process, and

WHEREAS, Management Partners, Incorporated was to provide and independent review of existing practices and policies, a comparison with best practices in selected comparable cities, and recommendations for system enhancement, and

WHEREAS, the Legislative Process Review report, a copy of which is on file in the Office of the City Clerk, is the end product of this effort, and

WHEREAS, the report contains 16 recommendations for improvements in the City's legislative process, and

WHEREAS, these recommendations are found in the areas of agenda preparation and review, City Council, and City Council Committees, and

WHEREAS, on October 10, 2000, the City Manager presented to the City Council some initial recommendations that would result in an immediate positive improvement in the City's legislative process, and

WHEREAS, at that time the City Council elected to accept the report and implement one of the recommendations presented, namely requiring staff-recommended resolutions and ordinances to be included as attachments to the Council Agenda Report, and

WHEREAS, this recommendation will be implemented January 1, 2001, and

WHEREAS, Council requests that the other recommendations made by the Legislative Process Review report be considered in greater length at another council meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the implementation of the Legislative Process Review report and authorizes the City Manager to take the necessary steps to implement the recommendation that resolutions and ordinances to be included as attachments to the Council Agenda Report.

BE IT FURTHER RESOLVED that other recommendations made by the Legislative Process Review report will be considered in greater length at another council meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 2000, 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, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-591

A RESOLUTION APPOINTING RAY FELLER & ALITA ROBERTS 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. Ray Feller & Alita Roberts are hereby appointed to the Planning Commission, each with a term expiration of January 2004.

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 21st day of November, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-592

A RESOLUTION APPOINTING CYNTHIA VAN EMPEL & CHARLES BRUNN TO THE CITIZENS REDEVELOPMENT ADVISORY 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. Cynthia van Empel & Charles Brunn are hereby appointed to the Citizens Redevelopment Advisory Commission, each with a term expiration of January 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Redevelopment Advisory 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 21st day of November, 2000, 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
JEAN ZAHR, City Clerk

Clerk 12

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-593

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:

Civil Engineering Assistant

The specifications for the classification of Civil Engineering Assistant, 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 November 28, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 3305

November, 2000

CIVIL ENGINEERING ASSISTANT

DEFINITION

To perform the most complex paraprofessional engineering work in connection with engineering design and development review projects; to perform advanced technical engineering work including surveying, contract administration, office engineering and traffic engineering duties.

DISTINGUISHING CHARACTERISTICS

Receives direction from higher level engineering staff.

May exercise technical supervision over lower level engineering staff.

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

Prepare profiles, cross-sections and other details, including quantity estimates and horizontal and vertical alignment computations.

Calculate pipe slopes, grades, velocities, volumes, and cross slopes.

Utilize an engineering computer to compute vertical and horizontal alignments, curves, grades, cross slopes, traverses for highway, drainage, sewer facilities and other related computations.

Advise members of the public regarding City standards and development of approval procedures and requirements.

Check legal descriptions of property for accuracy and conformity to legal requirements.

Check subdivision maps, parcel maps, and other engineering documents for conformance to State laws and local ordinances; oversee and update maps to include new subdivisions and other changes.

Maintain records and files and prepare reports.

Use computer programs and other engineering aids in the office to perform the computing and automated drafting operations involved in checking and reducing

EXHIBIT "A"

FUNCTION STATEMENTS, Continued:

field and survey data; calculate distances, ties, angles, area, traverses, and closures; computes grades and profiles.

In addition, when assigned to Engineering:

Design and prepare plans, specifications and cost estimates for streets, street lighting, water distribution, sanitary sewers, storm drains, and other segments of public water works projects.

Conduct preliminary project feasibility studies.

Provide information related to project design to the general public, contractors and developers.

Assist in the administration of public works contracts including contract costs. materials verification, and compliance with State and Federal regulations.

Review contractor records for compliance with State and Federal regulations and provisions of the Fair Labor Standards Act.

Collect and review material submittals for compliance with contract provisions and sound engineering principles; prepare and obtain approval for change orders.

Review and verify inspection and laboratory test findings.

In addition, when assigned to Field Survey:

Perform instrument work on field surveys; assist with the gathering and compilation of field data for layout of road beds, curbs, paving, gutters and sidewalks; establish tentative lines and grades.

Use of data collectors to collect information including field survey notes.

Operate and use a robotic total station to conduct a variety of location, construction, and property surveys and other survey work.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Civil engineering design mapping and AutoCAD drafting procedures and AutoCAD standards.

Terminology and practices used in describing property parcels.

Principles of algebra, geometry, and trigonometry as related to the assignment.

Principles, methods, techniques and equipment used in surveying, drafting, and traffic engineering.

Common engineering construction methods and standards.

Computer applications related to civil engineering functions.

Applicable laws, codes and regulations.

Engineering reproduction processes including blue-lines and blueprints.

English usage, spelling, grammar and punctuation.

In addition, when assigned to Engineering:

Construction materials, practices, and cost estimating procedures.

In addition, when assigned to Field Survey:

Global Positioning System (GPS) equipment and use.

Use of digital levels.

Computer applications related to surveying functions.

Ability to:

Operate surveying and engineering equipment efficiently and accurately.

Make accurate engineering calculations.

Ability To, Continued:

Prepare maps, drawings, and layouts from digital data and information.

Understand and interpret field survey notes.

Design horizontal and vertical alignments.

Compute areas of parcels of land using specialized software, such as AutoCAD or Soft Desk.

Use engineering computer programs and systems in making accurate computations and drawings.

Read and interpret property descriptions and technical engineering manuals.

Use tact and public relations skills when dealing with the general public, contractors and developers in the subdivision and permit issuance process.

Establish and maintain cooperative relationships with those contacted during the course of work.

Understand and carry out oral and written instructions.

Learn to skillfully perform technical surveying, drafting, traffic engineering and office engineering.

Perform medium-level manual labor, meaning lifting and carrying fifty (50) pounds of weight; carry survey instruments; hammer stakes and hubs.

Write the less difficult property related legal descriptions.

In Addition, when assigned to Field Survey:

Clean and maintain surveying equipment.

Understand and interpret field notes.

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 responsible office engineering, traffic engineering, or survey party experience.

Training:

Equivalent to an Associate or Arts Degree with major coursework in civil engineering or a related field.

License or Certificate

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

In addition, when assigned to Engineering:

Possession of an Engineer-in-Training (EIT) Certificate is highly desirable.

In addition, when assigned to Survey:

Land Surveyor-in-Training (LSIT) Certificate is highly desirable.

WORKING CONDITIONS

Environmental Conditions:

Office and 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; operate motorized equipment and vehicles.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-594

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE JULIO GALLO FOUNDATION AND THE MODESTO GARDEN CLUB FOR THE INSTALLATION AND MAINTENANCE OF A FLOWER CLOCK ON THE "K" STREET SIDE OF MODESTO CENTRE PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Julio Gallo Foundation and the Modesto Garden Club for installation and maintenance of a flower clock on the "K" Street side of the Modesto Centre Plaze 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 21st day of November, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-595

A RESOLUTION ACCEPTING THE PROJECT TITLED "MARTIN/CLAYTON SEWER LIFT STATION REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Martin/Clayton Sewer Lift Station Rehabilitation, has been completed by Amerine Systems Inc., in accordance with the contract agreement dated November 16, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Martin/Clayton Sewer Lift Station Rehabilitation be accepted from said contractor, Amerine Systems Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $121,934.50 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 28th day of November, 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

Date/Dept/Author

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-596

A RESOLUTION ACCEPTING THE PROJECT TITLED "COLLEGE AVENUE STORM DRAIN" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled College Avenue Storm Drain has been completed by Semco, in accordance with the contract agreement dated May 9, 2000.

NOW, THEREFORE, BE IT RESOLVED that the College Avenue Storm Drain be accepted from said contractor, Semco; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $359,076.51 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 28th day of November, 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

Date/Dept/Author

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-597

A RESOLUTION SUMMARILY VACATING AND ABANDONING A 10-FOOT STRIP OF PUBLIC UTILITY EASEMENT ALONG THE WEST SIDE OF BREEZEWAY DRIVE, BEING ALSO ALONG THE EAST BOUNDARY OF LOTS 7 AND 8 OF BLOCK 11606 WITHIN VILLAGE HIGHLANDS 4, PHASE 1 SUBDIVISION IN THE CITY OF MODESTO.

WHEREAS, the City of Modesto has received a request from Max Garcia, a consulting Civil Engineer and Land Surveyor, on behalf of Greg Bradford of Heritage Homes, developer of the Village Highlands 4, Phase 1 Subdivision, to abandon a 10-foot strip of public utility easement along the west side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city council, by resolution, to summarily vacate easements, and

WHEREAS, said easement referred to above on the real property along the west side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in the City of Modesto is more particularly described in Exhibit "A", attached hereto, and

WHEREAS, all public utilities have been contacted and they have no objection to the abandonment, and

WHEREAS, the Council finds and declares that:

1. The vacation is made pursuant to Chapter 4, Article 1, Section 8333(c), of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is a 10-foot strip of public utility easement along the west side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in the City of Modesto is not required for public utilities.

3. That from and after the date this resolution is recorded, the 10-foot strip of public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot strip of public utility easement along the west side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION
FOR THE ABANDONMENT OF A
PUBLIC UTILITIES EASEMENT

A portion of Lots 7 and 8 of Block 11606 as shown on the Final Map of Village Highlands 4 Phase 1 recorded in Book 39 of Maps at Page 4, City of Modesto, Stanislaus County Records, more particularly described as follows:

Beginning at the northerly corner of said Lot 8 said point being common to said Lots 7 and 8; thence South 37°10'36" East along the east line of said Lot 8 a distance of 62.25 feet; thence along the arc of a curve concave to the southwest having a radius of 276.00 feet through a central angle of 7°51'39 a distance of 37.87 feet; thence South 65°41'02" West a distance of 10.00 feet; thence along the arc of a curve concave to the southwest having a radius of 266.00 feet through a central angle of 7°51'39" a distance of 36.49 feet; thence North 37°10'36" West along a line 10.00 feet westerly and parallel with the easterly line of said Lots 7 and 8 a distance of 154.33 feet; thence North 57°49'24" East a distance of 10.00 feet; thence South 37°10'36" East along the east line of said Lot 7 a distance of 92.08 feet; to the **point of beginning**.

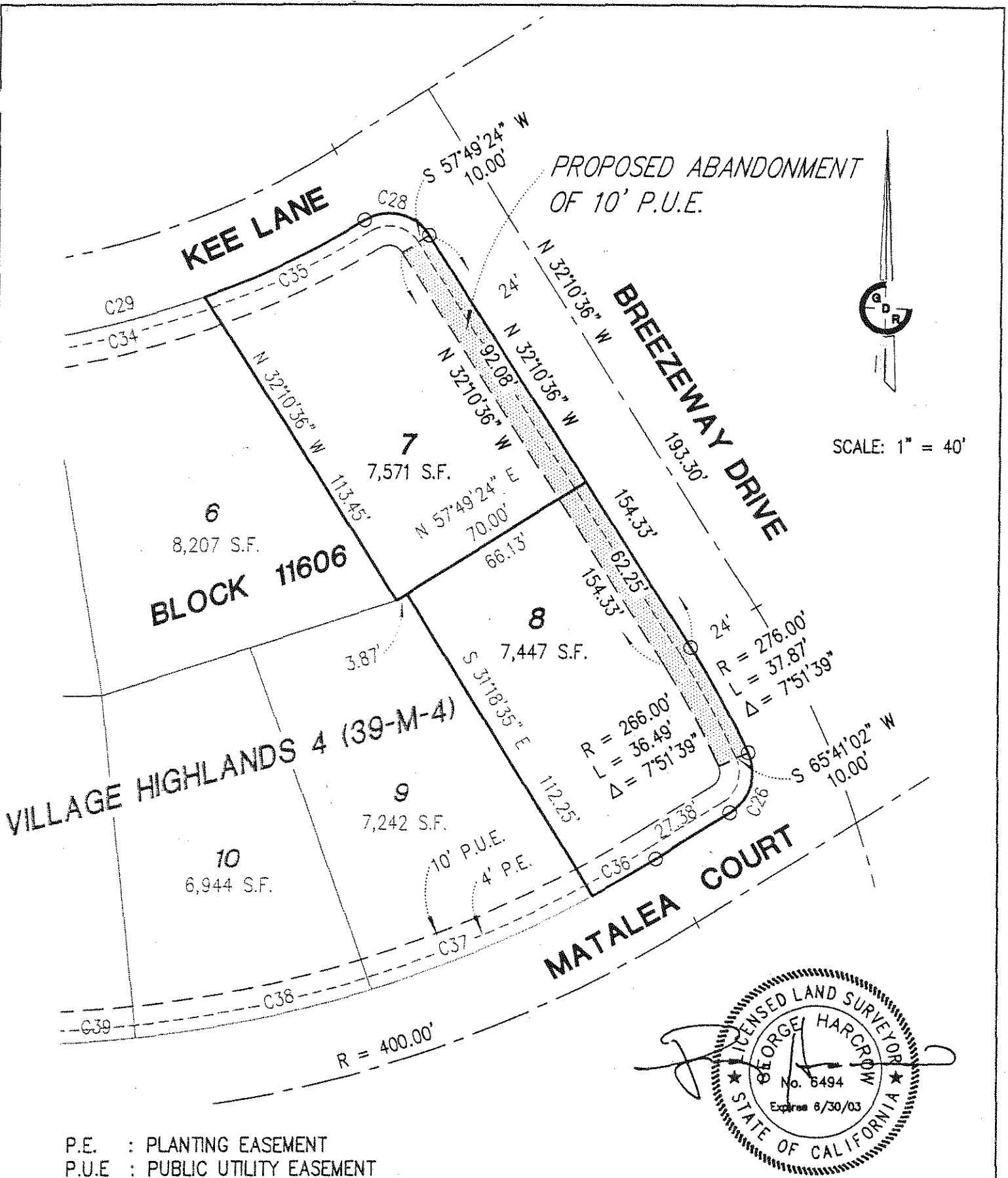
Contains 1915 Square feet, more or less

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

11·3·00

George Harcrow L.S. 6494 — Date
License Expires 6/30/03

99049pueaband_desc.doc



P.E. : PLANTING EASEMENT
P.U.E : PUBLIC UTILITY EASEMENT

LICENSED LAND SURVEYOR
GEORGE HARCROW
No. 6494
Expires 6/30/03
STATE OF CALIFORNIA

GARCIA-DAVIS-RINGLER ENGINEERING
ENGINEERING/SURVEYING/PLANNING
3641 MITCHELL ROAD, SUITE D CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
E-MAIL: gdr.engr@worldnet.att.net

VILLAGE HIGHLANDS 4
P.U.E. ABANDONMENT

Date: 10/31/00	Scale: 1" = 40'
Drawn: SH	Dwg.: 9049PUE
Checked: GH	Job No. 99049

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-598

A RESOLUTION APPOINTING SIXTEEN 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. Sixteen Modesto area high school students are hereby appointed to the Modesto Youth Commission, each of the eight seniors with a one year term limit, each of the eight juniors with a two year term limit, as follows:

Jenni Richter	Senior, Beyer High
Ashley Hobbs	Junior, Beyer High
Wes O'Haire	Senior, Calvary Temple
Matt Miranda	Junior, Calvary Temple
Cameron Menezes	Senior, Central Catholic
Kate Hughes	Junior, Central Catholic
Arti Sharma	Senior, Davis High
Laury Thammavong	Junior, Davis High
Kathy Nguyen	Senior, Downey High
Isaac Able	Junior, Downey High
Matt Soderstrom	Senior, Johansen High
Megan Ankeney	Junior, Johansen High
Robert Cupp	Senior, Modesto High
Miriam Solis	Junior, Modesto High
Deziree Durkop	Senior, Modesto Christian
Melissa Fastenau	Junior, Modesto Christian

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 28st day of November, 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
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-599

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OAKBROOK APARTMENTS FOR INSTALLATION OF AN ON-SITE SEWAGE LIFT STATION TO PREVENT BACKUP OF SEWAGE INTO THE APARTMENT UNITS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oakbrook Apartments for installation of an on-site sewage lift station to prevent backup of sewage into the apartment units 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 28st day of November, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-600

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO CREATE A CIP ACCOUNT TITLED "OAKBROOK LIFT STATION"; APPROPRIATING FUNDS FROM THE WASTEWATER RESERVE TO FULLY FUND THE PROJECT

WHEREAS, staff is proposing the City construct a sewer lift station on the Oakbrook Apartments property which will discharge sewage into the trunk sewer on Scenic Drive preventing reoccurring backup of sewage into the Oakbrook apartments; and

WHEREAS, a capital project needs to be setup and funds appropriating to fully fund the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:	#6210-800-8000-8003	$(80,000)
To:	#6210-440-M276-6040	$ 80,000

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 28th day of November, 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 votes:

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

Clerk (9)

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-601

Print

A RESOLUTION APPROVING THE FINAL MAP OF SIENA PHASE 1 SUBDIVISION OF THE CITY OF MODESTO, UPON THE CONDITION THAT A DEED GRANTING AN EASEMENT TO MID FOR PROTECTION OF THE IRRIGATION FACILITIES BE EXECUTED AND RECORDED ON OR BEFORE DECEMBER 5, 2000.

WHEREAS, Sequoia Properties, a California Limited Partnership, by Lily Development, Inc., a California Corporation, It's General Partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 15.95 acres, known as SIENA PHASE 1 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of June, 1998, and

WHEREAS, the Vesting Subdivision Tentative Map approved by the Planning Commission set certain conditions of approval for said subdivision, and

WHEREAS, all of the conditions have been satisfied except for execution and recordation of a deed granting an easement to MID for protection of the irrigation facilities ("Deed"), and

WHEREAS, said Deed has been prepared but cannot be approved by MID's Board of Directors or recorded until they meet on November 28, 2000, and

WHEREAS, City staff has received assurances from MID staff members that the Board of Directors of MID will approve the Deed at the November 28, 2000, meeting, 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 SIENA PHASE 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 on the condition that the Deed be executed by MID and recorded on or before December 5, 2000; 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 28th day of November, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A Barratt Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-602

A RESOLUTION ACCEPTING IMPROVEMENTS IN SIERRA VIEW SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Ling Investments, a Limited Partnership, subdividers of Sierra View subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $1,125,0687 and $562,534 respectively to guarantee improvements in Sierra View 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 Sierra View Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $1,125,068 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 $562,534 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 28th day of November, 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. 2000-603

Print

A RESOLUTION APPROVING THE FINAL MAP OF SUTTER RIDGE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ANDERSON HOMES, a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 17.56 acres, known as SUTTER RIDGE ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of March, 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 SUTTER RIDGE 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 28th day of November, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A Barratt-Green
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

Clerk 12

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-604

A RESOLUTION ESTABLISHING FEES TO BE PAID FOR OBTAINING COPIES OF OFFICIAL POLICE DEPARTMENT REPORTS AND POLICE PHOTOGRAPHS, AND RESCINDING RESOLUTION NO. 95-245.

WHEREAS, Section 6253(b) of the Government Code provides that except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.

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

SECTION 1. The following fees are hereby established and shall be collected for preparation of copies of any official police department report and photograph on file in the office of the Police Department.

Copy of Official Police Report - $.35 per page

Copy of Official Police Photograph - $10.00 for processing and retrieval plus $1.10 per each print.

These fees shall not apply to any governmental agency.

SECTION 2. The Police Chief shall cause a fee book to be kept by his department. All fees collected by his department for copies of these reports and photographs

shall be entered in the book with the date, the name of the person making the payment, and the nature of the service in each case. At least weekly, these fees shall be paid into the City treasury.

SECTION 3. Council Resolution No. 95-245 adopted on May 23, 1995, is hereby rescinded effective November 28, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk 13

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-605

A RESOLUTION APPROVING CHANGES IN DIRECT CITY ASSISTANCE FOR THE ANNUAL CELEBRATION OF LIGHTS HOLIDAY PARADE AND TREE LIGHTING EVENT, AND RESCINDING RESOLUTION NO. 99-573.

WHEREAS, the City of Modesto has held an annual Celebration of Lights Holiday Parade and Tree Lighting Event for several years, and

WHEREAS, major changes this year include a new parade sponsor and parade route, and

WHEREAS, the Modesto Bee has agreed to be a financial sponsor of the annual Celebration of Lights Holiday Parade, and

WHEREAS, the Modesto Bee has given the City of Modesto $5,000 toward expenses related to the annual Celebration of Lights Holiday Parade, and

WHEREAS, the estimated additional $1,000 needed will be raised from parade entry fees, and

WHEREAS, the City of Modesto will provide Direct City Assistance for the annual Celebration of Lights Holiday Parade and Tree Lighting Event, 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, City staff supports and endorses the Celebration of Lights Holiday Parade and Tree Lighting Event as an annual community event, and

WHEREAS, the dates for the Celebration of Lights Holiday Parade and Tree Lighting Event will be determined annually, and

WHEREAS, the Council deems it appropriate to grant approval of said changes in Direct City Assistance, for the annual Celebration of Lights Holiday Parade and Tree Lighting event in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve changes in Direct City Assistance, for the annual Celebration of Lights Holiday Parade and Tree Lighting event, subject to the following conditions:

1. City of Modesto Recreation and Neighborhoods Department will organize and supervise all aspects of the parade.

2. City of Modesto Operations and Maintenance Department will erect the City's portable reviewing stage with canopy at the location determined by the organizing committee. The stage will be in place prior to 2:00 p.m. on the day of the parade. Said portable stage shall be removed by City personnel following the parade.

3. City of Modesto Recreation and Neighborhoods Department will provide use of a portable public address system for the parade reviewing stand.

4. The parade will start on 15th Street at I Street and will proceed on I Street to 10th Street. It will then proceed to J Street and on to 15th Street, then disband. The parade staging area (15th, 16th and 17th Streets from H to J Streets) will also be barricaded. See attached map.

5. City of Modesto Police Department will provide Equestrian Police Officers and Motorcycle Police Officers and Reserve Officers to maintain traffic control along the parade route.

6. City of Modesto Operations and Maintenance Department will provide no parking signs and barricades on corners and at other appropriate locations as determined by the Police Department prior to the start of the parade.

7. City of Modesto Operations and Maintenance Department will supply street sweepers for the parade.

8. The level of City support as described in 5, 6 and 7 above shall be determined by appropriate City of Modesto staff.

9. City of Modesto Recreation and Neighborhoods Department will be responsible for the rental of portable toilets to be placed adjacent to the Modesto Centre Plaza and at various locations on the parade route.

10. The Cultural and Enterprise Services Division of the Recreation and Neighborhoods Department will be responsible for all logistics and costs associated with the tree lighting event which will take place in front of the Modesto Centre Plaza immediately following the parade.

BE IT FURTHER RESOLVED that Resolution No. 99-573 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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, City Attorney

Staging
Area
Stanislaus
Modesto
Library
Modesto
Centre
Plaza
Tenth Street
Place
Court
House
Main
Stage
Parking
Judges
Steps
Architect
Access
9th Street
10th Street
11th Street
12th Street
13th Street
14th Street
15th Street
16th Street
17th Street
18th Street
19th Street
E Street
F Street
G Street
H Street
I Street
J Street

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-606

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A BACKHOE

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a backhoe are hereby waived.

BE IT FURTHER RESOLVED that purchase of a backhoe for a not to exceed price of $55,000.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-607

A RESOLUTION AUTHORIZING THE TRADE-IN OF AN EXISTING BACKHOE

WHEREAS, Res. 2000-606 authorized waiving formal bid procedures to purchase a backhoe; and

WHEREAS, the Finance Director has recommended that the existing backhoe be used as trade-in on the purchase of the new backhoe.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing backhoe be used as trade-in toward the purchase of a new backhoe and the preparation of a necessary documents 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 28th day of November, 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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-608

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FULLY PURCHASE EQUIPMENT FROM ONE ORGANIZATION

WHEREAS, Council has waived formal bid procedures and authorized the trade-in purchase of an existing backhoe; and

WHEREAS, funds need to be transferred into one account for ease in tracking the full expenditure of the equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:	#0100-480-4724-5700	$(35,000)
	#0100-700-7000-7721	$ 35,000
To:	#7210-480-5814-5700	$ 35,000
	#7210-700-7000-9010	$ 35,000

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 28th day of November, 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 votes:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-609

A RESOLUTION APPROVING PARTICIPATION IN THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND STATE GRANT PROGRAM ENTITLED,"CITIZEN'S OPTION FOR PUBLIC SAFETY", AND ACCEPTING THE EXPENDITURE OF FUNDING ALLOCATED FOR 2000/2001.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of November 28, 2000, at 5:15 p.m., at Tenth Street Place Council Chambers, located at 1010 10th Street, Modesto, California, for the purpose of considering the City's participation in the Supplemental Law Enforcement Services State Grant Program entitled, "Citizen's Option For Public Safety", and

WHEREAS, in 1996, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, was passed by the State Legislature and signed by the Governor, to help ensure public safety, and

WHEREAS, said legislation has continued to be funded each year for the exclusive purpose of funding of front line municipal police services, in accordance with written requests submitted by the Chief of Police of a city to his or her governing body, convened in public hearing, and

WHEREAS, the total amount of funding allocated to the City of Modesto for 2000/2001 is $408,549.00, and

WHEREAS, upon acceptance of said funds, the funds must be held in an interest-bearing Supplemental Law Enforcement Services Fund, and the funds may not be used

to supplant existing budget funds, and

WHEREAS, State law enacted in 2000 requires that the funds be fully expended in the budget year received,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City's participation in the Supplemental Law Enforcement Services Fund State Grant Program and accepts the expenditure of funding allocated to the City of Modesto in the sum of $408,549 for fiscal year 2000/2001.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto, or his authorized designee, is hereby authorized to execute any documents necessary to accept said grant funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-610

A RESOLUTION APPROVING A REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED HIGHWAY PROJECTS.

WHEREAS, the Disadvantaged Business Enterprise (DBE) Program describes the process the City will use to obtain participation by DBE's in City-awarded contracts, and

WHEREAS, due to recent changes in the Federal regulations (49 CFR Part 26) a revised DBE Program must be adopted for Federally funded highway projects, and

WHEREAS, City of Modesto Federally funded street projects are administered by Caltrans, and

WHEREAS, the City of Modesto submitted the draft DBE Program to Caltrans and received approval of the draft DBE Program contingent upon City Council approval, and

WHEREAS, a copy of the City Of Modesto Disadvantaged Business Enterprise (DBE) Program for Federally Funded Highway Projects is on file in the Office of the City Clerk, and

WHEREAS, the Transportation Policy Committee considered approval of the DBE Program at its meeting of November 29, 2000, and

WHEREAS, in order to continue receiving Federal funding on street projects the City must adopt a DBE program consistent with recently revised federal regulations and receive approval by January 1, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a revised Disadvantaged Business Enterprise (DBE) Program for Federally funded highway projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-611

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:

Change Strategic Planning Division Manager to Planning Division Manager

As part of the restructuring of the Community Development Department which occurred in 1999, classification of Strategic Planning Division Manager has been retitled to Planning Division Manager and incorporates both current and advance planning aspects of the new Planning Division.

The specifications for the classification of Planning Division 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. EFFECTIVE DATE. This resolution shall become effective on and after December 5, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 2052

December, 2000

PLANNING DIVISION MANAGER

DEFINITION

To assist the Community Development Director in the planning, directing, coordinating and administration of departmental functions; to manage, supervise and administer the division; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives administrative direction from the Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

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

Essential Functions:

Manage, direct and organize division activities in the areas of urban growth management, specific plans, land use entitlement, annexation, environmental review, and the City's General Plan.

Coordinate staff reports and facilitate division teams relating to current planning, annexations, environmental reviews and analysis.

Provide oversight and direction for writing and/or amending the General Plan.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports; analyze and develop recommendations on complex planning, urban growth management, transportation and utility planning proposals.

Review other agencies' environmental impact reports for potential impact to the City's; interpret and apply environmental quality laws and regulations to ensure that development, City projects and Municipal Code amendments are in compliance.

Review and approve development plan revisions and administrative site plan approvals.

EXHIBIT "A"

Essential Functions, Continued:

Prepare ordinances and ordinance amendments related to activities of the division.

Advise the City Council and the Planning Commission on matters relating to the division.

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

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor workflow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

Coordinate Department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed projects relating to land use issues, annexation, environmental review and inspections.

Principles and practices of urban planning and program development with particular emphasis on environmental review, land usage and division, and growth management.

Knowledge of, Continued:

Pertinent Federal, State and local laws, codes and regulations.

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.

Ability to:

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.

Effectively manage assigned areas of the departmental program.

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Prepare ordinances and code amendments.

Ensure compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

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

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years increasingly responsible experience in professional urban or regional planning or a related field including at least two years of administrative and supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban or regional planning, public or 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; exposure to computer screens.

Physical Conditions:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective December 5, 2000

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

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 Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor Events Supervisor I

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 Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator Events Supervisor II

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
439	Administrative Services Officer
440	Purchasing Officer 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)

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

RANGE	TITLE
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

Clerk C

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-612

A RESOLUTION AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT DEPARTMENT FUNDS TO COVER THE COST OF TWO NON-CITY EMPLOYEES TO ATTEND THE CALWORKS PARTNERSHIP CONFERENCE IN SAN DIEGO, CALIFORNIA ON DECEMBER 12-13, 2000.

WHEREAS, the 2000 CalWORKS Partnership Conference, held in San Diego on December 12-13, 2000 offers many opportunities to learn about the future of California's workforce preparation system as a result of welfare-to-work, school-to-career, one-stop career centers, the Workforce Investment Act, and other recent workforce development initiatives, and

WHEREAS, at the conference colleagues will exchange ideas and develop new partnerships with those who administer CalWORKS, the Department of Labor's Welfare to Work grant programs, education and training programs, economic development efforts, and other initiatives within the workforce preparation arena, and

WHEREAS, Modesto's Workforce Development Leadership Team has been invited to present Modesto's program at the CalWORKS Partnership Conference, and

WHEREAS, Modesto's Workforce Development Leadership Team is made up of a representative from the City of Modesto, Dessarrollo Latino Americano, American GI Forum and County Services Agency, and

Whereas, two members (non-City employees) require assistance to pay the expenses for this conference at an estimated cost of $1,128.40, and

WHEREAS, by an agenda report dated November 27, 2000, from the Community Development Department, Business Development Office, City staff recommended to the Council authorizing the use of Community Development funds to cover the cost of two non-City employees to attend the Workforce Development CalWORKS Partnership Conference on December 12-18, 2000, in San Diego, California, and

WHEREAS, the City Council considered this matter at its meeting of December 5, 2000,

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 cost of two non-City employees to attend the Workforce Development CalWORKS Partnership Conference in San Diego, California on December 12-13, 2000, to allow team members to share their experiences and to obtain additional information and insight regarding the Workforce Development Project.

BE IT FURTHER RESOLVED that the total estimated cost is $1,128.40, and funds are available in account 0100-140-1401-8099, ABS Savings, to pay for these costs. These funds will be transferred to account 0100-140-1400-0260, Miscellaneous Services to be utilized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-613

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAK MAIL TO CONTINUE OPERATING AS A PASS OUTLET FOR MODESTO AREA EXPRESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PAK Mail to continue operating as a pass outlet for Modesto Area Express 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 day of December, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12-18-00/CityClerk/RBartholomew

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-614

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, INLAND VILLAGE, a General Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 4.23 acres, known as VILLAGE HIGHLANDS 5 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th 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 VILLAGE HIGHLANDS 5 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 5th day of December, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Smith

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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-615

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: PRECISE PLAN FOR AREA NO. 14 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE WEST SIDE OF ROSELLE AVENUE SOUTH OF HILLGLEN DRIVE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (OMEGA VENTURES)

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 Omega Ventures for a Precise Plan for Area No. 14, property located on the west side of Roselle Avenue south of Hillglen Drive, 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 2000-68, 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. 2000-54, adopted on November 6, 2000, and City staff, by a report dated November 21, 2000, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 14 of the Village One Specific Plan as set forth in said Resolution No. 2000-54, and recommended approval of an Amendment to Section 11-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area 14, property located on the west side of Roselle Avenue south of Hillglen Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 5, 2000, 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 2000-68, entitled "City of Modesto Initial Study Precise Plan No. 14 and Papatone Property 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 Program EIR and no new environmental document or findings are required by CEQA.

2. The proposed Precise Plan and rezoning 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, and no new mitigation measures would be required.

3. There are no substantial changes in the proposed Precise Plan and rezoning 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 Precise Plan and rezoning are 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 as amended by the Village One Supplemental EIR was certified as complete, has become available.

6. There are no specific features, which are unique to the proposed Precise Plan and rezoning that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR which are appropriate to the proposed Precise Plan and rezoning shall be incorporated in the proposed Precise Plan and rezoning.

8. The Initial Study, Environmental Assessment No. EA/CDD 2000-68, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2000-68, entitled "City of Modesto Initial Study Precise Plan No. 14 and Papatone Property 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 5th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

EA/CDD 2000-68

EXHIBIT "A"

City of Modesto

Initial Study

Precise Plan No. 14 and Papatone Property Vesting Tentative Subdivision Map

EA/CDD 2000-68
October 24, 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.

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

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.

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-616

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 2000-2 (COFFEE-CLARATINA), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district ("District") is established, it is the intention of the Council to finance the costs of the Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act, and

WHEREAS, Claratina Village, LLC, as the owner of at least 10% of the property in the proposed community facilities district, have filed with the City Clerk of the City of Modesto (the "City") a petition, requesting the City Council (the "Council") to form Community Facilities District No. 2000-2 of the City (the "District"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order: (i) to finance certain services (the "Services"), which are described in Exhibit "A" hereto; and

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on October 17, 2000, adopt its Resolution No. 2000-537, resolution of intention to establish the District, and levy a special tax therein, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, Resolution No. 2000-537 (1) describing the proposed boundaries of the District, the name of the District, and the types of services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate,

method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the affidavit of publication on file with the City Clerk, and

WHEREAS, this Council on December 5, 2000, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2000-537, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Proposed Boundaries of CFD District No. 2000-2 (Coffee-Claratina CFD No. 2000-2)" was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 3 of Maps of Assessment and Community Facilities Districts, at page 42, and

WHEREAS, prior to the hearing a Public Report (the "Report") containing a description of the Services required to adequately meet the needs of the District and an estimate of the cost of providing the Services, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set

forth in Resolution No. 2000-537, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Services, 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 relating to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2000-537, and

WHEREAS, Don Miralle, RCE 20628, has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are seven registered voters residing within the District); accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 3. The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests to the establishment of the District, the extent thereof, or the furnishing of the Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 4. As proposed in Resolution No. 2000-537, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 2000-2."

SECTION 5.

(a) The Services to be financed by the District 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 proposed Services are governmental services which the City is authorized by law to provide since they are in addition to those provided in the territory of the District before the District was created.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

SECTION 6. The Report related to the Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in Resolution No. 2000-537, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District, and that a maintenance tax shall be levied annually within the boundaries of the District.

(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 District to estimate the

annual maximum amount that he or she will have to pay, is described in Exhibit "A" hereto and by this reference incorporated herein.

(e) 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 District at an election to be held subsequent to its approval of this resolution, that then, and in that event, the formation of the District approved herein shall be a nullity, and void from the date this resolution is approved.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 2000-537, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9. The office of the District Administrator is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director Administrator, and the person responsible for administering the District, is as follows:

District Administrator
Modesto City Attorney's Office
City Hall
1010 - 10th Street / P.O. Box 642
Modesto, California 95353
(209) 577-5284

Such office is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the

Act.

SECTION 10. The District Administrator will be responsible for providing the proposed Services to be financed by the District. The District Administrator has caused to be prepared and filed with the Council a Public Report containing:

(a) a brief description of the Services by type which will in the District Administrator's opinion be required to adequately meet the needs to the District;

(b) an estimate of the cost of providing the Services; and

(c) an estimate of the fair and reasonable cost of incidental expenses (ad defined in Section 53317(e)) to be incurred in connection with providing the Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Sections 53314.9, 53313.5(g) and 53318(d) of the Act..

The report shall be made a part of the record herein.

SECTION 11.

(a) The Council having adopted this Resolution of Formation establishing the District and submitting the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk as the designated election official shall, within three (3) business days after the adoption of the resolution of formation, obtain a certified copy thereof, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow her to

determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

(b) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the City Clerk shall be required.

(c) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the City Clerk.

(d) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the close of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one vote.

(e) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The City Clerk may certify the proper mailing of ballots by an affidavit, which shall constitute

conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the City Clerk not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(g) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(h) If the election is to be conducted by mail ballot, the City Clerk shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(i) The procedures set forth in this Section 15 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 12. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 11 and 12 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 13. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 14. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution, is hereby preliminarily established at $1,000,000.00 and such annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

SECTION 15.

(a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit "B" hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by the landowners or their authorized representatives; each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk and the City Clerk hereby agrees to serve as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City's designation of its City Clerk as the election official. The shortening of the election as herein provided is hereby concurred in by the City Clerk.

(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 12th day of December, 2000, the election shall be held on the 12th day of December, 2000, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

(f) The publication of this resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 16. This Council hereby further directs that at the election at which the question of levying the special tax and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District the question of levying the special tax shall be combined in one ballot proposition with the question of establishing an appropriations limit for the District, all as provided by the Act. In addition, the giving of statutory notice of the election is waived if the City Clerk shall receive unanimous consent to

such waiver from the Landowners.

SECTION 17. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 18. The City Clerk, as the designated election official, shall, within three business days after its adoption, obtain a certified copy of this Resolution; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 19. The Council hereby determines that the formation of the proposed District is categorically exempt from the provisions of C.E.Q.A. pursuant to Section 15320 of the C.E.Q.A. guidelines. The Council further determines that the environmental impacts of provision of the Services has been adequately addressed by the Mitigated Negative Declaration (SCH No. 98022079) prepared for the Coffee-Claratina Specific Plan Area, adopted by this Council on June 2, 1998, and that said Mitigated Negative Declaration was prepared pursuant to Section 21157.5 of CEQA and finds that although the project could have a significant effect on the environment, there would not be a significant effect because appropriate mitigation measures

have been added to the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Public Report

CITY OF MODESTO
COFFEE-CLARATINA
COMMUNITY FACILITIES DISTRICT NO. 2000-2

CFD REPORT

November 13, 2000

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG &ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

Exhibit "A"

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II. **Structure of Community Facilities District No. 2000-2** 1
- A. Introduction 1
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- C. CFD Special Tax Structure 2

III. **Description of Services and Expenses to be Funded by CFD No. 2000-2** 2

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Calculation of Maximum Special Tax
Appendix C: Rate and Method of Apportionment of Special Tax
Appendix D: Services to be Funded by CFD 2000-2

I. INTRODUCTION

The Coffee-Claratina site is located within a "Comprehensive Planning District (CPD)", which, pursuant to the City of Modesto General Plan, necessitates adoption of a specific plan prior to development within the area. The Coffee-Claratina Specific Plan was adopted by the Modesto City Council setting forth a plan for development which includes 130 acres designated for a maximum of 1,000 residential dwelling units, 40 acres designated "Regional Commercial", and 15 acres of "Mixed Community Commercial" development. The Coffee-Claratina CPD is located on the south side of Claratina Avenue, bound by Coffee Road on the east, McHenry Avenue on the west, and the Modesto City limits to the south.

Tentative maps approved for development within the Specific Plan area require, as a condition of development, that the property be included within a Mello-Roos Community Facilities District (CFD) to fund maintenance of median, bikeway, round-about and miscellaneous planting areas. In addition, the CFD will generate funding for maintenance and repair of a storm drain basin and dual-use flood control/recreation facility.

II. STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2000-2

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 2000-2 was adopted by the City Council on October 17, 2000. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of Coffee-Claratina CFD

The initial boundaries of the CFD include six assessor's parcels and a total of 78.10 gross acres. Nine additional assessor's parcels are anticipated to annex into CFD No. 2000-2 when development is triggered on the parcels; ultimately, the CFD will include approximately 131 gross acres and an estimated 78 net developable acres. A copy of the boundary map for CFD No. 2000-2 is included as Appendix A of this CFD Report. Appendix B identifies the assessor's parcels that are ultimately expected to be included with the boundaries of CFD No. 2000-2 and the maximum special tax that can be collected within the CFD based on the estimated net developable acreage of these parcels.

C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the maintenance and repair of a storm drain basin and a dual-use flood control/recreation facility, and the ongoing maintenance of median, bikeway, round-about and miscellaneous planting areas within the Specific Plan. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix C of this report.

As explained in the RMA, an "Annual Special Tax" will be levied to pay for authorized maintenance expenses, in an amount not to exceed $2,468 per acre in fiscal year 2001-02 dollars. This maximum tax will escalate each year by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve month period, or (ii) four percent. The Annual Special Tax will first be levied on "Developed Property", which is defined, for a particular fiscal year, as any parcel for which a final building permit inspection was conducted or certificate of occupancy issued by June 1 of the preceding fiscal year. After the maximum Annual Special Tax has been collected from Developed Property, the remaining amount needed for authorized expenses in the fiscal year will be collected from "Undeveloped Property", which includes all parcels that have not had a final building permit inspection conducted or certificate of occupancy issued.

In addition to the Annual Special Tax, an "Annexation One-Time Special Tax" will be collected from all parcels that annex into CFD No. 2000-2 in future fiscal years. The Annexation One-Time Special Tax will be calculated pursuant to the formula set forth in Section E of the RMA and will be collected to reimburse the landowner who made the initial deposit to the City to pay the costs of forming CFD No. 2000-2. The Annexation One-Time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation.

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2000-2

The individual line-item service costs to be funded by CFD No. 2000-2 are identified in Appendix D of this report.

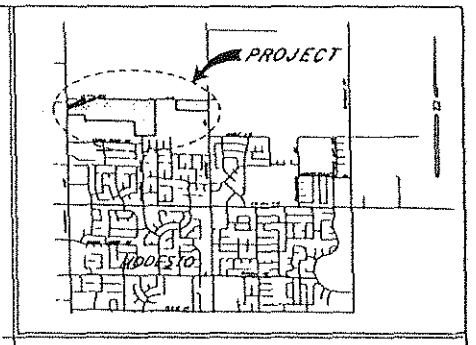
APPENDIX A

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF THE CITY OF MODESTO

CFD BOUNDARY MAP

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



VICINITY MAP
NO SCALE

31 - PM - 22

PCL. "A"

PCL. "B"

PCL. "C"

CLARATINA AVENUE

R/W

23 - PM - 40

APN : 082-10-01
2.36 ACRES

HETCH - HETCHY

APN : 082-10-03

APN : 082-10-04
15.33 ACRES

APN : 082-10-05
15.36 ACRES

PARCEL "A"
50 - PM - 8

PARCEL "B"
50 - PM - 8

PARCEL "A"
24 - PM - 76

PARCEL "A"
APN: 082-08-14

37 - PM - 43
PARCEL "B"

APN : 082-08-15
17.96 ACRES

APN : 082-08-03

APN : 082-10-06
16.28 ACRES

McHENRY AVENUE

GRECIAN AVENUE

APN : 053-60-02

APN : 053-60-03

APN 053-60-01

DRAGOON PARK DR.

MILLSBORO CT.

REDFORD CT.

HAVERHILL CT.

SCALE 1"=200'

GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

I hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the _____ day of _____, 2000, by its Resolution No. _____.

JEAN ZAHN, City Clerk

Filed this _____ day of _____, 2000, at the hour of _____ o'clock _____ m. in Volume _____ of Maps of Assessment and Community Facilities Districts at page(s) _____ in the Office of the County Recorder of the County of Stanislaus, State of California.

KAREN MATHEWS, County Recorder of the County of Stanislaus, State of California

Filed in the Office of the City Clerk of the City of Modesto in recordable form this _____ day of _____, 2000

JEAN ZAHN, City Clerk

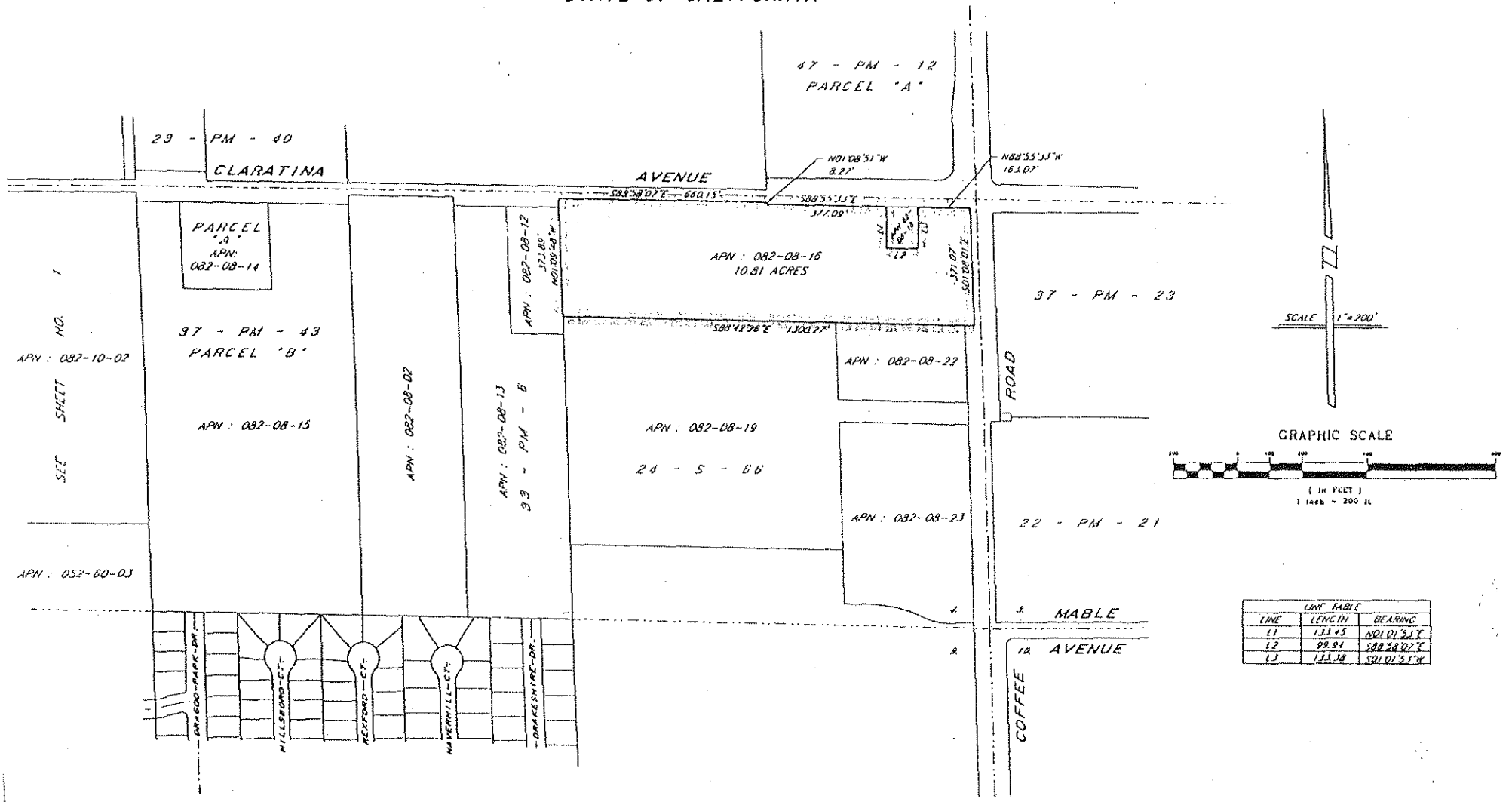
BASIS OF BEARINGS :
The bearing of North 88°41'13" East between GPS Monuments 3224 and 3225 as shown on the " Amended City of Modesto Record of Survey (Survey Book 30, 1993 in Book 32 of Surveys at Page 31, Stanislaus County Records, was used as the basis for all bearings shown hereon

Job No. 21-647

SHEET 1 OF 2

COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO , COUNTY OF STANISLAUS
STATE OF CALIFORNIA



LINE TABLE		
LINE	LENGTH	BEARING
L1	133.45	N01°01'51"E
L2	99.91	S88°58'07"E
L3	133.38	S01°01'51"W

APPENDIX B

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

CALCULATION OF MAXIMUM SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

CALCULATION OF MAXIMUM ANNUAL SPECIAL TAX

Cost Estimates	
Annual Maintenance Costs (2000 $) (including 10% administration)	$182,462
Maximum Tax Calculation	
Maximum Annual Special Tax (FY 2001-02) /1	$2,467.12 per acre

Acreage Within CFD

APN	Net Developable Acreage/2
082-10-01	2.37
082-10-03	0.00
082-10-04	14.36
082-10-05	10.01
082-10-06	12.32
082-08-02	1.98
082-08-12	1.20
082-08-13	3.34
082-08-14	1.35
082-08-15	4.08
082-08-16	7.55
082-08-18	0.00
082-08-19	11.65
082-08-22	2.14
082-08-23	5.50
Net Developable CFD Acreage	77.85
Buffer for Maximum Tax Calculation	5.00%
Estimated Net Taxable Acreage in CFD	**73.96**

1. The maximum Annual Special Tax will escalate each year at the greater of (i) the percentage increase in the ENR Index for the San Francisco region, or (ii) four percent.

2. Source: Benchmark Engineering, Inc.

APPENDIX C

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Coffee-Claratina Community Facilities District No. 2000-2 (herein "CFD No. 2000-2") 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. 2000-2, 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. 2000-2 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 Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

"Assessor's Parcel" means a lot or parcel shown 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 Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2000-2, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

"Maximum Annual Special Tax" means the maximum Annual Special Tax determined in accordance with Section C below, that can be levied on Taxable Property in any Fiscal Year.

"Proportionately" means, for Developed Property, that the ratio of the actual Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Special Tax to the Maximum Annual Special Tax is equal for all Assessor's Parcels of Undeveloped Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2000-2 which are not exempt from the Annual Special Tax pursuant to law or Section E below.

"Undeveloped Property" means, in any Fiscal Year, all Taxable Property that is not Developed Property.

B. CATEGORIZATION OF PARCELS

Each Fiscal Year, the District Administrator shall identify the current Assessor's Parcel number for each Assessor's Parcel within the CFD, and shall categorize each Parcel of Taxable Property as Developed Property or Undeveloped Property. The District Administrator shall also identify the current Acreage of each Parcel by reference to the Stanislaus County Assessor's Parcel Maps.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Parcels of Taxable Property within CFD No. 2000-2 for Fiscal Year 2001-02 is $2,468 per Acre. Beginning in January 2002, the Maximum Annual Special

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

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

Step 1: The Annual Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C;

Step 2: If additional revenues are needed to meet the Maintenance Special Tax Requirement after Step 1, the Annual Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C.

The Annual Special Tax for CFD No. 2000-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2000-2 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. ANNEXATION ONE-TIME SPECIAL TAX

A one-time Special Tax shall be levied on property that annexes into CFD No. 2000-2 after the CFD is formed. This "Annexation One-time Special Tax" shall be used to reimburse the landowner who made the initial deposit to the City to cover the costs of forming the CFD. The Annexation One-time Special Tax shall be calculated for each annexing property as follows:

Step 1. Add the estimated net developable acres for the annexing property to the estimated net developable acreage for property already within the CFD at the time of annexation;

Step 2. Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property's share of the total net developable acreage within the CFD;

Step 3. Multiply the quotient determined in Step 2 by either (i) $64,500 in 2000 dollars, which shall increase on January 1, 2001 and on each January 1 thereafter by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) such lower number as shall be determined by the City as the amount that was actually expended to cover the costs of formation of CFD No. 2000-2.

The Annexation One-time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation. If for any reason the Annexation One-time Special Tax has not been paid for property that has been annexed into the CFD, the Annexation One-time Special Tax 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 City Council adopted the resolution approving the annexation 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 along with the Annual Special Tax levied pursuant to Section D above. The amount placed on the roll shall include the 10% penalty and interest charges through the following December 1.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Annual Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

G. ENFORCEMENT

If any delinquent Annual Special Taxes are billed off the County tax roll, such Annual Special Taxes 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.

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APPENDIX D

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2 OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD

Coffee-Claratina CFD No. 2000-2

Overview - Storm Drain Basin Expenses

Description	Annual Expense
Specific Plan Area	
Median Plantings (25,396 s.f. @ $.61 + 20% contingency)	$ 18,589.87
Bikeway Plantings (36,167 s.f. @ $.61 + 20% contingency)	$ 26,474.24
Round About Plantings (1,591 s.f. @ $.61 + 20% contingency)	$ 1,164.61
Back Up Lot Plantings (2,849 s.f. @ $.61 + 20% contingency)	$ 2,085.47
MID power costs ($20/mo. per location * 6 locations * 12 mos.)	$ 1,440.00
West Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (at build-out) *(includes monthly water charges)*	$ 11,807.51
East Basin	
Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)	$ 328.36
Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)	$ 137.39
Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)	$ 87.73
Equipment	
1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)	$ 28.44
1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)	$ 10.00
1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)	$ 4.74
Fence Repair	$ 1,000.00
Maintenance - interior of basin	$ 1,500.00
Annual lab tests	$ 1,200.00
Silt excavation, erosion repair for annual improvement maintenance to basin	$ 9,000.00
Maintenance of landscaping (9.5 acres @ $8,181/acre) *(includes monthly water charges)*	$ 77,719.50
Administration (10% of total cost)	$ 16,587.45

TOTAL	$ 182,461.97

EXHIBIT B

SAMPLE

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF
THE CITY OF MODESTO
STATE OF CALIFORNIA
SPECIAL TAX ELECTION
December 12, 2000

BALLOT NO. 1

100% of land in territory proposed to be included in District
You are entitled to cast 79 votes
(VOTER MAY REMOVE AND RETAIN THIS STUB)

. . . . . .

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5396, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED
TO VOTE OF VOTERS

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 2000-2 (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 the City's Resolution of Formation to be considered by the City Council of the City of Modesto at a public hearing to be held on December 5, 2000, be levied within the District in order to finance certain public services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

YES ☐

NO ☐

BALLOT NO. 1

100% of land in territory proposed in the formation of the District
THIS BALLOT HAS A VALUE OF 79 VOTES

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-617

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS TO BE OPENED JANUARY 16, 2001, FOR SCUM PIT CLEANING SERVICE AT THE PRIMARY WASTEWATER TREATMENT PLANT FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT.

WHEREAS, the Operations and Maintenance Department has requested the purchase of Scum Pit Cleaning Service at the Primary Wastewater Treatment Plant ("WWTP") located at 1221 Sutter Avenue, and

WHEREAS, the City's WWTP utilizes several control pits, scum boxes and sumps throughout the plant that require periodic removal of the "floatable solids" or "scum/grease" which collects during the wastewater treatment process, and

WHEREAS, over time, the scum that remains after the treatment process coagulates and builds up, clogging the process and lessening operational storage capacities and efficiencies, and

WHEREAS, the scum must be pumped out by heavy-duty truck mounted vacuum/pumping equipment, and

WHEREAS, the Scum Pit Cleaning Service will help greatly to mitigate equipment failure, expensive labor and critical down time of the WWTP processes, due to scum/grease clogging,

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,

to be opened January 16, 2001, at 11:00 a.m., for the purpose of securing Scum Pit Cleaning Service at the Primary WWTP located at 1221 Sutter Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-618

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR AS SCRAP FOR THE PERIOD OF JANUARY 1, 2001,THROUGH DECEMBER 30, 2001, ON THE CONDITION THAT SAID ITEMS ARE FIRST OFFERED TO OTHER CITIES WITHIN THE COUNTY.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City's surplus items consist of (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; Unclaimed bicycles accumulated at the Police Department Evidence and Property Room; (3) and surplus City vehicles, and

WHEREAS, the City Council desires to offer surplus items to other cities in the County prior to commencing the bid process, and

WHEREAS, it is the intent of the City's Purchasing Division to seek City Council approval in December of each year for annual approval for the disposition of surplus property in accordance with Section 801 of the City Charter, and

WHEREAS, by approving an annual staff report for disposition of surplus property, without returning to City Council for subsequent approvals, the City will save substantial staff and processing time, and

WHEREAS, the estimated gross revenue to be received from the sale of surplus property from January 1, 2001, through December 30, 2001, is between $25,000 to $50,000, and

WHEREAS, by Resolution No. 88-757, City's current auction agreement entered into on October 4, 1988, provides for auctioneering services by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, in Modesto, and

WHEREAS, the City's Purchasing Division has recommended that surplus property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, City staff proposes that the property should be sold for scrap, and

WHEREAS, the list of items to be sold at auction or surplused will be on file in the Office of the City Clerk, and

WHEREAS, the Central Stores Manager would be permitted to call Roger Ernst and Associates to coordinate pick-up of surplus property (such as vehicles) after the appropriate surplus property forms have been approved by the Purchasing Division, and

WHEREAS, after an auction is held, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained from the auction, and

WHEREAS, the Purchasing Division will submit said recap memorandum to the Director of Finance and will have the proceeds deposited to the proper accounts,

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

SECTION 1. The City Council hereby authorizes the City's Purchasing Division to seek City Council approval in December of each year for annual approval for the disposition of surplus property in accordance with Section 801 of the City Charter.

SECTION 2. The City Council hereby directs that prior to the commencement of the bid process for surplus items, the City's Purchasing Division shall first offer said surplus items to other cities within the County.

SECTION 3. The City Manager or his designated representatives are hereby authorized and directed to sell on a sealed bid basis to the highest bidder any surplus properties which remain after said surplus items have been offered to other cities in the County, as set forth on the list on file in the City Clerk's Office and which are found to be surplus.

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk

shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 5. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.

SECTION 6. The City's Central Stores Manager is hereby authorized to contact Roger Ernst and Associates to coordinate pick-up of surplus property after the necessary surplus property forms have been approved by the Purchasing Division.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-619

A RESOLUTION SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER AMENDING THE SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO RELATED TO TRENCH CUTS.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 9, 2000, at 5:15, in the Council Chambers, City Hall, 1010 10th Street, Modesto, California, is hereby set as the time and place for a public hearing to consider amending the schedule of fees in connection with encroachment permits and inspections required by the City of Modesto related to trench cuts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12-12-00/CityClerk/RBartholomew

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-620

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR DIGITAL ORTHO-RECTIFIED AERIAL PHOTOS AND DIGITAL BASE-MAP CREATION FOR THE ENGINEERING AND TRANSPORTATION DEPARTMENT.

WHEREAS, the base map currently used in the Engineering and Transportation Department's graphical information system ("GIS") has horizontal spatial errors as great as forty feet and an average of five feet, and

WHEREAS, when using survey data, global position satellite ("GPS") data from utility mapping efforts or engineering drawings, the errors become overwhelmingly visible, and

WHEREAS, City staff must spend time re-drawing the map and tweaking the aerial backdrops to make the print presentation one of quality, and

WHEREAS, currently, utility mapping efforts using GPS require hours of moving collected data points to match the base map, and

WHEREAS, with new aerials and an increased base map accuracy, staff will not have to rework aerial backdrops and/or base map line work, and

WHEREAS, digital aerials offer huge savings in staff resources and efficiency,

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 digital ortho-rectified aerial photos and digital city base map creation to improve accuracy and efficiency in the Engineering and Transportation Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-621

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FULLY FUND THE DIGITAL ORTHO-RECTIFIED AERAIL PHOTOS AND DIGITAL BASE-MAP CREATION

WHEREAS, staff has determined that an effort to rectify base maps by surveying and manual input of maps would cost in excess of $100,000 and take over 18 months; and

WHEREAS, staff has written a request-for-proposal for digital aerial photos and rectification of the city base map which will offer huge savings in staff resources; and

WHEREAS, the majority of funding for the project will come from departmental ABS savings with the remainder funding coming from Sewer and Water Fund Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:	
#6210-800-8000-8003	$(20,000)
#6100-800-8000-8003	$(20,000)
#0100-430-4302-8099	$(60,000)
To:	
#0100-420-4213-0235	$100,000

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 12th day of December, 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 votes:

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

NOES: Councilmembers:None

ABSENT: Councilmembers:None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-622

A RESOLUTION ACCEPTING THE PROJECT TITLED "COLLEGE AVENUE OVERLAY—CECIL WAY TO NEEDHAM AVENUE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled College Avenue Overlay—Cecil Way to Needham Avenue, has been completed by Granite Construction Company, in accordance with the contract agreement dated June 27, 2000.

NOW, THEREFORE, BE IT RESOLVED that the College Avenue Overlay—Cecil Way to Needham Avenue be accepted from said contractor, Granite Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $473,771.47 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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Date/Dept/Author

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-623

A RESOLUTION ACCEPTING THE BID OF SOIL ENTERPRISES FOR THE PROJECT TITLED "HILLSIDE DRIVE DEMOLITION"

WHEREAS, the bids received for Hillside Drive Demolition were opened at 11:00 a.m. on November 21, 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 $93,683.00 received from Soil Enterprises be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Soil Enterprises 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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12-14-00/CityClerk/RBartholomew

Clerk (9)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-624

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017) RELATING TO THE APPROVAL OF THE MODESTO URBAN AREA GENERAL PLAN: HILLSIDE DRIVE DEMOLITION PROJECT.

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, 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 2000-45, reviewed the proposed Hillside Drive Demolition 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,

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 Hillside Drive Demolition 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 within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

2. No additional significant environmental effects will occur as a result of the project that were not previously examined in the General Plan Master EIR.

3. 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.

4. There are no specific features unique to the project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project, as appropriate.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

EA/ET 2000-45

City of Modesto
Initial Study

HILLSIDE DRIVE DEMOLITION PROJECT

EA/ET: # 2000-45

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 as long as one or more of the following findings can be made:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted as approved.

In 1997 the project property was flooded by the Tuolumne River. Additional environmental analysis prepared pursuant to NEPA is incorporated into this initial study: The City of Modesto Flood Mitigation Project Airport Neighborhood Floodplain Environmental Assessment (Appendix A). Pursuant to CEQA Section 15063(a)(2) this initial study will rely on the adopted General Plan Master EIR and the attached Environmental Assessment prepared pursuant to the National Environmental Policy Act (NEPA).

II. PROJECT DESCRIPTION

A. Project title:

Hillside Drive Demolition Project

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

C. Contact person, address and phone number:

Don Milam, Engineering and Transportation Department, (209) 571-5175

D. Project Location:

The south side of Hillside Drive, Modesto, California.

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

The General Plan Designation for the adjacent properties are residential to the north, open space to the south and west, and the Airport to the east.

G. Zoning:

The zoning is residential to the north, open space to the south and west, and the Airport to the east.

H. Description of Proposed Project:

This is an application to demolish existing residential structures located at the addresses listed below, and to clear all debris from the property.

1630 Hillside Drive	1720 Hillside Drive
1634 Hillside Drive	1726 Hillside Drive
1638 Hillside Drive	1734 Hillside Drive
1700 Hillside Drive	1738 Hillside Drive
1710 Hillside Drive	1742 Hillside Drive
1714 Hillside Drive	1746 Hillside Drive
1718 Hillside Drive	1131 Tioga Drive

I. Surrounding land uses:

The project is bounded on the North by residential housing, and on the south by open space.

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

Impacts to Traffic and Circulation for this project are discussed on pages IV-1-1 through IV-1-38 of the MEIR. The Hillside Drive Demolition is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs are, therefore, still valid.

B. Degradation of Air Quality

Impacts to Air Quality for this project are discussed on pages IV-2-1 through IV-2-25 of the MEIR. The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development 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 are, therefore, still valid.

C. Generation of Noise

Impacts to the Generation of Noise for this project are discussed on pages IV-3-1 through IV-3-33 of the MEIR. Because the proposed use is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise are therefore still valid.

D. Loss of Productive Agricultural Land

Impacts to the Loss of Productive Agricultural Land for this project are discussed on pages IV-4-1 through IV-4-16 of the MEIR. This area is located in an already developed residential portion of Modesto and Stanislaus County. The project is consistent with the adopted General Plan, therefore, Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land are still valid.

E. Increased Demand for Water Supplies

Impacts to the increased demand for water supplies for this project are discussed on pages IV-5-1 through IV-5-11 of the MEIR. The proposed project 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 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

Impacts to the increased demand for sanitary sewer services for this project are discussed on pages IV-6-1 through IV-6-9 of the MEIR. The proposed project 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 are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

Impacts to the Loss of sensitive wildlife and plant habitat for this project are discussed on pages IV-7-1 through IV-7-30 of the MEIR. The project is located within developed residential lands, and is bound on 3 sides by the riparian corridor, however it 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 are still valid.

H. Disturbance of Archaeological and Historic Sites

Impacts to the disturbance of archaeological and historic sites for this project are discussed on pages IV-8-1 through IV-8-21 of the MEIR. This project may disturb archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1of the MEIR indicates that it is within 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 are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Impacts to drainage, flooding and water quality for this project are discussed on pages IV-9-1 through IV-9-23 of the MEIR. Because the project would remove structures from areas immediately adjacent the flood potential study area, figure 9-I MEIR, there would be no impact to risk of flooding. Otherwise, the project is consistent with the General Plan in land use and intensity, and will not present any new impacts to drainage, flooding and water quality that have not already been addressed 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. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality are still valid.

J. Increased Demand for Storm Drainage

Impacts to the increased demand for storm drainage for this project are discussed on pages IV-10-1 through IV-10-8 of the MEIR. The project will not present any new impacts that have not already been addressed in the MEIR. 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 are still valid.

K. Increased Demand for Parks and Open Space

Impacts to the increased demand for parks and open space for this project are discussed on pages IV-11-1 through IV-11-11 of the MEIR. The proposed project will increase the open space in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space are therefore still valid.

L. Increased Demand for Schools

Impacts to the increased demand for schools for this project are discussed on pages IV-12-1 through IV-12-11 of the MEIR. The proposed demolition will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools are still valid.

M. Increased Demand for Police Services

Impacts to the increased demand for police services for this project are discussed on pages IV-13-1 through IV-13-8 of the MEIR. Because the project is consistent with the General Plan and would reduce land use intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services are therefore still valid.

N. Increased Demand for Fire Services

Impacts to the increased demand for fire services for this project are discussed on pages IV-14-1 through IV-14-9 of the MEIR. Because the project is consistent with the General Plan and would reduce land use intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services are therefore still valid.

O. Generation of Solid Waste

Impacts to the generation of solid waste for this project are discussed on pages IV-15-1 through IV-15-10 of the MEIR. This project 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 are therefore still valid.

P. Generation of Hazardous Materials

Impacts to the generation of hazardous materials for this project are discussed on pages IV-16-1 through IV-16-14 of the MEIR. Because this proposed project will reduce land use intensity it 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 are therefore still valid.

Q. Landslides and Seismic Activity

Impacts to the landslide and seismic activity for this project are discussed on pages IV-17-1 through IV-17-11 of the MEIR. This use 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 are therefore still valid.

R. Energy

Impacts to energy for this project are discussed on pages IV-18-1 through IV-18-6 of the MEIR. This project will result in no 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 still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Hillside Drive Demolition Project is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area.

B. No additional significant environmental effects will occur as a result of the Hillside Drive Demolition 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 Hillside Drive Demolition Project, that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Hillside Drive Demolition 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:

Don Milam,
Assistant Civil Engineer

APPENDIX A

Environmental Assessments at the Community Level (24 CFR 58, Section 58.36)

FORMAT I

(Revised May 1997)

Project Name:

CITY OF MODESTO FLOOD MITIGATION PROJECT
AIRPORT NEIGHBORHOOD FLOODPLAIN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PACIFIC/HAWAII OFFICE, COMMUNITY PLANNING AND DEVELOPMENT
ENVIRONMENTAL BRANCH

FORMAT I

ENVIRONMENTAL ASSESSMENT

PROJECT IDENTIFICATION/CONDITIONS/FINDING

A. Responsible Entity: Modesto, Stanislaus County

Certifying Officer: J. Edward Tewes

Project Name: City of Modesto Flood Mitigation Project

Project Location(s) (major streets, other identification):

South side of Hillside Drive in the Airport Neighborhood, Modesto, CA

B. Lead Agency: City of Modesto

Address: 801 - 11th Street, Modesto, CA 95354

Project Representative: (1) Ernest R. Richardson (2) Bill Harper

Telephone Number: (1) (209) 577-5392, (2) 571-5324

C. Project Approval Conditions (List all mitigation measures necessary to alleviate adverse environmental impacts, and include them in the project contract as requirements.)

1. None
2.
3.
4.
5.

D. Finding: The project will have a significant effect on the human environment ___ (yes) X (no)

If "Yes", preparation of an Environmental Impact Statement is required (24 CFR 58, Subpart G).

E. This assessment prepared by: Ernest R. Richardson

Signature: Ernest R. Richardson

Title/Agency: Housing Program Supervisor - City of Modesto

ENVIRONMENTAL ASSESSMENT - PROJECT DATA

Existing Conditions and Trends:

To the North of the project is Gallo Winery, to the South of the project is the Tuolumne River Regional Park, to the East of the project is the County Airport and to the West of the project are primarily single family residential units.

Project Description (project and activities determined to be part of the project):

The City has proposed to acquire (and demo any parcels with structures) 14 adjacent residential parcels on the south side of Hillside Drive (See project area map). These properties are located in low-income census tract #21 within the flood plain along the Tuolumne River. The majority of the properties suffered substantial damage during the floods. Residents would be relocated and the properties would be converted to public open space for inclusion in the Tuolumne River Regional Park. The additional park land would remain as passive unimproved, open space. Amenities would be limited to avoid further financial loss in the event of future flooding. After the land is transferred, the City will negotiate with the Park to allow a small parcel to be set aside as a community garden. The exact size and location of the garden has not been determined. A fence will border the Hillside Street side of the property to discourage illegal trash dumping. Street improvements would also be made to Hillside Drive to include regrading and removal of the median for flood mitigation purposes. The total cost of the project is estimated at $1,033,000.

National Objective

The activity proposed in this Action Plan benefits low and moderate income persons in accordance with the criteria for national objectives described in Section 570.208. The project is an "area benefit activity" that will serve a low-income census tract that has also been designated by the City (and approved by HUD) as a Target Area in need of substantial neighborhood revitalization.

Proposed Project Site

The project site located within the A-24 flood zone as indicated on Flood Insurance Map (FIRM) panel number 060387-0015C, dated August 17, 1982. The size of all 14 parcels combined is approximately 2.5 acres. The street addresses are:

Address	Age	Address	Age
1630 Hillside Drive	12	1720 Hillside Drive	64
1634 Hillside Drive	57	1726 Hillside Drive	46
1638 Hillside Drive	49	1734 Hillside Drive	42
1700 Hillside Drive	54	1738 Hillside Drive	43
1710 Hillside Drive	55	1742 Hillside Drive	11
1714 Hillside Drive	67	1746 Hillside Drive	53
1718 Hillside Drive	53	1131 Tioga Drive	43

Hillside Drive, a public street north of the parcels will be regraded to a slope of 1:8 with a 44 feet wide road area and the streets and sidewalks will be rehabilitated, as part of the flood mitigation plan.

Identify the conditions that would change as a result of the project, both beneficial and adverse:

Potential Impacts of the Proposed Project

This project will assist the City and Tuolumne River Regional Park with mitigating the impact of future floods, remove existing residential units from the unsafe floodplain, and provide the opportunity for occupants of properties located in the floodplain to find safer housing outside the floodplain. Also, because the loss of human life an property damage as a result of flooding is of great concern to the City of Modesto, the City feels this project will greatly reduce those possibilities.

Opportunities to Minimize, Restore, Preserve the Values of the Floodplain

This project will contribute to minimizing flooding of the Tuolumne River Regional park, while also eliminating the possibility for future flood damage to residential units in the floodplain. The acquisition of the 14 parcels will eliminate the possibility for rehabilitating or reconstructing properties in the flood. The City believes this project will help to preserve the values of the floodplain over to the park for passive use while mitigating future flood damage.

Reevaluation of Alternatives

In comparing the proposed project to the No Action Alternatives it is obvious that the preferred alterative will result in greater safety protection of property and restoration of the floodplain. Therefore, the proposed alternative is the environmentally preferable alternative.

SOURCE DOCUMENTATION

The source documentation (s/d) must be verificable, contain relevant base data and support the rating for each determination.

1. **FIELD OBSERVATION**. (Abbreviated as FIELD). A site visit that does not usually involve any testing or measurements. FIELD is an important method for initial screening of the issues, but for some of the categories it may be inadequate for final evaluation. Supporting documentation should include date of the site visit and by whom.

2. **PERSONAL CONTACT**. (Abbreviated as CONTACT). Personal contacts are useful when the individual contacted is an accepted authority on the subject(s) and the interview is documented. Supporting documentation should include the name and title of the person contacted and the date of the conversation.

3. **PRINTED MATERIALS**. (Abbreviated as PRINTED). These are useful sources of detailed information materials such as comprehensive land use plans, maps, statistical surveys, and studies. Information must be current, i.e. not so old that changing conditions make them irrelevant, and must represent accepted methodologies. Citations for the material should include enough information so that an outside reviewer can locate the specific reference.

4. **REVIEWER'S EXPERIENCE**. (Abbreviated as EXPERIENCE). The professional judgement of the person making the review can be useful provided their expertise is relevant. The reviewer may have a previous knowledge from familiarity with the area, or may have professional background to make judgements about a specific factor. Provide information of the person's qualification in addition t name and position.

5. **SPECIAL STUDY**. (Abbreviated as STUDY). This is a study conducted for an individual factor, and should be performed by a qualified person using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. The reviewer is responsible for obtaining assistance from others in order to have the appropriate tests or studies conducted. Copy of the study must be appended or referenced as for PRINTED MATERIALS.

FORMAT I

STATUTORY CHECKLIST

Checklist of Applicable Statutes, Executive Orders & Regulations

Factors: Statues, Executive Orders & Regulations (24 CFR 58.5)	Status A/B	Supporting Documentation (s/d)
Historic Preservation	A	Printed: SHPO letter HUD 971204Z, dated 1/8/98 on file at Housing and Neighborhoods.
Floodplain Management	B	Printed: attached back-up for 8-step process.
Wetlands Protection	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 5-1 on file at Housing and Neighborhoods.
Coastal Zone	A	Printed: California State map on file at Office of Housing and Neighborhoods.
Sole Source Aquifers	A	Printed: HUD/EPA MOU of 1990 on file at Office of Housing and Neighborhoods.
Endangered Species	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 8-1 on file at Housing and Neighborhoods.
Wild and Scenic Rivers	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 9-1 on file at Housing and Neighborhoods.
Air Quality	A	Printed: Letter of 12/22/97 from San Joaquin Valley Unified Air Pollution Control District, copy attached.
Farmland Protection	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 11-1 on file at Housing and Neighborhoods.
Environmental Justice	B	Experience: The project will not have an effect on nearby or adjacent neighborhoods that are predominantly low income or minority persons.
HUD ENVIRONMENTAL STANDARDS Noise Abatement and Control (24 CFR 51B)	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 12-1 on file at Housing and Neighborhoods.
Explosive and Flammable Operations (24 CFR 51C)	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 13-1 on file at Housing and Neighborhoods.
Toxic Chemicals/ Radioactive Materials (HUD Notice 79-33)	A	Printed: City of Modesto's HUD Environmental Review Record Guidelines, Figure 14-1 on file at Housing and Neighborhoods.
Airport Clear Zones and	A	Printed: City of Modesto's HUD Environmental

Accident Potential Zones (24 CFR 51D)		Review Record Guidelines, Figure 15-1 on file at Housing and Neighborhoods.

See INSTRUCTIONS on pages 6-8

INSTRUCTIONS

For each statute, Executive Order or regulation listed below (referred to collectively as the "statutes") an initial determination must be made to ascertain whether the project requires formal consultation, permits or agreements, or have an effect on the resources protected by the statute. Grantees record this finding by determining whether status "A" or "B" applies, as follows:

Status "A" applies when compliance with the Federal laws and authorities specified in Section 58.5 is independently determined by the agency (or federally-responsible grantee) and when no formal consultation, permit or agreement is required. In these situations, enter the letter "A" in the status column and document the source of the determination.

Status "B" applies when the project requires formal consultation steps, a permit or agreement, or when it may have an effect on the resources protected by the statute. Part B indicates that additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures must be retained in the project Environmental Review Record (ERR).

Historic Properties (includes archeology resources): A) The grantee and the SHPO agree that there are no historic properties within the Area of Potential Effect (APE), OR the recipient and the SHPO agree that the undertaking will have No Effect on historic properties within the APE; The project will have an fect on historic properties. Complete procedures, per 36 CFR 800.5, et seq.

Floodplain Management: A) The project does not involve property acquisition, management, construction or improvement within a 100-year floodplain (Zones A or V) identified by FEMA maps, OR does not involve a "critical action" (e.g., emergency facility, facility for mobility impaired persons, etc.) within a 500-year floodplain (Zones B). If these maps have not been published, the same finding is necessary and is to be based on data from the City/County Engineer or local Flood Control Agency; B) Complete and implement the Water Resources Council 8-step Process.

Wetlands Protection: A) The project does not involve new construction with or adjacent to a wetland. The delineation of wetlands is based upon consultation with U.S. Corps of Engineers, U.S. Fish & Wildlife Service, or State Fish and Game Departments; B) Complete the Water Resources Council 8-step procedure. (Projects may be approved if there is no practicable alternative outside the wetland area. However, such activity requires a permit from the U.S. Corps of Engineers under provision of the Clean Water Act).

Coastal Zone Management: A) The project does not involve the placement, erection or removal of materials, nor increase the intensity of use in the Coastal Zone; B) Secure concurrence from the CZ Commission or delegated planning commission on your determination of consistency with the applicable Coastal Zone Plan.

Sole Source Aquifers (Safe Drinking Water Act): A) The project is not located within an area designated by U.S. Environmental Protection Agency (EPA) as being supported by a sole source aquifer, OR the project need not be referred to EPA for evaluation according to the HUD-EPA (Region of EPA for the implementation of project mitigation measures to avoid contaminating the

aquifer; maintain the documentation in the ERR.

Endangered Species: A) The project will not affect any federally-listed or proposed Threatened and Endangered species (including plants, animals, fish, or invertebrates) nor any designated or proposed critical habitat. This finding is to be based on contact made with the U.S. Fish and Wildlife Service, or with a State Department of Fish and Game; B) Initiate and complete consultation with the U.S. Fish and Wildlife Service, in accordance with procedural regulations contained in 50 CFR Part 402.

Wild and Scenic Rivers: A) The project is not located within a mile of a listed Wild and Scenic River, OR the project will not have an effect on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system; B) Consult with the U.S. Department of Interior, National Park Service for resolution and mitigation assistance.

Air Quality: A) The project conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board; B) Negotiate suitable mitigation measures with the Air Quality Management District or Board.

Farmland Protection: A) The project site does not include prime or unique farmland, OR other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Soil Conservation Service (SCS), or the project site includes prime farmland, but is located in an area committed to urban uses; B) Request evaluation of land type from SCS using Form AD 1006, and consider the resultant rating in the project decision, as well as potential mitigation measures (including measures to protect adverse effect on adjacent farmlands).

Noise Abatement and Control: A) The project does not involve development of noise sensitive uses, OR the ambient noise level is 65 LDN (or CNEL) or less, based upon the HUD, Noise Assessment Guidelines (NAG) for calculating noise levels; B) Apply the noise standard to the project approval decision and consider the application of the noise attenuation measures (NAG page 39-40).

Explosive or Flammable Operations: A) The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assisted Projects Near Hazardous Facilities" (Appendix F, pp. 51-52), OR the project will expose neither people nor buildings to such hazards; B) mitigate the hazard (per 24 CFR 51.205) with the construction of a barrier of adequate size and strength to protect the project from the explosive or flammable hazard.

Toxic Chemicals and Radioactive Materials: A) The project does not involve new development for habitation; OR the new habitation is not located within one mile of an NPL ("Superfund") site, within 2,000 feet of a CERCLIS site, nor adjacent to any other known or suspected sites contaminated with toxic chemicals or radioactive materials, unless a Federal, State, or local authoritative source determines it does not pose a health hazard; B) Grantees are advised not to use funds for activities supporting new development for habitation when a project site is affected by toxic chemicals or radioactive materials. Documentation includes contact with appropriate Federal, State, or local oversight agencies.

Airport Clear Zones and Accident Potential Zones: A) The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ), or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ), based upon

.nformation from the airport or military airfield administrator identifying the)oundaries of such zones, OR the project involves only minor rehabilitation; B) 'or the sale or purchase of existing property in a RCZ or CZ, notify buyer of :his fact and obtain buyer's signature acknowledging receipt of this .nformation. It is HUD policy not to provide any development assistance, ubsidy or insurance in RCZs or CZs unless the project will not be frequently .sed or occupied by people and the airport operator provides written assurances hat there are no plans to purchase the project site.

nvironmental Justice: A) The project does not involve housing acquisition or ousing construction for use by low income or minority residents, OR the roject is not located in a neighborhood that suffers from adverse human health r environmental conditions; OR the project will not have an effect on nearby r adjacent neighborhoods that are predominantly low income or minority persons n the project site. The ERR should show that the environmental justice issue as considered and that no adverse impacts to low income or minority persons ere identified; B) The project involves housing acquisition or new housing onstruction in a disadvantaged neighborhood but its adverse impacts will be voided or mitigated to the extent practicable. Document the avoidance or itigation of adverse effects.

STATUTES listed at §58.6

LOOD DISASTER PROTECTION ACT
)es the project involve acquisition, construction or rehabilitation of :ructures located in a FEMA-identified Special Flood Hazard Area?
_ No; SD _____ (This element is completed)
_ Yes; (Proceed)
the community participating in the national Insurance Program (or has less .an one year passed since FEMA notification of Special Flood Hazards)?
Yes (Flood Insurance under the National Flood Insurance Program must be tained and maintained for the economic life of the project, in the amount of e total project cost. A copy of the policy declaration must be on file).
_ No (**Federal assistance may not be used in the Special Flood Hazard Area**).

ASTAL BARRIER IMPROVEMENT ACT
the Project located in a coastal barrier resource area?
_ No; SD _____ (This element is completed).
_ Yes (**Federal assistance may not be used**).

RPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES
es the project involve the sale or acquisition of existing property with a vil Airport's Runway Clear Zone or a Military Installation's Clear Zone?
_No; SD _____ Project complies with 24 CFR 51.303(a)(3).
_ Yes; **Disclosure statement must be provided** to buyer and a copy of the gned disclosure must be maintained in the RER.

ENVIRONMENTAL ASSESSMENT

IMPACT CATEGORIES

Source Documentation

(Additional materials may be attached.)

Socioeconomic		
Demographic/Character Changes	1	This acquisition and demolition of residential units should have minimal impact.
Displacement	1	Acquisition and demolition of residential units should have, minimal impact. , Displacement will be handled in compliance with URA.
Employment and Income Patterns	1	This is an acquisition and demolition project - minimal impact is anticipated.
ommunity Facilities and Services		
Educational Facilities	1	The acquisition and demolition of these 14 parcels should have minimal impact.
Commercial Facilities	1	This is acquisition and demolition of units should have no impact.
Health Care	1	Acquisition and demolition of residential units. Should have no, or minimal impact.
Social Services	1	Acquisition and demolition of residential units. Should have no impact.

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.
3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.

ENVIRONMENTAL ASSESSMENT

IMPACT CATEGORIES

Source Documentation

(Additional materials may be attached.)

Community Facilities and Services (cont.)		
Solid Waste	1	Per Chapter IV-15 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Waste Water	1	Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Storm Water	1	Per Chapter IV-10 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Public Safety-Police	1	Per Chapter IV-13 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Public Safety-Fire	1	Per Chapter IV-14 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
mergency Medical acilities	N/A	This Project consists of acquiring and demolishing 14 residential parcels.
pen Space	N/A	This Project consists of acquiring and demolishing 14 residential parcels.
ecreation	N/A	This Project consists of acquiring and demolishing 14 residential parcels.
ultural Facilities	N/A	This Project consists of acquiring and demolishing 14 residential parcels.
ransportation	N/A	This Project consists of acquiring and demolishing 14 residential parcels.

oose from the following list, as applicable, to each Impact Category and ter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.

3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.

ENVIRONMENTAL ASSESSMENT

IMPACT CATEGORIES

		Source Documentation (Additional materials may be attached.)
Conformance with Comprehensive Plans and Zoning	N/A	This is the acquisition and demolition of flood damaged or nonflooded, residential units in the floodplain.
Compatibility and Urban Impact	N/A	This is the demolition of flood damaged or nonflooded, residential units in the floodplain.
Slope	N/A	This is the demolition of flood damaged or nonflooded, residential units in the floodplain.
Erosion	N/A	This is the demolition of flood damaged or nonflooded, residential units in the floodplain.
Soil Suitability	N/A	This is the demolition of flood damaged or nonflooded, residential units in the floodplain.
Hazards and Nuisances, including Site Safety	1	California Hazard Waste Substance List of 1994, per Steve Nish, Associate Planner on 1/9/98.
Energy Consumption	N/A	This is acquisition and demolition of floodplain residential units - no anticipated impact.
Air Quality		
Effects of Ambient Air Quality on Project and Contribution to Community Air Pollution Levels	1	This project will consist of the acquisition and demolition of residential units in the floodplain.
Environmental Design		
;ual Quality- Coherence, Diversity, Compatible Use, and Scale	N/A	This is an acquisition and demolition of residential units in the floodplain.

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.
3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.

ENVIRONMENTAL ASSESSMENT

IMPACT CATEGORIES

Source Documentation
(Additional materials may be attached.)

Natural Features		
Water Resources	1	Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Surface Water	1	Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Unique Natural Features and Agricultural Lands	1	Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.
Vegetation and Wildlife	1	Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.

~~Other Factors to be Considered*~~		

*NOTE: Other factors may include special conditions/situations affecting the project which have not been previously considered, such as historic resources of State or local significance, State-listed endangered species, traffic issues, etc.

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.
3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.

ENVIRONMENTAL ASSESSMENT

ALTERNATIVES CONSIDERED: Provide an objective discussion of the environmental impacts of the proposed action and of alternatives to the proposed action (i.e., actions that were considered but rejected). Included in this discussion the benefits of each alternative, and the reason for eliminating any of the alternatives from further consideration (e.g., environmental impacts that could not be corrected with mitigation because of physical or economic constraints, concerns with health and safety, irreversible and/or irretrievable damage to resources)

Proposed Action (Describe the reasons for choosing this course of action, which has been the focus of this Environmental Assessment, on the bases benefits to the human environment, identified impacts, and any proposed corrective measures to reduce adverse impacts.)

This project will assist the City of Modesto and Tuolumne River Regional Park with mitigating the impact of future floods, remove existing residential units from the unsafe floodplain, and provide the opportunity for occupants of properties located in the floodplain to find safer housing outside the floodplain. Also, because the loss of human life and property damage as a result of flooding is a great concern to the City of Modesto, The City feels this project will greatly reduce those possibilities.

Additionally, this project will contribute to minimizing flooding of the Tuolumne River Regional Park, while also eliminating the possibility for future flood damage to residential units in the floodplain. The acquisition of the 14 parcels will eliminate the possibility for rehabilitating or reconstructing properties in the flood. The City believes this project will help to preserve the values of the floodplain by turning the land in the floodplain over to the park for passive use while mitigating future flood damage.

No Action/Alternatives to Meeting Program Objectives (Discuss the benefits of meeting program objectives in a way other than the Proposed Action, as well as the consequences of implementing other means.)

Because the floodplain where the 14 parcels are located, is only approximately 600 feet from the current boundaries of the Tuolumne River Regional Park, and because they suffered significant flood damage, no other sites would be feasible for this project and were not considered.

Other Reasonable Course(s) of Action (Identify one or more alternatives to the Proposed Action that were considered and rejected, e.g., other sites considered, design modifications, other uses of the site. For each alternative, describe benefits to the human environment that would result from implementation, any adverse impacts, and the reasons for rejection.)

The City of Modesto has determined there is no practicable alternative to the implementation of this project because these properties are currently most severely affected by their location in the flood plain. Therefore their removal will do the most good for safety and for flood plain restoration.

EA RESOLUTION

1	Attorney
1	CDD - Construction Administration
1	Engineering & Transportation - Attention: Dean Phillips
3	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-625

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 7, 2000, AND DECLARING THE RESULTS OF SAID SPECIAL ELECTION.

WHEREAS, on Tuesday, November 7, 2000, a Special Municipal Election was held in the City of Modesto (herein called "City") of Stanislaus County to submit to the qualified electors in the City of Modesto an advisory measure, as follows:

1. **Measure "F"** *relating to a Transient Occupancy Tax Increase,* and

WHEREAS, said election was held on Tuesday, November 7, 2000, 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 special municipal election in accordance with law, and certified the results of the election to the Council by a Certificate Of Canvass And Statement Of Vote dated December 4, 2000, 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 said Certificate of Canvass and Statement of Vote and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Sections 15308 and 15309 of the

Elections Code, a copy of said Certificate of Canvass and Statement of Vote, 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 number of votes given in the City for Measure F.

SECTION 3. The following votes were cast for Measure F:

Measure	**Total Votes For**	**Total Votes Against**
Measure F	25,963	29,340

Measure F. Less than a majority of all of the votes cast at the election on Measure F were in favor of said Voter Approval for a Transient Occupancy Tax Increase, and said Measure did not carry and was not approved and was not ratified by a majority of the qualified voters voting on Measure F.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SPECIAL MUNICIPAL ELECTION
November 7, 2000

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 4, 2000, to publicly canvass the returns of the City of Modesto Special Municipal Election held on November 7, 2000, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

MEASURES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Measure F			
Transient Occupancy Tax Increase			
From nine percent (9%) to			
Eleven percent (11%)			
	25,963	YES	46.9
	29,340	NO	53.0

VOTER TURNOUT:

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
Measure F	87,822	58,437	66.5

Jean Zahr
JEAN ZAHR
City Clerk/Auditor
City of Modesto

December 4, 2000

EXHIBIT "A"

STATEMENT OF THE VOTE

RECEIVED
MODESTO CITY CLERK
00 DEC -4 PM 5:07

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CONSOLIDATED GENERAL ELECTION

-HELD-

TUESDAY, NOVEMBER 7, 2000

State of California
ss
County of Stanislaus

I, KAREN L. MATHEWS, County Clerk-Recorder, of the above named county, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the Consolidated General Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 4th day of December, 2000.

KAREN L. MATHEWS
County Clerk-Recorder

BY _____
Joyce Goudie
Assistant Registrar of Voters

OFFICIAL STATEMENT OF VOTE COUNTY OF STANISLAUS: CONSOLIDATED PRESIDENTIAL ELECTION NOV 7, 2000
CITY OF MODESTO - MEASURE F

Page Number 84.017.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	TRANSIENT OCCUPANCY TAX MEASURE "F" YES	TRANSIENT OCCUPANCY TAX MEASURE "F" NO	TAX FROM 9% TO 11%
MODESTO 1	0	128	0.0%	28	91	
MODESTO 1	805	330	40.9%	113	200	
MODESTO 2	0	298	0.0%	147	126	
MODESTO 2	1023	389	38.0%	185	193	
MODESTO 3	0	152	0.0%	58	84	
MODESTO 3	1029	398	38.6%	135	230	
MODESTO 4	0	107	0.0%	20	84	
MODESTO 4	594	159	26.7%	60	91	
MODESTO 5A	0	153	0.0%	55	95	
MODESTO 5A	1158	420	36.2%	136	238	
MODESTO 6	0	136	0.0%	43	92	
MODESTO 6	1057	248	23.4%	112	121	
MODESTO 7	0	165	0.0%	48	97	
MODESTO 7	531	205	38.6%	74	119	
MODESTO 8	0	276	0.0%	83	179	
MODESTO 8	1148	411	35.8%	145	223	
MODESTO 9,10	0	273	0.0%	109	146	
MODESTO 9,10	1060	390	36.7%	163	202	
MODESTO 11	0	129	0.0%	51	70	
MODESTO 11	580	226	38.9%	103	115	
MODESTO 12	0	137	0.0%	49	83	
MODESTO 12	783	268	34.2%	94	162	
MODESTO 13	0	170	0.0%	87	90	
MODESTO 13	633	269	42.4%	117	138	
MODESTO 14	0	212	0.0%	61	144	
MODESTO 14	770	308	40.0%	107	174	
MODESTO 15	0	228	0.0%	74	134	
MODESTO 15	844	363	43.0%	131	212	
MODESTO 16	0	120	0.0%	39	70	
MODESTO 16	529	201	37.9%	71	120	
MODESTO 17	0	186	0.0%	55	126	
MODESTO 17	899	361	40.1%	134	201	
MODESTO 18	0	131	0.0%	48	79	
MODESTO 18	589	245	41.5%	112	112	
MODESTO 19	0	378	0.0%	183	176	
MODESTO 19	1094	392	35.8%	209	160	
MODESTO 20	0	143	0.0%	48	88	
MODESTO 20	633	235	37.1%	93	129	
MODESTO 21	0	150	0.0%	66	82	
MODESTO 21	675	304	45.0%	137	152	
MODESTO 22	0	243	0.0%	146	87	
MODESTO 22	728	294	40.3%	171	109	
MODESTO 23	0	54	0.0%	9	40	
MODESTO 23	599	184	30.7%	59	114	
MODESTO 24	0	183	0.0%	70	99	
MODESTO 24	962	360	37.4%	133	191	
MODESTO 25B	0	113	0.0%	45	60	
MODESTO 25B	672	192	28.5%	89	87	
MODESTO 27	0	167	0.0%	102	58	
MODESTO 27	704	357	50.7%	240	100	
MODESTO 28	0	233	0.0%	99	120	
MODESTO 28	745	277	37.1%	121	142	
MODESTO 29	0	227	0.0%	86	130	
MODESTO 29	1004	463	46.1%	197	230	
MODESTO 30,81	0	288	0.0%	144	138	
MODESTO 30,81	944	383	40.5%	185	183	
MODESTO 31,54	0	270	0.0%	125	126	
MODESTO 31,54	1077	453	42.0%	206	217	
MODESTO 32	0	209	0.0%	86	115	
MODESTO 32	898	320	35.6%	163	139	
MODESTO 33	0	144	0.0%	75	57	
MODESTO 33	693	303	43.7%	195	94	

OFFICIAL STATEMENT OF VOTE COUNTY OF STANISLAUS: CONSOLIDATED PRESIDENTIAL ELECTION NOV 7, 2000
CITY OF MODESTO - MEASURE F

Page Number 85.017.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	MEASURE "F" TRANSIENT OCCUPANCY TAX FROM 9% TO 11% YES	NO
MODESTO 34	0	181	0.0%	117	58
MODESTO 34	561	252	44.9%	167	76
MODESTO 35	0	145	0.0%	92	48
MODESTO 35	435	208	47.8%	137	67
MODESTO 36	0	248	0.0%	148	93
MODESTO 36	678	281	41.4%	161	105
MODESTO 37	0	182	0.0%	100	73
MODESTO 37	482	174	36.0%	89	72
MODESTO 38	0	139	0.0%	58	75
MODESTO 38	573	273	47.6%	122	137
MODESTO 39	0	221	0.0%	88	123
MODESTO 39	663	266	40.1%	141	114
MODESTO 40,41	0	322	0.0%	119	187
MODESTO 40,41	1023	431	42.1%	206	207
MODESTO 42	0	293	0.0%	150	133
MODESTO 42	823	368	44.7%	220	132
MODESTO 43	0	132	0.0%	50	79
MODESTO 43	576	268	46.1%	132	124
MODESTO 44	0	170	0.0%	75	76
MODESTO 44	494	200	40.4%	99	85
MODESTO 45	0	208	0.0%	81	108
MODESTO 45	555	188	33.8%	85	92
MODESTO 46	0	256	0.0%	93	156
MODESTO 46	739	269	36.4%	114	144
MODESTO 47	0	325	0.0%	197	124
MODESTO 47	884	399	45.1%	237	142
MODESTO 48	0	414	0.0%	252	148
MODESTO 48	1017	412	40.5%	254	139
MODESTO 50	0	233	0.0%	121	101
MODESTO 50	794	342	43.0%	185	141
MODESTO 51,82	0	280	0.0%	104	154
MODESTO 51,82	1130	411	36.3%	148	238
MODESTO 53	0	176	0.0%	74	92
MODESTO 53	839	298	35.5%	112	171
MODESTO 55	0	328	0.0%	166	138
MODESTO 55	803	307	38.2%	170	117
MODESTO 56	0	318	0.0%	208	105
MODESTO 56	752	301	40.0%	184	108
MODESTO 57	0	176	0.0%	84	82
MODESTO 57	555	231	41.6%	102	117
MODESTO 58	0	167	0.0%	55	107
MODESTO 58	923	345	37.3%	134	182
MODESTO 59,123	0	455	0.0%	236	194
MODESTO 59,123	1452	667	45.9%	316	312
MODESTO 60	0	239	0.0%	81	140
MODESTO 60	827	359	43.4%	149	186
MODESTO 61	0	256	0.0%	106	132
MODESTO 61	1087	549	50.5%	241	278
MODESTO 62	0	149	0.0%	50	97
MODESTO 62	737	383	51.9%	138	228
MODESTO 63	0	112	0.0%	28	79
MODESTO 63	1081	366	33.8%	121	217
MODESTO 64	0	96	0.0%	23	68
MODESTO 64	602	204	33.8%	78	110
MODESTO 65	0	99	0.0%	27	66
MODESTO 65	427	186	43.5%	65	109
MODESTO 66	0	189	0.0%	75	111
MODESTO 66	832	391	46.9%	153	209
MODESTO 67	0	103	0.0%	25	77
MODESTO 67	814	284	34.8%	108	158
MODESTO 68	0	202	0.0%	83	109
MODESTO 68	748	322	43.3%	149	158

OFFICIAL STATEMENT OF VOTE COUNTY OF STANISLAUS: CONSOLIDATED PRESIDENTIAL ELECTION NOV 7, 2000
CITY OF MODESTO - MEASURE F

Page Number 86.017.001	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	MEASURE "F" TRANSIENT OCCUPANCY YES	MEASURE "F" TAX FROM 9% TO 11% NO
MODESTO 69	0	210	0.0%	68	124
MODESTO 69	807	335	41.5%	176	136
MODESTO 70	0	303	0.0%	115	170
MODESTO 70	1002	466	46.5%	182	250
MODESTO 71	0	241	0.0%	69	161
MODESTO 71	1093	537	49.1%	227	292
MODESTO 72	0	141	0.0%	55	81
MODESTO 72	839	314	37.4%	132	164
MODESTO 73	0	110	0.0%	34	72
MODESTO 73	1034	474	45.8%	145	294
MODESTO 74	0	316	0.0%	170	134
MODESTO 74	878	378	43.0%	215	161
MODESTO 75	0	299	0.0%	149	141
MODESTO 75	921	360	39.0%	184	162
MODESTO 76	0	120	0.0%	36	78
MODESTO 76	700	284	40.5%	97	165
MODESTO 77	0	165	0.0%	52	101
MODESTO 77	693	243	35.0%	85	138
MODESTO 78A	0	132	0.0%	41	83
MODESTO 78A	515	225	43.6%	95	114
MODESTO 79,80	0	290	0.0%	134	145
MODESTO 79,80	920	351	38.1%	158	173
MODESTO 83A	0	182	0.0%	59	117
MODESTO 83A	699	286	41.1%	128	143
MODESTO 84	0	250	0.0%	108	135
MODESTO 84	1041	449	43.1%	198	215
MODESTO 85,95	0	251	0.0%	77	165
MODESTO 85,95	1108	475	42.8%	202	247
MODESTO 86	0	181	0.0%	67	103
MODESTO 86	1060	420	39.6%	153	245
MODESTO 88	0	427	0.0%	209	199
MODESTO 88	1375	575	41.8%	305	258
MODESTO 89	0	232	0.0%	88	130
MODESTO 89	732	317	43.3%	136	160
MODESTO 90	0	268	0.0%	145	112
MODESTO 90	903	434	48.0%	254	157
MODESTO 91	0	253	0.0%	120	120
MODESTO 91	802	307	38.2%	161	127
MODESTO 93,108	0	313	0.0%	133	167
MODESTO 93,108	1093	454	41.5%	221	183
MODESTO 94	0	315	0.0%	151	151
MODESTO 94	1003	380	37.8%	191	171
MODESTO 96	0	204	0.0%	81	108
MODESTO 96	1123	516	45.9%	200	283
MODESTO 97	0	211	0.0%	77	124
MODESTO 97	1008	475	47.1%	198	227
MODESTO 98,109	0	274	0.0%	115	152
MODESTO 98,109	1165	481	41.2%	191	258
MODESTO 99	0	210	0.0%	61	139
MODESTO 99	821	318	38.7%	114	174
MODESTO 100	0	287	0.0%	148	130
MODESTO 100	898	376	41.8%	225	139
MODESTO 101	0	250	0.0%	110	122
MODESTO 101	917	387	42.2%	165	203
MODESTO 102,103	0	223	0.0%	83	128
MODESTO 102,103	878	369	42.1%	148	198
MODESTO 104A	0	141	0.0%	47	87
MODESTO 104A	560	220	39.2%	95	118
MODESTO 105A	0	120	0.0%	37	79
MODESTO 105A	885	354	40.0%	118	215
MODESTO 106	0	218	0.0%	84	118
MODESTO 106	919	416	45.2%	179	214

OFFICIAL STATEMENT OF VOTE COUNTY OF STANISLAUS: CONSOLIDATED PRESIDENTIAL ELECTION NOV 7, 2000
CITY OF MODESTO - MEASURE F

Page Number 87.017.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	MEASURE "F" TRANSIENT OCCUPANCY YES	MEASURE "F" TAX FROM 9% TO 11% NO
MODESTO 107	0	285	0.0%	137	136
MODESTO 107	724	276	38.1%	128	127
MODESTO 110	0	223	0.0%	66	146
MODESTO 110	648	233	35.9%	98	117
MODESTO 111	0	275	0.0%	128	138
MODESTO 111	938	422	44.9%	220	181
MODESTO 112	0	475	0.0%	215	246
MODESTO 112	1521	639	42.0%	355	264
MODESTO 113	0	231	0.0%	120	100
MODESTO 113	752	318	42.2%	176	122
MODESTO 118	0	182	0.0%	78	109
MODESTO 118	1048	518	49.4%	249	248
MODESTO 119	0	119	0.0%	58	59
MODESTO 119	318	165	51.8%	109	54
MODESTO 121	0	207	0.0%	82	114
MODESTO 121	1011	462	45.6%	219	223
MODESTO 126A,127	0	68	0.0%	39	28
MODESTO 126A,127	293	98	32.7%	44	48
MODESTO 58	8	3	37.5%	3	0
MODESTO 25A	0	0	0.0%	0	0
MODESTO 26,87	206	144	69.9%	43	89
MODESTO 49,115,124	117	39	33.3%	16	22
MODESTO 788	290	195	67.2%	80	107
MODESTO 836	0	0	0.0%	0	0
MODESTO 92,116,117	124	94	75.8%	58	30
MODESTO 1048	233	125	53.6%	54	68
MODESTO 1058	89	40	44.9%	17	21
MODESTO 114	0	0	0.0%	0	0
MODESTO 120	151	87	57.6%	41	44
MODESTO 122	220	170	77.2%	80	78
MODESTO 125	219	167	76.2%	73	82
MODESTO 126B	254	133	52.3%	48	78
MODESTO 128	15	9	60.0%	5	4
MODESTO 129,130	217	139	64.0%	63	64
MODESTO 131	111	77	69.3%	41	33
MODESTO 132	162	133	82.0%	73	56
MODESTO 133	181	139	76.7%	45	89
MODESTO 52	228	187	82.0%	98	83
*** T O T A L S ***	87822	58437	66.5%	25963	29340

SUMMARY	OFFICIAL STATEMENT OF VOTE COUNTY OF STANISLAUS: CONSOLIDATED PRESIDENTIAL ELECTION NOV 7, 2000 CITY OF MODESTO - MEASURE F					
Page Number 88.917.001	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	MEASURE "F" TRANSIENT OCCUPANCY YES	MEASURE "F" TAX FROM 9% TO 11% NO	
18TH CONGRESSIONAL DIST.	87822	58437	66.5%	25963	29340	
STATE SENATE 12TH DIST.	87822	58437	66.5%	25963	29340	
STATE ASSEMBLY 25TH DIST	71970	49521	68.8%	22627	24317	
STATE ASSEMBLY 26TH DIST	15852	8916	56.2%	3336	5023	
SUPERVISORIAL DIST. 1	19422	13340	68.6%	6118	6644	
SUPERVISORIAL DIST. 2	0	0	0.0%	0	0	
SUPERVISORIAL DIST. 3	26743	16735	62.5%	6680	9046	
SUPERVISORIAL DIST. 4	38311	26613	69.4%	12583	12615	
SUPERVISORIAL DIST. 5	3346	1749	52.2%	582	1035	
CITY OF CERES	0	0	0.0%	0	0	
CITY OF HUGHSON	0	0	0.0%	0	0	
CITY OF MODESTO	87822	58437	66.5%	25963	29340	
CITY OF NEWMAN	0	0	0.0%	0	0	
CITY OF OAKDALE	0	0	0.0%	0	0	
CITY OF PATTERSON	0	0	0.0%	0	0	
CITY OF RIVERBANK	0	0	0.0%	0	0	
CITY OF TURLOCK	0	0	0.0%	0	0	
CITY OF WATERFORD	0	0	0.0%	0	0	
UNINCORPORATED AREAS	0	0	0.0%	0	0	
VOTE AT THE POLLS	87822	36627	41.7%	16619	17892	
VOTE BY ABSENTEE BALLOT	0	21810	0.0%	9344	11448	
** T O T A L V O T E **	87822	58437	66.5%	25963	29340	

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-626

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TRANSFERRING FUNDS TO COVER THE COST OF OVERTIME TO PATROL PRESCOTT ESTATES

WHEREAS, the Council allocated $107,544 to the Police Department for overtime police patrol of Prescott Estates; and

WHEREAS, in order to continue the service to Prescott Estates, the Police Department will require overtime funds in the amount of $125,000 for the remaining seven months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From: #0100-800-8000-8003	$(125,000)
To: #0100-190-1961-0130	$ 125,000

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 12th day of December, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-627

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR ACQUISITION, FINANCING, AND REHABILITATION OF PINE MEADOWS GARDEN APARTMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and the Housing Authority of Stanislaus County for the acquisition, financing, and rehabilitation of Pine Meadows Garden Apartments 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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12/13/00/CityClerk/RBartholomew

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-628

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MACIAS, GINI & COMPANY FOR A FINANCIAL PROGRAM REVIEW AND RECONCILIATION OF THE HUD FUNDS RECEIVED BY THE CITY OF MODESTO FROM 1997 THROUGH 2000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Macias, Gini & Company for a financial program review and reconciliation of HUD funds received by the City of Modesto from 1997 through 2000 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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Date/Dept/Author

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-629

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE DECEMBER 12, 2000 ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 2000-2 (COFFEE-CLARATINA), AND ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218

WHEREAS, this Council is conducting proceedings pertaining to the formation of the City's Community Facilities District No. 2000-2 (the "District"), the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to finance certain Services as described in the City's Resolution No. 2000-616, adopted December 5, 2000, and

WHEREAS, on December 12, 2000, an election was held within the District (the "Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or benefit 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, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk's certificate of election results, attached hereto as EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election.

3. 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 a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 2001/2002 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 1999/2000 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2000-616, the Resolution of Formation, adopted on December 5, 2000 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 2000-2 on December 12, 2000, 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. 2000-2 (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. 2000-616 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on December 5, 2000, which is incorporated herein by this reference, be levied within the District in order to finance certain public services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 79 NO 0

Dated: December 12, 2000

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-630

A RESOLUTION ACCEPTING THE BID OF SUPER SECUR MANUFACTURING FOR FURNISHING PREFABRICATED RESTROOMS FOR VARIOUS PARK SITES

WHEREAS, Resolution 2000-545 called for the solicitation of bids for furnishing prefabricated restrooms for various park sites, and

WHEREAS, of the 68 companies solicited for bids for furnishing prefabricated restrooms for various park sites in accordance with Resolution 2000-545, only one company, Super Secur Manufacturing, responded and

WHEREAS, the Finance Director has recommended that the bid of Super Secur Manufacturing for a total amount of $153,041.58 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Super Secur Manufacturing 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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12-14-00/CityClerk/RBartholomew

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-631

A RESOLUTION FINDING CABLE ONE IN BREACH OF THE CABLE FRANCHISE AGREEMENT.

WHEREAS, on November 7, 2000, after a noticed public hearing, the City Council, by resolution, found that Cable One was in material breach of the terms of its franchise agreement, and

WHEREAS, in Resolution No. 2000-570 adopted on November 7, 2000, the City Council set December 12, 2000 for a continued public hearing on the issue of compliance and breach of the cable franchise to determine whether Cable One has developed a binding plan that is satisfactory to the City to bring the cable system into full compliance or otherwise cure any and all breaches of the franchise agreement, and

WHEREAS, Cable One has inspected and made some corrections and repairs to its cable system but has not remedied the compliance issues listed in Resolution No. 2000-570 nor has Cable One submitted an adequate plan for compliance, and

WHEREAS, on December 12, 2000, the City Council held the public hearing on whether Cable One was in material breach of the franchise agreement,

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

SECTION 1. The City Council hereby finds and declares that, based on the evidence and testimony submitted to it at its hearings of November 7 and December 12, 2000, Cable One is in material breach of the franchise agreement and has not submitted an adequate compliance plan.

SECTION 2. Further, the City Council finds and determines that the cable franchise agreement and ordinance provides for remedies including but not limited to: a penalty of $5,000 plus $100 per day per deficiency for each day the deficiency continues (Modesto Municipal Code § 11-4.13(g).). The City Council further finds that there are eight areas of deficiency; therefore, the daily penalty is $800 per day. The City Council hereby imposes a penalty under section 11-4.13(g) beginning on October 4, 2000, the date the breach notice was sent to Cable One, of $5000 plus $800 per day for each day non-compliance continues.

SECTION 3. The City Council also finds and determines that there is a performance bond securing Cable One's performance of the franchise in the amount of $250,000 which amount secures the faithful performance of Cable One and which provides that, in the event that Cable One fails to comply with any one or more provisions of the cable franchise ordinance and franchise agreement that "there shall be recoverable jointly and severally from the principal and the surety of such bond any damages or loss suffered by the City as a result thereof, . . . " (Modesto Municipal Code § 11.4.20(a).) The City Manager or his designee are authorized to take steps necessary to notify Cable One's surety that Cable One is in material breach and to make a demand on the Cable One's performance bond.

SECTION 4. The City Council hereby directs the City Manager to determine the total amount of City damages for Cable One's non-compliance and to determine a plan for bringing the system into compliance and authorize reimbursement of consultant costs from Cable One.

SECTION 5. The City Council hereby authorizes the City Manager or his designee to take any and all actions necessary to bring the cable franchise system into compliance with the franchise agreement and franchise ordinance, and to execute all breach remedies including imposition of fines.

SECTION 6. The City Council directs City staff to report the status of negotiations to the City Council in January 2001.

SECTION 7. The City Council hereby directs City staff to ignore the seven (7) day notice rule imposed by Cable One.

CORRECTED 1/5/01

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 1-3-01

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2000, 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

CABLE RESOLUTION

2 - Clerk
1 - Attorney
1 Finance
2 - City Manager's Office -
Donna Hansen
Cable Company

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-632

A RESOLUTION APPROVING A MANUAL OF DESIGN STANDARDS FOR DUAL USE FLOOD CONTROL/ RECREATION FACILITIES THAT SETS FORTH CRITERIA FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF SUCH DUAL-USE FACILITIES.

WHEREAS, in October 1999 a stormwater basin study process for preparation of a dual-use standards manual was initiated by the City Council Community Development and Housing Committee, and

WHEREAS, the Dual-Use Stormwater Study was guided by a Technical Advisory Committee comprised of City staff and other interested parties including representatives from local engineering firms, the Building Industry Association, Modesto Irrigation District and school districts, as well as effected City departments including Engineering & Transportation, Community Development, Recreation & Neighborhoods and Operations and Maintenance, and

WHEREAS, on February 16, 2000 the City directed Stantec, Inc. consultants to perform the Stormwater Basin Study, and

WHEREAS, the City of Modesto's NPDES permit requires that standards for stormwater discharge be met and said standards are addressed in the design standards manual, and

WHEREAS, City staff has initiated a General Plan Amendment for Dual-Use Flood Control/Recreation Facilities to encourage the development of Dual-Use Flood

Control/Recreation Facilities and guide their development and operation by requiring development pursuant to the Design Standards manual, and

WHEREAS, the extensive study of the development of dual-use flood control/recreation facilities prepared by Stantec Inc. has resulted in a "Design Standards for Dual Use Flood Control/Recreation Facilities" manual which contains standards and criteria for the development, operation and maintenance of dual-use facilities, and

WHEREAS, on December 4, 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 adoption of "Design Standards for Dual-Use Flood Control/Recreation Facilities" manual, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-60, recommending that the following revision be made to page 3-19 of the manual - the first and second bullets under Water Quality Storage Area would be combined to read:

> "Sediments accumulating within the low-flow path connecting the inflow and outflow structures within the basin floor shall be tested every three (3) years and scraped in accordance with the criteria established for sediment basins if it is determined that toxic levels are being approached for any pollutants. If scraping is required, the top ½" to 1" of materials should be removed from the stormwater detention facility and replaced with clean, native material. This material may be blended with other soils

and used as clean fill at other offsite locations, provided that concentrations of pollutants are adequately diluted."

and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on December 12, 2000, 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 adoption of the "Design Standards for Dual-Use Flood Control/Recreation Facilities" manual with the revision set forth in Planning Commission Resolution No. 2000-60 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed "Design Standards for Dual-Use Flood Control/Recreation Facilities" manual with the revision set forth in Planning Commission Resolution No. 2000-60 and quoted above is hereby adopted, a copy of which is on file in the City Clerk's Office.

CORRECTED 1/5/01

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Corrected 1-2-01

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November , 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-633

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN COMMUNITY FACILITIES OPEN SPACE AND PARKS AND STORM WATER SECTIONS TO ALLOW THE DEVELOPMENT OF DUAL USE FLOOD CONTROL/RECREATION FACILITIES AND ADOPTION OF DESIGN STANDARDS FOR THEIR DEVELOPMENT.

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, and 2000-303 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, City staff has initiated a General Plan Amendment for Dual-Use Flood Control/Recreation Facilities to allow the development of Dual-Use Flood Control/Recreation Facilities and the adoption of Design standards for their development, and

WHEREAS, the Adopted General Plan Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections text, does not prohibit the development of dual use flood control/recreation facilities but does not contain any guidance for their development, and

WHEREAS, the City of Modesto has had an extensive study of the development of dual-use flood control/recreation facilities prepared which has resulted in a "Design Standards for Dual Use Flood Control/Recreation Facilities" manual which contains standards and criteria for the development, operation and maintenance of such facilities, and

WHEREAS, City staff proposes that the Adopted General Plan Community Services and Facilities Chapter Open Space and Parks and Storm Water sections text be amended to guide the development of dual use flood control/recreation facilities as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, on December 4, 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 Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-62, recommending to the City Council an amendment to the Modesto Urban General Plan Community Facilities Open Space and Parks and Storm Water

Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 2000, 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 Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development, and

WHEREAS, after said public hearing, the Council agreed that the following revision be made to the proposed General Plan Amendment in order that all City stormwater drainage facilities are built as dual use facilities: the words "wherever feasible" should be removed to the proposed policy 3.e of the Community Services and Facilities Storm Water Drainage Policies,

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 Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 1-2-01

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 12th day of November , 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Urban Area General Plan Amendment Text Revisions
Dual Use Flood Control/Recreation Facilities

Description of the Amendment:

The requested amendment is to the Community Facilities – Open Space and Parks and Community Facilities – Storm Water components of the City of Modesto *Urban Area General Plan.* Additions are *italicized,* deletions are denoted by ~~strikeouts~~.

3. Storm Water Drainage Policies – Planned Urbanizing Area (page V-17)

   e. *Dual-use flood control/recreation facilities shall be developed ~~wherever feasible~~ (dual-use facilities) as part of the storm drainage system. Dual-use facilities maximize efficient use of land and funds by satisfying needs for water quality, flood control, recreation and aesthetics within a single consolidated facility.*

   f. *Dual-use facilities shall be designed and constructed in accordance with the standards in the "Design Standards for Dual Use Flood Control/Recreation Facilities" manual.*

3. Open Space and Parks Policies – Planned Urbanizing Area (pages V-21 & V-22)

   e) *Dual-use flood control/recreation facilities shall be developed wherever feasible.* Only acreage owned or otherwise controlled exclusively by the City in perpetuity ~~and planned to be developed and operated for the express and primary purpose of providing recreation facilities as set forth in the Neighborhood and Community Park policies and standards outlined in the General Plan~~ will count toward minimum acreage standards. *Park acreage credit for dual-use facilities shall be calculated in accordance with the standards and criteria contained in the "Design Standards for Dual Use Flood Control/Recreation Facilities" manual.* ~~Acreage dedicated or developed for other purposes such as trails and drainage systems do not count toward minimum park acreage requirements~~. In contrast to the Baseline Developed area, School District open space does NOT count towards minimum park acreage requirements within the Planned Urbanizing Area.

   The City recognizes the community benefits of dual use flood control/recreation facilities (dual-use facilities) in that these facilities:

   1)Reduce the total acreage purchased for stormwater detention.
   2) Allow and encourage maximum recreational uses of detention lands.
   3) Allow for periodic stormwater detention storage without significantly disrupting park uses.
   4) Augment park facilities available to the local community.
   5) Maximize public use of available open space.

   f) Dual-use facilities shall be designed and constructed in accordance with the standards and criteria contained in the "Design Standards for Dual Use Flood Control/Recreation Facilities" manual.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-634

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION (SCH #2000102031) FOR AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO ALLOW DUAL-USE FLOOD CONTROL/RECREATION FACILITIES IN THE MODESTO URBAN AREA AND ADOPTION OF DESIGN STANDARDS FOR THEIR DEVELOPMENT.

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 Adopted General Plan Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections text does not prohibit the development of dual use flood control/recreation facilities but does not contain any guidance for their development, and

WHEREAS, City staff has proposed an amendment to the Modesto Urban Area General Plan revising the General Plan Community Services and Facilities Chapter Storm Water and Open Space and parks sections to encourage and provide guidance for the development of co-located dual-use flood control/recreation facilities in the Modesto urban Area and to allow them to count towards minimum open space and parks acreage standards, 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 prepared an Initial Study leading to a Mitigated Negative Declaration (SCH #2000102031 which reviewed the proposed subsequent project to the City's General Plan Master EIR, the Initial Study identified an additional significant environmental effect that was not analyzed in the Master EIR in terms of Water Quality and Generation of Hazardous Materials, and

WHEREAS, feasible mitigation measures were incorporated to revise the subsequent project before the Initial Study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effect on the environment will occur, and

WHEREAS, Government Code Section 21175.5 permits the adoption of Mitigated Negative Declarations, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA NO. CDD 2000-58, which determined that a Mitigated Negative Declaration should be adopted for the proposed project under the General Plan Master Environmental Impact Report (SCH #92052017),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared for the proposed project, a copy of which is on file in the City Clerk's

Office, and based on the substantial evidence included in said Initial Study/Mitigated Negative Declaration makes the following findings:

1. An Initial Study, prepared pursuant to CEQA Section 21157.1, has identified an additional significant environmental effect that was not analyzed in the General Plan Master EIR. This additional significant effect is potential impacts to Water Quality and/or Generation of Hazardous Materials.

   Impact:

   Water Quality:

   a. Violation of water quality standards or waste discharge requirements.

   b. Otherwise, substantially degrade water quality.

   Generation of Hazardous Materials:

   a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

   b. Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

2. Feasible mitigation measures were incorporated to revise the subsequent project before the Negative Declaration and Initial Study was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

   The City's Operation and Maintenance, Recreation and Neighborhoods, and Engineering and Transportation Departments reviewed the proposed project and determined the mitigation measures below will address the identified impacts and provide an acceptable level of service.

Following Public Review, suggested technical revisions were made to the mitigation document to clarify and amplify the efficiency of the mitigation. Therefore, the revised mitigation will avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

Mitigation:

When a Dual-Use flood control/recreation facility is proposed for development, the following language shall be included in the Design and Development Report and Master Plan for the park or open space it is to be co-located with:

> "This dual-use facility shall be developed, operated and maintained as set forth in the document titled "Design Standards for Dual-Use Flood Control/ Recreation Facilities", as adopted by the Modesto City Council".

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise 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, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 21157.5 et seq. for the proposed Dual-Use Flood Control/Recreation Facilities General Plan Amendment.

5. Although the proposed project could have a 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. A MITIGATED NEGATIVE DECLARATION will therefore be adopted.

6. The cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. This project proposes development of parks and open space uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Plan. Based on the incorporation of the "Design Standards for Dual Use Flood Control/Recreation Facilities" prepared for adoption with the General

Plan Amendment, the City's Operation and Maintenance, Recreation and Neighborhoods, and Engineering and Transportation Departments have determined that the impacts from this project with mitigation applied will achieve the level of service consistent with the Modesto Urban Area General Plan and Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

7. As required by CEQA Section 21081.6 et seq., a mitigation monitoring program will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

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.

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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 1-2-01

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November , 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Clerk 20

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-635

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(544). (DON AND ANNETTE BAKER)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Don and Annette Baker on September 11, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(544), to allow for a professional office building and off-street parking areas, property located on the east side of Coffee Road south of East Orangeburg Avenue at 1332 Coffee Road, described as follows:

R-1 to P-D(544)

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:

Beginning at the Northwestern corner of said Lot 12; thence along the Northern line of said Lot 42, North 89° 54' East, 436.0 feet; thence South 0° 27' East, 30.0 feet, to a point on the Southerly line of East Orangeburg Avenue, also being the Northwesterly corner of Parcel B as shown on that map filed in the office of the Recorder of Stanislaus County, State of California, on January 21, 1974, in Book 18 of Parcel Maps at Page 49; thence continuing along the Northwesterly line of said Parcel B, South 0° 27' East, 229.2 feet; thence leaving said parcel line, South 89° 54' West, 80 feet to a point being the TRUE POINT of BEGINNING; thence continuing South 89° 54' West, 311 feet, to a point on the west line of 90 foot Coffee Road; thence North 0° 27' West, 79.2 feet, along said Coffee Road; thence leaving said Coffee Road, North 89° 54' East, 311 feet; thence South 0° 27' East, 79.2 feet, to the True Point of Beginning;

Including also the Easterly half of 90 foot Coffee Road, all being immediately adjacent to the above-described properties.

and

WHEREAS, after a public hearing held on November 6, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-53, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the conditions of approval of the planned development zone will tend to ensure compatibility of this professional office development with surrounding residential and commercial land uses.

2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 2000, in the Tenth Street Place Chambers located at 1010 10th 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 Don and Annette Baker 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. 2000-53 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3198-C.S. on the 12th day of December, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(544).

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(544), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Coffee Road Professional Building" as amended in red, stamped approved by the City Council on December 12, 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 that portion of the north and east property lines adjacent to residential uses. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. A six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16-foot on centers, or a stucco wall with masonry pilasters at 16-foot on centers, or a masonry wall adjacent to the residentially-zoned parcels is are to be provided along a portion of the north property line and along the entire east property line.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. 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 south substantially as shown in red on the plot plan.

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.

8. 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 Public Works and Transportation Director.

9. All signs shall comply with the sign requirements of the P-O 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(544):

The entire construction program be accomplished in one phase, construction to begin on or before November 6, 2002, and completion to be not later than November 6, 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(544), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Planning Division

P-D RESOLUTION

1	Applicant
2	Attorney
1	CDD - George Osner
1	E&T - Engineering Services
1	CDD - Building Inspection
1	Recreation & Neighborhoods - NPU - Virginia M.
1	E&T - Traffic
1	E&T - Const. Admin.
1	Recreation & Neighborhoods - Fred Allen
10	

Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-636

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(544), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD SOUTH OF EAST ORANGEBURG AVENUE AT 1332 COFFEE ROAD. (DON AND ANNETTE BAKER)

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, Don and Annette Baker have proposed that the zoning designation for the property located on the east side of Coffee Road south of East Orangeburg Avenue at 1332 Coffee Road, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(544), in the City of Modesto ("the project"), to allow for a professional office building and off-street parking 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 CDD 2000-67 reviewed the proposed amendment to the Zoning Map and rezone to P-D(544) 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(544) 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 12th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

EA/CDD 2000-67

City of Modesto
Initial Study

EA NO. CDD 2000-67

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from R-1 to P-D, property located on the east side of Coffee Road 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 Don and Annette Baker to Rezone From R-1 to P-D For Development of A Professional Office Building and Off-Street Parking Areas, Property Located on the East Side of Coffee Road South of East Orangeburg Avenue at 1332 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
1010 10th Street
Modesto, CA 95354
phone (209) 577-5282

D. Project Location:
County of Stanislaus, City of Modesto, on the east side of Coffee Road south of East Orangeburg Avenue, at 1332 Coffee Road

E. Project Sponsor:
Don and Annette Baker

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-1, Low Density Residential

H. Description of Proposed Project:

This is an application to rezone 0.57 of an acre, located on the east side of coffee road south of East Orangeburg Avenue, from R-1 to P-D for a professional office development. This project will including 5,698 square feet of building area and parking areas containing 21 parking spaces at build-out. The applicant proposes that the intial development of this prject will include a 4,998 square foot one-story office building and parking lot areas. A second phase of development will provide a 700 square foot detached storage structure located to the rear of the property. This storage structure will adhere to minimum setbacks from the side and rear property lines. This property is bordered by commercial development to the north and residential use to the east. The property immediately to the south is zone R-1, however, the property immediately south of it is zoned for professional office uses. Properties to the west across Coffee Road are currently zoned R-1.

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 professional office building and parking areas 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 commercial 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 professional office building and parking areas are 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 professional office building and parking areas are adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential and 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 P-D zone and resulting professional office building and parking areas 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 R-1 for residential uses. However, this portion of Coffee Road has been trending towards office development. The proposed P-D zone and resulting professional office 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 professional office building and parking areas 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 resulting professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas will not impact the Modesto School system, as the low intensity commercial use will not increase enrollment in the public schools beyond that which is projected for this commercial 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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

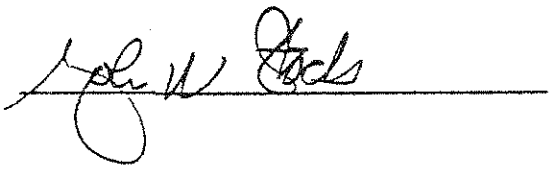
A. The proposed planned development zone for a professional office development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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: 

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-637

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2000 Local Law Enforcement Block Grant Program; and

WHEREAS, match for the Federal grant program is $29,942 and will be made from the Supplemental Law Enforcement Services Fund; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
To:	#0400-190-2980-5904	$299,416
	#0400-800-8000-8003	$(29,942)
Revenue:		
To:	#0400-190-2980-3506	$269,474

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 28th day of December, 2000, 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, Frohman, Friedman, Serpa, and Mayor Sabatino

NOES: Councilmembers:None

ABSENT: Councilmembers:Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-638

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET APPROPRIATING FUNDS FOR A FEDERAL GRANT MATCH

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2000 Local Law Enforcement Block Grant Program; and

WHEREAS, $50,000 of the awarded grant will be transferred to the Fire Department account to be spent on Arson Task Force equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:		
To:	#0400-700-7000-7010	$50,000
Revenue:		
To:	#0100-180-1822-3506	$50,000
	#0100-700-7000-7040	$50,000

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 28th day of December, 2000, 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, Frohman, Friedman, Serpa, and Mayor Sabatino

NOES: Councilmembers:None

ABSENT: Councilmembers:Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Clerk (2)

Print

RESCINDED
2-11-2003
THIS RESOLUTION WAS RESCINDED BY THE MODESTO CITY COUNCIL RESOLUTION NO. 2003-77

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-639

A RESOLUTION ESTABLISHING PASSENGER FARES FOR BUS SERVICE ON MODESTO AREA EXPRESS (MAX) AND BART EXPRESS SERVICE.

WHEREAS, on June 9, 1998, by motion, the City Council approved schedules and fares for Modesto Area Express (MAX) commuter services to connect Modesto with the Dublin/Pleasanton BART station and the Lathrop Altamont Commuter Express train station, and

WHEREAS, due to an increase in ridership and increasing costs of operation City staff is recommending the addition of one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station and increasing fares for this route, and

WHEREAS, the Transportation Policy Committee met on November 29, 2000, and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated December 1, 2000, from the Engineering and Transportation Director, City staff recommended to the Council accepting staff's recommendation of adding one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station and increasing fares for this route, and

WHEREAS, a duly noticed public hearing was held by the Council on December 12, 2000, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which public hearing all interested persons were given an opportunity

be heard relative to the proposal to add one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station and increase fares for this route,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the addition of one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the MAX BART Express operating between Modesto and the Dublin/Pleasanton Bart station:

1.	One-fourth Month	$26.00
2.	One-half Month	$50.00
3.	Three-fourths Month	$75.00
4.	Full Month	$98.00
5.	One-way	$8.00
6.	Round-trip	$10.00

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the above fees shall go into effect on and after February 1, 2001.

BE IT FURTHER RESOLVED that the addition of one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station shall become effective on February 2, 2001.

BE IT FURTHER RESOLVED that the motion of June 9, 1998, approving fares for the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station is hereby rescinded effective January 31, 2001, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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,

NOES: Councilmembers: Mayor Sabatino

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney's Office
1 - Finance Department
1 - E & T - Fred Cavanah

CORRECTED

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-640

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EIP ASSOCIATES TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE NORTHWEST BUSINESS PARK SPECIFIC PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EIP Associates to prepare a Focused Environmental Impact Report for the Northwest Business Park Specific Plan 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 12th day of December, 2000, 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, Serpa, Mayor Sabatino
NOES:	Councilmembers:	Frohman
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12-14-00/CityClerk/RBartholomew

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-641

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR FUNDING TO CONVENTION & VISITORS BUREAU FOR A PERIOD NOT-TO-EXCEED SIX MONTHS AT $20,416.69 PER MONTH

BE IT HEREBY 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 Convention & Visitors Bureau for a period not-to-exceed six months at $20,416.69 per month 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 12th day of December, 2000, 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, Mayor Sabatino
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

12-14-00/CityClerk/RBartholomew