

MODESTO CITY COUNCIL
RESOLUTION NO. 99-1

A RESOLUTION ACCEPTING THE BID OF K.J. WOODS CONSTRUCTION FOR THE PROJECT TITLED "PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS"

WHEREAS, the bids received for Prescott/Pelandale and Carver Sewer Subtrunks were opened at 11:00 a.m. on December 22, 1998, 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 \$378,000 from K.J. Woods 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 K. J. Woods 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 5th day of January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs & Fisher

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-2

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: AWARDING A CONTRACT FOR THE PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS PROJECT.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (" EIR") (SCH 96042009) for the WasteWater Master Plan, and

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

WHEREAS, the City's Community Development Department, by an Environmental Assessment Initial Study dated December 9, 1998, reviewed the proposed PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS PROJECT to determine whether the project is within the scope of the project covered by the WasteWater Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or

additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on January 5, 1999, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed PRESCOTT/PELANDALE AND CARVER SEWER SUBTRUNKS PROJECT to determine whether the project is within the scope of the project covered by the WasteWater Master EIR, 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, the Council makes the following findings:

1. That the proposed project is within the scope of the Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.
2. That the City is the lead agency identified in that report.
3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.
4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.
5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

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 5th day of January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-3

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM & SONS INC. FOR THE PROJECT TITLED "EFFLUENT AND DRAINAGE HEADWALL"

WHEREAS, the bids received for Effluent and Drainage Headwall" were opened at 11:00 a.m. on December 15, 1998, 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 \$68,400 from Cunningham & Sons Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cunningham & Sons 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 5th day of January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-4

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$49,500 TO
FULLY FUND EFFLUENT AND DRAINAGE HEADWALL PROJECT

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

FROM: 621-480-H011 6040; \$49,500
Co-Compost Facility Exit Road

TO: 621-480-E540 6040; \$49,500
Drainage Ditch Bulkhead

Sufficient funds were not identified in the CIP document. The transfer is
required 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 January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-5

A RESOLUTION ACCEPTING THE BID OF WICKUM CONSTRUCTION FOR THE
PROJECT TITLED "1998 STORM DRAIN REPAIRS"

WHEREAS, the bids received for 1998 Storm Drain Repairs were opened at
11:00 a.m. on December 8, 1998, 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 \$138,555 from Wickum 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 Wickum 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 5th day of January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-6

A RESOLUTION ACCEPTING THE PROJECT TITLED "CANNERY
SEGREGATION PIPELINE SECTION I" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Cannery Segregation Pipeline Section I, has been completed by T&S Construction Company Inc., in accordance with the contract agreement dated June 2, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Cannery Segregation Pipeline Section I 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 \$6,887,136 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 January, 1999, 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, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-7

A RESOLUTION REJECTING SPECIFICATION 9899-13 FOR BIOSOLIDS REMOVAL AT THE SECONDARY WASTEWATER TREATMENT PLANT, OPENED IN THE OFFICE OF THE CITY CLERK ON NOVEMBER 17, 1998, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, no bids were received for Specification 9899-13, Biosolids Removal at the Secondary Wastewater Treatment Plant at 11:00 a.m. on November 17, 1998.

WHEREAS, 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 Specification 9899-13 is hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Specification 9899-13-1, Biosolids Removal at the Secondary Wastewater Treatment Plant to be held at 11:00 a.m. on January 26, 1999, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-8

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT
BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL CARE INC. (E.C.I)
FOR EXTENSION OF GOLF COURSE MAINTENANCE SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an amendment to an agreement between the City of Modesto and Environmental Care Inc. (ECI) for Golf Course Maintenance Services to extend the termination date from January 15, 1999 to June 30, 1999 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 5th day of January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-9

A RESOLUTION APPROVING THE FINAL MAP OF THE
YOSEMITE MEADOWS UNIT NO. 3 SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, Lowe Development Company, a California General Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 2.26 acres, known as YOSEMITE MEADOWS UNIT NO. 3 SUBDIVISION ("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 April, 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 YOSEMITE MEADOWS 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, 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 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; that the improvements in said subdivision be accepted as completed; and that the

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1998, 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, 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
MICHAEL D. MILICH, City Attorney

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.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-10

A RESOLUTION APPROVING A PAYMENT FROM THE CITY OF MODESTO TO THE MODESTO IRRIGATION DISTRICT FOR UTILITY POLE RELOCATION IN THE BRIGGSMORE/COFFEE AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the payment from the City of Modesto to the Modesto Irrigation District for utility pole relocation in the Briggsmore/Coffee area be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said payment 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 January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-11

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$35,616 TO FULLY FUND THE UTILITY POLE RELOCATION ON THE COFFEE/BRIGGSMORE PROJECT

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

FROM: 141-430-F701 6040; \$35,616

TO: 141-430-F698-6020; \$35,616

A deposit to the Modesto Irrigation District was made for utility pole relocation on the Coffee/Briggsmore project. At the end of construction, additional costs were incurred by M.I.D. to complete the relocation of all poles. This transfer allows for the additional payment to be made to M.I.D. from project savings on the Yosemite/Norseman and Claus/Yosemite project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-12

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$120,000 TO FULLY FUND ADDITIONAL ROCKWELL REJUVENATION WORK DURING THE CURRENT FISCAL YEAR

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

FROM: 628-480-K013-6040; \$75,000
628-440-K766-6040; \$45,000

TO: 628-480-5312-0360; \$45,000
628-480-5312-0235; \$75,000

Funding to provide for additional rockwell rejuvenation work to be done under existing contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-13

A RESOLUTION CANVASSING THE RESULTS OF THE DECEMBER 22, 1998, 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 (TERRITORY WITHIN THE VILLAGE ONE AREA).

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 declared its intention, by its Resolution of Intention to Annex No. 98-591, adopted November 10, 1998, 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 8 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 Exhibits B and C hereto, respectively, and by this reference incorporated herein, and to set a hearing thereon for December 15, 1998, and

WHEREAS, at the conclusion of the public hearing, the Council did, on December 15, 1998, adopt its Resolution No. 98-678, 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 December 22, 1998, (the "Election"), and

WHEREAS, on December 22, 1998, 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 D, 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 5th day of January, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

EXHIBIT A

RATE, METHOD OF APPORTIONMENT AND
MANNER OF COLLECTION OF SPECIAL TAX

IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

“Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

“Developed Property” means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

“Facilities Special Tax” means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

“Final Subdivision Map” means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term “Final Subdivision Map” shall not include any Assessor’s Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor’s Parcels that are designated as a remainder parcel.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Gross Acreage” means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan #8*, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor’s Map.

“Industrial Property” means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

“Land Use Class” means any of the five classes listed in Table 1 and Table 2 below.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum-Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

- Step 4:** Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.
- Step 5:** Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.
- Step 6:** Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

- Step 1:** Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.
- Step 2:** Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.
- Step 3:** Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

CFD NO. 1996-1 (VILLAGE ONE)
Public Report - Mello Roos Community Facilities Act of 1982

Table 1
Per-Acre Special Tax to be Used in
Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,715 per Gross Acre
2	Village Residential	\$29,479 per Gross Acre
3	Multi-Family Residential	\$76,394 per Gross Acre
4	Commercial	\$86,616 per Gross Acre
5	Industrial	\$40,564 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	\$112.43 per lot
2	Village Residential	\$112.43 per lot
3	Multi-Family Residential	\$ 72.99 per unit
4	Commercial	\$394.30 per Gross Acre
5	Industrial	\$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

EXHIBIT B

DESCRIPTION OF FACILITIES

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.
2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

**Street parkways includes median and roadside landscape and hardscape.*

EXHIBIT C

DESCRIPTION OF SERVICES

Operations and maintenance of "parks, parkways and open space," pursuant to Section 53313(d) of the Act, including street landscaping and trails, to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

EXHIBIT D

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-678, the Resolution calling for the Election, adopted on December 15, 1998 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1(2) on December 22, 1998, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on October 8, 1996, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1(2) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 148.2 NO 0

Dated: December 23, 1998

Jean Zahr
JEAN ZAHR
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 99-14

A RESOLUTION APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MOTOR COACH INDUSTRIES (M.C.I.) FOR THE PURCHASE OF ONE M.C.I. COMMUTER COACH FOR USE ON THE BART EXPRESS ROUTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the purchase agreement between the City of Modesto and Motor Coach Industries for the purchase of one M.C.I. commuter coach for use on the Bart Express in the amount of \$354,242 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said purchase 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 January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-15

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LAKETRAN TRANSIT AGENCY FOR PURCHASE OF ONE COMMUTER COACH THROUGH LAKETRAN'S CONTRACT WITH MOTOR COACH INDUSTRIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Laketran Transit Agency for purchase of one commuter coach through Laketran's contract with Motor Coach Industries 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 January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-16**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
INCREASE PROJECT COSTS, ESTIMATE NEW FEDERAL REVENUES AND
APPROPRIATE FUNDS FROM THE CFF TRANSIT CONTINGENCY RESERVE**

WHEREAS, the Capital Improvement Program currently includes \$280,000 for the purchase of a bus for the BART EXPRESS service with total project cost estimated at \$400,000; and

WHEREAS, the Federal Transit Administration (FTA) has already approved a grant to cover 83% (\$232,400) of the project cost which will be matched by \$47,600 of Local Transportation Funds; and

WHEREAS, the CIP budget must be increased by \$120,000 to provide sufficient funds for the purchase of the bus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<u>Expenditures</u>		
#651-160-K813-6070	Commuter Bus for BART Service	\$120,000
<u>Revenue</u>		
#651-510-9510-3607	Federal Funding CMAQ-CIP	\$106,236
#651-700-7000-9142	Transfer In from CFF Transit Fund	13,764
#142-700-7000-7651		13,764
#142-800-8000-8003		(13,764)

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 January, 1999, 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, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-17

A RESOLUTION APPOINTING CLEOPATHIA MOORE AND MARTHA GRIFFITH
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. Cleopathia Moore and Martha Griffith are hereby appointed to the
Citizens Housing and Community Development Committee, each with a term expiration
of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-18

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND ATMOSPHERICS INC. FOR USE OF A SMALL PARCEL OF
LAND AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Atmospherics Inc. for use of a small parcel
of land at the Airport for weather equipment 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 January, 1999, by Councilmember Dobbs,
who moved its adoption, which motion being duly seconded by Councilmember
Friedman, 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, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-19**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
ALLOCATE FUNDS FROM THE GENERAL FUND**

WHEREAS, the City Council authorized the cable grant program in 1988 and to date, 14 grantees, producing more than 20 community television programs, have been funded; and

WHEREAS, with current funds almost expended, additional money is necessary to continue the program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #010-800-8000-8003	\$(10,000)
Acct #010-020-0201-0235	\$ 10,000

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 January, 1999, 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 votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHIR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

5

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-20

A RESOLUTION ADOPTING THE CITIZEN
PARTICIPATION PLAN AND THE CITIZEN
PARTICIPATION CALENDAR OF EVENTS.

WHEREAS, the Housing and Neighborhoods Division of the Community Development Department prepared an agenda report dated December 29, 1998, recommending to the City Council the adoption of the Citizen Participation Plan and the Citizen Participation Calendar of Events for the Development of the FY 1999-2000 Annual Action Plan, and

WHEREAS, a copy of said Citizen Participation Plan, dated December 1998, and said Citizen Participation Calendar of Events are on file in the Office of the City Clerk, and

WHEREAS, at its meeting held on January 12, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby adopt the Citizen Participation Plan and the Citizen Participation Calendar of Events for the Development of the FY 1999-2000 Annual Action Plan, copies of which are 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 January, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-21

A RESOLUTION AUTHORIZING ZERO-INTEREST, 50-YEAR DEFERRED DOWNPAYMENT ASSISTANCE PROGRAM (DAP) LOANS FOR SELF-HELP HOUSING PROGRAM PARTICIPANTS.

WHEREAS, pursuant to an agenda report dated December 30, 1998, the Community Development Department/Housing & Neighborhood, recommended to the City Council the approval of zero-interest, 50-year deferred Downpayment Assistance Program (DAP) loans for self-help housing program participants, and

WHEREAS, said recommendation was approved by the Community Development and Housing Committee on December 7, 1998, and

WHEREAS, a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, on January 12, 1999, the Council considered said recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council, as recommended, hereby approves zero-interest, 50-year deferred Downpayment Assistance Program (DAP) loans for self-help housing program participants.

BE IT FURTHER RESOLVED that such DAP loans shall become due immediately if the borrower sells, refinances, transfers, or no longer occupies the property as their principal residence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO.99-22

A RESOLUTION RESTRUCTURING AN APPLICATION FEE
FOR OUTSIDE TESTING COSTS FOR FIREFIGHTER
TRAINEE APPLICANTS.

WHEREAS, on February 4, 1997, by Resolution No. 97-54 the City Council adopted an application processing fee in the amount of \$12.50 for all Firefighter Trainee applicants, and

WHEREAS, based on recent legislation effective January 1, 1999, employers are prohibited from charging an application processing fee to any candidate, and

WHEREAS, while there is still legal debate whether this amendment to the State Labor Code is applicable to local government, staff is erring on the side of caution, and

WHEREAS, this law will still allow employers to seek recovery of out-of-pocket costs from candidates for actual services such as testing, and

WHEREAS, City staff recommends restructuring the \$12.50 application fee to a \$12.50 fee for out-of-pocket costs related to testing, including test rental, test measurement tools and room rental, to be paid by each candidate invited to the written exam, and

WHEREAS, the proposed fee has been reviewed and approved by the City's Financial Policy Committee on January 21, 1997, the Fees Task Force on April 1, 1998, and the Public Safety Committee on December 9, 1998.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that restructuring the \$12.50 application fee to a \$12.50 fee is hereby approved to

cover out-of-pocket costs relating to testing, primarily test rental, test measurement tools and room rental for all Firefighter Trainee applicants.

BE IT FURTHER RESOLVED that a provision for hardship shall be allowed in the event an applicant certifies that the \$12.50 fee would prevent the applicant from submitting an application and for competing for the position.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs, Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99-23

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 classifications:

Firefighter

Firefighter Trainee

The job specifications for the classifications of Firefighter and Firefighter Trainee, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 5, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
NO. 7210
NO. 7215

JANUARY, 1999

FIREFIGHTER
FIREFIGHTER TRAINEE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To respond to fire alarms, medical emergency and other calls to protect life and property; and to participate in fire prevention, training and station and equipment maintenance activities.

DISTINGUISHING CHARACTERISTICS

Firefighter Trainee - This is the entry level class in the Firefighter series. Employees at this level are not expected to perform with the same independence of direction and judgement on matters related to established procedures and guidelines as are positions allocated to the journey level. Since this class is typically used as a training class, employees may have only limited or no directly related fire suppression work experience. Employees work under general supervision while learning job tasks and are expected to be performing at the journey level within prescribed time frames.

Firefighter - This is the full journey level class within the professional Firefighter series. Employees within this class are distinguished from the Firefighter Trainee by the performance of the full range of duties as assigned. Employees at this level receive instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the Firefighter Trainee level.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Essential Functions: (Continued)

Clean apparatus and equipment and perform general custodial duties as required.

Assist in maintaining prefire plans; update maps as required.

Respond to public complaints regarding weed abatement and fire and safety hazards.

Issue bicycle licenses.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

FIREFIGHTER TRAINEE

Ability to:

Learn to understand and act in accordance with departmental policies, rules, and instructions in the field of fire fighting.

Learn to apply fire fighting and medical techniques and procedures.

Demonstrate mechanical aptitude as required in the operation of fire fighting equipment.

Learn the layout of the City's water main system and street numbering system.

Retain presence of mind in emergency situations.

Think and act quickly and effectively in emergencies.

Understand and follow oral and written directions promptly and accurately.

Perform occasional heavy lifting up to 100 lbs. and physical maneuvering.

License or Certificate - (Continued)

Firefighter Trainee

Possession of a Firefighter I Certificate OR graduation from a Firefighter I academy certified by the State Fire Marshal's Office OR the completion of 15 semester units of college coursework in Fire Science "major" courses.

Possession of an appropriate, valid California Driver's License.

FIREFIGHTER

In addition to the qualifications required for Firefighter Trainee:

Knowledge of:

Principles, practices, and procedures of modern firefighting.

Fire apparatus, equipment, tools, devices, facilities and their proper use.

Basic principles of hydraulics relating to fire equipment.

Safe driving practices.

Advanced first aid, C.P.R. and other medical assistance techniques.

Ability to:

Analyze fire and emergency situations and adopt effective courses of action.

Maintain and test fire sprinkler systems and fire hydrants.

Operate and maintain voice radio equipment.

Safely remove victims from buildings and automobiles.

Shall pass all required oral, manipulative, and written exams for Firefighter.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for bodily mobility to operate and crawl in restricted space; walk, stand, or sit for prolonged periods of time; operate motorized equipment and vehicles; and the ability to work in hot and humid environments while wearing firefighting equipment which may inhibit all necessary senses.

P. Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-24

A RESOLUTION ADOPTING FINDINGS TO ENABLE THE CITY OF MODESTO TO GRANT AN EXEMPTION TO THE CITIZENS OF STANISLAUS COUNTY FROM THE RANDOM SELECTION PROCESS FOR FIREFIGHTER TRAINEE RECRUITMENT.

WHEREAS, in order to give preference to local residents in Stanislaus County, City staff is recommending that an exemption be granted to the citizens of Stanislaus County from the random selection process for Firefighter Trainee recruitment, and

WHEREAS, said exemption would include any candidate with a residence in Stanislaus County as defined by zip code, and

WHEREAS, a statement of Findings to enable the City of Modesto to grant an exemption to the citizens of Stanislaus County from the random selection process for Firefighter Trainee recruitment is attached hereto as Exhibit "A" and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves said Findings, as set forth in Exhibit "A" attached hereto and incorporated herein by reference, to enable the City of Modesto to grant an exemption to the citizens of Stanislaus County from the random selection process for Firefighter Trainee recruitment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-25

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 29-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO COMMERCIAL INDUSTRIAL ZONE, C-M, PROPERTY LOCATED ON THE EASTERN SIDE OF 6TH STREET BETWEEN "L" AND "M" STREETS. (TIMOTHY RAGSDALE)

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, Timothy C. Ragsdale has proposed that the zoning designation for the property located on the eastern side of 6th Street between "L" and "M" Streets, be amended to rezone from General Commercial Zone, C-2, to Commercial Industrial Zone, C-M, 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-98-48, reviewed the proposed amendment to the

Zoning Map to rezone from General Commercial Zone, C-2, to Commercial Industrial Zone C-M, property located on the eastern side of 6th Street between "L" and "M" Streets 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 to rezone from General Commercial Zone, C-2, to Commercial Industrial Zone C-M, property located on the eastern side of 6th Street between "L" and "M" Streets, the project, 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 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 January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

**City of Modesto
Initial Study**

EA NO. CDD 98-48

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from C-2 to C-M, Commercial-Industrial Zone. 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 Timothy C. Ragsdale to Rezone From C-2 to C-M, Commercial-Industrial Zone, Property Located on the East Side of 6th Street Between "L" and "M" Streets
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
John W. Stack
801 H Street
Modesto, CA 95354
phone (209) 522-5282
- D. Project Location:
East side of 6th Street between "L" and "M" Streets
- E. Project Sponsor, address and phone number:
Timothy C. Ragsdale
1215 7th Street
Modesto, CA 95354
Phone (209) 526-3785
- F. General Plan Designation:
(RPD) Redevelopment Planning District, for (ICP)
Industrial/Commercial/Public Uses

- G. Zoning:
Existing: C-2, General Commercial
- H. Description of Proposed Project:
This is an application to rezone 1.28 acres from C-2 to C-M, property located on the east side of 6th between "L" and "M" Streets. 6th Street acts a frontage road to Freeway 99. This application consists of six parcels of which four are vacant. The parcel at the corner of 6th and "L" streets is developed with a service station and the corner of 6th and "M" Street is developed with the American Red Cross building. The proposed area to be rezoned is separated from the C-M zone by "M" Street to the north and an alley to the east. The area to the south across "L" Street is zoned C-2 and the Freeway is zone C-2. The applicant has shared with staff that he intends to utilize the requested C-M zone to construct a combination office/shop/warehouse building use.
- I. Surrounding land uses:
See H. above
- J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR 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 existing General Commercial Zone uses and proposed Commercial-Industrial Zone uses have potential to generate similar traffic counts, therefore the rezoning and resulting development of the subject property should not contribute to the traffic in the area. A site traffic mitigation study was not required for the proposed change in use of this property. The proposed rezoning 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 zone change and development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

The proposed zone change and development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and commercial/industrial 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/industrial 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 zone change and 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 for C-2 uses. The requested rezoning will allow C-M Zone uses. This property is also within an area designated (RPD) Redevelopment Planning District, for (ICP) Industrial/Commercial/Public Uses 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 zone change and 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 proposed zone change and 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 proposed zone change and 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**
This zone change and 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.
- I. **Drainage, Flooding and Water Quality**
The proposed zone change and development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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 zone change and development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.
- K. **Increased Demand for Parks and Open Space**
This proposed zone change and development 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 zone change and development will not impact the Modesto School system, as these commercial facilities will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for

the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. Increased Demand for Police Services

This proposed zone change and development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This proposed zone change and development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is located approximately one-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 zone change and 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 zone change and 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 zone change and 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

This zone change and 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.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from C-2 to C-M for a commercial/industrial uses is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).
- B. The proposed rezoning and 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.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- D. There are no specific features unique to this rezoning 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: _____



EA RESOLUTION

- 1 Attorney
- 1 CDD - Construction Administration
- 1 Initiating Department - Attention: Person's Name in Charge of the Project
- 3

Check 10

MODESTO CITY COUNCIL
RESOLUTION NO. 99-26

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 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(533), PROPERTY LOCATED AT 523 MARTIN LUTHER KING DRIVE ON THE NORTHWEST CORNER OF MARTIN LUTHER KING DRIVE AND VINE STREET TO ALLOW A CLINIC FOR MEDICAL AMBASSADORS INTERNATIONAL. (JAMES D. GROTHE)

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, James D. Grothe has proposed that the zoning designation for the property located at 523 Martin Luther King Drive on the northwest corner of Martin Luther King Drive and Vine Street, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(533), in the City of Modesto ("the project"), to allow conversion of a dwelling for a clinic for Medical Ambassadors International, 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 98-51 reviewed the proposed amendment to the Zoning Map and rezone to P-D(533) 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(533) 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 January, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

EA NO. CDD 98-51

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from R-2 to P-D, Planned Development Zone. 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 J. D. Grothe to Rezone From R-1 to P-D, Planned Development Zone, Property Located on the Northwest Corner of Martin Luther King Drive and Vine Street
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Robert S. Cannell
801 H Street
Modesto, CA 95354
phone (209) 522-5282
- D. Project Location:
Within the County of Stanislaus, City of Modesto, on the northeast corner of Martin Luther King Drive and Vine Street at 523 North Martin Luther King Drive
- E. Project Sponsor, address and phone number:
James D. Grothe, Grothe and Smith Architects
1029 16th Street
Modesto, CA 95354
Phone (209) 578-0636
- F. General Plan Designation:
(R) Residential

G. Zoning:
Existing: R-1, Low Density Residential

H. Description of Proposed Project:
This is an application to rezone property at the northwest corner of North Martin Luther King Drive and Vine Street from Low Density Residential Zone to Planned Development Zone to allow utilization of the dwelling/residential care home on the property for a medical facility. Use of this 1,588 square foot structure for the proposed use will generate a parking requirement of eight (8) spaces. Since there is no off-street parking proposed for this use, the code technically would require only six spaces, the two spaces for the house being subtracted from the total number. The applicant proposes to provide no off-street parking with project.

I. Surrounding land uses:
Surrounding uses include a small legal nonconforming food store to the north, undeveloped senior housing complex to the west, residential uses to the east, and a city park with community service center to the south.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. **Traffic and Circulation**

The existing structure is approved and used as a residential care home for children. This proposal will allow a nonprofit community service use providing medical assistance not unlike community services provided by the adjacent King Kennedy community service center and the use will generate a requirement of only (6) six parking spaces. Any traffic generated by this use will be relatively insignificant and comparable to adjacent uses. Therefore the rezoning and resulting use of the subject property should not contribute to the traffic in the area. A site traffic mitigation study was not required for the proposed change in use of this property. The proposed rezoning 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 zone change and use 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 zone change and use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of 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 community service 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 zone change and use 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 for R-1 uses. The requested rezoning will allow a Planned Development Zone for community service uses. This property is also within an area designated (R) Residential Uses 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 zone change and use 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 zone change and use 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 zone change and use is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This zone change and use 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 zone change and use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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 zone change and use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This proposed zone change and use 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 zone change and use will not impact the Modesto School system, as this community service facility will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. Increased Demand for Police Services

This proposed zone change and use will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This proposed zone change and use will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is located approximately one-eight 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 zone change and use 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 zone change and 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

The zone change and 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 zone change and 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, 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 rezoning from R-1 to P-D for medical clinic uses is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).
- B. The proposed rezoning and resulting occupancy will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- D. There are no specific features unique to this rezoning 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: Robert S. Cannell

ATTN:
City of San Diego
City Planning Department

MODESTO CITY COUNCIL
RESOLUTION NO. 99-26A

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(533). (JAMES
D. GROTHE)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by James D. Grothe on October 12, 1998, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(533), to allow conversion of a dwelling to a clinic for Medical Ambassadors International, property located at 523 Martin Luther King Drive on the northwest corner of Martin Luther King Drive and Vine Street, described as follows:

R-1 to P-D(533)

All that Certain real property situate in a portion of the Northeast one-quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, described as follows:

Being a portion of the South half of Lot 9 of Spencer Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 16, 1904 in Volume 2 of Maps, at Page 3, described as follows:

The east 149.08 feet of the South 209 feet of said Lot 9 excepting therefrom the South 130 feet of the above described property.

and

WHEREAS, after a public hearing held on December 7, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-70, that rezoning of the

corrected 2-5-99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-26A

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(533). (JAMES
D. GROTHE)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by James D. Grothe on October 12, 1998, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(533), to allow conversion of a dwelling to a clinic for Medical Ambassadors International, property located at 523 Martin Luther King Drive on the northwest corner of Martin Luther King Drive and Vine Street, described as follows:

R-1 to P-D(533)

All that Certain real property situate in a portion of the Northeast one-quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, described as follows:

Being a portion of the South half of Lot 9 of Spencer Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 16, 1904 in Volume 2 of Maps, at Page 3, described as follows:

The east 149.08 feet of the South 253 feet of said Lot 9 excepting therefrom the South 174 feet of the above described property.

and

WHEREAS, after a public hearing held on December 7, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-70, that rezoning of the

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

1. The proposed P-D Zone will allow an occupancy that will provide much needed public services at an optimum location to meet area needs and will be compatible with adjoining land uses.
2. The proposed P-D Zone for occupancy of a dwelling as a clinic will generate relatively little requirement for off-street parking, a situation which is also partly mitigated by considerable parallel parking available in the immediate vicinity.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 12, 1999, in the City Council Chambers, City Hall, 801 11th 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 James D. Grothe 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. 98-70 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3117 -C.S. on the 12th day of January, 1999, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(533).

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(533), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Medical Clinic - Uncle Charlie's Home, 523 N. Martin Luther King Drive", as amended in red, stamped approved by the City Council on January 12, 1999.
2. Prior to the issuance of a building permit, a landscaping and irrigation Plan shall be approved by the Director of the Community Services and Neighborhood Connections Department. 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 a combination of six-foot-high chain link and six-foot-high board fences along the northern and western interior property lines as shown on the approved plan.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.
6. Trash cans shall be screened from view from any public street.
7. All signs shall comply with the sign requirements of the P-D Zone.
8. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(533):

The entire construction program be accomplished in one phase, construction to begin on or before December 7, 2000, and completion to be not later than December 7, 2001.

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(533), 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 January, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 99-27

A RESOLUTION DECLARING THE BUILDINGS
AND STRUCTURES LOCATED AT 406
COLORADO AVENUE A NUISANCE AND
DIRECTING THE OWNER(S) OF THE PROPERTY
TO ABATE THE NUISANCE WITHIN THIRTY (30)
DAYS.

WHEREAS, Terry and Douglas Guiles became the owner(s) of property located
at 406 Colorado Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to
collectively as the "premises", upon the death of the previous owner(s), and

WHEREAS, the premises at 406 Colorado Avenue consists of a house, a
detached garage, and a detached shop building, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by
the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all
provisions of the Housing Code including authority to inspect any building intended or designed
for human habitation and order that any such building determined to be substandard under the
Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance
by repair or demolition, and

WHEREAS, the property has been abandoned for several years and was recently
boarded up and secured by the City, and

WHEREAS, in 1988, an inspection was conducted as part of the mandatory
inspection program in the Housing & Neighborhood target area, and

WHEREAS, no work was performed to repair the property, the property owner

died and passed the property on to her heirs, and

WHEREAS, on January 19, 1996, the Notice and Order to Repair or Demolish requiring repairs on the property was reissued to owner(s), Terry and Douglas Guiles, by the Chief Building Official to repair or demolish the substandard structures located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within thirty-five (35) days from the date of the Notice and Order, and

WHEREAS, on September 30, 1996, a Notice of Intent to abate a public nuisance was issued to the owner(s), and

WHEREAS, the owner(s) have remained nonresponsive and noncompliant, and

WHEREAS, a Notice and Order dated January 19, 1996, was mailed by certified mail, postage prepaid, return receipt requested to record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order, and

WHEREAS, the owner(s) of said premises have failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the record owner(s) have failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public

nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and

WHEREAS, the owner(s) have been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on December 31, 1998, and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fail to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, January 12, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 406 Colorado Avenue, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine

whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

as follows:

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises at 406 Colorado Avenue are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code and Housing Code of the City of Modesto Sections 202 and 1001.4.
2. That the owner(s) of record have failed to appeal from the Notice and Order to Repair or Demolish dated January 19, 1996, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto .
3. That the owner(s) of the premises have failed to secure required building permits and physically commence work within thirty-five (35) days from the date of the Notice and Order to Demolish dated January 19, 1996.
4. That the owner(s) of record have failed to make a timely choice of repair or demolition.
5. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.
6. That the premises are declared a public nuisance, and it is hereby ordered that the structure be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.
7. That the record owner(s) of the premises are hereby ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on him.

8. The Chief Building Official of the City of Modesto, or a licensed contractor hired by him, to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the record owners of the premises.
9. The Chief Building Official of the City of Modesto is hereby ordered to keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the record owner(s) in accordance with 25 California Code of Regulations Section 70.
10. That in the event the property owner(s) fail to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of abatement costs are not paid by property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 99-27, declaring a nuisance and directing

abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 99-27, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

Check
13

MODESTO CITY COUNCIL
RESOLUTION NO. 99-28

A RESOLUTION DECLARING THE BUILDINGS
AND STRUCTURES LOCATED AT 2716, 2804 AND
2812 OAKDALE ROAD A NUISANCE AND
DIRECTING THE OWNER(S) OF THE PROPERTY
TO ABATE THE NUISANCE WITHIN THIRTY (30)
DAYS.

WHEREAS, Hashem Naraghi is the owner(s) of property located at 2716, 2804,
and 2812 Oakdale Road, in the City of Modesto, County of Stanislaus, hereinafter referred to
collectively as the "premises", and

WHEREAS, the premises at 2716, 2804, and 2812 Oakdale Road consist of three
separate single-family dwellings on one parcel, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by
the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all
provisions of the Housing Code including authority to inspect any building intended or designed
for human habitation and order that any such building determined to be substandard under the
Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance
by repair or demolition, and

WHEREAS, on November 19, 1998, a Notice and Order for repair was issued to
the owner(s) for each dwelling, and

WHEREAS, the Notice and Order for each dwelling required the owner(s) to
immediately secure and maintain the dwelling and lot, commence work within ten (10) days, and
complete repairs by January 15, 1999, and

WHEREAS, the dwellings have been open and unsecured for the past year, and
WHEREAS, there have been three fires at the site since June, 1998, and
WHEREAS, to date, no visible work has been done on the site, and
WHEREAS, said Notice and Order dated November 19, 1998, was mailed by
certified mail, postage prepaid, return receipt requested to record owner(s) and the holder of the
deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records,
pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Substandard and Dangerous Building
was recorded on December 7, 1998, with the Stanislaus County Recorder's Office confirming the
existence of substandard buildings and dwelling units on the premises pursuant to Section 1102
of the Uniform Housing Code, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of
November 19, 1998, and

WHEREAS, the owner(s) of said premises has failed to obtain building permits or
commence work within the time specified in said Notice and Order and, therefore, the owner is
now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the record owner(s) has failed to make a timely choice of repair or
demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public
nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and

WHEREAS, the owner(s) has been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on December 31, 1998, and has failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, January 12, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 2716, 2804, and 2812 Oakdale Road, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate

such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises at 2716, 2804, and 2812 Oakdale Road are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code and Housing Code of the City of Modesto Sections 202 and 1001.4.
2. That the owner(s) of record has failed to appeal from the Notice and Order to Repair or Demolish dated November 19, 1998, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto.
3. That the owner(s) of the premises has failed to secure required building permits and physically commence work within ten (10) days from the date of the Notice and Order to Demolish dated November 19, 1998.
4. That the owner(s) of record has failed to make a timely choice of repair or demolition.
5. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.
6. That the premises are declared a public nuisance, and it is hereby ordered that the structures be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.
7. That the record owner(s) of the premises is hereby ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on him.
8. The Chief Building Official of the City of Modesto, or a licensed contractor hired by him, to proceed to abate the public nuisance by

demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the record owner(s) of the premises.

9. The Chief Building Official of the City of Modesto is hereby ordered to keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the record owner(s) in accordance with 25 California Code of Regulations Section 70.
10. That in the event the property owner(s) fails to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of abatement costs are not paid by property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 99-28, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 99-28, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

14

MODESTO CITY COUNCIL
RESOLUTION NO. 99-29

A RESOLUTION DECLARING THE BUILDINGS
AND STRUCTURES LOCATED AT 736 SOUTH
SANTA CRUZ AVENUE A NUISANCE AND
DIRECTING THE OWNER(S) OF THE PROPERTY
TO ABATE THE NUISANCE WITHIN THIRTY (30)
DAYS.

WHEREAS, Steve Coggin and Ruth Cook are the owner(s) of property located at
736 South Santa Cruz Avenue in the City of Modesto, County of Stanislaus, hereinafter referred
to collectively as the "premises", and

WHEREAS, the premises at 736 South Santa Cruz Avenue consists of a single-
family residence and an enclosed carport, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by
the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all
provisions of the Housing Code including authority to inspect any building intended or designed
for human habitation and order that any such building determined to be substandard under the
Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance
by repair or demolition, and

WHEREAS, in 1996, a Notice and Order for repair was issued to the owner(s),
and

WHEREAS, the owner(s) have allowed the property to accumulate junk, and the
property has an uncontrolled weed problem, and

WHEREAS, there have been complaints from the neighborhood regarding the

property, and the owner(s) have been unresponsive, and

WHEREAS, the property has been boarded up and secured by the City, however, the premises continue to be a dumping ground, and

WHEREAS, both the house and the enclosed carport have numerous Housing Code violations that render them substandard, and

WHEREAS, a Notice and Order to Repair or Demolish dated March 28, 1996, was issued by the Chief Building Official to repair or demolish the substandard structures located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within sixty (60) days from the date of the Notice and Order, and

WHEREAS, said Notice and Order dated March 28, 1996, was mailed by certified mail, postage prepaid, return receipt requested to record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Substandard and Dangerous Building was recorded on April 8, 1996, with the Stanislaus County Recorder's Office confirming the existence of substandard buildings and dwelling units on the premises pursuant to Section 1102 of the Uniform Housing Code, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of March 28, 1996, and

WHEREAS, the owner(s) of said premises have failed to obtain building permits

or commence work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the record owner(s) have failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and

WHEREAS, the owner(s) have been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on December 31, 1998, and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fail to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating

that a public hearing would be held by the Council of the City of Modesto, on Tuesday, January 12, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 736 South Santa Cruz Avenue, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises at 736 South Santa Cruz Avenue are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code and Housing Code of the City of Modesto Sections 202 and 1001.4.
2. That the owner(s) of record have failed to appeal from the Notice and Order to Repair or Demolish dated March 28, 1996, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto.
3. That the owner(s) of the premises have failed to secure required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Demolish dated March 28, 1996.
4. That the owner(s) of record have failed to make a timely choice of repair or demolition.

5. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.
6. That the premises are declared a public nuisance, and it is hereby ordered that the structure be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.
7. That the record owner(s) of the premises are hereby ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on him.
8. The Chief Building Official of the City of Modesto, or a licensed contractor hired by him, to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the record owner(s) of the premises.
9. The Chief Building Official of the City of Modesto is hereby ordered to keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the record owner(s) in accordance with 25 California Code of Regulations Section 70.
10. That in the event the property owner(s) fail to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of abatement costs are not paid by property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 99-29, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No.99-29, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-30

A RESOLUTION ACCEPTING THE BID OF KIRKWOOD-BLY, INC. FOR THE PROJECT TITLED "WOODLAND LIFT STATION REBHABILITATION"

WHEREAS, the bids received for Woodland Lift Station Rehabilitation were opened at 11:00 a.m. on December 22, 1998, 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 \$209,761 from Kirkwood-Bly 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 Kirkwood-Bly 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 19th day of January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-31

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 3
SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON
EXPIRATION OF STATUTORY PERIODS

WHEREAS, Florsheim Bros. a California General Partnership by Florsheim Properties , subdividers of Rose Lane No. 3 Subdivision have filed a Subdivision Faithful Performance bond for labor and materials in the amount of \$550,799 and \$275,399.50 respectively to guarantee improvements in Rose Lane No. 3 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. 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$550,799 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 \$275,399.50 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 19th day of January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

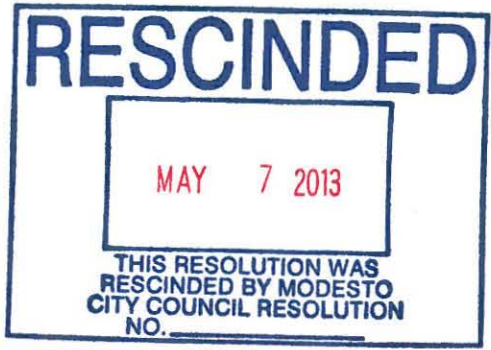
AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Cl. 6



MODESTO CITY COUNCIL
RESOLUTION NO. 99-32

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED, TO INCLUDE NEW POLICIES WITH RESPECT TO REIMBURSEMENT FROM CITY CAPITAL FACILITY FEE FUNDS FOR IMPROVEMENTS LISTED IN THE CITY'S CAPITAL IMPROVEMENT PROGRAM, AND WITH RESPECT TO THE STREET DEDICATION POLICY OF THE CITY

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, in accordance with existing law and the above-referenced Modesto Municipal Code Sections, the current CFF are set forth in City Council Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, 98-654, and

WHEREAS, City staff has requested that Modesto City Council Resolution No. 88-649, as amended, be further amended to provide for companion policies with respect to both CFF reimbursements for improvements installed by others, and a specific standard for street exactions, and

WHEREAS, the City has received reports from Townhall Associates, and recommendations from City contract employee Charles Long in memoranda dated June 25, 1998, and December 8, 1998, which developed and included the above-referenced policies in addition to the City's revised CFF requirements with respect to future development as allowed under the

City's 1996 General Plan, and recommended amendments to City Council Resolution No. 88-649, as amended, to make the above-referenced changes, and

WHEREAS, each of the above referenced memoranda and analyses has been made available for public inspection, and may be viewed during business hours in the Office of the City Clerk, and these documents establish the basis for implementing the policies contained herein, and are incorporated fully herein by this reference, and

WHEREAS, the matters stated herein were set for a public hearing of the City Council held at 7:00 p.m. on December 8, 1998, and January 19, 1999, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held, and

WHEREAS, after considering the above-referenced memoranda and analyses, and the testimony received at the public hearing, the City Council does hereby approve and adopt the subject memoranda and analyses, and the policies set forth below,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, and 98-654, is hereby amended as set forth below.

BE IT FURTHER RESOLVED by the City Council that henceforth the planning contained in the City's Capital Improvement Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds to reimburse developers for advances in cash or in-kind which are determined by the City to benefit CFF eligible improvements. All such

reimbursements shall be made pursuant to a written reimbursement agreement ("R.A.") which must be executed by both the City and the developer prior to the start of any potentially reimbursable work by the developer. An R.A. will be required where development occurs fronting a planned CFF project, or which requires CFF work off-site, and all such work shall be done by developer advances, subject to reimbursement pursuant to the R.A.

R.A.s in an amount less than that stated in Modesto Municipal Code Section 8-3.102 as it currently reads, or may be amended in the future, may be approved by the City Manager alone. The rate of reimbursement specified in an R.A. shall be the amount of the actual cost of the developer advanced project, subject to documentation and approval by City staff and not to exceed the City Engineer's estimate of the cost of the project as stated in the R.A. With respect to timing of reimbursement, City staff shall determine the fiscal year or years in which funds will become available in the appropriate CFF fund for reimbursement, and such years or dates shall be specified in the R.A. Reimbursement shall actually be paid from the relevant CFF fund, pursuant to the provisions of any R.A., and pursuant to the timing and rate provisions contained in the R.A.

The City's Community Development Department will be the initial contact agency for developers wishing to commence or process an R.A. in order to provide advances to CFF eligible projects, and the concurrence of the City Attorney, Finance Director and Engineering and Transportation Director shall be required prior to City execution of an R.A.

BE IT FURTHER RESOLVED by the City Council that henceforth the Street Dedication Policy of the City shall be as set forth below:

1. Residential Streets: Those residential streets internal to new development shall be dedicated and improved to standard City specifications, as those may be amended from time to time, by the abutting developer.

2. Expressways: With respect to expressways, no expressway improvement shall be required to be dedicated. However, where interim improvements are required to facilitate current development pending future expressway improvement, such interim improvements shall be provided by the abutting developer. With respect to dedication of right-of-way for expressways, 40 feet of right-of-way shall be dedicated by each abutting developer. Additional right-of-way requirements shall be acquired from a developer only in return for appropriate reimbursement.

3. All Other Streets: A standard street width of 40 feet shall be dedicated and improved to City standard specifications, as those specifications may be amended from time to time. The 40 foot width shall contain within it 30 feet of street improvement from the face of the adjacent curb, and 10 feet of improvement on the opposite side of the same curb from the street. With respect to initial development, any dedication or improvement in addition to the foregoing will be subject to appropriate reimbursement of the developer. With respect to existing streets, where at least 40 feet of dedication and improvements have previously been made, any additional dedication and improvements shall be subject to appropriate reimbursement of the developer. Exception: where extra facilities are required specifically for the particular development at hand (e.g. deceleration/acceleration lanes, slip ramps), such extra facilities shall be provided by and at the expense of the developer without reimbursement.

BE IT FURTHER RESOLVED by the City Council that the consideration of new CFF fees for all categories of development other than residential subdivisions without vested rights in existing CFF fees shall be deferred until a Council meeting to be held no later than the Council meeting of May 18, 1999.

BE IT FURTHER RESOLVED by the City Council that in addition to the other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of the policies contained herein pursuant to Sections 10561 and 15273 of the State CEQA Guidelines because:

1. The policies established by this resolution are in the scope of capital projects which are necessary to maintain the current level of services within the City, as well as to purchase certain items of capital equipment.

2. The policies contained in this resolution will not have the potential to affect the environment until there has been CEQA review of the development projects which will be paid for by Capital Facilities Fees and developer exaction. CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which sets forth the City's policy with respect to reimbursement of developers for providing facilities which would otherwise be purchased with CFF funds, and provides for a uniform policy for street exactions will not, by themselves, have any possibility of causing any significant effect on the environment.

BE IT FURTHER RESOLVED by the City Council that should any fee provision,

clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

BE IT FURTHER RESOLVED by the City Council that to the extent any portion of any of the resolutions set forth above conflicts with any of the provisions of this resolution, the language of this resolution shall prevail, and the language in the previous resolution to the contrary is hereby superseded and revoked.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-33

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(534).
(ARCHITECTURE PLUS)

WHEREAS, a verified application for an amendment to Section 6-3-9 of the Zoning Map was filed by Architecture Plus on October 26, 1998, to reclassify from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(534), to allow a multi-family condominium project, property located on the west side of Tully Road south of Pelandale Avenue, described as follows:

SP-O to P-D(534)

All that certain real property situate in a portion of Lots 1 and 13 of the "Nash Tract" filed for record in volume 4 of Maps, Page 10, Stanislaus County Records, located in Section 6, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of said Lot 13; thence South 0° 56' 00" East along the east line of said Lot 13, being also the centerline of Tully Road, a distance of 324.36 feet; thence North 88° 13' 00" West parallel with and 324.00 feet south of the north line of said Lot 13, along the south line of the Viss property, a distance of 683.72 feet to a point 656.00 feet, measured at right angles, east of the west line of said Lot 13; thence North 0° 56' 00" West parallel with and 656.00 feet east of said west line of Lot 13, a distance of 445 feet more or less to the centerline of future 135.00 foot-wide Pelandale Avenue, thence South 88° 52' 54" East 692 feet, more or less, along said centerline of future Pelandale Avenue to a point on the intersection of said centerline of future Pelandale Avenue and Tully Road; thence South 0° 56' 00" East 125 feet, more or less, along said centerline of Tully Road to the point of beginning.

and

Clark

CORRECTED 2-9-99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-33

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(534).
(ARCHITECTURE PLUS)

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BEGINNING at the northeast corner of said Lot 13; thence South 0° 56' 00" East along the east line of said Lot 13, being also the centerline of Tully Road, a distance of 324.36 feet; thence North 88° 13' 00" West parallel with and 324.00 feet south of the north line of said Lot 13, along south line Viss property, a distance of 683.72 feet to a point 656.00 feet, measured at right angles, east of the west line of said Lot 13; thence North 0° 56' 00" West parallel with and 656.00 feet east of said west line of Lot 13, a distance of 463.89 feet to the centerline of future 135.00-foot-wide Pelandale Avenue, said point being on a non-tangent curve from which a radial line bears South 0° 41' 01" East to the center; thence easterly along said centerline of future Pelandale Avenue the following two courses: Easterly 215.28 feet long said non-tangent curve, concave to the south, being a radius of 5000.00 feet and a central angle of 2° 28' 01", and South 88° 13' 00" East 468.28 feet to the east line of said Lot 1; thence South 0° 56' 00" East along said east line of Lot 1, being also said centerline of Tully Road, a distance of 144.16 feet to the point of beginning.

and

WHEREAS, after a public hearing held on December 21, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-71, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. Multifamily residential uses are allowed by the adopted Pelandale-Snyder Specific Plan.
2. The rezoning to Planned Development Zone to allow the project to build condominiums will not result in development materially different than what is allowed under the Specific Plan-Overlay Zone.
3. The conditions of approval will ensure compatibility with planned adjacent land uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 19, _____, 1999, in the City Council Chambers, City Hall, 801 11th 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 Architecture Plus for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-71 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3118 -C.S. on the 19th day of January, 1999, reclassifying the above-described property from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(534).

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(534), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Woodstone Apartments" as amended in red, stamped approved by the City Council on January 19, 1999.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. Screen landscaping shall be installed along the west and south property lines where adjacent to proposed single-family development. 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. Combination eight-foot-high masonry wall and seven-foot-high wrought-iron fence along Tully Road as shown on the approved plan.
 - b. Eight-foot-high decorative masonry wall with offsets along Pelandale Avenue.
 - c. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the south and west property lines of the project.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
9. All utilities shall be underground and cable television service shall be stubbed into all units.
10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
11. All signs shall comply with the sign requirements of the R-3 Zone.
12. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
13. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.
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.

15. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at time of issuance of the building permit.
16. Prior to issuance of a building permit, developer shall take all actions reasonably necessary to secure and establish a City Mello-Roos Community Facilities District ("CFD") for the Pelandale-Snyder Specific Plan for the capital improvements and ongoing maintenance set forth in the Pelandale-Snyder Specific Plan to be financed by said CFD or, if said CFD has been established for the Pelandale-Snyder Specific Plan, developer shall take all actions reasonably necessary to annex the development to said CFD, which shall actually result in annexation of the development to said CFD at the tax rate for the zone of said CFD to which the development is ultimately annexed; or alternatively, in the event complete annexation does not occur for any reason, developer may provide a funding mechanism for said capital improvements and ongoing maintenance to the same general standard as other similar capital improvements and ongoing maintenance financed by said CFD, subject to approval of the funding mechanism by the City, such approval not to be unreasonably withheld.
17. Prior to issuance of a building permit, annexation to the schools' Mello-Roos District shall be completed.
18. Except as amended herein or by reference, all development shall be in accordance with the Pelandale-Snyder Specific Plan.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(534):

The entire construction program be accomplished in one phase, construction to begin on or before December 21, 2000, and completion to be not later than December 21, 2001.

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(534), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-34

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 93042004): AMENDING SECTION 6-3-9 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, SP-O, TO PLANNED DEVELOPMENT ZONE, P-D(534), PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD SOUTH OF PELANDALE AVENUE. (ARCHITECTURE PLUS)

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, Architecture Plus has proposed that the zoning designation for the property located on the west side of Tully road south of Pelandale Avenue, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(534), in the City of Modesto ("the project"), to allow a multi-family condominium project, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Final 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 Final environmental impact report and whether the subsequent project was described in the Final environmental impact report as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 98-63 reviewed the proposed amendment to the Zoning

Map and rezone to P-D(534) project to determine whether the project is within the scope of the project covered by the Pelandale/Snyder Specific Plan Final EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final 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 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 amendment to the Zoning Map and rezone to P-D(534) 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 occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan EIR.
2. 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.
3. The Initial Study, Environmental Assessment No. EA/CDD 98-63, provides substantial evidence to support findings 1, and 2 above.
4. As per section 2166 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of January, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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.

EXHIBIT "A"

Initial Study

EA/CDD 98-63

City of Modesto
Initial Study

Rezone From Specific Plan-Overlay Zone to Planned Development Zone,
Woodstone Apartments
EACDD 98-63
December 9, 1998

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 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:
Rezone from Specific Plan-Overlay Zone to Planned Development Zone, Woodstone Apartments
- 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 Tully Road south of Pelandale Avenue.
- E. Project Sponsor:
Architecture Plus, 1207 Thirteenth Street, Suite 6, Modesto, CA 95354
- F. General Plan Designation:
Residential
- G. Current Zoning:
Specific Plan-Overlay (SP-O) Zone
- H. Description of Proposed Project:
This is a rezoning to allow a 100-unit townhouse condominium project on 5.4 acres.
- I. Surrounding land uses:
The project area is adjoined on the north by a future extension of Pelandale Avenue, and north of that existing orchards. To the east are existing agricultural lands approved for an expansion of an existing church. To the south and west is existing agricultural land designated for residential development in the Pelandale-Snyder 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 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. The Pelandale-Snyder Specific Plan designates this area for multi-family residential development, and the EIR analyzed the impacts of this multi-family development in this area. 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 project is consistent with the Pelandale-Snyder Specific Plan in land use and intensity. 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. This development is consistent with the Pelandale-Snyder Specific Plan in land use and intensity, provides for street dedication consistent with the Specific Plan and EIR, and proposes driveway access consistent with City standards. Therefore, there would be no change 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. The proposed development is consistent with the Pelandale-Snyder Specific Plan in land use and intensity, and provides a sound wall along Pelandale Avenue. 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 project 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 development is consistent with the Pelandale-Snyder Specific Plan in land use, intensity and physical location. Therefore, there would be no change needed to the biological impacts analyzed in the EIR.

7. Archaeology

Impacts to archaeology are analyzed on page 130 of the Pelandale-Snyder

Specific Plan EIR. The proposed development is consistent with the Pelandale-Snyder Specific Plan in land use, intensity and physical location. Therefore, there would be no change needed to the archaeological impacts analyzed in the EIR.

8. Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale-Snyder Specific Plan EIR. The proposed development is consistent with the Pelandale-Snyder Specific Plan in land use and intensity, and provides for public services in accordance with the Specific Plan. 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 project will not affect the conclusions reached in the EIR regarding hydrology and drainage, as it is consistent with the Pelandale-Snyder Specific Plan in land use, and intensity, and the project provides 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 development is consistent with the Pelandale-Snyder Specific Plan in land use and intensity. 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 development is consistent with the Pelandale-Snyder Specific Plan in land use and intensity. Therefore, there would be no change needed to the impacts to geology/soils analyzed in the 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 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. 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 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 project which will require major revisions of the Pelandale-Snyder Specific Plan EIR, because the EIR studied the impact of multi-family uses in this area.
- 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 Pelandale-Snyder Specific Plan EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the 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,
Associate Planner

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99-35

A RESOLUTION ORDERING THE VILLAGE ONE HIGH
SCHOOL REORGANIZATION TO THE CITY OF
MODESTO. (COUNCIL INITIATED - UNINHABITED)

WHEREAS, the territory is a part of the Village One Specific Plan adopted by
the City on October 16, 1990, and

WHEREAS, the City, as "Lead Agency" for environmental review, prepared
and certified a Program Environmental Impact Report on the Village One Specific Plan
project, and a Final Supplemental Environmental Impact Report dated April, 1994, and

WHEREAS, the Stanislaus County Local Agency Formation Commission
considered the environmental impact report of the Village One Specific Plan with the approval
of the Village One Reorganization in October 1991, and

WHEREAS, the City has rezoned the territory consistent with the adopted
specific plan, and

WHEREAS, the Stanislaus County Local Agency Formation Commission
(LAFCO), by Resolution No. 98-08, dated December 2, 1998, approved the proposed Village
One High School Reorganization to the City of Modesto (City), upon the condition that it be
processed as a reorganization, and designated said Reorganization the Village One High
School Reorganization, and

WHEREAS, the type of reorganization being acted on is an uninhabited
annexation consisting of 132.4 acres of land to the City of Modesto and to the Modesto

Municipal Sewer District No. 1, and a detachment of 132.4 acres from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, said proposed Reorganization is located on the north side of Sylvan Avenue between Roselle Avenue and Litt Road, and

WHEREAS, LAFCO found in its Resolution No. 98-08, that (a) the subject territory is within the Modesto Sphere of Influence and designated within the "Primary" Area of Influence; (b) the boundaries of the proposal are consistent with adopted Commission policy; (c) the territory involved is uninhabited; (d) the proposal was initiated by Resolution of Application pursuant to Government Code Section 56800; (e) the City has adopted various plans for providing services and has rezoned the territory; (f) the approval of the proposal will result in planned, orderly and efficient development of the area; and (g) the City has adopted Resolution No. 98-429 indicating it will provide adequate and appropriate municipal services to the area, and

WHEREAS, the terms and conditions of the proposal as approved by LAFCO are as follows:

That it be processed as a reorganization consisting of annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, LAFCO by said Resolution No. 98-08 found that the City of Modesto shall be responsible for monitoring and reporting to insure CEQA compliance, and designated, pursuant to Section 56852 of the Government Code of the State of California, the

City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, this action is being taken pursuant to Section 56000 et seq. of the Government Code of the State of California, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on January 19, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the date, time and place for hearing protests against said reorganization, and the City Clerk gave notice to all persons legally entitled thereto, 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

WHEREAS, the regular County assessment roll is utilized by the City of Modesto, and

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by property owners owning less than 50% of the assessed value of the land within the annexation territory, and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed,

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 Village One High School Reorganization to the City of Modesto 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 Stanislaus Consolidated 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 57202 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 19th day of January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

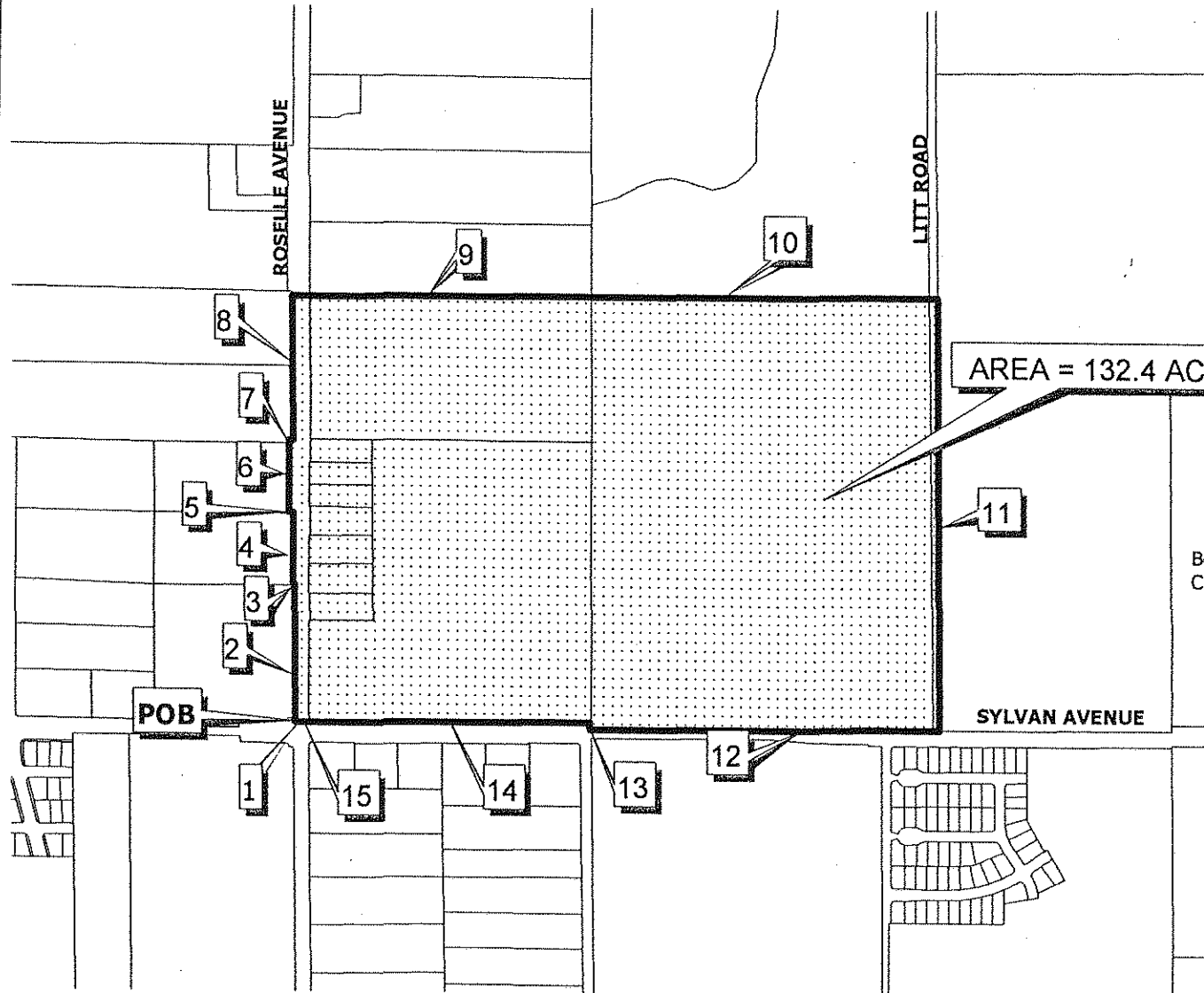
APPROVED AS TO FORM:

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

EXHIBIT "A"

VILLAGE ONE HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO

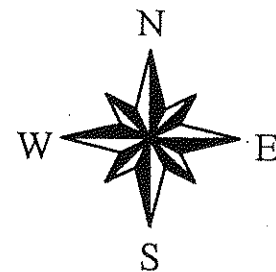
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2:	N 00 21 34 W	630.78
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6:	N 00 21 34 W	329.50
7:	S 89 46 34 E	20.00
8:	N 00 21 34 W	652.25
9:	N 89 48 07 E	1350.37
10:	N 89 48 07 E	1591.62
11:	S 00 20 26 E	1973.01
12:	S 89 48 45 W	1592.43
13:	N 00 19 50 W	30.00
14:	S 89 48 45 W	1258.97
15:	N 89 54 47 W	59.96



AREA = 132.4 ACRES

BASIS OF BEARINGS:

Bearings are based on the California State Plane Coordinate System, Zone 3.



VILLAGE ONE HIGH SCHOOL REORGANIZATION

TO THE CITY OF MODESTO

All those portions of Sections 11 and 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the east one-quarter section corner of said Section 11; thence on the east line of said Section 11, North $0^{\circ}04'19''$ East 50.03 feet to the north line of the Village One Reorganization to the City of Modesto, recorded June 1, 1992 as instrument number 050895, Stanislaus County Records and the POINT OF BEGINNING of this description; thence on said north line, North $89^{\circ}54'47''$ West 25.00 feet to the southerly extension of the west line of Roselle Avenue; thence on said southerly extension and the west line of Roselle Avenue, North $0^{\circ}21'34''$ West 630.78 feet to the easterly extension of the south line of Parcel A as shown in Book 3 of Parcel Maps, Page 87, Stanislaus County Records; thence on said easterly extension, North $89^{\circ}48'35''$ West 5.00 feet to the east line of said Parcel A; thence on said east line, North $0^{\circ}21'34''$ West 329.50 feet to the north line of said Parcel A, said point also being on the easterly extension of the south line of Parcel 2 as shown in Book 8 of Parcel Maps, Page 62, Stanislaus County Records; thence on said easterly extension, North $89^{\circ}47'36''$ West 20.00 feet to the east line of said Parcel 2; thence on said east line, North $0^{\circ}21'34''$ West 329.50 feet to the north line of said Parcel 2, said point also being on the south line of Parcel B as shown in Book 4 of Parcel Maps, Page 57, Stanislaus County Records; thence on said south line, South $89^{\circ}46'34''$ East 20.00 feet to the east line of said Parcel B; thence on said east line and the east line of Parcel A of said Parcel Map, North $0^{\circ}21'34''$ West 652.25 feet to the westerly extension of the north line of Parcel A as shown in Book 44 of Parcel Maps, Page 45, Stanislaus County Records; thence on said extension and the north line of said Parcel A, North $89^{\circ}48'07''$ East 1350.37 feet to the northeast corner of said Parcel A; thence on the easterly extension of the north line of said Parcel A, North $89^{\circ}48'07''$ East 1591.62 feet to the east line of 40.00 feet wide Litt Road (20.00 feet half-width); thence on said east line, South $0^{\circ}20'26''$ East 1973.01 feet to the north line of Sylvan Avenue and the north line of the previously mentioned Village One Reorganization to the City of Modesto; thence on said north line, South $89^{\circ}48'45''$ West 1592.43 feet to the southerly extension of the east line of Parcel C as shown in Book 4 of Parcel Maps, Page 143, Stanislaus County Records; thence on said southerly extension, North $0^{\circ}19'50''$ West 30.00 feet to the southeast corner of said Parcel C; thence on the south line of Parcel C and Parcel B of said Parcel Map, South $89^{\circ}48'45''$ West 1258.97 feet to the beginning of a 15.00 feet radius curve at the northeast corner of Roselle Avenue and Sylvan Avenue; thence North $89^{\circ}54'47''$ West 59.96 feet to the point of beginning of this description.

Containing 132.4 acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-36

A RESOLUTION APPROVING THE MARK TWAIN
NEIGHBORHOOD PARK MASTER PLAN 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, the Community Services and Neighborhood Connections
Department, by Initial Study, EA/CS 9901, dated January 6, 1999, reviewed the proposed
Mark Twain Neighborhood Park, 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

WHEREAS, on January 19, 1999, the City Council considered approving the
Mark Twain Neighborhood Park Master Plan and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the Council has reviewed and considered Initial Study, EA/CS 9901, dated
January 6, 1999, prepared by the Community Services and Neighborhood Connections
Department, for the proposed project, 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 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 Woodland Neighborhood Park Master Plan is hereby approved.

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 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 19th day of January, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Initial Study

City of Modesto
Initial Study

Mark Twain Neighborhood Park

E.A. No. EA/CS 9901
January 6, 1999

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

- A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
- B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
- C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Mark Twain Neighborhood Park

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:

In the southwest area of Modesto on the north side of California Avenue, east of Carpenter Road, adjacent to Mark Twain Junior High School.

E. Project sponsor:

City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Mark Twain Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a 7.9-acre neighborhood park within the Mark Twain Neighborhood. This project will develop the park, including street improvements, grading, paving, underground utilities, landscaping, an irrigation system, a youth baseball field, game courts, family picnic units, a children's play area with play apparatus, a restroom building and lighting.

I. Surrounding land uses:

North: Zoned R-1, currently planted in vineyards.

South: Single-family subdivisions and high density residential, zoned Planned Development and R-3.

West: Zoned R-1, currently planted in vineyards.

East: Mark Twain Junior High School and single-family residences, zoned R-1.

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**

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, and will not be a destination that requires a vehicle trip. There will be minimal on-site parking and it is expected that most people will walk or bike to the park. The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. 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-1-37) are 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, 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 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 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 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. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. 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 project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. 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 project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand 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 still valid.

K. Increased Demand for Parks and Open Space

This project will provide neighborhood park facilities in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Mark Twain Neighborhood. The demand for parks and open space will be met with the development of this park. 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

This commercial development 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.

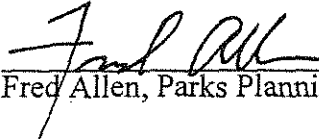
IV. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

- A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.
- B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).
- C. The Mark Twain Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.
- D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- E. This initial study provides the substantial evidence to support the above findings.

Signature:



Fred Allen, Parks Planning and Development Manager

Date: 1.6.99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-37

A RESOLUTION ACCEPTING THE BID OF ODETICS ITS FOR FURNISHING
VIDEO VEHICLE DETECTION SYSTEM

WHEREAS, the bids received for furnishing Video Vehicle Detection System were opened at 11:00 a.m. on December 15, 1998, 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 Odetics 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 \$98,413.62 from Odetics 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 26th day of January, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

Clark (3)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-38

A RESOLUTION APPROVING THE APPLICATION
FOR FEDERAL GRANT FUNDS UNDER THE
JUVENILE ACCOUNTABILITY INCENTIVE
BLOCK GRANT FOR \$53,918.00 AND
AUTHORIZING THE CITY MANAGER TO
EXECUTE SAID GRANT APPLICATION.

WHEREAS, the Office of Criminal Justice Planning (OCJP) has released a request for proposals under the federal Juvenile Accountability Incentive Block Grant program, and

WHEREAS, the Modesto Police Department desires to apply for a grant to undertake a certain project designated Modesto Juvenile Impact Program to increase the number of WAKE-UP classes (Willing to become Aware and to gain Knowledge of Experiences that are Useful -Program) which are offered to at-risk juveniles and their parents, and

WHEREAS, the grant application will also provide funding for some diversion options such as graffiti paint-outs and for juvenile mentoring, and

WHEREAS, the application requires a ten (10%) percent match by the City in the sum of \$5,991.00, and

WHEREAS, the program is a 12-month grant program, commencing April 1999.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of the application for a federal grant in the amount of \$53,918.00 and authorizes its execution by City Manager, J. Edward Tewes, or his designee.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is also

authorized to execute and submit all documents, including but not limited to any extensions, amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.

BE IT FURTHER RESOLVED that 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.

BE IT FURTHER RESOLVED that it is hereby 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 and that 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 26th day of January, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

99-39

MODESTO CITY COUNCIL
RESOLUTION NO. 99-39

A RESOLUTION ALLOCATING COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS
IN THE AMOUNT OF \$44,000.00 TO
DESARROLLO LATINO AMERICANO (DLA) FOR
A WORKFORCE DEVELOPMENT PROJECT.

WHEREAS, as part of the City's overall commitment to developing the
community workforce for gainful employment, the City recently requested proposals for a
workforce development project from local nonprofit organizations, and

WHEREAS, \$44,000.00 is currently available as a result of additional program
income received in FY 97-98, and

WHEREAS, Desarrollo Latino Americano's (DLA's) proposal included working
in collaboration with the American GI Forum and the Central Valley Opportunity Center to
develop and implement a workforce development program, and

WHEREAS, said groups propose to design an integrated job creation, community
lending, small business development and housing development program, and

WHEREAS, funding will be provided until June 30, 1999, for this contract
period, and

WHEREAS, City staff will provide ongoing technical assistance for the
development of the program, and additional assistance will be provided by the National League
of Cities, who is working with the City on an overall city Workforce Development for Poverty
Reduction Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Desarrollo Latino Americano be, and it hereby is, allocated \$44,000.00 in CDBG funds for the development and implementation of a workforce development program.

BE IT FURTHER RESOLVED that Desarrollo Latino Americano be allowed to access the \$44,000.00 in CDBG public service funds, subject to CDBG program guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-40

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND SKY WEST AIRLINES/UNITED EXPRESS TO ALLOW THE AIRLINE TO CHANGE THEIR TICKET COUNTER, OPERATIONS OFFICE AND BAGGAGE MAKE-UP AREAS IN THE AIRPORT PASSENGER TERMINAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Sky West Airlines/United Express to allow the airline to change their ticket counter, operations office and baggage make-up areas in the airport passenger terminal 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 January, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Book 91

MODESTO CITY COUNCIL
RESOLUTION NO. 99-41

A RESOLUTION APPROVING THE SUBMITTAL
OF AN AIRPORT IMPROVEMENT PROGRAM
(AIP) GRANT APPLICATION FOR \$711,000.00 TO
COMPLETE CONSTRUCTION OF A NEW
GENERAL AVIATION ENTRANCE ROAD AT THE
MODESTO CITY-COUNTY AIRPORT AND
AUTHORIZING THE CITY MANAGER TO
EXECUTE THE APPLICATION 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, in January 1998, the City Council approved the submittal of an
Airport Capital Improvement Program (ACIP) which identified needed projects for the Modesto
Airport in the coming years, and

WHEREAS, included with the ACIP was the preapplication for the construction
of a new general aviation entrance road at the Modesto City-County Airport, and

WHEREAS, the FAA has notified the City that this fiscal year's funds have been
approved for allocation, and the FAA has requested that applications for airport improvements be
submitted by the end of January, and

WHEREAS, the project construction will be recommended as part of the airport's
CIP budget for FY 2000, and

WHEREAS, the \$711,000.00 application will require match funds in the amount
of \$79,000.00, which funding is anticipated to come from a Passenger Facility Charge (PFC), the
application for which has already been submitted to the FAA, and

WHEREAS, if the application is approved, collection is anticipated to begin May 1, 1999.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport ACIP application in the amount of \$711,000.00 for completion of construction of a new general aviation entrance road at the Modesto City-County Airport.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to sign the application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-42

A RESOLUTION APPROVING THE 1999 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 statements 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 has been reviewed by the Economic Development Community and the Intergovernmental Relations Committee on January 14, 1999, and

WHEREAS, modifications to the 1999 Platform include the following:

1. Request for \$12.6 million Federal funding for an 800 space parking structure downtown.

2. Request that the State allocate Tobacco Settlement Funds for park construction and maintenance.
3. Modification to State Solid Waste Legislation, providing for more local flexibility in meeting State requirements.
4. \$3.2 million in Federal funding for the balance of the Bus Maintenance Facility.
5. Seek Federal funding to assist with the repairs and construction of regional transportation projects such as the Briggsmore Over Crossing.
6. Minor language changes and updating, and

WHEREAS, the Council considered the proposed legislative platform at its meeting held on January 26, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 1999 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 26th day of January, 1999, 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, Serpa, Smith, Mayor Lang

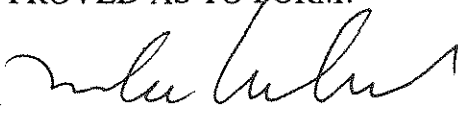
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

1999 LEGISLATIVE PLATFORM

(Note: New items and/or language are underlined.)

1. Economic Development:

- a. Support additional funding from the California Department of Education for funding for public adult schools for worker literacy programs at work sites.
- b. Support modification to Federal Reform legislation to minimize impacts of caseload shift to counties and cities.
- c. Support legislation which provides additional funds for infrastructure or which provides options for financing developer requirements.
- d. Support legislation expanding the California State Enterprise Program, assuming such legislation does not penalize a community for growth impact fees.
- e. Support legislation giving cities/counties which have adopted developer fees "Self Help" status.
- f. Support legislation to streamline CEQA requirements and utilization of a Master EIR concept, and facilitate economic development and job creation.
- g. Seek Federal funding to assist with the construction of a parking structure for 800 spaces in the Downtown.
- h. Seek Federal funding to assist with the repairs and construction of regional transportation projects such as the Briggsmore overcrossing.

2. Employee Relations/Workers Comp:

- 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 binding interest arbitration (arbitration which may be required when an impasse is reached in the meet and confer process with respect to the terms and conditions of a new agreement.)~~
- i. Oppose any expansion to the California Police Officers Bill of Rights or a creation of new Federal "Police Officers Bill of Rights."
- j. 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 of State imposed booking fees and property tax administration collection fees.
- d. Oppose any increases in City costs to fund State programs by the legislature to manipulate the Public Employees' Retirement System.
- e. Oppose any measure that would make local agencies more dependent on the State for financial stability and policy direction.
- f. Oppose the shift of any city fees to any other jurisdiction.
- g. 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 cable 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.

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 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 State legislation which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
- e. 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 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.

12. Solid Waste

- a. Support legislation which would extend the deadline for adoption of a 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.

12. 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.

13. 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.

14. Water Supply/Management:

- a. Support measures which increase water supply or improve water quality within the 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.

Generic Goals/Benefits of a Legislative Program:

1. Advocate (sponsor) legislation of benefit to the organization.
2. Monitor (support/oppose) legislation with specific impact to organization:
 - Fiscal
 - Health and Safety
 - Legal
 - Personnel/Morale
 - Resources (water, air, recycling)
3. Monitor (support/oppose) legislation of specific impact to California cities.
4. Support LCC network in State lobbying effort to provide a unified city voice at the State level (in a timely manner) including tracking and responding to LCC's requests for action. The League can only be as good as the grassroots efforts of each city and cities collectively.
5. Create a relationship with local legislators and staff and City staff/Council (name/face recognition)
 1. Building bridges with County government (including support county fiscal relief when it does not negatively impact cities.)
 2. Provide process as well as timely answers to questions and inquiries from citizens (CLEAN, LWV, C of C, individuals).
 3. Particularly at Federal level – have been vehicle to receive funding.

Method:

1. Review legislative resources: LCC Bulletin, CSAC Bulletin, Cal Tax, Nations' Cities Weekly, California Newsletter, California Journal, Western Cities Magazine, Political Pulse, professional magazines/newsletters provided by departments and Modesto Bee.
2. Requests from departments, City Manager, Council.
3. Working with key staff, determine which bills have impact significant enough to require action (if not for Modesto, than for California cities in general).
4. Prepare agenda report for Council action.

5. Prepare letters from Mayor to author, Modesto's representatives, full House Committees, Governor, etc. (or telegrams/phone calls if time is short.)
6. Track bills.
7. Attend hearings/testify (on occasion).

MODESTO CITY COUNCIL
RESOLUTION NO. 99-43

A RESOLUTION AUTHORIZING THE CITY TO
CONTRIBUTE \$2,500.00 TO THE GREAT VALLEY
CENTER TO FUND A NATIONAL DESIGN
COMPETITION ENTITLED, "HOUSING THE NEXT
10 MILLION."

WHEREAS, in order to create new housing models and stimulate discussion
about housing and neighborhoods, the Great Valley Center (GVC) and the American Institute of
Architects, California Council, (AIACC), in partnership with several other groups and
organizations, are sponsoring "Housing the Next 10 Million", and

WHEREAS, "Housing the Next 10 Million" is a national design competition for
new types of housing that would be suitable for the Central Valley, while recognizing the land
use issues and the economic and demographic profile of the Valley's future residents, and

WHEREAS, GVC and AIACC have invited the City of Modesto to be a co-
sponsor of the competition and, as such, the City of Modesto will be listed as a co-sponsor of the
event on competition publicity, and

WHEREAS, City staff agrees that design competition is a positive way to look at
alternatives and new ideas for housing in communities, and

WHEREAS, the Community Development and Housing Committee supports the
Great Valley Center's request for City funding in the amount of \$2,500,000, and

WHEREAS, there are funds available in Strategic Planning Project Account No.
080-140-1435-0235 for funding the \$2,500.00 contribution,

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

that it hereby authorizes the City Manager, or his designee, to provide funding as set forth above in the amount of \$2,500.00 to the Great Valley Center for the City's co-sponsorship of the national design competition entitled, "Housing the Next 10 Million."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 1999, by Councilmember

Friedman, who moved its adoption, which motion being duly seconded by

Mayor Lang _____, was upon roll call carried and the resolution adopted by the

following vote:

AYES: Councilmembers: Dobbs, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-44

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO A'S FOR JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and the Modesto A's for John Thurman Field be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said license 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 January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-45

A RESOLUTION APPROVING A FIELD MAINTENANCE AGREEMENT
BETWEEN THE CITY OF MODESTO AND MODESTO A'S FOR JOHN THURMAN
FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the field maintenance agreement between the City of Modesto and the Modesto A's for John Thurman Field be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said field maintenance 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 January, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-46

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PELANDALE AVENUE 1B AND 1C PROJECT PROPERTY ACQUISITION

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 Pelandale Avenue 1B and 1C project property acquisition 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 February, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-47

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 PELANDALE AVENUE 1B AND 1C PROJECT PROPERTY ACQUISITION.

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 an Initial Study, reviewed the proposed Pelandale Avenue Extension in regard to a project titled Pelandale Avenue Extension - Dale Road to the existing Pelandale Avenue., 1700' West of McHenry Avenue, including Prescott Road Extension, Snyder Avenue to the new Pelandale Avenue, 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

WHEREAS, on February 2, 1999, the City Council considered authorizing the City Manager to execute a Joint Powers Agreement with Stanislaus County for the Pelandale Avenue 1B and 1C project property acquisition, 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 2nd day of February, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

E.A. RESOLUTION

- 2 Clerk
- 1 Attorney
- 1 CDD - Construction Administration
- 1 Initiating Department - E&T - Attention: Dean Phillips

WRK

MODESTO CITY COUNCIL
RESOLUTION NO. 99-48

A RESOLUTION AUTHORIZING AN AMENDMENT TO
THE FUNDING PRIORITIES FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 1999-
2000.

WHEREAS, at a previous City Council meeting, the Consolidated Annual Performance and Evaluation Report (CAPER) was reviewed, and it was acknowledged that the City did not expend all of its budgeted Community Block Grant (CDBG) program funds during the last fiscal year, and there is now the ability to re-allocate those funds, and

WHEREAS, Council directed staff to first convene a series of meetings in low and moderate income neighborhoods for the purpose of soliciting views from residents on the appropriate use of these funds, and

WHEREAS, such meetings were held in the month of November, 1998, in the following neighborhoods: Airport; Highway Village/Prescott Estates; West Modesto (King-Kennedy area); and Southwest Modesto (Robertson Road area), and

WHEREAS, by an agenda report to the Council dated January 12, 1999, copy attached, the Community Development Department recommended to the Council an amendment to the Community Development Block Grant (CDBG) priorities to help prepare the FY 1999-2000 Annual Action Plan in ways that would best reflect emerging community needs, and to facilitate the application process and allocation of funds, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 2, 1999, in the City Council Chambers, City Hall, 801 11th 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 proposal to amend the funding priorities for the Community Development Block Grant Program for FY 1999-2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the Funding Priorities for the Community Development Block Grant Program for FY 1999-2000, as recommended by the Community Development Department in its report dated January 12, 1999, as follows:

Non-Public Service funding priorities for the CDBG program will be based on the following:

Down Payment Assistance
Housing Rehabilitation
Street and Sidewalk Repairs
Code Enforcement
Demolition/Acquisition of Vacant Housing
Economic Development/Job Creation

Priorities for funding Public Service funding priorities under the CDBG Program will be divided between Individual and Community Development Project and Individual Support Services, with priority given to child care, job training, public safety improvement, emergency food and shelter and health care.

In addition, there shall be a minimum \$10,000 grant, with preference given to joint applications.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney



**CITY OF MODESTO
AGENDA REPORT**

**AGENDA ITEM NO.
COUNCIL MEETING:**

2/2/99

January 12, 1999

TO: MAYOR AND CITY COUNCIL

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

RE: Public Hearing to Amend the Funding Priorities for the Community Development Block Grant Program for FY1999-2000.

RECOMMENDED COUNCIL ACTION:

Resolution to amend the funding priorities for the Community Development Block Grant Program for FY 1999-2000. Non-Public Service funding priorities for the CDBG program will be based on the following: Down Payment Assistance; Housing Rehabilitation; Street and Sidewalk Repairs; Code Enforcement; Demolition/Acquisition of Vacant Housing; Economic Development/Job Creation. Priorities for funding Public Service funding priorities under the CDBG Program will be divided between Individual and Community Development Project and Individual Support Services.

BACKGROUND:

As discussed at the City Council meeting where the Consolidated Annual Performance and Evaluation Report (CAPER) was reviewed, the City did not expend all of its budgeted CDBG funds during the last fiscal year, and there is now the ability to re-allocate those funds. Council directed staff to first convene a series of meetings in low and moderate income neighborhoods for the purpose of soliciting resident's views on the appropriate use of these funds.

Four meetings were held in the month of November 1998, in the following neighborhoods: Airport; Highway Village/Prescott Estates; West Modesto (King-Kennedy area); and Southwest Modesto (Robertson Road area). Questionnaires were completed by attendees at these meetings, asking them to prioritize the types of activities that they would like to see carried out with CDBG funds. Residents were also asked to prioritize public service projects. The results of those survey are consolidated below.

How well do these identified priorities match with what the City has been spending CDBG funds on? In the non-public service area, the City priorities, as reflected in expenditures last year and funds allocated for FY98-99, track fairly close to those identified by residents. The following chart represents the top five (non-public service) programs in terms of funds expended compared to the top five programs budgeted in FY98-99.

NON-PUBLIC SERVICE			PUBLIC SERVICE		
Neighborhood Priority	Expended FY7-98	Budgeted FY98-99	Neighborhood Priority	Expended FY7-98	Budgeted FY98-99
1. Down Payment Assistance	1. Down Payment Assistance	1. Street & Sidewalk Improvements	1. Child Care	1. Job Training	1. Emergency Food & Shelter
2. Housing Rehabilitation	2. Housing Rehabilitation	2. Housing Rehabilitation	2. Job Training	2. Emergency Food & Shelter	2. Crime Prevention
3. Demolition Vacant/Boarded	3. Street, Sidewalk & Lighting	3. Economic Development	3. Public Safety Improvements	3. Youth Services	3. Child Care
4. Code Enforcement Street, Sidewalk & Lighting	4. Code Enforcement	4. Down Payment Assistance	4. Emergency Food & Shelter	4. Public Safety & Public Facilities	4. Youth Services
	5. Housing Demolition	5. Code Enforcement	5. Health Care	5. Health Care	5. Job Training

Modesto City Council - February 2, 1999

Public Hearing -- Amending CDBG Funding Priorities - FY 1999-2000

The fundamental differences in the needs identified by the neighborhoods and the ways funds are currently budgeted is that the neighborhoods did not rank economic development activities highly, although they did rank job training highly in the public services category. Staff recommends maintaining the Economic Development as a priority for use in connection with MJC West development.

Additionally, staff proposes to revise the manner in which applicants apply for CDBG funds. Currently, all funding requests are considered, and 31 different programs are currently funded, some for as little as \$5,000. Based on the discussion and findings in such studies as the Critical Links Study and neighborhood priorities, staff recommends the following be established as funding priorities for public service funds:

- **Individual and Community Growth and Development**

This category includes projects that facilitate individual skill-building and self-sufficiency or neighborhood and community revitalization. Examples of such project would include, but not be limited to: job training tied to actual employment opportunities; English as a Second Language or adult literacy programs; microenterprise or small business development. Neighborhood based development activities might include activities might include Block House Programs, supplemental public safety program; community collaboratives, neighborhood based child care or transportation programs. These are essentially long-term responsibilities

- **Individual Support and Problem Solving**

This category includes programs providing individual support services such as emergency food programs, emergency housing programs, counseling program, emergency child care, etc. These are essentially short-term responses to needs.

It is expected that approximately \$500,000 per year will be available in the Public Service Category and the funding will be equally divided among the two categories described above. Staff recommends setting a minimum \$25,000 grant limit, although lesser amounts may be considered for one-time capital projects. The City encourages applications for projects that meet the community development goals and needs as outlined above.

The funds allocated for Individual Support Services will be made available by application beginning February 3, 1999. Funds allocated for Individual and Community Development will be allocated in collaboration with United Way and Stanislaus County Community Service Agency.

The Citizens Housing and Community Development Committee reviewed and recommended the non-public service priorities identified above at their meeting of December 9, 1998 and the public service priorities at their January 6, 1999 meeting.

REASON FOR RECOMMENDED ACTION:

Amending the CDBG priorities will help prepare the FY 1999-2000 Annual Action Plan in ways that best reflects emerging community needs. Establishing the public service priorities will facilitate the application process and allocation of funds.

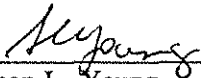
STEPS FOLLOWING APPROVAL:

Staff will utilize the amended funding priorities to help develop the FY 1999-2000 Annual Action Plan and recommend allocation of funds accordingly.

Modesto City Council - February 2, 1999

Public Hearing -- Amending CDBG Funding Priorities - FY 1999-2000

Prepared By:



Stephen L. Young
Housing and Neighborhoods Manager

Recommended By:



Philip A. Testa
Community Development Director

Submitted By:

J. Edward Tewes
City Manager

SLY:lg

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director

DISTRIBUTION LIST

- 2 - Clerk
- 1 - Attorney
- 1 - Related Department - Steve Young
- 1 - Finance

MODESTO CITY COUNCIL
RESOLUTION NO. 99-49

A RESOLUTION REQUESTING THAT THE STANISLAUS
AREA ASSOCIATION OF GOVERNMENTS (SAAG)
PURSUE A BALLOT MEASURE TO CREATE A ONE-HALF
CENT SALES TAX FOR TRANSPORTATION PURPOSES IN
STANISLAUS COUNTY.

WHEREAS, attached is a copy of a Bulletin entitled "Transportation", which
gives background to a proposal of the Modesto Chamber of Commerce for a one-half cent
sales tax for improving the area's regional transportation system, and

WHEREAS, said proposal was considered at a meeting of the Council
Transportation Policy Committee which was held on January 21, 1999, and

WHEREAS, after consideration of said matter, the Transportation Policy
Committee endorsed the Chamber's proposal for a one-half cent sales tax as mentioned above,
and recommended that the matter be presented to the City Council, and

WHEREAS, City staff presented an agenda report to the Council dated January
22, 1999, proposing that the Stanislaus Area Association of Governments (SAAG) pursue a
ballot measure to create a one-half cent sales tax for transportation as proposed by the
Chamber, and

WHEREAS, said report was considered by the Council at its meeting held on
February 2, 1999,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby requests the Stanislaus Area Association of Governments (SAAG) to pursue a
ballot measure to create said one-half cent sales tax for transportation purposes in Stanislaus

County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

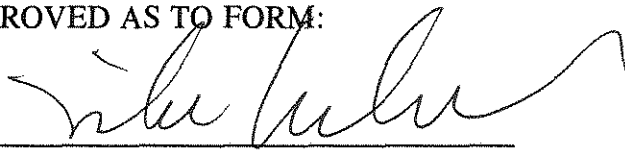
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

This is the first of a series of bulletins on critical issues facing the business community and the position of the Modesto Chamber of Commerce.

TRANSPORTATION

By Craig Lewis, 1998 Chairman of the Board &
1999 Vice Chair Transportation

Since 1992, the Modesto Chamber of Commerce has been a strong advocate for improving our regional transportation system. The three primary reasons include economic development/jobs, public safety and improving our quality of life.

In 1993, Chamber leadership took an aggressive stand on transportation by creating a new Vice Chair of Transportation and a standing committee for addressing our transportation problems. In 1995, the Committee began developing, in cooperation with Stanislaus Area Association of Government (S.A.A.G.), a specific list of transportation projects with price tags. This initial list, which had input from the County and its nine cities, identified over \$1.6 billion of unfunded projects. These projects included a countywide expressway, interchange improvements, safety measures, maintenance and alternative transit systems.

Through 1996, we continued to redefine the projects contained in the Transportation Expenditure Plan (T.E.P.). A survey was conducted to determine voter awareness and acceptance for a potential increase in our sales tax and both S.A.A.G. and the Chamber were advised that a 2/3 vote was possible.

Throughout 1997 and early 1998, the Chamber went on the road with S.A.A.G. to tell the story. We contacted Chambers, met with all nine cities and the County, and many service clubs. We were ready to place the measure on the November 1998 ballot. After all, 82% of Californians have a special sales tax for transportation including Fresno, Madera, San Joaquin and Sacramento counties. A local sales tax also identifies a county as "self help designated" and provides for possible matching funds and higher priority Caltrans funding.

However, in March 1998, the Chamber was informed the Stanislaus County Board of Supervisors would not place the measure before the voters in 1998. It was suggested perhaps in 1999 or 2000.

In discussions with County Supervisors and staff, they felt the timing was not good and a 2/3 vote would not be possible at this time.. S.A.A.G. has now placed the T.E.P. and ballot measure on to a back burner.

SUMMARY

The Chamber is generally opposed to any tax increases - often fighting to reduce taxes. However, the Chamber strongly believes transportation improvements through a 1/2 cent sales tax is a major answer to our transportation problems. We must remain competitive and prepare for our future. We must have leadership from our elected officials on this critical quality of life issue. This is more of an investment issue than a tax increase. Let's place the projects and their price tags on the ballot and let the citizens decide.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-49A

A RESOLUTION ACCEPTING THE BUTTE AVENUE 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 Butte Avenue Waterline project, has been completed by Mozingo Construction in accordance with the contract agreement dated September 8, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Butte Avenue Waterline project, be accepted from said contractor Mozingo Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$93,371.18, 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 February, 1999, 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, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-50

A RESOLUTION ACCEPTING THE CORPORATION YARD UNDERGROUND TANK REMOVAL 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 Corporation Yard underground tank removal project, has been completed by SEMCO, in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Corporation Yard underground tank removal project, 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 \$70,710.00 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 February, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-51

A RESOLUTION AUTHORIZING MOVING THE
MODESTO YOUTH CONSERVATION CORPS
FROM THE COMMUNITY SERVICES AND
NEIGHBORHOOD CONNECTIONS DEPARTMENT
TO THE PARKS DIVISION OF THE OPERATIONS
AND MAINTENANCE DEPARTMENT.

WHEREAS, when the Citywide reorganization occurred, the Modesto Youth
Conservation Corps ("MYCC") remained part of the Community Services and Neighborhood
Connections Department, while the Parks Division moved to the Operations and Maintenance
Department, and

WHEREAS, since the MYCC program is a youth development based program,
the decision was made that MYCC would remain part of the Community Services and
Neighborhood Connections Department, while direct supervision, training and assignment of
work tasks for MYCC would continue to be provided by the Parks Division, and

WHEREAS, it is now apparent that the MYCC program would function more
efficiently if it were more closely aligned with the Parks Division, and

WHEREAS, when the MYCC was established, the MYCC program coordinator
was to oversee all of the nonpaid labor now working in the Operations and Maintenance
Department, and

WHEREAS, the current placement of the MYCC organization in the Community
Services and Neighborhood Connections Department does not make assumption of these duties
feasible for the program coordinator, and

WHEREAS, City staff recommends that the MYCC organization be moved to the

Parks Division of the Operations and Maintenance Department, and

WHEREAS, youth development skills will continue to be provided to the MYCC by the Community Services and Neighborhood Connections Department with an emphasis on work skills, and

WHEREAS, grant funding has been secured to partially offset the costs of operation for the current and next fiscal years and, thereafter, the program will be reevaluated, and

WHEREAS, the Human Services committee met on January 28, 1999, and supports staff's recommendation to move MYCC to the Parks Division of the Operations and Maintenance Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves moving the Modesto Youth Conservation Corps from the Community Services and Neighborhood Connections Department to the Parks Division of the Operations and Maintenance Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-52

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR GRANT FUNDING FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, AND FOR THE CITY MANAGER TO EXECUTE ANY ASSOCIATED DOCUMENTS.

WHEREAS, each year the local Air Pollution Control District solicits proposals for Reduce Motor Vehicle Emissions ("REMOVE") Program projects which will:

1. Reduce air pollution emissions from motor vehicles.
2. Implement relevant transportation control measures ("TCMs") and other resource related measures.
3. Establish public education programs that support and do not duplicate any of the District's efforts.

and

WHEREAS, staff has recommended a proposal to submit grant applications to the San Joaquin Valley Air Pollution Control District, as summarized on Attachment 1, entitled "*List of Projects Proposed For Funding*" for five projects for REMOVE Program funding, said projects total \$97,829, and

WHEREAS, on January 21, 1999, the Transportation Policy Committee considered said staff proposal and recommended approval to the Council for authorization to file applications for grants for said five projects, and

WHEREAS, on February 9, 1999, the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to apply for grant funding from the San Joaquin

Valley Air Pollution Control District, as set forth on Attachment 1, entitled "List of Projects Proposed For Funding" for five projects for REMOVE Program funding, said projects total \$97,829.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any associated agreements or other documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

ATTACHMENT 1

LIST OF PROJECTS PROPOSED FOR FUNDING

City of Modesto
Proposed REMOVE Program Grant Funding for FY 1998/99

	<u>Project Funding Sources</u>		
	<u>REMOVE</u>	<u>Other*</u>	<u>Total</u>
1. Employee-based Trip Reduction Program Phase III - This is the City of Modesto Rideshare Program to reduce vehicle trips, reduce miles traveled and improve air quality.	\$18,000	\$36,000	\$54,000
2. Preferential Parking for Carpoolers - The purpose of this project is to institute a parking management plan to provide preferential parking to employees who are carpooling to work.	\$8,065	\$24,065	\$32,130
3. ACE Express Subsidy and Marketing Program – The purpose of this project is to increase ridership on its ACE Express commuter bus service through subsidizing the fares and conducting a targeted marketing campaign. This program will attract 14 additional commuters per trip, to bring our average ridership to 20 riders per trip.	\$35,400	0	\$35,400
4. Bike Racks for MAX Buses – This project is to increase ridership on its MAX public Transit service through purchasing Bike Racks for its 41 buses. This project will attract 1,668 additional bike/transit riders monthly.	\$16,364	\$16,364	\$32,728
5. One Fleet Service (Toyota “RAV4”) Electric Vehicle – The purpose of this project is to lease one Electric Vehicle for a 3 year period. City employees will use this vehicle for deliveries, site inspections etc. .		\$20,000	0
			\$20,000
TOTAL REMOVE FUNDING	\$97,829		

*Congestion Mitigation and Air Quality (CMAQ) Funds and LTF Funds.

DISTRIBUTION
RESOLUTION AUTHORIZING SUBMITTAL
OF GRANT APPLICATIONS

- 2- Clerk
- 1- Attorney
- 1- Initiating Department - Strategic Planning
- 1- Finance

5

Please distribute as noted above.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-53

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANKLIN & CHRISTINA VAN KONYNENBURG FAMILY TRUST OF MAY 5, 1981 AND THE LEACHMAN BROTHERS TRUST OF 1992 FOR ACQUISITION OF 8,374 +/- S.F. OF LAND NEEDED FOR A WELL SITE IN THE CARVER-BANGS/PELANDALE SNYDER AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Franklin & Christina Van Konynenburg Family Trust of May 5, 1981 and the Leachman Brothers Trust of 1992 for the acquisition of 8,374 +/- S.F. of land needed for a well site in the Carver-Bangs/Pelandale-Snyder area 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 9th day of February, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-54

A RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION FOR \$20,000.00 TO GREAT VALLEY CENTER FOR DEVELOPMENT OF A COUNTYWIDE REVENUE SHARING AGREEMENT TO ALLOW FOR MAXIMUM LAND USE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID APPLICATION ON BEHALF OF THE CITY OF MODESTO.

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

WHEREAS, each year the Center considers applications for its LEGACI grant program, and

WHEREAS, the LEGACI program provides grant funding for projects in the areas of land use, economic development, growth, agriculture, conservation and investment, and

WHEREAS, the City and Stanislaus County are seeking grant funding from the Center to support development of a Countywide Revenue Sharing Agreement involving the City of Modesto, County of Stanislaus, and the other incorporated cities within the County, and

WHEREAS, the project involves development of a countywide agreement which will remove the artificial barriers to development and other land use decisions, allowing for maximum use of the land, and

WHEREAS, the project also supports one of the land use visions within the Countywide Visioning Project, and

WHEREAS, the Center will announce grant winners in May, 1999.

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

that it hereby authorizes the submittal of a LEGACI grant application to Great Valley Center in the amount of \$20,000.00.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to sign the application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

W.R. 9

MODESTO CITY COUNCIL
RESOLUTION NO. 99-55

A RESOLUTION ACCEPTING THE MASTER PLAN AND DESIGN DEVELOPMENT REPORT FOR STOCKARD COFFEE NEIGHBORHOOD PARK 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, the Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9902, dated January 6, 1999, reviewed the proposed Stockard Coffee Neighborhood Park, 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

WHEREAS, on February 9, 1999, the City Council considered accepting the Master Plan and Design Development Report for the Stockard Coffee Neighborhood Park, considered approving the Stockard Coffee Neighborhood Park Master Plan, and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/CS9902, dated

January 6, 1999, prepared by the Community Services and Neighborhood Connections Department, for the proposed project, 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 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 Master Plan and Design Development Report for the Stockard Coffee Neighborhood Park is hereby accepted.

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 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 9th day of February, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Initial Study EA/CS 9902
Dated January 6, 1999

City of Modesto
Initial Study

Stockard Coffee Neighborhood Park

E.A. No. EA/CS 9902
January 6, 1999

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

- A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
- B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
- C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

- A. Project title:
Stockard Coffee Neighborhood Park
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353
- D. Project Location:
In the north area of Modesto on the south side of Mable Avenue, the west side of Palmwood Drive, adjacent to Stockard Coffee Elementary School.
- E. Project sponsor:
City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Stockard Coffee Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a five-acre neighborhood park within the Beyer Neighborhood. This project will develop the park, including grading, paving, underground utilities, landscaping, an irrigation system, game courts, family picnic units, a children's play area with play apparatus, a restroom building and lighting.

I. Surrounding land uses:

North: Single-family subdivisions, zoned Specific Plan Overlay.
South: Single-family subdivisions zoned R-1.
West: Stockard Coffee Elementary School, zoned R-1.
East: Mobile home park, zoned Planned Development.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, and will not be a destination that requires a vehicle trip. There will be no on-site parking and it is expected that most people will walk or bike to the park. The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. 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-1-37) are 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, 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 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 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 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. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. 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 project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. 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 project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand 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 still valid.

K. Increased Demand for Parks and Open Space

This project will provide neighborhood park facilities in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Stockard Coffee Neighborhood. The demand for parks and open space will be met with the development of this park. 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

This commercial development 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. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

- A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.
- B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR,

because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

- C. The Stockard Coffee Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.
- D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- E. This initial study provides the substantial evidence to support the above findings.

Signature:


Fred Allen, Parks Planning and Development Manager

Date: 1.6.98

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-56

A RESOLUTION AUTHORIZING CONSTRUCTION TO PROCEED FOR A NEW CHILDREN'S PLAY AREA AT GRACEADA PARK KNOWN AS THE GRACEADA IS FUN TIME ("G.I.F.T.") PROJECT.

WHEREAS, funds have been raised for the construction to proceed for a new children's play area at Graceada Park known as the *Graceada Is Fun Time* ("G.I.F.T.") project, and

WHEREAS, on May 26, 1998, said project was certified by the City Council to be exempt from environmental review based on CEQA Section 15032, as this project is for replacement of existing facilities, and

WHEREAS, by an agenda report from the Community Services and Neighborhood Connections Department dated February 3, 1999, City staff recommended to that the City Council authorize construction of said new children's play area, and

WHEREAS, on February 9, 1999, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes construction of a new children's play area at Graceada Park known as the *Graceada Is Fun Time* ("G.I.F.T.")

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

DISTRIBUTION LIST

- 2 - Clerk
- 1 - Attorney
- 1 - Related Department - Fred Allen

MODESTO CITY COUNCIL
RESOLUTION NO. 99-57

A RESOLUTION ACCEPTING THE PROJECT TITLED "SCADA SYSTEM
ADDITIONS – PHASE II" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled SCADA System Additions – Phase II, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated June 23, 1998.

NOW, THEREFORE, BE IT RESOLVED that the SCADA System Additions – Phase II be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$44,766 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 February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-58

A RESOLUTION ACCEPTING THE BID OF GCS WESTERN POWER & EQUIPMENT OF SACRAMENTO FOR FURNISHING TWO RETROREFLECTIVE SHUTTER CHANGEABLE MESSAGE SIGN

WHEREAS, the bids received for GCS Western Power & Equipment of Sacramento were opened at 11:00 a.m. on January 26, 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 GCS Western Power & Equipment of Sacramento for a total cost of \$58,613.87 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of GCS Western Power & Equipment of Sacramento 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 16th day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-59

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing 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 16th day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-60

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE PAVING MACHINE WITH TRAILER FROM NIXON-EGLI EQUIPMENT COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one paving machine with trailer from Nixon-Egli Equipment Company.

BE IT FURTHER RESOLVED that purchase of one paving machine with trailer from Nixon-Egli Equipment Company for a total price of \$113,062.35.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-61

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
ESTABLISH A CAPITAL NON-CIP ACCOUNT

WHEREAS, an additional paving machine with trailer needs to be purchased to proactively address the deferred maintenance backlog of street paving; and

WHEREAS, both the City of Los Angeles and City of Fresno purchased a paving machine with trailer through the formal bidding process. The Nixon-Egli Equipment Company extended the same unit to the City of Modesto at the same price until February 28, 1999; and

WHEREAS, a capital non-CIP account needs to be established to complete this purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<u>Expenditures</u>		
#010-480-4801-8099	Departmental Carryover	\$(67,000)
#070-430-H063-6040	Pavement Maintenance	(20,000)
#720-800-8000-8003	Fleet Contingency Reserve	(27,000)
#720-480-5814-5270	Paving Machine/Trailer	114,000
#070-700-7000-7720	Transfer Out to Fleet Fund	20,000
#010-700-7000-7720	Transfer Out to Fleet Fund	67,000
<u>Revenues</u>		
#720-700-7000-9070	Transfer In from Gas Tax Fund	20,000
#720-700-7000-9010	Transfer In from General Fund	67,000

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 16th day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-62

A RESOLUTION DESIGNATING THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES AS THE ENFORCEMENT AGENCY FOR PURPOSES OF ENFORCING LABOR CODE SECTION 6404.5, WHICH PROHIBITS SMOKING IN BARS, TAVERNS, AND GAMING CLUBS.

WHEREAS, Sections 5-8.101, et seq. of the Modesto Municipal Code, effective June 1, 1993, prohibit smoking in enclosed places of employment, and

WHEREAS, pursuant to Section 2-3.601 of the Modesto Municipal Code, said Code sections prohibiting smoking have been enforced by the Stanislaus County Health Officer, and

WHEREAS, the City and the County of Stanislaus entered into an agreement effective July 1, 1977, which authorized the County Health Officer to act as the City Health Officer for the purpose of enforcing state and local laws relating to public health, and

WHEREAS, on January 1, 1998, California legislation added Section 6404.5 to the Labor Code, which prohibits smoking in bars, taverns, and gaming clubs, and

WHEREAS, said legislation is intended to protect employees from the harmful health effects of secondhand smoke, and

WHEREAS, on January 5, 1999, the Stanislaus County Board of Supervisors designated the Department of Environmental Resources as the enforcement agency for Labor Code Section 6404.5, and because of the switch from the County Health Officer to the County Department of Environmental Resources as the enforcing agency, the local governing body is

required to designate an enforcement agency for its provision of prohibiting smoking in the workplace, and

WHEREAS, on February 16, 1999, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby designates the Department of Environmental Resources as the enforcement agency for Stanislaus County for the implementation of Labor Code Section 6404.5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of February, 1999, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-63

A RESOLUTION ACCEPTING IMPROVEMENTS IN MILLBROOK ESTATES UNIT
NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON
EXPIRATION OF STATUTORY PERIODS

WHEREAS, Bright Development, a California Corporation, subdivider of Millbrook Estates Unit No. 1 Subdivision has filed an Irrevocable Commitment of Funds in the amount of \$602,500 for faithful performance and an Irrevocable Commitment of Funds in the amount of \$301,250 for labor and materials, and;

WHEREAS, the Community Development Director in a memorandum to the City 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 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 the 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 Millbrook Estates Unit No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of \$602,500 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the bond Irrevocable Commitment of Funds for labor and materials in the amount of \$301,250 upon the 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 February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-64

A RESOLUTION ACCEPTING IMPROVEMENTS IN TUSCANY UNIT NO. 1
SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON
EXPIRATION OF STATUTORY PERIOD.

WHEREAS, Rodney K. Lowe, Inc., a California Corporation, subdivider of Tuscany Unit No. 1 Subdivision has filed an Irrevocable Standby Letter of Credit in the amount of \$538,000 for faithful performance and an Irrevocable Standby Letter of Credit in the amount of \$269,000 for labor and materials, and;

WHEREAS, the Community Development Director in a memorandum to the City 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 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 the 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 Tuscany Unit No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for faithful performance in the amount of \$538,000 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the bond Irrevocable Standby Letter of Credit for labor and materials in the amount of \$269,000 upon the 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 February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-65

A RESOLUTION AUTHORIZING THE HOUSING MAINTENANCE PROGRAM TO ALLOW THE CITY TO LEND HOUSING REHABILITATION FUNDS TO THE HOUSING AUTHORITY FOR THE RANDAZZO AVENUE PROJECTS; ADDING THE RANDAZZO AVENUE NEIGHBORHOOD TO THE HOUSING MAINTENANCE PROGRAM AS A VOLUNTARY TARGET AREA FOR REHABILITATION EFFORTS OF THE HOUSING AUTHORITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THIS PROJECT.

WHEREAS, Randazzo Avenue is a neighborhood in danger of slipping further into decay, and

WHEREAS, the Housing Authority has ownership interest and has been a stabilizing force in the area, and

WHEREAS, prior to purchasing the properties, it is essential that the Housing Authority is able to depend on Community Development Block Grant (CDBG) funds for rehabilitation in this neighborhood, and

WHEREAS, the Citizens Housing and Community Development Committee considered this matter at its February 12, 1999, meeting and recommended approval to the City Council, and

WHEREAS, by an agenda report dated February 16, 1999, the Community Development Department/Housing and Neighborhoods Division, requested an amendment to the Housing Maintenance Program to allow the City to lend housing rehabilitation funds to the Housing Authority for the Randazzo Avenue projects, more particularly referred to on the

attached maps, and

WHEREAS, the proposed amendment would allow 34 housing units on Randazzo Avenue to be inspected for structural deficiencies and rehabilitated, using approximately \$500,000 in Community Development Block Grant funds to rehabilitate the identified deficiencies, with the overall project to be completed within 18 months, and

WHEREAS, the Council considered said matter at its meeting of February 23, 1999,

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

1. That the Housing Maintenance Program is hereby amended to allow the City to lend housing rehabilitation funds, a maximum of \$500,000, to the Housing Authority to rehabilitate 34 Housing Unites in the Randazzo Avenue Neighborhood, more particularly described on the attached maps.
2. That the Randazzo Avenue Neighborhood is hereby added to the Housing Maintenance Program as a Voluntary Target Area for rehabilitation efforts of the Housing Authority.
3. That the City Manager or his authorized designee are hereby authorized to execute all necessary documents related to this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-66

A RESOLUTION APPROVING A LETTER OF UNDERSTANDING WITH STANISLAUS COUNTY COMMUNITY SERVICES AGENCY AND UNITED WAY OF STANISLAUS COUNTY TO COORDINATE A JOINT REQUEST FOR PROPOSALS PROCESS FOR FUNDING SOCIAL SERVICE AGENCIES

BE IT RESOLVED by the Council of the City of Modesto that the Letter of Understanding with Stanislaus County Community Services Agency and United Way of Stanislaus County to coordinate a joint Request for Proposals process for funding social service agencies be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Letter of Understanding 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 February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

Clend

MODESTO CITY COUNCIL
RESOLUTION NO. 99-67

A RESOLUTION APPROVING 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. (RESOURCE DEVELOPMENT)

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, Resource Development has proposed 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, the Planning Commission held a duly noticed public hearing on January 25, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on January 25, 1999, the Planning Commission adopted Resolution No. 99-13, recommending to the City Council Amendment No. 5 to the Pelandale-Snyder Village Specific Plan to allow a fence separation between multi-family and single-family areas and to relocate a fire station site, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 23, 1999, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Pelandale-Snyder Specific Plan to allow a fence separation between multi-family and single-family areas and to relocate a fire station site, as recommended by the Planning Commission in its Resolution 99-13, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The General Plan defers development standards and the specific provisions for public services in this area to the Pelandale-Snyder Specific Plan.
2. The Specific Plan Amendment would implement General Plan policy for provision of public infrastructure and community services.

BE IT FURTHER RESOLVED that said 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, as recommended by the Planning Commission, 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 23rd day of February, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

CITY OF MODESTO
PELANDALE-SNYDER SPECIFIC PLAN

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.

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} ~~shall~~ be separated by a local or collector street upon which both uses front, ~~where ever possible. Land use transitions which require extensive use of walls and fences shall be discouraged.~~ Land use transitions also may be separated with a masonry wall with units in both uses backing up to the wall.

F. Public Safety

1. Public Safety Overview

As the plan area transitions from a rural, agricultural area into an urbanized one, public safety and service requirements for the area will increase. Currently, the area requires minimal services which are provided by the County. As development occurs, a higher level of public services will be required to be provided by the City of Modesto. Public safety services such as police and fire will have to expand to serve the area. In some cases new facilities will be required within the Plan Area, such as a new Modesto Fire Department station site. Construction of the Pelandale Expressway will also create an issue of additional traffic noise, that will impact planned residential areas.

a. Adoption of the Public Safety Diagram

The Specific Plan Public Safety Diagram (Figure 15 Public Safety Diagram) is hereby adopted and incorporated into the Pelandale-Snyder Specific Plan. The Public Safety Diagram conforms with Section 65451(a)(2) of the State Government Code.

2. Public Safety Goal, Objectives, and Policies

Goal F Provide for the protection of the health and well being of all residents.

Objective F.1. Provide necessary public safety facilities to serve the Plan Area.

Public Safety Policies

F.1.a. A 3/4 acre fire station site shall be reserved in the vicinity of the intersection of the future Snyder Avenue ~~Pelandale Expressway~~ and Tully Road. Utilization of the remnant parcel resulting from the Expressway alignment shall be considered for said use.

F.1.b. The Plan Area is located in Zone C of FEMA's FIRM maps, outside the 500 year flood plain. No special flood requirements apply.

Objective F.2. Protect residential areas from traffic noise.

Noise Impact Policies

F.2.a. Noise level of 45dB (CNEL) interior and 65dB (CNEL) exterior shall be maintained around all residential dwellings.

F.2.b. An 8 foot masonry, sound attenuation wall shall be constructed between SFR areas and the Pelandale Expressway. Landscaping, textures and colors shall be utilized to enhance the aesthetic qualities of the wall (see Community Design Guidelines).

F.2.c. Berms, buffers, additional setbacks, and special building construction techniques shall be utilized, instead of sound attenuation walls, where MFR and P-O areas adjoin the Expressway and Major Streets.

H. Community Design and Landscaping

I. Community Design and Landscaping Overview

Community design is an important and often overlooked part of development. Good community design, enhances the quality of life in neighborhoods, improves circulation, reduces impacts on natural resources, and improves safety.

a. Approach

During buildout of the Plan Area, portions of the project will develop separately over a number of years. In order to assure that the project develops into cohesive and identifiable neighborhood unit, community design principals must be implemented. These principals include urban design, circulation, and landscaping solutions. When complete, these community design features will unify the many individual developments that have occurred within the Plan Area into identifiable neighborhood units.

b. Adoption of the Community Design and Landscaping Diagram

The Specific Plan Community Design and Landscaping Diagram (Figure 16 Community Design Diagram) is hereby adopted and incorporated into the Pelandale-Snyder Specific Plan. The Community Design and Landscaping Diagram conforms with Section 65451(a)(2) and 65452 of the State Government Code.

Community Design and Landscaping Goal, Objectives and Policies

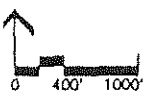
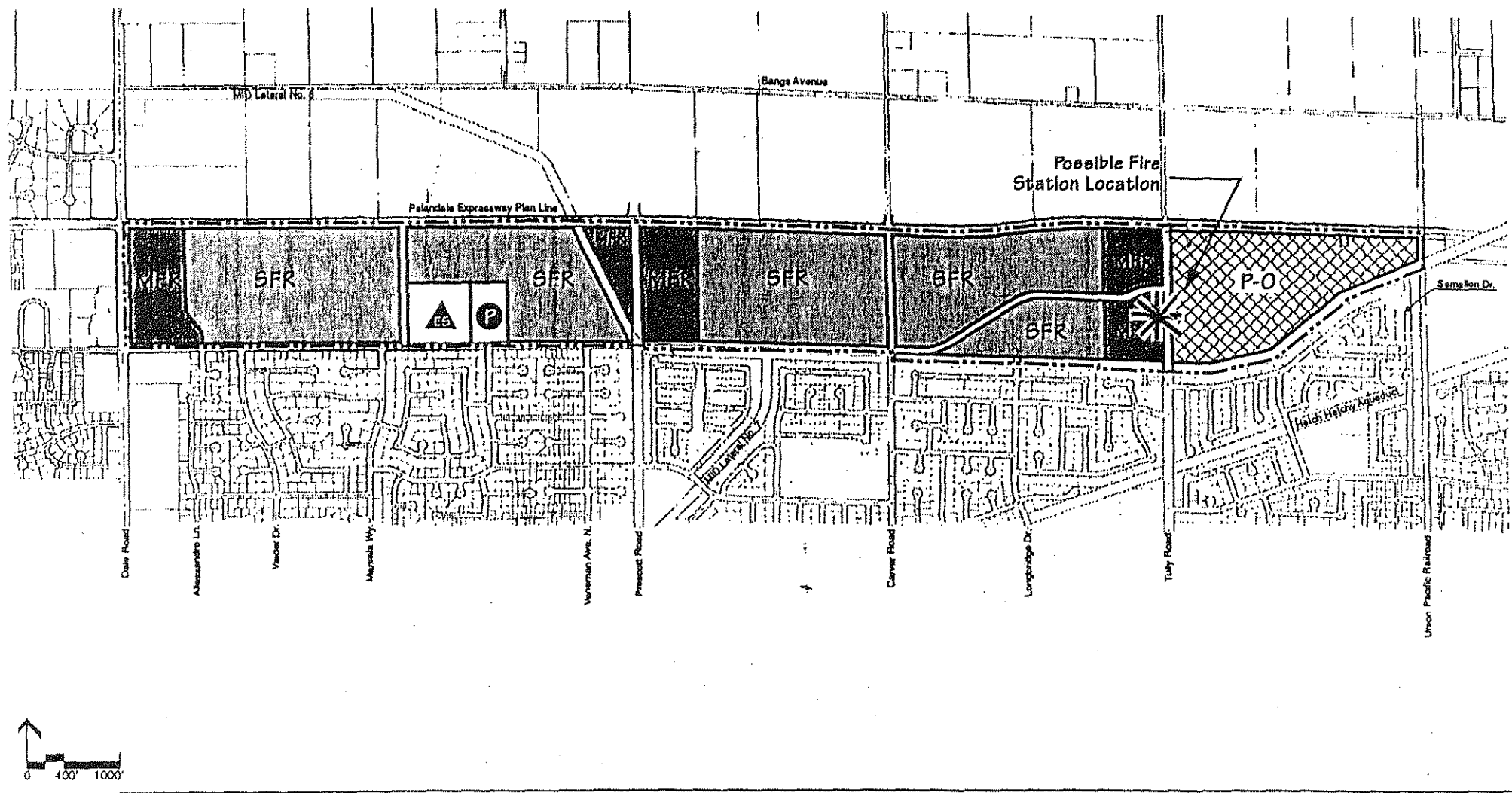
The following Goal, Objectives and Policies apply to all development projects proposed within the Specific Plan Area. Compliance with the following policies will be verified at time of development plan and/or tentative map submission.







Goal H Assure the development of cohesive and identifiable neighborhoods within the Plan Area.

Objective H.1. Create a street, sidewalk, and pathway network that encourages all forms of circulation.

Community Design Street Policies (refer to Figure 17 Neighborhood Street Layout Prototype)

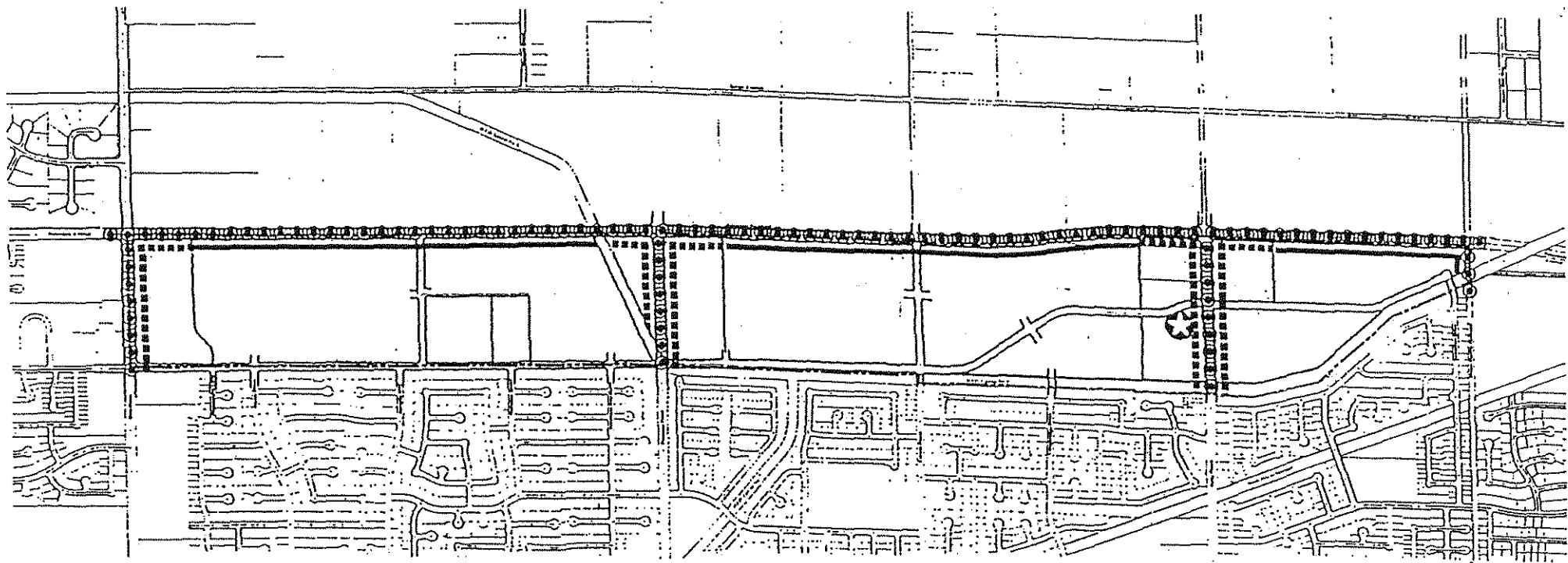
- H.1.a. Adequate minor residential street connections shall be provided among adjoining subdivisions to ensure a network of circulation routes is created.
- H.1.b. A minor residential street ~~shall~~ ^{may} be provided between SFR and MFR land use areas, ~~Units~~ ^{with units} in both land use areas ~~shall front~~ ^{fronting} the street. ~~SFR and MFR with units in both uses~~ ^{A masonry wall may be used to separate SFR and MFR with units in both uses backing up to the wall.}
- H.1.c. Open ended cul-de-sacs with pedestrian/bicycle connections shall be provided along the Pelandale Expressway at a minimum of 1000 foot intervals.
- H.1.d. Connections to the MID canal bikeway shall be provided at a minimum of 500 foot intervals as shown in Figure 18 (MID Canal Class I Bikepath Details).



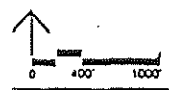
- | | | | |
|---|---------------------------|---|--------|
|  | Single Family Residential |  | School |
|  | Multi-Family Residential |  | Park |
|  | Professional Offices | | |
|  | Fire Station | | |





CITY OF MODESTO
PELANDALE-SNYDER SPECIFIC PLAN

Figure 5
Land Use Diagram



Note: Entire Specific Plan Area is Outside 500 Year Flood Plain.



-  Noise Source
-  Fire Station Location
-  Sound Wall
-  Walls Not Permitted

CITY OF MODESTO
PELANDALE-SNYDER SPECIFIC PLAN

Figure 15
Public Safety Diagram

RESOLUTION AMENDMENT TO SPECIFIC PLAN

- 1 Attorney - Rosemarie
- 1 CDD - Steve Mitchell
- 1 Buz Carrade
- 3 Resource Development
220 Standiford Ave. #D5
Modesto, CA 95350

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-67A

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. 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. (RESOURCE DEVELOPMENT)

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 EA/CDD 99-4 reviewed the proposed 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 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 proposed amendments which 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 amendments are 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 99-4, provides substantial evidence to support findings 1 - 3 above.

5. As per section 2166 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 23rd day of February, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

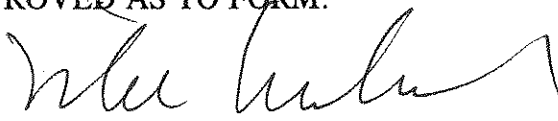
NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

EA/CDD 99-4

Initial Study

EXHIBIT "A"

City of Modesto
Initial Study

Pelandale-Snyder Specific Plan Amendment No. 5

EA/CDD 99-4
January 13, 1999

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. 5
- 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 Snyder Avenue between Dale Road and the Union Pacific railroad tracks.

- E. Project Sponsor:
Resource Development, Inc., 2020 Standiford Ave., Ste. D-5, Modesto, CA 95350
- F. General Plan Designation:
Residential (R)
- 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:
1. Allow single-family and multi-family areas to back up to each other and be separated by a wall.
 2. Shift a future fire station site to another location within the Specific Plan.
 3. Redesignate 2.5 acres at the corner of Tully Road and Snyder Avenue from multi-family residential to professional office.
- I. Surrounding land uses:
The Specific Plan is bounded on the north by a combination of agricultural land and currently-developing subdivisions, separated by the planned extension of the Pelandale Avenue expressway; to the east by the Union Pacific Railroad; and to the south and west by existing residential development.
- 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 amendments do include changes to land use, the changes are of a minor nature and do not make the Specific Plan inconsistent with the General Plan. 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. Since the proposed amendments are minor in nature, 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. The proposed amendments are minor in nature, and would actually lessen traffic impacts, as the change from multi-family residential to offices results in a slight decrease in traffic, and the relocation of the fire station will provide better access for the fire station and less disruption of traffic at the major intersection of Pelandale Avenue and Tully Road. Therefore, there would be no change 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. The proposed amendments would not create any additional noise impacts, as existing development standards will ensure that the fire station and office uses will be adequately buffered from future residential areas. 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 these amendments 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 amendments are minor in nature, and will not create any additional biological impacts. Therefore, there would be no change

needed to the biological impacts analyzed in the EIR.

7. Archaeology

Impacts to archaeology are analyzed on page 130 of the Pelandale-Snyder Specific Plan EIR. The proposed amendments are minor in nature, and will not create any additional archaeological impacts. Therefore, there would be no change needed to the archaeological impacts analyzed in the EIR.

8. Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale-Snyder Specific Plan EIR. Because the proposed amendments are minor in nature, and in the case of the relocation of the fire station, will result in improved access from the future fire station, there would be no increased impacts to public 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 project will not affect the conclusions reached in the EIR regarding hydrology and drainage, as the changes are minor in nature, and 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 amendments are minor in nature, and will not create 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 amendments are minor in nature, and will not create any additional geological impacts. Therefore, there would be no change needed to the impacts to geology/soils analyzed in the 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 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. 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 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

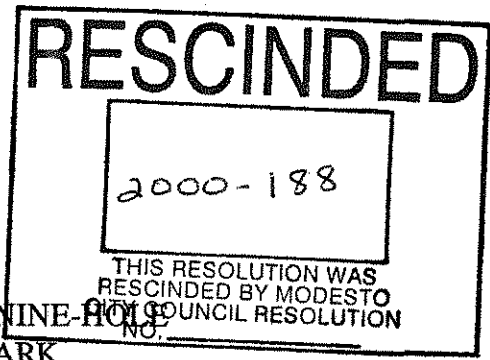
- A. There are no substantial changes proposed in the proposed amendments which will require major revisions of the Pelandale-Snyder Specific Plan EIR.
- B. There are no substantial changes occurring with respect to the circumstances under which the amendments are being undertaken which will require 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,
Associate Planner

Done



MODESTO CITY COUNCIL
RESOLUTION NO. 99-68

A RESOLUTION ESTABLISHING RATES AND
CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE
MUNICIPAL GOLF COURSE, THE DRYDEN PARK
MUNICIPAL GOLF COURSE, AND THE CREEKSIDE
MUNICIPAL GOLF COURSE AND RESCINDING
RESOLUTION NO. 98-329

WHEREAS, the Golf Courses Committee met on February 1, 1999 and
proposed an increase in green fees of \$1.00 per round, and

WHEREAS, City staff is also recommending that green fees be increased \$1.00
per round with the exception of weekend rounds at Creekside Golf Course where green fees
would increase to \$2.00 per round, and

WHEREAS, City staff is further recommending that the length of time that
Valu-Play books are valid be extended from thirty (30) days to sixty (60) days, and

WHEREAS, the Human Services Committee met on February 8, 1999, and
supported the recommendations of City staff to increase green fees to \$1.00 per round with the
exception of weekend rounds at Creekside Golf Course where green fees would increase to
\$2.00 per round and to extend the Valu-Play books' time of use from thirty (30) to sixty (60)
days , and

WHEREAS, said matter was set for a public hearing of the City Council to be
held at 4:00 p.m. on February 23, 1999, in the City Council Chambers, City Hall, 801 11th
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 golf fees and
policies recommendations, and

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at the Modesto Nine-Hole Municipal Golf Course, 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.

(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 Community Services and Neighborhood Connections 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 Community Services and Neighborhood Connections 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. 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 6. 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 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after March 1, 1999.

SECTION 8. REPEALS. Resolution No. 98-329 adopted on June 23, 1998, is hereby rescinded February 28, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1999, 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, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE MARCH 1, 1999

DRYDEN

*Weekdays, 9-holes	\$ 12.00
*Weekdays, 9-holes (seniors/juniors/disabled)	\$ 10.00
Weekdays, 18-holes	\$ 16.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 13.00
Weekdays, 18-holes (juniors, after noon)	\$ 8.50
Weekdays Mid-day, 18-holes	\$ 12.00
Weekdays Super-Twilight, 18-holes	\$ 6.00
Weekdays afternoon League Play	\$ 11.00
*Weekends/Holidays, 9-holes	\$ 14.00
Weekends/Holidays, 18-holes	\$ 22.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 11.50
Weekends/Holidays Mid-day, 18-holes	\$ 15.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 9.00
6-play Valu-Play booklet	\$ 78.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 66.00
8-play Valu-Play booklet	\$104.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 88.00
10-play Valu-Play booklet	\$130.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$110.00

CREEKSIDE

*Weekdays, 9-holes	\$ 13.50
*Weekdays, 9-holes (seniors/juniors/disabled)	\$ 11.00
Weekdays, 18-holes	\$ 18.00
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 14.50
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	\$ 16.00
Weekends/Holidays, 18-holes	\$ 25.00
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 13.50
Weekends/Holidays Mid-day, 18-holes	\$ 17.00
Weekends/Holidays Super-Twilight, 18-holes	\$ 11.00
6-play Valu-Play booklet	\$ 78.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 66.00
8-play Valu-Play booklet	\$104.00
8-play Valu-Play booklet (seniors/juniors/disabled)	\$ 88.00
10-play Valu-Play booklet	\$130.00
10-play Valu-Play booklet (seniors/juniors/disabled)	\$110.00

*Available first 1½ hours of the day.

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

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE MARCH 1, 1999

	FEE PER PLAYER		
	Regular Tee <u>Time Style</u>	Full Shotgun Tee <u>Time Style</u>	Modified Shotgun Tee <u>Time Style</u>
<u>CREEKSIDE</u>			
Weekday	\$28.00	\$49.00	\$49.00
Weekends	\$35.00	\$57.00	\$57.00
<u>DRYDEN</u>			
Weekday	\$26.00	\$47.00	\$47.00
Weekends	\$32.00	\$54.00	\$54.00
<u>MUNI</u>			
Weekday	\$18.00	\$31.00	N/A
Weekend	\$22.00	\$35.00	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$18.00 weekdays/\$25.00 weekends at Creekside, \$16.00 weekdays/\$22.00 weekends at Dryden and \$10.00 weekdays/\$12.00 weekends at Muni); and Pro Shop merchandise credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni); and golf course restaurant credit (\$5.00 at Creekside/Dryden and \$4.00 weekdays/\$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 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.

16

MODESTO CITY COUNCIL
RESOLUTION NO. 99-69

A RESOLUTION AUTHORIZING CREATION OF A
COMPLETE COUNT COMMITTEE FOR THE 2000 CENSUS.

WHEREAS, City staff has recommended that a *Complete Count Committee* be established for the purpose of assisting in the planning and implementation of the 2000 Census, and

WHEREAS, the Economic Development Community and Intergovernmental Relations Committee heard a presentation by the Census Bureau on January 14, 1999, and recommended the formation of a *Complete Count Committee*, and

WHEREAS, said matter was considered by the Council at its meeting held on February 23, 1999,

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

1. That to ensure a complete and accurate count of Modesto residents for the 2000 Census, the Council hereby authorizes the creation and appointment of a *Complete Count Committee* to assist in the planning and implementation of the 2000 Census.
2. That said Committee consist of representatives of a variety of community interest groups: schools, businesses, churches, media, etc.
3. That the purpose of said Committee is to publicize the need for people to fill out the forms while stressing the confidentiality of the information, as well as helping to identify places where people might be living in non-conventional housing units.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-70

A RESOLUTION REAPPOINTING LAURA BONICH
TO THE BOARD OF BUILDING APPEALS

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

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

SECTION 1. Laura Bonich is hereby reappointed to the Board of Building Appeals, term to expire December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-71

A RESOLUTION REAPPOINTING ERNEST FOOTE
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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Ernest Foote is hereby reappointed to the Local Cable Programming Committee, term to expire December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 23rd day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-72

A RESOLUTION REAPPOINTING MARVIN EVANS
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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Marvin Evans is hereby reappointed to the Economic Development Loan Committee, term to expire December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 23rd day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

RESOLUTION NO. 99-73

A RESOLUTION REAPPOINTING RAYMOND FELLERS AS THE
PLANNING COMMISSION REPRESENTATIVE TO
THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. Raymond Feller is hereby reappointed to the Board of Zoning Adjustment as the Planning Commission representative, term to expire December 31, 1999.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-74

A RESOLUTION ACCEPTING THE ROCKWELL REPLACEMENT/ADDITION
PROJECT – 1998-99 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 rockwell replacement/addition project – 1998-99, has been completed by Cunningham and Sons, Inc., in accordance with the contract agreement dated July 7, 1998.

NO, THEREFORE, BE IT RESOLVED that the rockwell replacement/addition project – 1998-99, be accepted from said contractor Cunningham and Sons, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$388,233.56.00 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 2nd day of March, 1999, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-75

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE
1998-99 ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR PROJECT

WHEREAS, the bids received for the 1998-99 annual catch basin and valley gutter repair project were opened at 11:00 a.m. on February 16, 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 Ross F. Carroll, 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 \$63,361.80 from Ross F. Carroll, 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 March, 1999, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-76

A RESOLUTION ACCEPTING A "MAKING OFFICER REDEPLOYMENT EFFECTIVE" GRANT IN THE AMOUNT OF \$150,000 FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICE SERVICES (COPS) AND AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT

WHEREAS, on June 2, 1998, the City Council adopted Res. No. 98-297 authorizing the City Manager to execute and submit an application to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for a technology grant through "COPS MORE" (Making Officer Redeployment Effective), and

WHEREAS, the technology grant will be utilized for acquisition of mobile computers (lap top computers) for police field use, and

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services has approved the application and authorized a grant of \$150,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the grant offer in the amount of \$150,000 from the Department of Justice, Office of Community Oriented Policing Services is hereby accepted.

BE IT FURTHER RESOLVED that the execution of the grant agreement by the City Manager or his authorized designee be authorized.

...uced at a regular meeting of the Council of
... of March, 1999, by Councilmember Friedman,
...n being duly seconded by Councilmember Fisher,
...solution adopted by the following vote:

Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

: None

ers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-77

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
INCREASE REVENUES AND APPROPRIATE FUNDS FOR EXPENDITURE**

WHEREAS, the Police Department was approved for a Federal COPS MORE grant in the amount of \$150,00, with a match of \$50,000; and

WHEREAS, the grant is a technology grant and will be utilized for acquisition of mobile computers for police field use. The \$50,000 match will come from the Police Department's State Supplemental Law Enforcement Services Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 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 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

BT99-051(040).xls 990302

FY98-99

4/8/99 gh

Revenue & Appropriation Adjustment

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Revenue	COPS More Grant	010	190	1961	3508		0	150,000	150,000
Revenue	Transfer in from 040	010	700	7000	9040		759,977	50,000	809,977
Appropriation	Computer (Lab-Top)	010	190	1961	5276	19C	0	200,000	200,000
Appropriation	Contingency Reserve	040	800	8000	8003	01H	0	(50,000)	(50,000)
Appropriation	Transfer out to 010	040	700	7000	7010		759,977	50,000	809,977

MODESTO CITY COUNCIL
RESOLUTION NO. 99-78

A RESOLUTION AUTHORIZING NOMINATIONS FOR THE 1999 TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) PROGRAM AND AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDING FROM THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, the Stanislaus Area Association of Governments (SAAG) is accepting nominations for the 1999 Transportation Enhancement Activities (TEA) program, and

WHEREAS, the program includes approximately \$3.3 million to be distributed over the next six-year period, and

WHEREAS, City staff proposes nomination of certain projects in order of priority for 1999 TEA Grant funding, and

WHEREAS, the City Council considered said matter at its meeting held on March 2, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the following Nominations of Transportation Enhancement Activity (TEA) projects for grant funding, as set forth in order of priority:

1. City Gateway Projects
 - a) Briggsmore/Sisk/Hwy 99
 - b) Carpenter Rd/Hwy99
 - c) I Street/Hwy 99
 - d) New Amtrak Station
2. Scenic/La Loma/H Street Project
3. Tuolumne Blvd. Extension
4. Scenic Ave. Corridor Project
5. Santa Fe Engine #2921 Relocation
6. Briggsmore Expressway Enhancements
7. Bicycle Education Program

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager of the City of Modesto or his authorized designee to apply for said grant funding from the Stanislaus Area Association of Governments, to act in connection with the nomination, and to provide such additional information as may be required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-79

A RESOLUTION APPROVING AN AGREEMENT ENTITLED
"FIRST AMENDMENT TO SUBDIVISION IMPROVEMENT
AGREEMENT" BETWEEN THE CITY OF MODESTO AND
KAUFMAN AND BROAD-CENTRAL VALLEY, INC., FOR
THE ALMOND VALLEY SUBDIVISION.

WHEREAS, by Resolution No. 98-427, adopted on August 11, 1998, the City Council approved the Final Map of the Almond Valley Subdivision, consisting of 19.45 acres, and authorized the execution of a Subdivision Improvement Agreement, dated August 11, 1998, between the City of Modesto and Kaufman and Broad-Central Valley, Inc., a California corporation, Subdividers, ("Developer"), as required by Section 4-4.604(c) of the Modesto Municipal Code, with the provision that neither said Resolution nor Agreement would become effective until Subdividers acquired legal title to the Subdivision or until August 14, 1998, whichever would be later, and

WHEREAS, pursuant to said Agreement, Developer agreed to provide certain interim or permanent services for the Almond Valley Subdivision to the satisfaction of City's engineer, including wastewater disposal and storm drainage, prior to occupancy of any structures within said Subdivision, and

WHEREAS, City's Fire Department has determined that fire access to the Subdivision is inadequate, and prior to final occupancy Developer should provide additional access to said Subdivision for public health, safety and welfare purposes, and

WHEREAS, an Amendment to the Subdivision Improvement Agreement is required to provide temporary installation of emergency services only access to said

Subdivision from the intersection of Snyder Road and Prescott Road, and

WHEREAS, in addition, Developer is prepared to obtain final occupancy on certain homes, and clarification to said Subdivision Improvement Agreement is necessary regarding interim and permanent provisions for sewer service and storm drainage for said Subdivision, and

WHEREAS, pursuant to a report dated February 22, 1999, from the Community Development Department, City staff recommended to the Council approval of a First Amendment to Subdivision Improvement Agreement for the Almond Valley Subdivision, and

WHEREAS, Developer has furnished securities in a manner acceptable to the City Attorney and in the amounts required by the proposed First Amendment to Subdivision Improvement Agreement, and

WHEREAS, on March 2, 1999, the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the *First Amendment to Subdivision Improvement Agreement* between the City of Modesto and Kaufman and Broad-Central Valley, Inc., a California corporation, "Developer", for the Almond Valley Subdivision, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1999, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-80

A RESOLUTION APPROVING THE REVISION OF THE CITY POLICY ON
AMPLIFICATION OF MUSIC IN CITY PARKS

WHEREAS, it is the policy of the City of Modesto that no amplification of musical instruments is permitted outdoors in parks and on other public property in the City of Modesto, and

WHEREAS, the City Council reserves the right to approve the use of amplified musical instruments in conjunction with and as part of a community-wide celebration held on an annual basis to celebrate an established event, and

WHEREAS, from time to time there are requests from organizations for the use of amplified musical instruments in City parks at an annual community-wide celebration and the Council desires to allow the Director of Community Services and Neighborhood Connections to have the authority to approve the organization's future consecutive or annual amplified musical instruments requests following the Council's initial approval.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the revised policy concerning the use of amplification in City Parks attached hereto as Exhibit "A" as recommended by the Human Services Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the council of the City of Modesto held on the 2nd day of March, 1998, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

City of Modesto

City Council Policy - **Revision**

Policy No. 6.007

Subject: Amplification of Music in City Parks

Purpose:

To establish a policy concerning use of amplification of music in City parks.

Policy:

It is the policy of the City of Modesto that no amplification of musical instruments is permitted outdoors in parks and on other public property in the City of Modesto; however, the City Council reserves the right to approve the use of amplified musical instruments in conjunction with and as part of a community-wide celebration held on an annual basis to celebrate an established event, such as an ethnic festival, if such amplified musical instruments will be played in a location and the volume thereof can be controlled in such manner so that the instruments will not unreasonably disturb or annoy the peace and quiet of the persons residing in the areas adjoining such location and the volume will conform with the decibel limits set forth in the City of Modesto's noise regulations contained in Sections 4-9.101 et seq. of the Modesto Municipal Code.

Following City Council's approval for use of amplified musical instruments at an organization's annual community-wide celebration, the Director of Community Services and Neighborhood Connections will have the authority to approve the organization's future amplified musical instruments request provided: 1) that request is for consecutive uses or events occurring annually; 2) that the organization's past event followed all rules and regulations governing amplified musical instruments in city parks; 3) that verifiable complaints from the community immediately surrounding the event were not filed with the CS&NC Director after the last event; and, 4) that the organization's amplified music request is deemed to be the same as the last request.

EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 99-81

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS TO COVER THE COST FOR CENTRAL VALLEY AQUATICS TO
USE JOHANSEN POOL FOR THE SIERRA NEVADA SWIMMING CHAMPIONSHIPS**

WHEREAS, Central Valley Aquatics (CVA) is requesting to be granted Priority 1 status for rental of Johansen Pool for the Sierra Nevada Swimming Championships; and

WHEREAS, CVA is currently a Priority 5 organization (non-local, non-profit). By granting the Priority 1 request, the use fee would be \$775 instead of \$2,642 for Priority 5; and

WHEREAS, a budget amendment is needed to recover the City's additional costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures

Acct #010-800-8000-8003 Contingency Reserve	\$(1,867)
Acct #010-370-3713-0210 Utilities	\$ 1,867

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Smith

ATTEST: _____

Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: *Stan Feathers*
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-82

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAVE HALEY FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE MARCH 2, 1999

WHEREAS, Dave Haley was appointed a member of the Golf Course Advisory Committee on August 26, 1997; and

WHEREAS, Dave Haley has tendered his resignation from the Golf Course Advisory Committee, effective March 2, 1999; and

WHEREAS, Dave Haley 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 Dave Haley from the Golf Course Advisory 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 Dave Haley for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-83

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
ALLOCATE FISCAL YEAR 1997-98 CARRYOVER TO CDBG ELIGIBLE PROJECTS**

WHEREAS, staff has completed the carryover analysis for fiscal year 1997-98. Excess funds must be accounted for and allocated during the FY98-99 operating budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 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 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST:



JEAN ZAHB, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:



STAN FEATHERS, Budget Officer

ATTACHMENT A

Resolution 99-83

CDBG/Housing/Econ Dev Funds

Expenditures				Increase (Decrease)	
113	140	K017	various	Street Paving in Low Income Areas	367,387
113	140	K018	various	Economic Development Infrastructure	320,000
113	140	K020	various	Traffic Light on Sisk Road @ Earl St	110,000
113	140	K021	various	Traffic Light on Prescott/Chrysler	66,200
113	140	K022	various	Street Lights-Paradise Rd	60,000
113	140	K024	various	Street Lights-California Avenue	50,000
113	140	K025	various	Handicapped Accessible Curb Ramps	30,000
113	140	K026	various	Empire/Monteey Avenue Improvements	25,000
113	140	K027	various	Audible Pedestrian Signals	15,000
113	140	K028	various	School Flasing Beacons	12,000
113	140	1452	5272	Photo copier	12,500
113	140	1456	5273	Photo copier	12,500
115	140	1466	497	Direct Loans	(760,587)
115	700	7000	7113	Transfer Out to Fund 113	760,587
116	140	1467	497	Direct Loans	(320,000)
116	700	7000	7113	Transfer Out to Fund 113	320,000
Revenue					
115	700	7000	9113	Transfer In from Fund 115	760,587
116	700	7000	9113	Transfer In from Fund 116	320,000

MODESTO CITY COUNCIL
RESOLUTION NO. 99-84

A RESOLUTION AUTHORIZING THE USE OF
FY97-98 HOUSING REHABILITATION LOAN
PROGRAM (RLF) INCOME FUNDS TO
COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) ELIGIBLE NON-HOUSING
REHABILITATION PROJECTS.

WHEREAS, staff has completed the carryover financial analysis of Housing
Rehabilitation Loan Program (RLF) Income Funds for FY97-98, and

WHEREAS, there are excess carryover funds that must be allocated during the
FY 98-99 operating budget, and

WHEREAS, the carryover of funds is not the result of additional program income
received, and all funds for public services have been allocated, and

WHEREAS, the excess carryover funds amount to \$1,080,587, and

WHEREAS, the Citizens Housing and Community Development Committee
reviewed the reallocation of said funds at its February 12, 1999, meeting, and recommended
authorizing the reallocation of said carryover funds to CDBG eligible non-housing rehabilitation
projects as set forth in the agenda report to the City Council dated February 16, 1999, from the
Community Development Department, and

WHEREAS, the following list of projects is recommended for allocation of
carryover funds:

Street Paving in Low Income Areas	\$367,387
Economic Development Infrastructure	320,000

Traffic Light on Sisk Road @ Earl Street	\$110,000
Traffic Light on Prescott/Chrysler	66,200
Street Lights - Paradise Road	60,000
Street Lights - California Avenue	50,000
Handicap Accessible Curb Ramps	30,000
Empire/Monterey Avenue Improvements	25,000
Audible Pedestrian Signals	15,000
School Flashing Beacons	12,000
Purchase of a Copier for H & N	<u>25,000</u>
	\$1,080,587

and

WHEREAS, the Council considered said matter at its meeting held on March 2, 1999, and took action to include sidewalk installation on Maze Boulevard in the amount of \$20,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the reallocation of FY97-98 excess Housing Rehabilitation Loan Program (RLF) Income Funds to eligible CDBG non-housing rehabilitation projects as follows:

Street Paving in Low Income Areas	\$367,387
Economic Development Infrastructure	320,000
Traffic Light on Sisk Road @ Earl Street	110,000
Traffic Light on Prescott/Chrysler	66,200
Street Lights - Paradise Road	60,000
Street Lights - California Avenue	50,000
Handicap Accessible Curb Ramps	10,000
Empire/Monterey Avenue Improvements	25,000
Audible Pedestrian Signals	15,000
School Flashing Beacons	12,000
Purchase of a Copier for H & N	25,000
Sidewalk installation on Maze Boulevard	<u>20,000</u>
	\$1,080,587

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-85

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF SIDEWALK ALONG CERTAIN STREETS IN THE CITY OF MODESTO, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCELS OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF PAYMENT (Mandatory Sidewalk Program – Public Facilities District No. 12)

WHEREAS, Sections 5875 through 5883 of the Streets and Highways Code establish a procedure that certain improvements may be required; and

WHEREAS, in compliance with the provisions of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction sidewalks abutting the properties hereafter described; and

WHEREAS, March 2, 1999, at 7:00 p.m. in the Council Chambers, located in the City hall, 801 11th Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; which report is as set forth in “Exhibit A,” which is attached hereto and made a part hereof by this reference. Moreover, said Council received the report as submitted, and 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 report of the Superintendent of Streets is hereby confirmed and the cost of such work is set forth in said “Exhibit A.”

Section 2. That the cost of the aforesaid work may be paid in a lump sum or may be a special assessment against the parcels of property fronting upon the work so

constructed and shall become a lien, payable in twenty property tax installments (ten years).

Section 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, interest to begin to run on the 31st day after the adoption of this resolution.

In accordance with the provisions of Section 5893 and 5895 of the Streets and Highways Code, it is ordered that the notice of each annual installment of said assessment be delivered to the Stanislaus County Auditor, and the amount shall be collected together with all other taxes thereon against the property. The lien shall be collected in accordance with the procedure described in Section 5894 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 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Parcel No.	Property Address	Owners's Name and Address	Frontage	Property Owner's Cost
120-3546	808 Norwegian Avenue	Warren N. & Ester M. Williams 808 Norwegian Avenue Modesto, CA 95354	71.32'	\$2,127.15
120-3547	816 Norwegian Avenue	Freddy G. & Ruby J. Guzman 816 Norwegian Avenue Modesto, CA 95350-3600	71.32'	\$2,094.15
120-3548	900 Norwegian Avenue	Freddy G. & Ruby J. Guzman 900 Norwegian Avenue Modesto, CA 95350-3600	71.32'	\$2,094.15
120-2204	1917 Sunny Vista Ave. (Norwegian Avenue)	Herman C. & Shirely Winters 147 El Vista Modesto, CA 95354	106.14'	\$3,045.15
				\$9,360.60

EXHIBIT A

PFD 12 Construction	\$27,304.33
Administration	\$ 2,454.00
Total Construction Costs	\$29,758.33
Assessments to be applied now	\$ 9,360.60
City Costs	\$20,397.73

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-86**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR
MID-YEAR OF THE FY 1998-99 ANNUAL BUDGET**

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 1998-99.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that adjustments and revenue for the 1998-99 budget have been re-estimated 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 2nd day of March, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

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

Fiscal Year 1998-99 Mid-Year Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
1	Appropriation	713	800	8000	8003	77H	130,788	(889)	129,899
	Appropriation	713	800	8000	8003	77H	129,899	(60,000)	69,899
	Appropriation	713	120	1242	0223	77C	101,709	60,000	161,709
	Appropriation	713	800	8000	8003	77H	69,899	(18,000)	51,899
	Appropriation	713	120	1242	0223	77C	161,709	18,000	179,709

Adjustments required to show actual contingency reserve amount and to transfer \$60,000 for AMS conversion and \$18,000 for Help Desk software.

2	Revenue	713	120	1242	4935	na	237,913	409,934	647,847
	Appropriation	713	120	1242	9990	77A	(409,934)	409,934	0
	Appropriation	610	440	5099	0255	64C	138,558	(138,558)	0
	Appropriation	610	440	5099	0254	77C	0	138,558	138,558
	Appropriation	615	440	5097	0255	74C	63,950	(63,950)	0
	Appropriation	615	440	5097	0254	77C	0	63,950	63,950
	Appropriation	616	440	5098	0255	87C	10,659	(10,659)	0
	Appropriation	616	440	5098	0254	77C	0	10,659	10,659
	Appropriation	621	440	5299	0255	94C	155,774	(155,774)	0
	Appropriation	621	440	5299	0254	77C	0	155,774	155,774
	Appropriation	628	440	5399	0255	95C	40,993	(40,993)	0
	Appropriation	628	440	5399	0254	77C	0	40,993	40,993

Adjustments required to reflect Services for utilities billing organizations from service credits to revenue and expenditures.

3	Revenue	010	190	1980	3506	na	0	467,892	467,892
	Revenue	010	190	1980	6101	na	0	1,700	1,700
	Appropriation	010	190	1980	5000	52C	0	13,000	13,000

Adjustments required to recognize deferred revenue from the 96/97 Local Law Enforcement Federal Block Grant (LLEBG) when the expenditure occurs, and also to budget the 97/98 LLEBG. We are requesting \$13,000 of interest earned since the inception of this grant to be used for Computer Forensics hardware and software.

4	Appropriation	010	800	8000	8003	01H	7,128,448	(37,500)	7,090,948
	Appropriation	010	020	0202	0235	02C	24,620	37,500	62,120

Adjustments required to transfer \$37,500 from contingency reserve for the CTIC Associates contract to provide cable franchise consultant services. Resolution (98-259) adopted approving the agreement on 5/19/98, but the resolution to amend the budget was omitted from the minutes. This action is to correct the oversight.

5	Revenue	720	510	9510	4961	na	2,939,454	564,872	3,504,326
	Appropriation	720	800	8000	8003	72h	5,438,500	0	5,438,500

Fleet equipment pool charges were adopted at \$4.7mm. The six month YTD actuals are currently at \$2.6mm which has an annual amount at \$5.2mm. The fleet manager expects more revenue for the following reasons:

- Better tracking system. Fleet is now billing their clients instead of Finance. Tracking program is much more efficient.
- Expecting 3% growth
- FBI vehicles now at two but expected to go to fourteen.
- Increase in business by servicing Stanislaus vehicles
- Maintaining vehicles Laidlaw (Turlock buses)
- Enlarged equipment pool (more equipment available, more expensive equipment & better tracking of equipment)

The fleet manager does not recommend any adjustment to expenses although at six months expenses are below projections they are expected to end at forecasted amounts.

6	Revenue	621	510	9510	4301	na	8,049,000	22,000	8,071,000
	Revenue	621	510	9510	4304	na	3,183,000	(171,000)	3,012,000
	Revenue	621	510	9510	4307	na	117,000	(5,000)	112,000
	Revenue	621	510	9510	4310	na	185,000	(64,000)	121,000

Fiscal Year 1998-99 Mid-Year Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Revenue	Industrial Sewer Service	621	510	9510	4313	na	7,276,000	(276,000)	7,000,000
Revenue	Sewer Connection Installment Fee	621	510	9510	4316	na	0	50	50
Revenue	Sewer Inspection Fee	621	510	9510	4319	na	0	12,000	12,000
Revenue	Misc Wastewater permits	621	510	9510	4320	na	0	2,000	2,000
Revenue	Compost Sales	621	510	9510	4380	na	55,000	65,000	120,000
Revenue	Pruned Refuse-Illegal dumping	621	510	9510	4381	na	0	200	200
Revenue	Sewer Recovery	621	510	9510	4351	na	156,000	(116,000)	40,000
Revenue	Subtrunk Extension Charge	621	510	9510	4353	na	238,000	(68,000)	170,000
Revenue	Interest	621	510	9510	6101	na	250,000	356,000	606,000
Revenue	Lease of Land	621	510	9510	6201	na	88,000	(20,000)	68,000
Revenue	FEMA storm/flood revenue	621	510	9510	8170	na	0	18,000	18,000
Revenue	OES storm/flood revenue	621	510	9510	8171	na	0	2,753	2,753
Revenue	Insurance storm/flood revenue	621	510	9510	8172	na	0	323,475	323,475
Appropriation	Contingency Reserve	621	800	8000	8003		1,758,371	52,478	1,705,893
Appropriation	Transfer Out to fund 622	621	700	7000	7622		666,400	29,000	695,400
Appropriation	Transfer In from fund 621	622	700	7000	9622		666,400	29,000	695,400
Appropriation	Contingency Reserve	622	800	8000	8003		0	29,000	29,000
Revenue	Interest	623	510	9510	6101		357,000	393,000	750,000
Appropriation	Headworks Project	623	480	H865	6040		7,940,506	200,000	8,140,506
Appropriation	Contingency Reserve	623	800	8000	8003		0	193,000	193,000

These adjustments reflect revenue activity to date. The adjustments also reflect no rate increase in the current fiscal year.

The appropriation increases the transfer to fund 622-Capital Bond fund to fully fund the required arbitrage payment.

The appropriation of interest earnings in the Construction account is used to replenish the Headworks project.

7	Revenue	Water Sales - Flat	610	510	9510	4201	na	10,665,000	(400,000)	10,265,000
	Revenue	Delinquent Service Fees	610	510	9510	4204	na	375,000	25,000	400,000
	Revenue	Water Systems Fee	610	510	9510	4250	na	371,000	79,000	450,000
	Revenue	Water Taps & Connections	610	510	9510	4251	na	377,000	173,000	550,000
	Revenue	Water Meter Sales	610	510	9510	4253	na	118,000	22,000	140,000
	Revenue	Water Meter Sales	610	510	9510	8170	na	0	10,041	10,041
	Revenue	Interest	612	510	9510	6101	na	49,000	51,000	100,000
	Appropriation	Contingency Reserve	612	800	8000	8003	na	(108,000)	51,000	(57,000)
	Revenue	Contingency Reserve	610	800	8000	8003	na	4,579,150	(101,000)	4,680,150
	Revenue	Water Sales	616	510	9510	4201	na	1,021,000	90,000	1,113,000
	Revenue	Water Sales-metered	616	510	9510	4202	na	800,000	(130,000)	672,000
	Revenue	Water Systems Fee	616	510	9510	4250	na	17,000	(7,000)	10,000
	Revenue	Water Taps & Connections	616	510	9510	4251	na	29,000	(19,000)	10,000
	Revenue	Water Meter Sales	616	510	9510	4253	na	28,000	(16,000)	12,000
	Revenue	Interest	616	510	9510	6101	na	41,000	17,000	58,000
	Appropriation	Contingency Reserve	616	800	8000	8003		815,240	(65,000)	750,240

These Revenue adjustments reflect revenue activity to date, which includes the impact of the conversion of some customers from meter to flat rate in Water Zone 3.

8	Appropriation	Elections	010	050	0502	0238		0	84,909	84,909
	Appropriation	Contingency Reserve	010	800	8000	8003		7,090,948	(84,909)	7,006,039

Adjustment required for the November 1998 Election to place three measures (A, B, and C) on the Statewide General Election.

Funds were not budgeted.

9	Appropriation	Replacement T & I	113	140	1452	0253	22B	510	(510)	0
	Appropriation	Services City Forces	113	140	1452	0255	22C	73,483	6,764	80,247
	Appropriation	Direct Grants	113	140	1452	0496	22C	97,000	26,700	123,700
	Appropriation	Direct Grants	113	140	1454	0496	45C	445,000	26,825	471,825
	Appropriation	Services City Forces	113	140	1455	0255	46C	11,101	2,899	14,000
	Appropriation	Relocation	113	140	1455	0491	46C	164,900	30,000	194,900
	Appropriation	Acquisition Flood (Slum/Blight)	113	140	1455	5207	46C	166,904	(30,157)	136,747

Fiscal Year 1998-99 Mid-Year Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Appropriation	Replacement T & I	113	140	1456	0253	47B	1,020	(1,020)	0
Appropriation	Loans	115	140	1466	0497	N/A	630,913	204,247	835,160
Appropriation	Loans	116	140	1467	0497	N/A	406,084	(68,718)	337,366
Appropriation	Printing	117	140	1458	0205	26C	1,500	(500)	1,000
Appropriation	Conference Expense	117	140	1458	0207	26C	3,500	(200)	3,300
Appropriation	Business Expense	117	140	1458	0208	26C	1,500	(400)	1,100
Appropriation	Training Expense	117	140	1458	0209	26C	1,500	(455)	1,045
Appropriation	Advertising	117	140	1458	0230	26C	2,000	(1,264)	736
Appropriation	Services Professional & Other	117	140	1458	0235	26C	3,500	(1,500)	2,000
Appropriation	Replacement T & I	117	140	1458	0253	26B	680	(680)	0
Appropriation	Books & Periodicals	117	140	1458	0302	26C	1,500	(1,000)	500
Appropriation	PC Software	117	140	1458	0306	26C	1,000	(500)	500
Appropriation	Loans	117	140	1458	0497	26C	2,012,410	7,220	2,019,630
Appropriation	Service Credits	117	140	1458	9990	26A	(6,740)	(6,764)	(13,504)
Appropriation	Hillside Drive Fencing	113	480	J233	6040	233	500	8,000	8,500
Appropriation	Airport Street (con,ben, kerr)	113	480	J234	6040	234	874,000	391,357	1,265,357
Appropriation	Hillside Drive Street Improvement	113	480	J238	6040	238	40,120	71,880	112,000
Appropriation	Sisk Road Landscaping	113	140	J026	6040	026	7,000	16,000	23,000
Appropriation	HR - ADA Compliance	113	020	F789	6040	789	42,000	(3,141)	38,859
Revenues	CDBG Grant	113	140	1452	3513	N/A	602,574	(94,732)	507,842
Revenues	"ES" Grant	113	140	1452	3518	N/A	0	123,700	123,700
Revenues	CDBG Grant	113	140	1454	3513	N/A	1,113,331	176,825	1,290,156
Revenues	CDBG Grant	113	140	1455	3513	N/A	1,645,048	(702,665)	942,383
Revenues	CDBG Grant	113	140	1456	3513	N/A	877,095	(134,341)	742,754
Revenues	CDBG Grant	113	140	1462	3513	N/A	1,123,088	587,770	1,710,858
Revenues	CDBG Grant	115	140	1466	3513	N/A	694,913	(627,470)	67,443
Revenues	CDBG Grant	116	140	1467	3513	N/A	406,084	(283,611)	122,473
Revenues	CDBG Grant	117	140	1458	3513	N/A	1,183,110	(1,183,110)	0
Revenues	HOME Grant	117	140	1458	3517	N/A	977,000	1,170,352	2,147,352

Routine annual adjustments to re-allocate unexpended Community Development Block Grant funds from prior year.

10	Appropriations	10th Street Place Property Acquisition	907	140	J887	6030	887	11,736,333	(700,000)	11,036,333
	Appropriations	Transfer Out	907	700	7000	7600	92G	0	700,000	700,000
	Revenues	Transfer In	130	700	7000	9907	N/A	0	200,000	200,000
	Revenues	Transfer In	600	700	7000	9907	N/A	0	500,000	500,000
	Appropriations	Police Headquarters	130	190	J299	6040	299	10,625,000	100,000	10,725,000
	Appropriations	911 Communications Center	130	140	J192	6040	192	2,000,000	100,000	2,100,000
	Appropriations	Public Parking	600	140	K016	6040	k16	0	500,000	500,000

Adjustment to reallocate project savings for other RDA related projects now that land acquisitions are complete.

11 Move MYCC (Modesto Youth Conservation Corps) from CSNS (370-3727) to O&M to (480-4727)

Revenue	State Grant-P&R	010	370	3727	3134	na	58,810	(58,810)	0
Revenue	Donations	010	370	3727	8107	na	5,000	(5,000)	0
Revenue	State Grant-P&R	010	370	3727	8155	na	25,000	(25,000)	0
Appropriation	salaries	010	370	3727	0110	35a	45,375	(45,375)	0
Appropriation	part-time	010	370	3727	0140	35a	86,730	(86,730)	0
Appropriation	benefits	010	370	3727	0188	35a	18,546	(18,546)	0
Appropriation	svc credit	010	370	3727	9990	35a	(1,135)	1,135	0
Appropriation	stores-ins	010	370	3727	0228	35b	510	(510)	0
Appropriation	liab ins	010	370	3727	0415	35b	595	(595)	0
Appropriation	main-inside	010	370	3727	0202	35b	0	0	0
Appropriation	printing	010	370	3727	0205	35c	2,500	(2,500)	0
Appropriation	marketing	010	370	3727	0206	35c	1,600	(1,600)	0
Appropriation	conference	010	370	3727	0207	35c	850	(850)	0
Appropriation	bus exp	010	370	3727	0208	35c	1,340	(1,340)	0
Appropriation	training	010	370	3727	0209	35c	2,060	(2,060)	0

Fiscal Year 1998-99 Mid-Year Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Appropriation	utilities	010	370	3727	0210	35c	532	(532)	0
Appropriation	equip rental	010	370	3727	0216	35c	23,200	(23,200)	0
Appropriation	equip pool rental	010	370	3727	0218	35c	0	0	0
Appropriation	laundry	010	370	3727	0226	35c	0	0	0
Appropriation	svc prof & other	010	370	3727	0235	35c	3,586	(3,586)	0
Appropriation	office supplies	010	370	3727	0301	35c	1,760	(1,760)	0
Appropriation	books/peirodicals	010	370	3727	0302	35c	200	(200)	0
Appropriation	tools	010	370	3727	0308	35c	12,946	(12,946)	0
Appropriation	fuel	010	370	3727	0330	35c	479	(479)	0
Appropriation	memb & dues	010	370	3727	0401	35c	275	(275)	0
Appropriation	desk	010	370	3727	5088	35c	1,200	(1,200)	0
Appropriation	computer	010	370	3727	5089	35c	2,462	(2,462)	0
Revenue	State Grant-P&R	010	480	4727	3134	na	0	58,810	58,810
Revenue	Donations	010	480	4727	8107	na	0	5,000	5,000
Revenue	State Grant-P&R	010	480	4727	8155	na	0	25,000	25,000
Appropriation	salaries	010	480	4727	0110	48a	0	45,375	45,375
Appropriation	part-time	010	480	4727	0140	48a	0	86,730	86,730
Appropriation	benefits	010	480	4727	0188	48a	0	18,546	18,546
Appropriation	svc credit	010	480	4727	9990	48a	0	(1,135)	(1,135)
Appropriation	stores-ins	010	480	4727	0228	48b	0	510	510
Appropriation	liab ins	010	480	4727	0415	48b	0	595	595
Appropriation	main-inside	010	480	4727	0202	48b	0	0	0
Appropriation	printing	010	480	4727	0205	48c	0	2,500	2,500
Appropriation	marketing	010	480	4727	0206	48c	0	1,600	1,600
Appropriation	conference	010	480	4727	0207	48c	0	850	850
Appropriation	bus exp	010	480	4727	0208	48c	0	1,340	1,340
Appropriation	training	010	480	4727	0209	48c	0	2,060	2,060
Appropriation	utilities	010	480	4727	0210	48c	0	532	532
Appropriation	equip rental	010	480	4727	0216	48c	0	23,200	23,200
Appropriation	equip pool rental	010	480	4727	0218	48c	0	0	0
Appropriation	laundry	010	480	4727	0226	48c	0	0	0
Appropriation	svc prof & other	010	480	4727	0235	48c	0	3,586	3,586
Appropriation	office supplies	010	480	4727	0301	48c	0	1,760	1,760
Appropriation	books/peirodicals	010	480	4727	0302	48c	0	200	200
Appropriation	tools	010	480	4727	0308	48c	0	12,946	12,946
Appropriation	fuel	010	480	4727	0330	48c	0	479	479
Appropriation	memb & dues	010	480	4727	0401	48c	0	275	275
Appropriation	desk	010	480	4727	5088	48c	0	1,200	1,200
Appropriation	computer	010	480	4727	5089	48c	0	2,462	2,462
12 Revenue	Park fees - Park fund	140	510		4079	na	17,000	3,000	20,000
Revenue	Interest Earnings	140	510		6101	na	20,000	10,000	30,000
Appropriation	Contingency Reserve	140	800	8000	8003	40h	(9,000)	13,000	4,000

Six months of interest and Park fees recognized. Higher annual amounts are recommended. Also, we are consolidating funds 150 and 140. Park Fee currently collected in fund 150, will not be collected in fund 140.

13 Appropriation	Rental of Propety	090	140	1442	0215		1,400		
Appropriation	Services Professional	090	140	1442	0235		9,500		
Appropriation	Utilities	090	140	1442	0210		714		
Appropriation	Promotions	090	140	1442	0237		5,549		
Appropriation	Tool, Shop, and Field Supplies	090	140	1442	0308		858		
Appropriation	Office Supplies	090	140	1442	0301		858		
Appropriation	Contingency Reserve	090	800	8000	8003		(18,879)		

Downtown Improvement District adjustment.

14 Revenue	Building Services Custodial Charges	780	490	4912	4910	na	1,969,275	200,725	2,170,000
Revenue	Building Services Interest	780	490	4912	6101	na	0	20,000	20,000
Revenue	Building Services Fund	780	490	4912	8128	na	0	46,125	46,125

Fiscal Year 1998-99 Mid-Year Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Appropriation	Contingency Reserve	780	800	8000	8003	78h	197,164	266,850	464,014

Current Budget Custodial Charges is prior-year's amount. Adjustment needed to reflect current rates being charged.
Other adjustments to reflect current amounts recorded for interest for six months times two for annual amount.
\$46k was recorded for a prior year expense abatement. This amount is not adjusted for an annual amount.

Revenue	TRRP - Insurance Flood 97	890	510	9510	8172	na	0	82,733	82,733
Appropriation	Contingency Reserve	890	800	8000	8003	89h	25,721	82,733	108,454

Final Insurance check for the 1997 floods was received. This amount was not budgeted.

Revenue	Capital Fac Fund-Interest Earnings	135	310		6101		0	120,000	120,000
Appropriation	Contingency Reserve	135	800	8000	8003	13w	(56,000)	120,000	64,000

Five months of interest of interest recognized at \$120,000. Interest was not budgeted.

Revenue	Golf Fund-MUNI Green Fee	660	330	3311	4601	na	381,881	(24,000)	357,881
Revenue	Golf Fund-Dryden Green Fee	660	330	3311	4602	na	760,500	(74,000)	686,500
Revenue	Golf Fund-Creekside Green Fee	660	330	3311	4603	na	957,632	(102,000)	855,632
	Total revenue to be allocation to 3 courses							(200,000)	(200,000)
Revenue	General Fund -Loan Transfer	660	700	7000	9010	na		120,000	120,000
Appropriation	Contingency Reserve	010	800	8000	8003	01h	7,006,039	(120,000)	6,886,039
Appropriation	Transfer out to fund 660	010	700	7000	7660	01g	30,000	120,000	150,000
Appropriation	Golf Manager Position	660	330	3311	0110	33a	51,338	(25,000)	26,338
Appropriation	Employee Benefits	660	330	3311	0188	33a	32,349	(5,000)	27,349
	ECI Adj 1) 6 months \$35k								
Appropriation	2) understaffing \$15k	660	330	3315	0235	33c	1,442,891	(50,000)	1,392,891

After five months revenues were approximately \$100k below projections. The second half of the year the budget is based on \$1.00 increase (1/1/99) which has not been implemented as of 2/10/99 pending Council review. On 2/8/99 HRC recommended a \$1.00 increase to be implemented 3/1/99 pending Council's approval. An additional recommendation of raising Creekside weekend rates to \$2.00 will also be considered and decided by Council on 2/23/99. The Golf Manager's position was eliminated (\$30k savings) to help reduce expenses. A golf outside audit (from Economics Research Associates (ERA) 10/30/98)) report also recommended eliminating the position. Additional savings from an agreement with ECI recognizes \$35k of savings for the next six months and a one time \$15k savings for ECI understaffing for \$50k of ECI adjustment savings. Total savings of the golf position elimination and the ECI adjustment of \$80k will offset the \$200k revenue reduction for a net fund change of \$120k negative.

Note: that the December green fee revenue variance was \$23k positive and the January green fee revenue variance was \$3k negative. RE

Also a citizens golf committee has also recommended the rate increases.

Revenue	Insurance/FEMA reimbursement	628	480	5312	8170		0	50,000	50,000
Revenue	Interest	628	480	5312	6101		75,000	35,000	110,000

Minor adjustments to Storm Drain revenues based on activity through 12/31/98.

Revenue	Interest	139	510	9510	6101		1,000	1,000	2,000
Appropriation	Contingency Reserve	139	800	8000	8003		(20,000)	1,000	(21,000)
Revenue	Interest	141	510	9510	6101		88,000	62,000	150,000
Appropriation	Contingency Reserve	141	800	8000	8003		255,000	62,000	317,000

Minor adjustments to estimate additional interest in two Capital Facility Fee funds based on revenue activity through 12/31/98.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-87

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR THE PROJECT TITLED "HONEYCREEK AND NIGHTINGALE LIFT STATION REHABILITATION"

WHEREAS, the bids received for Honeycreek and Nightingale Lift Station were opened at 11:00 a.m. on February 23, 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 \$81,000 from Howk Systems be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems 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 March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-88

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL INC. FOR THE PROJECT TITLED "NORTHGATE SEWER LIFT STATION REPLACEMENT"

WHEREAS, the bids received for the Northgate Sewer Lift Station Replacement project were opened at 11:00 a.m. on February 16, 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 \$182,374 from Ross F. Carroll 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 Ross F. Carroll 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 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-89

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$77,500 TO FULLY FUND THE NORTHGATE SEWER LIFT STATION REPLACEMENT PROJECT

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

FROM: 621 480 F709; \$28,500
621 480 H387; \$49,000

TO: 621 480 H373 6010; \$16,500
621 480 H373 6040; \$42,500
621 480 H373 6050; \$13,000
621 480 H373 6060; \$ 5,500

Additional funds are required to construct the project because of an increase in the original scope of work. The change in scope was needed because a vital part of this project is to replace the existing below ground electrical controls with an above ground panel. Scope of work was increased to provide a station and panel at a location acceptable to the homeowner residing adjacent to the station.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-90

A RESOLUTION AUTHORIZING THE PURCHASE OF SELF-CONTAINED
BREATHING APPARATUS (SCBA) MANUFACTURED BY SURVIVAIR

WHEREAS, the present system is costly to maintain and key components need to be replaced yet will not meet new requirements of the Occupational Safety and Health Organization (OSHA) and the National Fire Protection Association (NFPA); and

WHEREAS, the Modesto Municipal Code Section 8-3.203(d) allows for a process other than the formal bid procedures in the procurement of items over \$50,000, and the alternative process may include procurement based solely on a technical evaluation; and

WHEREAS, the Fire Chief has recommended that the equipment manufactured by Survivair be accepted as the provider of the SCBA equipment based on the technical evaluation process conducted by the City's experts, the Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$510,000 from L. N. Curtis, the west coast distributor of Survivair 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 March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-91

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$486,000 TO FULLY FUND THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS (SCBA)

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

FROM: 010-180-1802-0260; \$181,000
010-180-1802-0308; 20,000
010-180-1802-5074; 10,000
010-180-1802-5075; 14,000
010-180-1802-5077; 15,000
010-180-1802-5080; 27,000
010-180-1802-5081; 32,482
010-180-1832-0110; 74,000
010-180-1832-0125; 112,518

TO: 010-180-1802-5079; \$486,000

Due to savings in above-listed accounts, monies are available to transfer to fully fund the purchase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-92

A RESOLUTION DECLARING THE EXISTING MSA SELF-CONTAINED BREATHING APPARATUS SURPLUS PROPERTY AND AUTHORIZING THE DISPOSAL OF SAID EQUIPMENT.

WHEREAS, the Fire Department of the City of Modesto currently has MSA self-contained breathing apparatus which has become surplus property to the City's needs, and

WHEREAS, it has been recommended by the Purchasing Department that the disposal of this equipment could best be accomplished by (1) trading the equipment to the Yosemite College District in return for a reduction in fees; (2) selling the equipment to other agencies; (3) auctioning the equipment off; and/or (4) donating the equipment to other agencies which could include volunteer fire departments, and

WHEREAS, the Council of the City of Modesto desires to dispose of said surplus property as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the existing MSA self-contained breathing apparatus has become surplus property and the Council hereby authorizes the disposal of said equipment by (1) trading the equipment to the Yosemite College District in return for a reduction in fees; (2) selling the equipment to other agencies; (3) auctioning the equipment off; and/or (4) donating the equipment to other agencies which could include volunteer fire departments.

BE IT FURTHER RESOLVED that if said property is to be sold at a public auction, then the current agreement with Roger Ernest will be utilized, which was entered into on October 4, 1988, approved by Council Resolution No. 88-757, and 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.

BE IT FURTHER RESOLVED that 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 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-93

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND PACIFIC STORAGE COMPANY FOR RECORDS MANAGEMENT
SERVICES FOR A ONE YEAR PERIOD, WITH ONE-YEAR EXTENSIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Pacific Storage Company for records
management for a one year period with one-year extensions 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 9th day of March, 1999, 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, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-94

A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT
BETWEEN THE CITY OF MODESTO AND GREYHOUND LINES INC. FOR THE
MODESTO TRANSPORTATION CENTER

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 Greyhound Lines Inc. for the Modesto Transportation Center be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the lease agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1999, 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, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:

Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-95

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oates, Sierra Pacific – Sacramento LLC, and Houlihan, and Sierra Pacific – Sacramento LLC. for the 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 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 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-96

A RESOLUTION AUTHORIZING AMENDING THE
USE OF PREVIOUSLY ALLOCATED FIRST NIGHT
FUNDS TO A SIMILAR USE FOR A COMMUNITY
NEW YEAR'S CELEBRATION.

WHEREAS, on September 8, 1998, the City Council appropriated \$5,000 from the General Fund Contingency Reserve to be used as seed money to help the Modesto Millennium Committee obtain affiliation with First Night International for the purpose of instituting a First Night (New Year's) Tradition in the community, and

WHEREAS, the First Night event was to be held in Modesto on December 31, 1999, and

WHEREAS, since Council approval on September 8, 1998, the Modesto Millennium Committee has discovered that the First Night affiliation process is longer and more complicated than originally anticipated, and

WHEREAS, time is of the essence in planning for the New Year's event, and

WHEREAS, the Modesto Millennium Committee is requesting that approval be given to use said previously approved First Night funding for a New Year's celebration that will follow the same general format as First Night, but will not carry the First Night name, and

WHEREAS, the Financial Policy Committee met on February 16, 1999, and supported the amended use of said funds, and

WHEREAS, Council approval is needed to provide the Modesto Millennium

Committee with the use of the funds previously allocated to the First Night event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the use of the previously allocated First Night funds in the amount of \$5,000 for use in a New Year's celebration that will follow the same general format as First Night, but will not carry the First Night name.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1999, 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 Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-97

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND RED LION HOTELS INC., DBA DOUBLETREE HOTEL FOR
CATERING AND CONCESSIONAIRE SERVICES PROVIDED AT THE MODESTO
CENTRE PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Red Lion Hotels Inc., dba DoubleTree Hotel
for catering and concessionaire services provided at the Modesto Centre Plaza 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 9th day of March, 1999, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Lang,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-98**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
TRANSFER FUNDS FROM THE GENERAL FUND OPERATING BUDGET TO PARKS
CAPITAL FACILITIES FEES FUND**

WHEREAS, Modesto City Schools agreed to participate in the cost of the pool support facility at Johansen High School. They agreed to pay a portion by check and the remainder through waiver of costs for utilities, chemicals and pool operator for two years; and

WHEREAS, funds for chemicals and utilities have continued to be included in the operating budget, with bills totaling \$15,108.36; and

WHEREAS, in order for the Capital Facilities Fund to be accurate, the value of the chemicals, utilities and pool operator needs to be transferred into that fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

From:

Acct #010-370-3712-0312 \$(11,260.36)
Acct #010-370-3713-0210 \$(2,659.84)
Acct #010-370-3713-0235 \$(1,188.16)

To:

Acct #135-800-8000-8003 \$15,108.36

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 May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-99

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ANDRE DAVID FROM DOWNTOWN IMPROVEMENT DISTRICT, EFFECTIVE MARCH 9, 1999

WHEREAS, Andre David was appointed a member of the Downtown Improvement District on January 7, 1997; and

WHEREAS, Andre David has tendered his resignation from the Downtown Improvement District, effective March 9, 1999; and

WHEREAS, Andre David 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 Andre David from the Downtown Improvement District 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 Andre David 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 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-100

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND STANISLAUS COUNTY TO REMODEL, FURNISH, AND EQUIP
THE CITY/COUNTY EMERGENCY DISPATCH BUILDING AT 3705 OAKDALE
ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Stanislaus County to remodel, furnish, and
equip the City/County Emergency Dispatch building at 3705 Oakdale 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 9th day of March, 1999, 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, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-101

A RESOLUTION APPROVING A JOINT EXERCISE OF POWERS AGREEMENT
BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR SHARED
OPERATION OF THE EMERGENCY DISPATCH CENTER, EFFECTIVE
SEPTEMBER 1999

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
Joint Exercise of Powers Agreement between the City of Modesto and Stanislaus County
for shared operation of the Emergency Dispatch Center, effective September 1999 be,
and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Joint Exercise of
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 9th day of March, 1999, 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, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-102

A RESOLUTION SUPPORTING STUDIES TO IMPROVE
FLOOD PROTECTION ON THE TUOLUMNE RIVER AND
DRY CREEK.

WHEREAS, the United States Army Corp of Engineers has completed a
Reconnaissance Study on the Tuolumne River and Dry Creek which identified certain areas for
flood mitigation, and

WHEREAS, the United States Army Corp of Engineers has determined that
there is a Federal interest in possible flood control projects on the Tuolumne River and Dry
Creek, and

WHEREAS, the United States Army Corp of Engineers is in the process of
preparing a scope of work for a Feasibility Study to be funded in part by the Federal
Government, and

WHEREAS, the Stanislaus County, the City of Modesto, and the Turlock and
Modesto Irrigation Districts have determined that participation in said Feasibility Study would
be in their interest, and

WHEREAS, developing support from local and State agencies for the study of
flood mitigation alternatives is important to developing a broad based project and related
funding support, and

WHEREAS, by a report to the City Council dated March 9, 1999, City staff
recommended to the Council supporting the Tuolumne River Feasibility Study to provide
options to improve flood protection and environmental restoration on the Tuolumne River, and

to direct staff to work with local State and Federal agencies for the purpose of supporting the study activities, and

WHEREAS, the Council considered this matter at its meeting held on March 9, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the study of options to improve flood protection on the Tuolumne River and directs staff to work with local, State and Federal agencies for the purpose of supporting those study activities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-103

A RESOLUTION APPOINTING LEROY NYGAARD TO AIRPORT ADVISORY
COMMITTEE

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

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

SECTION 1. Leroy Nygaard is hereby appointed to the Airport Advisory Committee, with a term expiration of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of March, 1999, 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 Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-104

A RESOLUTION APPOINTING KEN SHIREMAN TO THE COMMUNITY
QUALITIES FORUM

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

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

SECTION 1. Ken Shireman is hereby appointed to the Community Qualities Forum, with a term expiration of December 31, 2002.

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 9th day of March, 1999, 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 Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-105

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FOR BIOSOLIDS REMOVAL AT THE SECONDARY
TREATMENT FACILITY

WHEREAS, the Council authorized a new call for bids to remove approximately 35,000 cubic yards of biosolids at the Secondary Treatment Plant. Staff advised Council that funding for this project would need to be appropriated from the Sewer Fund reserves as the original project funding was inadvertently returned to the Sewer Fund reserve in July 1998.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #621-800-8000-8003 \$220,000 Acct #621-480-F810-6040 \$220,000

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 16th day of March, 1999, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-106

A RESOLUTION APPROVING THE FINAL MAP OF THE
SERENO UNIT NO. 1 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, The Bluffs Senior Housing Development, LLC, a California
Limited Liability Company ("Subdivider"), is possessed of a tract of land situated in the City
of Modesto, County of Stanislaus, consisting of 12.54 acres, known as SERENO UNIT NO. 1
SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract (previously known as The Bluffs Unit
No. 1 Subdivision) was approved by the Planning Commission of the City of Modesto on the
11th day of February, 1997, and

WHEREAS, a final map for this subdivision was approved by Council on
January 13, 1998, and recorded on January 23, 1998; and

WHEREAS, Subdivider desires to revise the final map, including increasing lot
sizes and realignment of internal streets; and

WHEREAS, the revisions are to the benefit of and have no significant impact on
the public or Subdivider; and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto
has certified that the revised 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
revised final map of said SERENO UNIT NO. 1 SUBDIVISION is shown the same as it
appeared on the tentative map, and any alterations thereto, that the provisions of the California
Subdivision Map Act and Modesto Municipal Code relating to subdivisions have been

complied with, and that the revised map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said revised 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 revised 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 Amendment to 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 Amendment to the Subdivision Agreement between the City of Modesto and Subdivider, dated January 13, 1998, 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 March, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-107

A RESOLUTION ACCEPTING THE PROJECT TITLED "CORPORATION YARD
RESTROOM RESTORATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Corporation Yard Restroom Restoration, has been completed by Stone-Cheney Construction, in accordance with the contract agreement dated January 6, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Corporation Yard Restroom Restoration be accepted from said contractor, Stone-Cheney Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$209,913.87 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 23rd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-108

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$3,200 TO
FULLY FUND CORPORATION YARD RESTROOM RESTORATION

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

FROM: 130 430 E484; \$3,200
TO: 130 430 H391; \$3,200

The additional funds are needed to cover extra work costs on the corporation
Yard Restroom Restoration project.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of March, 1999, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Dobbs,
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, City Clerk

June 3

MODESTO CITY COUNCIL
RESOLUTION NO. 99-109

A RESOLUTION INCREASING THE DIRECTOR
OF ENGINEERING AND TRANSPORTATION'S
AUTHORITY LEVEL TO ISSUE CHANGE ORDERS
FROM 8% TO 12% OF THE ORIGINAL
CONTRACT PRICE WITH GEORGE REED, INC.,
ON THE AIRPORT DISTRICT IMPROVEMENTS.

WHEREAS, on July 28, 1998, the City Council awarded a \$1,148,569.00 contract
to George Reed, Inc., to construct street improvements in the Airport District, and

WHEREAS, the contractor started work on August 27, 1998, and is
approximately 50% complete, and

WHEREAS, during the course of construction, City staff executed a number of
change orders resulting in an increase of \$73,967.74 (about 6.5%) to the original contract, which
was within the Director's authority level established by the Council's change order policy
adopted by Resolution 94-443, and

WHEREAS, City staff is currently negotiating about \$10,500.00 in additional
change orders, and

WHEREAS, the Director's change order authorization level is 8% on this project,
which is \$91,880.00, and

WHEREAS, with \$73,967.74 in change orders already executed, the Director has
about \$17,912.00 in discretionary authority remaining, which is not sufficient to effectively
manage completion of the project, and

WHEREAS, increasing the Director's change order level of authority from 8% to

12% is a prudent measure to take at this time in order to effectively deal with unforeseen situations in a timely and efficient manner, should they develop.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the Director of Engineering and Transportation's authority level to issue change orders, from 8% to 12% of the original contract price, with George Reed, Inc., to construct street improvements in the Airport District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-110

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS TO FULLY FUND THE AIRPORT DISTRICT
IMPROVEMENTS

WHEREAS, during the airport district improvement project, staff had to execute a number of change orders resulting in an increase of \$73,967.74 to the original contract; and

WHEREAS, staff is forecasting a shortfall in funding to the project budget as a result of the noted change orders and additional change orders as the project progresses; and

WHEREAS, an additional \$40,000 is needed to cover the projected shortfall which is available in Project #E932.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Budget:

Acct #070-430-E932 \$(40,000)
Acct #113-480-J234 \$ 40,000

Transfer:

Acct #070-700-7000 \$40,000
Acct #113-700-7000 \$40,000

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 March, 1999, 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, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-111

A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 8 % to 12% OF THE ORIGINAL CONTRACT PRICE WITH MAULDIN-DORFMEIER CONSTRUCTION, INC., FOR THE PARALLEL OUTFALL SEWER PHASE III PROJECT.

WHEREAS, on August 12, 1997, the City Council awarded a \$3,667,505.00 contract to Mauldin-Dorfmeier, Inc., to construct a 2.3 mile long underground pipeline to parallel the existing outfall line between the Primary Treatment Plant and the Secondary Treatment Plant, and

WHEREAS, the contractor started work on September 10, 1997, and the work is substantially complete, and

WHEREAS, there are a number of issues that need to be resolved before the project can be accepted as complete, and

WHEREAS, one issue involves a "differing site condition" claim made by the contractor that may range in the neighborhood of \$350,000 to \$400,000, and although it was initially denied by City staff, it is unknown whether or not the contractor will pursue said claim, and

WHEREAS, City staff needs to negotiate final costs on a number of extra work change orders and make payment, and contractor needs to complete the minor punch list of work, and

WHEREAS, during the course of construction, City staff executed a number of

change orders resulting in an increase of \$259,842.38 (about 7.1%) to the original contract, which was within the Director's authority level established by the Council's change order policy adopted by Resolution 94-443, and

WHEREAS, the Director's change order authorization level is 8% on this project, which is \$293,400.00, and

WHEREAS, with \$259,842.38 in change orders already executed, the Director has about \$33,500.00 in discretionary authority remaining, which is not sufficient to negotiate the remaining extra work change orders that are known of, and

WHEREAS, the contractor has approximately \$115,500 in extra work that needs to be negotiated which is not claim related work, and

WHEREAS, increasing the Director's change order level of authority from 8% to 12% is a prudent measure to take at this time in order to finalize the negotiations on outstanding change orders,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the Director of Engineering and Transportation's authority level to issue change orders, from 8% to 12% of the original contract price, with Mauldin-Dorfmeier Construction, Inc., on the Parallel Outfall Sewer Phase III Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-112

A RESOLUTION AUTHORIZING THE CITY
MANAGER TO EXECUTE STATE FUNDED
AGREEMENTS AND PROGRAM SUPPLEMENTS
BETWEEN THE CITY AND THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION FOR
STATE-LOCAL TRANSPORTATION
PARTNERSHIP PROGRAM FUNDS.

WHEREAS, in order for the City to receive funds for street construction projects under the State-Local Transportation Partnership Program, the City is required to execute a Master Agreement, and

WHEREAS, the City is also required to execute a Program Supplement to the Master Agreement for each individual project which defines the terms and conditions under which the City accepts the funds, and

WHEREAS, the City Manager has authority, under Resolution No. 92-162, to execute agreements on federally funded street construction projects, but does not have authority to execute agreements on state funded projects, and

WHEREAS, authorizing the City Manager to execute agreements on state funded projects will eliminate the need to take action on every Program Master Agreement and Program Supplement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute state funded Agreements and Program Supplements between the City of Modesto and the California Department of Transportation for State-Local Transportation Partnership Program funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-113**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FOR THE COLOR MODESTO CAMPAIGN**

WHEREAS, the Downtown Improvement District has agreed to join in partnership with the City of Modesto and the Modesto Garden Club in the Color Modesto Campaign; and

WHEREAS, funding from the DID will be used specifically for color plantings within the District's boundaries.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

#090-800-8000-8003-09H \$(4,000)
#090-140-1442-1075-09C \$ 4,000

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 March, 1999, 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, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-114

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:

Instrument Repair Technician

The job specifications for the classification of Instrument Repair Technician, 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 March 23, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

INSTRUMENT REPAIR 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 difficult and complex technical work in the testing, installation, maintenance and repair of all pneumatic, electronic and electrical control systems relative to the water and wastewater treatment operations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and 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:

Install, maintain, repair and adjust computer system hardware, digital data multiplexing equipment used for indicating, telemetering, measuring and controlling flow, temperature, motion, force, and chemical composition.

Install, repair and maintain the Supervisory Control and Data Acquisition (SCADA) system.

Repair, maintain and calibrate the level, pressure and flow telemetry.

Maintain a variety of electronic control instruments used to operate electrical mechanical equipment, record data, indicate equipment status and activate supervisory control.

Maintain and repair automatic control valves and associated control functions.

Maintain SCADA system including control loops and relays.

Operate a variety of electronics testing equipment.

March, 1999

Essential and Marginal Function Statements (Continued)

Using a laptop or personal computer, communicate with the SCADA system, remote teletary units (RTU's), and radios.

Read and interpret wiring diagrams, mechanical drawings, manuals and specifications used during installations or when performing repair work.

Document and draw circuits as installed; make recommendations for improvements to instrumentation systems.

Marginal Functions:

Maintain service records, identify sources and participate in development of specifications for requisitions for parts and electrical equipment

Perform electrical maintenance.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices and equipment used in the installation, repair, maintenance, testing and adjustment made to the SCADA system used in water treatment operations.

Principles of electronics as applied to telemetry.

Codes, laws and ordinances related to assigned area of responsibility.

Safe working practices and procedures.

Ability to:

Use and operate a variety of electrical, electronic and mechanical tools, instruments and equipment.

Perform heavy manual labor, including but not limited to lifting and carrying fifty (50) to one hundred (100) pounds of weight, climbing, bending, stooping, etc.

Pass an annual physical examination.

March, 1999

QUALIFICATIONS (Continued)

Ability to:

Read and understand technical drawings, specifications and maintenance manuals.

Install, repair and maintain a variety of electronic systems relative to water treatment operations.

Operate and use a personal computer.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Journey level experience in industrial electronics involving the calibration, set-up and testing of electronic instrumentation.

Training: -

Trade school or college level coursework in electronic sensory systems diagnosis, maintenance, repair and testing is desirable.

License or Certificate

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

WORKING CONDITIONS

Environmental conditions:

Field environment; exposure to electrical energy.

March, 1999

WORKING CONDITIONS - (Continued)

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; the ability to distinguish color.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-115

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KISHORE M. AND ARUNA K. PANCHAL FOR THE ACQUISITION OF PROPERTY LOCATED AT 1522 NINTH STREET, THE PLAZA MOTEL, 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 Kishore M. and Aruna K. Panchal for the acquisition of property located at 1522 Ninth Street, the Plaza Motel, 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 23rd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-116

A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND PAHRUMP HEIFER RANCH, A GENERAL PARTNERSHIP, FOR LEASE OF THE FORMER HAILWOOD RANCH PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to a lease agreement between the City of Modesto and Pahrump Heifer Ranch for lease of the former Hailwood Ranch 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 23rd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-117

A RESOLUTION OF INTENTION TO ANNEX TERRITORY
TO COMMUNITY FACILITIES DISTRICT NO. 1997-1
NORTH BEYER) 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. 97-358,
adopted on June 24, 1997, (the "Resolution of Formation") establish Community Facilities
District No. 1997-1 ("the District"), and

WHEREAS, this Council hereby determines that the public convenience and
necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the
District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Boundary Map of Community Facilities District No. 1997-1 (North Beyer Specific Plan)" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 80.

SECTION 4. The Annexed Territory is described on Exhibit "A" to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation Map No. 1 of the Community Facilities District No. 1997-1 of the City of Modesto, County of Stanislaus, State of California," 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. 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 will be provided to the Annexed Territory.

SECTION 6. 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 the same as that levied in the original District. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, dated June 17, 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.

SECTION 7. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, April 27, 1999, at the regular meeting place of the City Council, City Council Chambers, 801 - 11th Street, 1st Floor, Modesto, California, 95354, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 8. 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 9. 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 10. (a) 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.

SECTION 11. The potential environmental impact, if any, of the subject amendment has been adequately addressed in the Mitigated Negative Declaration prepared for the North Beyer Park Specific Plan (SCH No. 96102053). This annexation is within the scope of and adequately described by the subject Mitigated Negative Declaration. Accordingly, pursuant to CEQA guideline 15162, no new mitigation measures are necessary.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Friedman _____, who moved its adoption, which motion being duly seconded by Councilmember Dobbs _____, 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

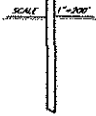
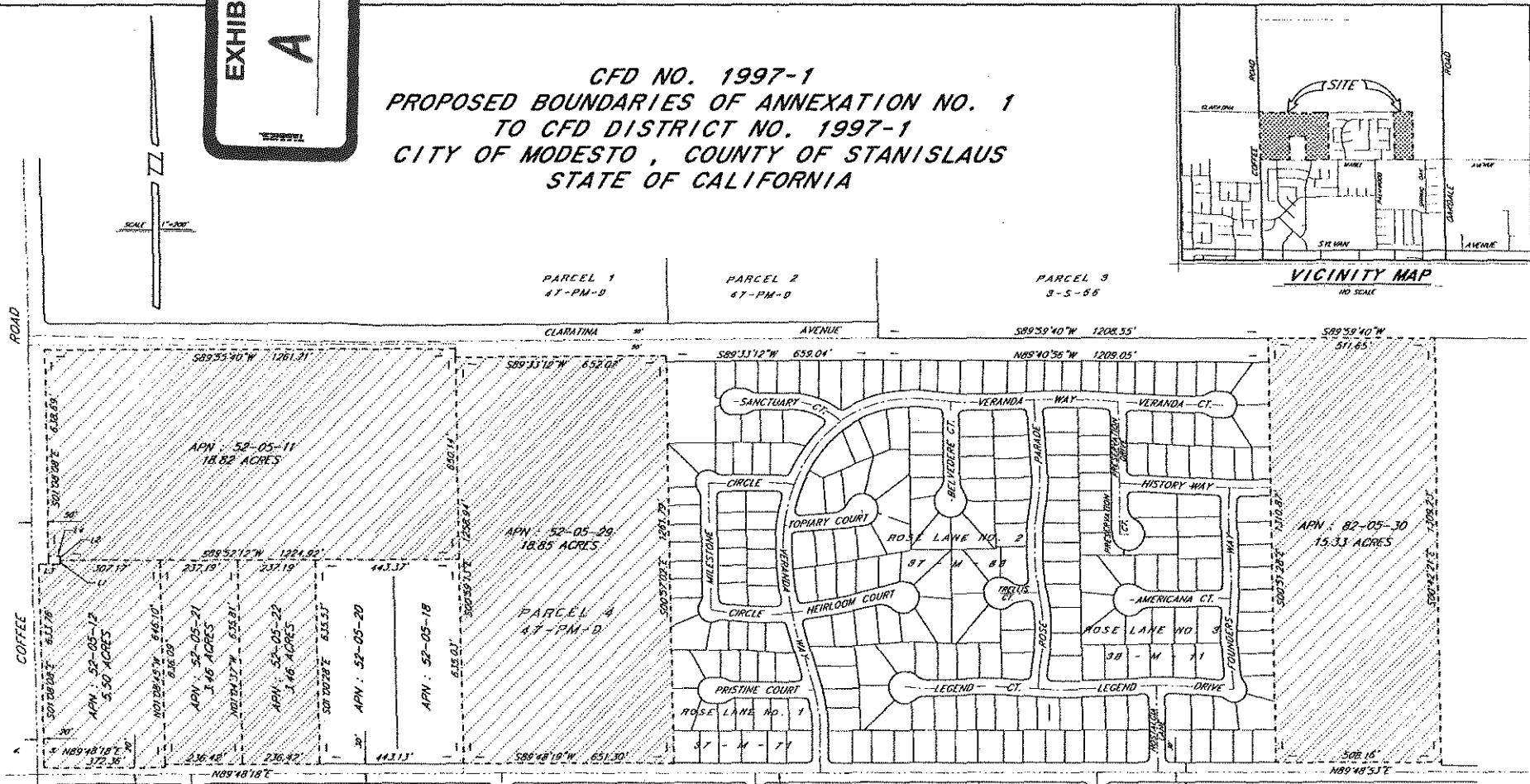
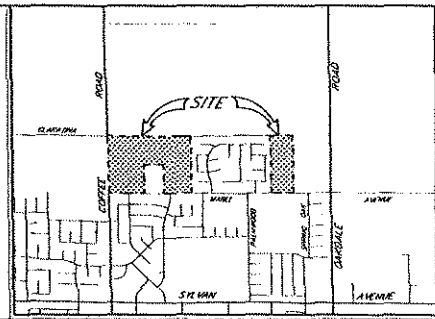
(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT
A

CFD NO. 1997-1
PROPOSED BOUNDARIES OF ANNEXATION NO. 1
TO CFD DISTRICT NO. 1997-1
CITY OF MODESTO, COUNTY OF STANISLAUS
STATE OF CALIFORNIA



BASIS OF BEARINGS:
The bearing of North 89°28'41" West between GPS Monuments 2726 and 2723 as shown on the "Amended City of Modesto Record of Survey" recorded March 30, 1995 in Book 22 of Surveys of Page 51, Stanislaus County Records, was used as the basis for all bearings shown herein.

LINE TABLE

LINE	LENGTH	BEARING
L1	12.75	N81°06'08"V
L2	18.75	N81°06'08"V
L3	45.08	S89°58'12"V
L4	25.88	S87°32'12"V

Filed in the Office of the City Clerk of Modesto in recordable form this _____ day of _____, 1999.

JEAN ZAHR, City Clerk

I hereby certify that this map was approved by the City Council of Modesto at a regular meeting thereof, held on the _____ day of _____, 1999, by its Resolution No. _____.

JEAN ZAHR, City Clerk

Filed this _____ day of _____, 1999, at the hour of _____ o'clock _____ m. in Book _____ of Maps of Assessment and Community Facilities Districts of 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

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-118**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS TO SUPPORT THE BLUE RIBBON COMMITTEE
ACTIVITIES**

WHEREAS, in order to provide the Blue Ribbon Committee with independent professional assistance, the Council authorized a contract with the accounting firm of KPMG; and

WHEREAS, the initial contract amount was for \$50,000 with the estimate for professional service being as much as \$75,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #010-800-8000-8003 \$(40,000)
Acct #010-020-0201-0235 \$ 40,000

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 March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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 Zaher
JEAN ZAHER, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-119

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT
BETWEEN THE CITY OF MODESTO AND KPMG FOR ADDITIONAL
ASSISTANCE TO THE BLUE RIBBON COMMITTEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and KPMG for additional assistance to the Blue Ribbon Committee be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to an 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 March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-120

A RESOLUTION AUTHORIZING THE USE OF
COMMUNITY DEVELOPMENT FUNDS TO
COVER THE COST OF NON-CITY EMPLOYEES
TO ATTEND CONVENING SESSIONS OF THE
WORKFORCE DEVELOPMENT FOR POVERTY
REDUCTION PROJECTS OVER THE NEXT THREE
YEARS, THE FIRST OF WHICH IS TO BE HELD IN
ST. LOUIS, MISSOURI.

WHEREAS, the City of Modesto was selected by the National League of Cities,
along with 4 other cities, to participate in a three-year project entitled, "Workforce Development
for Poverty Reduction", and

WHEREAS, the National League of Cities works with selected cities to assist and
enable local government officials and other key leaders to help local residents move from
poverty to living-wage jobs through improved workforce development strategies, and

WHEREAS, the City has invited community agencies and members working
directly with/in workforce development programs to participate as members of the City team,
and

WHEREAS, the team will be meeting continuously over the next three years to
develop the City's Action Plan, and throughout the next three years team members will be
attending convening sessions, the first of which is scheduled for May 14-16, 1999, in St. Louis,
Missouri, and

WHEREAS, there are some costs to be incurred for the City to participate in the

convening sessions including airfare, hotel reservations and transportation costs, and

WHEREAS, the Community Development Department desires to cover costs of some of the team members (non-city employees) which may not have the means to cover these costs, and

WHEREAS, the estimated cost of the first session for non-city staff is \$1,768.00, (\$442.00 per person for each of the 4 team members (non-city employees) who will need assistance), and

WHEREAS, the Community Development Department has funds available to pay for said costs and have designated an account as the "Workforce Development Account", and

WHEREAS, staff has included funds in the FY 1999-2000 budget for any Workforce Development convening sessions held during next year,

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 convening sessions over the next three years, the first of which will be held in St. Louis, Missouri, from May 14-16, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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 Zahn
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-121

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR USE OF LATERAL NO. 6 RIGHT-OF-WAY FOR SNYDER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and the Modesto Irrigation District for use of Lateral No. 6 right-of-way for Snyder Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said license 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 March, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-122

A RESOLUTION DENYING THE PROJECT WITHOUT PREJUDICE FOR AN AMENDMENT TO P-D(489), TO ALLOW A 99-UNIT, MULTIFAMILY APARTMENT COMPLEX, PROPERTY LOCATED ON THE EAST SIDE OF ROSELAWN AVENUE AT PELTON AVENUE (JACK SIADEK).

WHEREAS, a Planned Development Zone, P-D(489), was approved by the City Council by Ordinance No. 2806-C.S., which became effective on April 23, 1992, to allow an elderly housing project and an off-street parking area on property located on the east side of Roselawn Avenue at Pelton Avenue, and

WHEREAS, a verified application for an amendment to P-D(489) was filed by Jack Siadek on December 15, 1998, to allow instead a 99-unit multifamily apartment complex, and

WHEREAS, the City's Community Development Department reviewed the proposed project, and by Environmental Assessment No. EA/CDD 98-48 found and determined that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives are required; and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, a public hearing was held by the Planning Commission on February 8, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered,

and

WHEREAS, said rezoning request was scheduled as a Joint Public Hearing item before the Planning Commission, however, the application was pulled from the Joint Public Hearing and opened for discussion after neighboring rental property managers and neighbors voiced concern for the number of multifamily units and crime in the neighboring area, and

WHEREAS, following discussion, the Planning Commission by Resolution No. 99-17 determined that the requested amendment to P-D(489), as proposed, was supportable and recommended to the City Council the approval of the application for said project, subject to the conditions set forth in said Planning Commission Resolution, a copy of which resolution is on file in the Office of the City Clerk, and

WHEREAS, said recommendation of the Planning Commission relating to the project was set for a City Council public hearing, duly noticed to be held on Tuesday, March 23, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, at which time said public hearing was held by the Council, and evidence both oral and documentary was taken and introduced, and

WHEREAS, after said hearing, the Council found and determined that said project as recommended by the Planning Commission should be denied,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the project be denied without prejudice based on testimony from neighbors and a general concern for compatibility with the surrounding area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

July 15

MODESTO CITY COUNCIL
RESOLUTION NO. 99-123

A RESOLUTION AUTHORIZING THE DIRECTOR
OF ENGINEERING AND TRANSPORTATION TO
NEGOTIATE AND EXECUTE ADDITIONAL
CHANGE ORDERS FOR SITE CLEAN-UP OF
CONTAMINATED SOIL DISCOVERED AT THE
NEW POLICE HEADQUARTERS BUILDING SITE,
NOT TO EXCEED \$250,000.00.

WHEREAS, on October 20, 1998, the City Council awarded a \$599,221.00
contract to Acme Construction, Inc., for demolition of existing buildings, excavation and
disposal of previously identified contaminated soils, and construction of the building foundation
for the New Police Headquarters Building Project, and

WHEREAS, during the course of construction, the contractor uncovered an
abandoned redwood underground disposal vault, and

WHEREAS, the redwood vault contained a viscous petroleum product, and there
was contamination of the soil around and underneath the vault, and

WHEREAS, although an environmental assessment of the site was conducted
during design, this vault was not discovered on the initial site survey because a building and
foundation slab had been constructed over the area and had concealed the vault, and

WHEREAS, the initial excavation removed and stockpiled approximately 600
tons of materials around the open hole, and

WHEREAS, City staff has worked with an environmental consultant to delineate
the extent of the contaminated soil and has obtained approval of a work plan from the Stanislaus
County Department of Environmental Resources to further handle the material, and

WHEREAS, the work plan is to essentially excavate more of the visible substance and to dispose of it at an approved disposal facility, and

WHEREAS, as a precaution, County Environmental Resources is also requiring the City to set up a ground water monitoring system to detect longer term movement of contaminates, and

WHEREAS, there is an urgency to remove and dispose of the 600 tons of already stockpiled material so the contractor can excavate below the existing stockpile and use the space to move construction equipment, and

WHEREAS, the Director of Engineering and Transportation and the City Manager executed a change order for \$32,874.00 to dispose of the stockpiled material under the urgent necessity provision of the Council Policy on Change Orders (Resolution No. 94-443), and

WHEREAS, the Director of Engineering and Transportation is required by the Policy to notify Council of the action taken within 30-days because the action taken exceeds the 10% change order authority of the Director, and

WHEREAS, an additional change order in the sum of \$51,126.00 has been executed for soil disposal at a thermal desorbition facility in Richmond, and

WHEREAS, staff is ready to proceed with final clean up of the site and establish the ground water monitoring system as required by the work plan, and

WHEREAS, the contractor's cost to excavate, stockpile, off-haul and dispose of the contaminated soil is estimated to be between \$200,000.00 to \$250,000.00, and

WHEREAS, City staff recommends that the Director of Engineering and Transportation be authorized to negotiate and execute a change order for this work, not to exceed \$250,000.00, and

WHEREAS, the Financial Policy Committee met on March 16, 1999, to discuss the necessity for change orders for site cleanup of contaminated soil and concurred with staff's recommendation that the Director of Engineering And Transportation be authorized to negotiate the change orders for site cleanup as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Engineering and Transportation to negotiate and execute additional change orders for site cleanup of the contaminated soil on the site of the New Police Headquarters Building in an amount not to exceed \$250,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-124

A RESOLUTION APPOINTING MARTHA MARTIN 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. Martha Martin is hereby appointed to the Human Relations
Commission.

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 23rd day of March, 1999, by Councilmember Dobbs,
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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-125

A RESOLUTION APPOINTING JOHN HERNANDEZ 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 Hernandez is hereby appointed to the Landmark Preservation Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of March, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-126

A RESOLUTION APPOINTING COUNCILMEMBER TIM FISHER AND DEPUTY CITY MANAGER PAUL BAXTER AS ALTERNATES TO THE CITY/COUNTY JOINT POWERS AGENCY GOVERNING BOARD

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

SECTION 1. Councilmember Tim Fisher and Deputy City Manager Paul Baxter are hereby appointed as alternates to the City/County Joint Powers Agency Governing Board.

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 Governing 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 23rd day of March, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-127

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR CARPET REPLACEMENT
AT CENTRE PLAZA

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 Carpet Replacement at Centre Plaza, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 27, 1999 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 6th day of April, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-128

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PLAYGROUND
APPARATUS FOR THE GRACEADA PARK – GRACEADA IS FUN TIME (G.I.F.T.)
PROJECT

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 Playground Apparatus for the Graceada Park – Graceada is Fun Time (G.I.F.T.) project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 20, 1999 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 6th day of April, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-129

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND EXTENDING THE EXISTING CONTRACT WITH FRANK OLSEN COMPANY FOR THE PURCHASE OF AN ADDITIONAL 3,000 WATER METERS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures are hereby waived and the existing contract with Frank Olsen Company has been extended for the purchase of an additional 3,000 water meters.

BE IT FURTHER RESOLVED that purchase of an additional 3,000 water meters from Frank Olsen Company for a not to exceed price of \$186,000 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 April, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-130

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FROM THE WATER FUND CONTINGENCY RESERVE
ZONA 1 AND APPROPRIATE FUNDS FROM THE WATER FUND CONTINGENCY
RESERVE ZONE 3, FOR TWO NEW CIP PROJECTS

WHEREAS, an informal bid for furnishing various sizes of commercial water meters was completed and these meters have been purchased under the meter replacement program; and

WHEREAS, an additional 3,000, 1" water meters are required to be installed at single family residential housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures

#610-800-8000-8003	Contingency Reserve	\$(176,700)
#610-480-K029-6040	Water Meters – Zone 1	176,700
#616-800-8000-8003	Contingency Reserve	(9,300)
#616-480-K030-6040	Water Meters – Zone 3	9,300

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 April, 1999, by Councilmember Dobbs, 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 Zaher
JEAN ZAHER, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: *Stan Feathers*
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-131

A RESOLUTION ACCEPTING THE BID OF WESTERN DREDGE INC. FOR FURNISHING
BIOSOLIDS REMOVAL AT THE SECONDARY WASTEWATER TREATMENT PLANT

WHEREAS, the bids received for Biosolids Removal at the Secondary Wastewater Treatment Plant, were opened at 11:00 a.m. on January 26, 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 Western Dredge Inc. for a total amount of \$191,997 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Dredge 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 6th day of April, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-132

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND
MODESTO JUNIOR COLLEGE FOR PARTICIPATION IN THE SUBSIDIZED
CALWORKS WORK STUDY PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District and Modesto Junior College for participation in the subsidized CalWORKS Work Study program 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-133

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AWARD AND THE SPECIAL CONDITIONS DOCUMENTS FOR THE CITY OF MODESTO'S 1998/2000 FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR \$334,542 FOR AN INTERACTIVE FIREARMS TRAINING SIMULATOR AND 18 MOBILE WORKSTATIONS FOR INSTALLATION IN POLICE DEPARTMENT PATROL VEHICLES.

WHEREAS, the Police Department made application to the U. S. Department of Justice, Bureau of Justice Assistance, for the 1998/2000 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of a 24-month duration and included program areas of procuring technology to enhance law enforcement, and

WHEREAS, the Modesto Police Department submitted an application for an Integrated Firearms Training Simulator, and 18 Mobile Workstations for installation in Police Department patrol vehicles, and

WHEREAS, the match for the federal grant program is \$41,302 and will be made from the Supplemental Law Enforcement Fund, and

WHEREAS, a Trust Fund, for deposit and expenditure of the monies is required in Special Condition Eight, and

WHEREAS, for purposes of this grant, a trust fund is an interest bearing account that is specifically designated, and

WHEREAS, Organization 1980 was established in fiscal year 1996/97 for the

first year of this Local Law Enforcement Block Grant Program,

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 the Grant Award and the Special Conditions documents for the City of Modesto's 24-month 1998/2000 Federal Local Law Enforcement Block Grant Program in the amount of \$334,542 in federal funds for purchase of an Integrated Firearms Training Simulator and 18 Mobile Workstations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-134**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET
ESTIMATING NEW REVENUES FROM GRANT CONTRACT**

WHEREAS, the police department submitted a grant application for an Integrated Firearms Training Simulator and 18 Mobile Workstations for installation in patrol vehicles; and

WHEREAS, a match for the Federal grant program is \$41,302 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 1998-99 Annual Budget is hereby amended as indicated below:

<u>Revenue</u>		
#010-190-1980-3506	Federal Law Enforce Block Grant	\$334,542
#010-700-7000-9040	Transfer in From Fund #040	41,302
<u>Appropriation</u>		
#010-190-1980-5288-52C	Computer (Lap-Top)	\$180,000
#010-190-1980-5289-52C	Firearms Simulator	195,844
#040-800-8000-8003	Contingency Reserve	(41,302)
#040-700-7000-7010	Transfer Out to Fund #010	41,302

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 April, 1999, 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, 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

9.11.13

MODESTO CITY COUNCIL
RESOLUTION NO. 99-135

A RESOLUTION AFFIRMING THE CITY'S CO-
SPONSORSHIP OF "EARTH DAY IN THE PARK 1999" 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 10th Annual "Earth Day in the Park" will be held on Saturday, April 17, 1999, at Graceada Park, and

WHEREAS, Earth Day in the Park 1998 drew 37 vendors and an estimated 4,000 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 year's 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 1999, 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 1999” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-136

A RESOLUTION AMENDING SECTION 5.1 OF ARTICLE V OF THE RULES AND REGULATIONS OF THE LANDMARK PRESERVATION COMMISSION, RELATING TO PROCEDURES, POWERS, DUTIES AND STAFF, TO ALLOW THE CITY MANAGER TO APPOINT STAFF TO SERVE AS SECRETARY TO THE LANDMARK COMMISSION.

WHEREAS, by a report dated March 25, 1999, from the Community Development Department, a copy of which is on file in the office of the City Clerk, staff recommended amending Section 5.1 of Article V of the Rules and Regulations of the Landmark Preservation Commission, relating to Procedures, Powers, Duties and Staff, to allow the City Manager to appoint staff to serve as Secretary to the Landmark Commission, and

WHEREAS, on April 6, 1999, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the staff recommendation, as set forth in a report dated March 25, 1999, from the Community Development Department, a copy of which is on file in the office of the City Clerk, is hereby approved to amend Section 5.1 of Article V of the Rules and Regulations of the Landmark Preservation Commission, relating to Procedures, Powers, Duties and Staff, to allow the City Manager to appoint staff to serve as Secretary to the Landmark Commission. Said amendment is as set forth 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 6th day of April, 1999, 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, Dobbs, Fisher, Friedman, 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

Rules and Regulations of
Landmark Preservation Commission
City of Modesto
1995

ARTICLE V.
PROCEDURES, POWERS, DUTIES, AND STAFF

Section 5.1 Designated. The provisions of the Municipal Code of the City of Modesto pertaining to procedures, powers, duties, and staff shall prevail. The ~~Strategic Planning City Manager of the Community Development Department~~ shall designate staff to serve as Secretary to the Commission. The Secretary shall keep a written record of all business transacted by the Commission, notify Commission members of meetings, and keep the official records of the Commission. Upon the direction of the Commission, the Secretary shall perform such other secretarial duties as the Commission may require.

ARTICLE VI.
PARLIAMENTARY PROCEDURE

Section 6.1 Rules of Order. Except as otherwise provided in these rules and regulations, all meetings of the commission shall be conducted in accordance with the City's Rules of Order as contained in Section 2-1.10 of the Modesto Municipal Code.

ARTICLE VII.
COMMITTEES

Section 7.1 Special Committees. There shall be such special committees as the Commission may establish from time to time.

ARTICLE VIII.
PUBLIC HEARINGS

Section 8.1 Public Hearing Procedures. The following rules shall govern the conduct of public hearings.

(a) All hearings will be recorded by mechanical means. If a court reporter is desired for a verbatim transcript, the fee or fees of such court reporter shall be paid by the party requesting the services.

(b) The real parties in interest, including the applicant or any party having a substantial interest in the hearing, may be represented by counsel or a spokesperson.

3-11
19

MODESTO CITY COUNCIL
RESOLUTION NO. 99-137

A RESOLUTION APPROVING A GRANT
APPLICATION TO THE FEDERAL AVIATION
ADMINISTRATION FOR AIRPORT
IMPROVEMENTS.

WHEREAS, in January 1999, the City Council approved a Federal Aviation Administration (FAA) grant application for construction of a new general aviation entrance road, and

WHEREAS, on March 10, 1999, the City received notice from the FAA that the application had not been approved due to conflicts with FAA regulations, and

WHEREAS, the FAA requested that the City resubmit a grant application for an alternative project by March 15, 1999, and

WHEREAS, a new grant application (AIP 3-06-0153-22) was resubmitted to the FAA in the amount of \$789,250 for the relocation of the airfield regulators and resurfacing of taxiways A and B, and

WHEREAS, these projects are included in the City's multi-project list, previously submitted in January 1998, and

WHEREAS, the Transportation Policy Committee supported the alternative airport improvement projects at its meeting on March 23, 1999.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the grant application submitted to the Federal Aviation Administration for airport improvements consisting of relocation of the airfield regulators and resurfacing of

taxiways A and B.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, Dobbs, Fisher, Friedman,
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

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-138

A RESOLUTION RATIFYING ACCEPTANCE OF A
FEDERAL AVIATION ADMINISTRATION (FAA)
GRANT AGREEMENT IN THE AMOUNT OF
\$554,914 FOR AIRPORT IMPROVEMENT
PROJECTS.

WHEREAS, on March 10, 1999, the City received notice from the Federal Aviation Administration (FAA) that it had not approved a previously submitted grant application for airport improvements because it conflicted with FAA regulations, and

WHEREAS, a new grant application (AIP 3-06-0153-22) was resubmitted to the FAA in the amount of \$789,250 for airport improvements consisting of the relocation of the airfield regulators and resurfacing of taxiways A and B, and

WHEREAS, on March 30, 1999, the City received a grant offer from the FAA in the amount of \$554,914, with the stipulation that the grant agreement be accepted by March 31, 1999, and

WHEREAS, the FAA's funding appropriation was set to expire at the end of March, 1999, and the agreement had to be executed prior to that time, or the City would lose its funding opportunity, and

WHEREAS, due to the short time period within which the City could accept the grant, the grant agreement was executed on March 31, 1999, and delivered to the FAA, and

WHEREAS, the FAA's grant offer covers only 70% of the funds that were requested by the City, and

WHEREAS, the FAA expects to offer the City the remainder of the requested funding once Congress approves a full year of allocation for this year's Airport Improvement Program, and

WHEREAS, the Transportation Policy Committee supported the execution of the grant agreement to secure funds for said airport improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies the acceptance of the FAA grant agreement, executed on March 31, 1999, in the amount of \$554,914.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-139

A RESOLUTION ACCEPTING IMPROVEMENTS IN LEGENDS VILLAGE UNIT 1
SUBDIVISION AND AUTHORIZING RELEASE OF LETTERS OF CREDIT UPON
EXPIRATION OF STATUTORY PERIODS

WHEREAS, JKB Homes Corporation, subdividers of Legends Village Unit 1
Subdivision have filed irrevocable letters of credit for faithful performance and labor and
materials in the amount of \$857,247 and \$438,623 respectively to guarantee
improvements in Legends Village Unit 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 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 Legends Village 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 \$857,247 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 \$428,623 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 April, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Class

MODESTO CITY COUNCIL
RESOLUTION NO. 99-140

A RESOLUTION FORGIVING A PORTION OF A HOUSING REHABILITATION LOAN FOR PROPERTY LOCATED AT 810 4TH STREET, IN THE EVENT PARENTS RESOURCE CENTER IS THE SUCCESSFUL BIDDER AT PROBATE SALE, CONDITIONED UPON THE CONSTRUCTION OF THE CHILD CARE FACILITY AND CONTINUED OPERATION FOR A PERIOD OF TEN YEARS.

WHEREAS, the City is the holder of a note, in the approximate sum of \$44,778, on property located at 810 4th Street, and

WHEREAS, in 1986, a rehabilitation loan was made to Evangeline Samios, and

WHEREAS, Evangeline Samios died without leaving a will, and the Public Administrator was appointed to handle the estate, and

WHEREAS, the property was put up for sale through the probate process, and

WHEREAS, the Parents Resource Center, a local non-profit agency, one of the bidders for the property, approached the Office of Housing and Neighborhoods in February with a proposal for the use of the property, and

WHEREAS, the Parents Resource Center has offered to build and operate a child care center on the property which would be available to members of the West Modesto neighborhood, if the City would forgive a portion of the loan to be paid off as a result of the probate sale, and

WHEREAS, the Parents Resource Center has offered to pay a net \$30,000 for the

property, and

WHEREAS, if the Council approves the recommendation to forgive up to \$25,000 of rehabilitation loans due on the property, the Parents Resource Center will increase its bid to approximately \$52,000 in an effort to buy the property by the final bid date of April 7, 1999, and

WHEREAS, if the Parents Resource Center is the successful bidder, the City will calculate the net cost, given the need to pay the Public Administrator for sale costs associated with the probate action and the non-profit agency's willingness to pay a net \$30,000 for the property, and the balance will be forgiven in exchange for the Parent's Resource Center building and operating a child care center on the property, and

WHEREAS, the City ran an ad in *The Modesto Bee* real estate section on March 18, 1999, to request proposals from anyone interested in providing a public service at the property in exchange for a write-off of some portion of the loan, and

WHEREAS, the closing date for the proposals was March 24, 1999, and the Parents Resource Center was the only bidder to respond by the deadline, and

WHEREAS, the Council considered this matter at its Council meeting held on April 6, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby forgives a portion of a rehabilitation loan due, up to \$25,000, on the property at 810 4th Street, in the event the Parents Resource Center is the successful bidder at probate sale, conditioned upon construction of the Child Care Facility and continued operation

for a period of ten years. The City Manager is hereby authorized and directed to negotiate and execute an agreement to that effect with the Parents Resource Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-141

A RESOLUTION ESTABLISHING CRITERIA AND POLICY
FOR APPOINTMENT TO THE CHARTER REVIEW
COMMITTEE.

WHEREAS, the Charter of the City of Modesto was submitted to and ratified by the qualified voters of the City of Modesto at a Special Charter Election consolidated with the State of California General Election on November 6, 1962, and said Charter became effective on January 14, 1963, and

WHEREAS, Section 1604 of the Charter provides that the Council shall cause the Charter to be reviewed at least every ten (10) years commencing with the year 1980, and

WHEREAS, said Charter was last amended on November 6, 1990, and

WHEREAS, on April 6, 1999, the Council considered establishing criteria and policy for appointment to the 1999 Charter Review Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby adopts criteria and policy for appointment of members to the 1999 Charter Review Committee as follows:

Appointments to the Charter Review Committee by individual Councilmembers shall either be county residents who own property in Modesto or residents of the City of Modesto. Appointments to the Committee made by the Council as a whole, shall be restricted to Modesto residents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Dobbs, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-142

A RESOLUTION EXPANDING THE CHARTER REVIEW
COMMITTEE TO 13 MEMBERS.

WHEREAS, by Resolution No. 99-141, adopted by the City Council on April 6, 1999, the Council established criteria and policy for appointment to the 1999 Charter Review Committee, and

WHEREAS, on April 6, 1999, the Council also considered expanding membership to the 1999 Charter Review Committee from eleven (11) members to thirteen (13) members,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves expanding membership to the 1999 Charter Review Committee from eleven (11) members to thirteen (13) members.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-143

A RESOLUTION DIRECTING STAFF TO PROCESS AN AMENDMENT TO THE CARVER-BANGS/PELANDALE-SNYDER COMMUNITY FACILITIES DISTRICT TO ADD A TAX DISTRICT AND/OR TAKE OTHER APPROPRIATE ACTION TO CORRECT A CLERICAL ERROR IN THE DISTRICT'S PUBLIC REPORT WITH RESPECT TO TAXES ASSOCIATED WITH THE IMPROVEMENT OF SNYDER AVENUE

WHEREAS, on December 8, 1998, by Resolution No. 98-653, the City Council approved the formation and establishment of the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 ("CFD"), and

WHEREAS, the Public Report, prepared in conjunction with the creation and approval of that CFD, contained a clerical error with respect to the amount of tax to be collected for planned improvements to Snyder Avenue, and

WHEREAS, subsequent to the establishment of the CFD, staff identified the subject error and recommended that it be corrected in order to provide sufficient tax for the completion of CFD improvements associated with the offset and widening of Snyder Avenue, and

WHEREAS, the balance of development occurring in Pelandale-Snyder Tax Area B of the CFD will be required to fund the additional tax to be added to the CFD's total tax requirement, and

WHEREAS, the City Council has determined that amendment of the CFD is necessary to correct the clerical error, and to provide for the facilities planned for in the CFD,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that City staff is hereby directed to process an amendment to the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2, formerly adopted on December 8, 1998, by Resolution No. 98-653, to increase the one-time facilities tax in the amount of \$451,541.00 within Pelandale-Snyder Tax Area B.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

**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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-143a

A RESOLUTION OF CONSIDERATION WITHIN CARVER-
BANGS/PELANDALE-SNYDER CFD NO. 1998-2, AND MORE
SPECIFICALLY WITHIN TAX AREA B (PELANDALE-
SNYDER) OF CFD NO. 1998-2

WHEREAS, the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 ("CFD") was formed on December 8, 1998, and approved by its qualified electorate on December 15, 1998, and

WHEREAS, the maximum facilities special tax for Tax Area B (Pelandale-Snyder) of the CFD did not include, due to clerical error, the sum of \$451,541.00, and

WHEREAS, the above-referenced sum is needed to complete the south side of Snyder Avenue, and the clerical error was exposed after the CFD was formed, and

WHEREAS, staff has previously recommended that the City Council adopt a resolution directing staff to process an amendment to the CFD, adding taxes for completion of Snyder Avenue improvements, and

WHEREAS, the City Council thereafter determined at its meeting on April 6, 1999, that public convenience and necessity did require a change in the maximum facilities special tax for Tax Area B of the CFD,

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

1. That the name of the area in which the increased maximum facilities special tax is proposed is Tax Area B (Pelandale-Snyder) of the existing Carver-

Bangs/Pelandale-Snyder CFD No. 1998-2.

2. That the territory included within Tax Area B of the subject CFD is generally described as follows: that area of the City lying north of Snyder Avenue, east of Dale Road, south of Pelandale Avenue with its easterly boundary formed by the northerly extension of M.I.D. Lateral No. 6 and Union Pacific Railroad right-of-way. A more precise description of the boundaries of the Pelandale-Snyder Tax Area B of the relevant CFD may be found in the Public Report for the CFD dated November 25, 1998, and attached as an exhibit to the Resolution of Formation of the CFD.

3. The maximum facilities special tax for Tax Area B (Pelandale-Snyder) is proposed to be increased from \$7,952,612.00 to \$8,435,760, or a total difference of \$483,148.00 (\$451,541.00 for Snyder Avenue improvements plus administrative costs). No new taxes will be levied to pay for any new or existing facilities and services, and no alteration of the method of apportionment of the taxes existing in the CFD is proposed.

4. The time and place for hearing upon this Resolution of Consideration shall be at the regular Council meeting to be held on Tuesday, May 25, 1999, at 4:00 p.m.

5. At the hearing, protests against the proposal described above may be made orally, or in writing, by any interested persons. Any protest pertaining to the regularity or sufficiency of the proceeding shall be in writing and shall clearly set forth the irregularities or defects to which objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the hearing. The City Council may waive any irregularities in the form or content of any written protest and at the hearing may correct minor defects in the proceedings.

6. The Council hereby determines that the amendment to the CFD 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 facilities has been adequately addressed by EIRs (SCH Nos. 94082005 and SCH No. 93042004) adopted by this Council on April 1, 1997, and on January 16, 1996, respectively, and that these EIRs were prepared pursuant to Section 21157.5 of CEQA and find that although the projects could have a significant effect on the environment, there would not be a significant effect because appropriate mitigation measures have been added to the projects.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-144

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PUBLIC TURF AND
LANDSCAPE MAINTENANCE SERVICES

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 Public Turf and Landscape Maintenance Services, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 27, 1999 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-145

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR AIRPORT RESCUE FIRE
FIGHTING APPARATUS

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 Airport Rescue Fire fighting Apparatus, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 11, 1999 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-146

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:

Plant Maintenance Supervisor

Water Quality Control Operations Supervisor

The job specifications for the classifications of Plant Maintenance Supervisor (Range 432) as shown on the attached Exhibit "A", and Water Quality Control Operations Supervisor (Range 432), as shown on the attached Exhibit "B", which are hereby made a part of

this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

Instrument Repair Technician

Water Superintendent

Secondary Treatment Site Supervisor

The revised specifications for the classifications of Instrument Repair Technician, as shown on the attached Exhibit "C", Water Superintendent, as shown on the attached Exhibit "D", and Secondary Treatment Site Supervisor, 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 3. CLASSIFICATIONS ABOLISHED.

The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Equipment Maintenance Supervisor II

Laboratory Manager

Plant Mechanic Supervisor

Assistant Water Quality Control Superintendent

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after April 13, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

PLANT 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 personnel in the maintenance and repair of wastewater treatment plant facilities; to perform major and minor maintenance and repair of wastewater treatment plant engines, pumps, lift stations and related equipment.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent.

Exercises direct supervision over assigned maintenance staff.

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

Essential Functions:

Plan, prioritize, assign, supervise, review, and participate in the work of staff involved in major and minor repair work and overhauls on treatment plant engines, pumps, and lift stations; tune engines, set valve clearance, clean and adjust regulators, clean and inspect magnetic points, clean and adjust engine timing, and check gas and other controls and devices.

Supervise the use of special equipment involved in maintenance and repair work.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for plant maintenance; implement policies and procedures.

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

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

April, 1999

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

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

Schedule preventive maintenance work on plant and pumping station equipment; maintain comprehensive logs of all maintenance work done on equipment.

Assist in estimating and scheduling work to be done and in determining type and quantities of materials needed for such work.

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.

Operate, maintain, and repair equipment including crane, tractor with front loader, disc, mower, spray rig, scraper, dump truck, generator, compressor, chain saw, jack hammer, arc welder, and various power tools.

Repair and replace chains and sprockets; check and maintain meters and controllers.

Build pump mounts, brackets; weld, drill, mill, and tape as necessary.

Replace electrical motors and lay conduits.

Maintain and repair equipment used for disinfection of wastewater using gas chlorine; connect and disconnect cylinders; maintain and use self contained breathing apparatus.

Test, repair, maintain and calibrate disinfection and dechlorination equipment including chlorinators, sulfonators, valves, piping, residual analyzer, amperometric titrators, pumps, motors and evaporators.

Spray and oversee spraying of pesticides, herbicides, and insecticides.

Repair and maintain floating motors; operate boat in wastewater channels and ponds.

April, 1999

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Train and update employees on technical, maintenance and safety procedures at the plant.

Marginal Functions:

When required, participate in all phases of reclamation plant activities and operations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques used in the repair and maintenance of wastewater treatment plant engines, pumps, and other equipment.

Principles and practices of an effective mechanical, structural and grounds preventive maintenance program.

Operation of internal combustion engines and electrical pump motors.

Basic electrical knowledge involved in working on pumps, motors, and other equipment.

Equipment, tools, and materials used in maintaining and repairing wastewater treatment plant and related equipment.

Principles of training and supervision.

Basic methods used in carpentry, painting, plumbing and electrical work.

Safe work practices and procedures.

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

April, 1999

Ability to:

Coordinate and supervise the personnel and other resources required in the maintenance and repair of wastewater treatment facilities.

Evaluate maintenance policies and objectives.

Make estimates of cost and time for all aspects of maintenance, repair and construction work.

Read, interpret and work from blueprints, drawings, sketches, plans, specifications and technical illustrations.

Perform skilled mechanical repair work on wastewater treatment plant engines, pumps, and other equipment.

Diagnose malfunctions and determine effective course of action for correcting them.

Perform a variety of semiskilled work in electrical, plumbing and heating areas.

Develop, implement and enforce safety regulations and procedures.

Provide training to less experienced staff.

Maintain work records and prepare reports.

Order supplies and materials necessary for repair work.

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.

April, 1999

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in the mechanical and structural maintenance, construction and repair of wastewater treatment plants, pumping stations, or equivalent facilities, 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 I Wastewater Treatment Plant Operator certificate issued by the California State Water Resources Control Board is desirable.

Possession of a valid Grade III Mechanical Technologist Certificate issued by the California Environmental Association is desirable.

WORKING CONDITIONS

Environmental Conditions:

Water and wastewater treatment plant environment; exposure to noise, dust, grease, smoke, fumes, gases, electrical energy, waste and infectious materials; work in or with water; work or inspect in confined spaces; work on slippery or uneven surfaces.

April, 1999

WORKING CONDITIONS: (Continued)

Physical Conditions)

Essential and marginal functions may require maintaining physical condition necessary for lifting, bending, stooping, kneeling, crawling, walking, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles.

April, 1999

WATER QUALITY CONTROL OPERATIONS 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 operations of the wastewater treatment plant and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Water Quality Control Superintendent.

Exercises direct supervision over Senior Wastewater Treatment Plant Operators and other operational staff, as required.

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

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for facilities operations; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in treatment plant operations.

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

Participate in budget preparation and administration; prepare 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.

Supervise plant operations; assure proper adjustment of plant processes; coordinate sampling operations to assure proper balance of treatment steps and meeting effluent requirements; insure the proper conduct of laboratory tests performed by operations staff.

EXAMPLES OF DUTIES (Continued)

Research and prepare a wide variety of reports; maintain files and records on plant operations.

Act as Water Quality Control Superintendent as required.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Principles and methods of bacteriological and chemical sewage analyses.

Effects and problems of industrial waste in wastewater treatment processes.

Safety principles and practices.

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

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

Budgeting procedures and techniques.

Ability to:

Direct the operations of wastewater treatment plant facilities.

Establish and maintain effective sample procedures of plant operations and effluent.

Insure the proper chemical testing procedures performed by operations staff.

APRIL, 1999

QUALIFICATIONS (Continued)

Ability to:

Diagnose operating problems and direct effective correction procedures.

Prepare required reports and maintain complete record keeping procedures.

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.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in wastewater treatment plant operations, including one year of supervisory or lead responsibility.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in wastewater treatment operations or a related field is desirable.

License or Certificate

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

Possession of a valid Grade IV Wastewater Treatment Plant Operator certificate as issued through procedures established by the California State Water Resources Control Board.

APRIL, 1999

WORKING CONDITIONS

Environmental Conditions:

Water and wastewater treatment plant environment; exposure to noise, dust, grease, smoke, fumes, gasses and potentially hazardous chemicals; work in or with wastewater.

Physical conditions:

Physical condition necessary for walking, standing, or sitting for prolonged periods of time.

INSTRUMENT REPAIR 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 difficult and complex technical work in the testing, installation, maintenance and repair of all pneumatic, electronic and electrical control systems relative to the water and wastewater treatment operations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and 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:

Install, maintain, repair and adjust computer system hardware, digital data multiplexing equipment used for indicating, telemetering, measuring and controlling flow, temperature, motion, force, and chemical composition.

Install, repair and maintain the Supervisory Control and Data Acquisition (SCADA) system.

Repair, maintain and calibrate the level, pressure and flow telemetry.

Maintain a variety of electronic control instruments used to operate electrical mechanical equipment, record data, indicate equipment status and activate supervisory control.

Maintain and repair automatic control valves and associated control functions.

Maintain SCADA system including control loops and relays.

Operate a variety of electronics testing equipment.

April, 1999

Essential and Marginal Function Statements (Continued)

Using a laptop or personal computer, communicate with the SCADA system, remote teletary units (RTU's), and radios.

Read and interpret wiring diagrams, mechanical drawings, manuals and specifications used during installations or when performing repair work.

Document and draw circuits as installed; make recommendations for improvements to instrumentation systems.

Marginal Functions:

Maintain service records, identify sources and participate in development of specifications for requisitions for parts and electrical equipment

Perform electrical maintenance.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices and equipment used in the installation, repair, maintenance, testing and adjustment made to the SCADA system used in water treatment operations.

Principles of electronics as applied to telemetry.

Codes, laws and ordinances related to assigned area of responsibility.

Safe working practices and procedures.

Ability to:

Use and operate a variety of electrical, electronic and mechanical tools, instruments and equipment.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 pounds.

Pass an annual physical examination.

April, 1999

QUALIFICATIONS (Continued)

Ability to:

Read and understand technical drawings, specifications and maintenance manuals.

Install, repair and maintain a variety of electronic systems relative to water treatment operations.

Operate and use a personal computer.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Journey level experience in industrial electronics involving the calibration, set-up and testing of electronic instrumentation.

Training:

Trade school or college level coursework in electronic sensory systems diagnosis, maintenance, repair and testing is desirable.

License or Certificate

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

WORKING CONDITIONS

Environmental conditions:

Field environment; exposure to electrical energy.

April, 1999

WORKING CONDITIONS - (Continued)

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; the ability to distinguish color.

WATER SUPERINTENDENT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To manage, direct, and coordinate the activities of the Water Division of the Operations and Maintenance Department, including water production maintenance, repair, and reconstruction work; to coordinate water related activities with other divisions and departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Operations and Maintenance Director.

Exercises direct supervision over supervisory, 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:

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

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

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (Continued)

Essential Functions:

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

Establish performance standards and evaluate performance of subordinate personnel.

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

Manage, direct, and organize a program of water production, treatment, and distribution activities.

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

Identify and initiate needed capital improvement projects.

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

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

Inspect and monitor the water production and distribution system for needed maintenance and repairs.

Inspect work sites before, during, and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors. Supervise safety program; coordinate and attend weekly safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Prepare various reports and direct special projects as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, and equipment used in water production and distribution maintenance and repair activities.

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

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in a water system maintenance and repair program.

Occupational hazards and standard safety precautions necessary in the work.

Record keeping and reporting procedures.

Water quality regulations pertaining to State and federal drinking water standards.

Ability to:

Organize, direct, and implement a comprehensive water system maintenance program.

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

Supervise, train, and evaluate assigned staff.

Prepare and administer a budget.

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

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

Communicate clearly and concisely, both orally and in writing.

APRIL, 1999

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 water production, treatment, and distribution maintenance work, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associates degree from an accredited college with major course work in engineering, science technology, or a related field. A Bachelor's degree is highly desirable.

License or Certificate:

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

American Water Works Association (AWWA) Grade II Water Distribution Certification is required.

WORKING CONDITIONS

Environmental Conditions:

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

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.

SECONDARY TREATMENT SITE 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 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 Wastewater Treatment Plant Supervisor.

Exercises direct supervision over technical and 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.

Supervise the use of special equipment involved in maintenance and repair work.

Monitor the operation of wastewater treatment pumps, motors and other equipment.

Supervise plant operations; ensure proper adjustment of plant processes; direct sampling and testing operations to ensure compliance with pertinent regulations.

APRIL, 1999

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (Continued)

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

Participate in budget preparation and administration; prepare 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 plant 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.

April, 1999

QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of wastewater treatment plant engines, pumps, and other equipment.

Principles and methods of bacteriological and chemical sewage analysis.

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 operation of and maintenance of the secondary treatment site.

Make estimates of cost and time for all aspects of maintenance, repair and construction work.

Operate and maintain wastewater treatment plant equipment.

Supervise the collection and analysis of wastewater and sludge 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.

April, 1999

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 operations and maintenance of a public agency wastewater treatment plant, including at least one year in a responsible lead or supervisory management capacity.

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 IV Wastewater Treatment Plant Operator certificate issued by the California State Water Resources Control Board.

WORKING CONDITIONS

Environmental Conditions:

Treatment plant environment; work in or with wastewater.

April, 1999

WORKING CONDITIONS (Continued)

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.

Personnel Resolution re: Salary Schedule
and Classification Plan

- 2 - Clerk
- 1 - Attorney
- 1 - Personnel
- 1 - Department involved - *Operations & Maintenance - Robert Howard*
- 1 - Finance

6

MODESTO CITY COUNCIL
RESOLUTION NO. 99-147

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 98-258 TO AMEND THE CLASS RANGE
TABLE TO ESTABLISH A SALARY RANGE FOR PLANT
MAINTENANCE SUPERVISOR AND WATER QUALITY
CONTROL OPERATIONS SUPERVISOR.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No.
98-258 to establish a salary range for Plant Maintenance Supervisor and Water Quality Control
Operations Supervisor,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258. Exhibit "A"
of Resolution No. 98-258 entitled "City Of Modesto Class Range Table, Management And
Confidential Non-Sworn Classes, Effective June 23, 1998", 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 13, 1999", which is attached hereto and
made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Plant
Maintenance Supervisor and Water Quality Control Operations Supervisor (Range 432) to the
Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on
and after April 13, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective April 13, 1999

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
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"

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor
Police Support Services Supervisor

424 Assistant Planner
Asst. 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

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

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

432 **Plant Maintenance Supervisor**
Recreation Supervisor II
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor
Water Quality Control Operations Supervisor

433 Organizational Development Specialist
Laboratory Manager

434 Senior Programmer Analyst
Electrical Supervisor
Sr. Housing Rehab. Specialist
Secondary Treatment Site Supv.
Operations Supervisor
Arborist
Land Surveyor
Equipment Maintenance Supervisor II
Assistant Civil Engineer
Assistant Traffic Engineer
Geographic Information Systems Coordinator

435 Management Analyst
Senior Personnel Analyst
Administrative Services Officer
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

440 Purchasing Officer
Associate Civil Engineer
Associate Traffic Engineer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441 Airport Manager
 Solid Waste Program Manager
 Transit Manager
 Streets Superintendent
 Parks Operations Superintendent
 Risk Manager
 Assistant Personnel Director
 Recreation Superintendent
 Fleet Manager
 Urban Forestry Superintendent
 Wastewater Collections Superintendent
 Water Superintendent
 Building Maintenance Superintendent
 Police Records Manager
 Fire Marshal
 Golf Services Manager
 Deputy City Attorney II

442 Supv. Building Inspector
 Supv. Construction Inspector
 Manager of Budget and Financial Analysis
 Information Services Manager

443 Deputy Chief Bldg. Official
 Sr. Deputy City Attorney I

444 General Services Manager
 Principal Planner

445 Customer Services Division Manager
 Accounting Division Manager
 Housing and Neighborhoods Division Manager

446 Water Quality Control Superintendent

447 Chief Building Official
 Assistant to City Manager
 Asst. Parks & Recreation Dir. - Civic Center
 Asst. Parks & Recreation Dir. - Parks
 Asst. Parks & Recreation Dir. - Recreation
 Business Development Division Manager
 Development Services Division Manager
 Strategic Planning Division Manager
 Senior Civil Engineer
 Traffic Engineer

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

448

449 Sr. Deputy City Attorney II

450

451

452 Deputy Director - Engineering & Transportation
 Deputy Director - Utilities

453 Assistant City Attorney

Personnel Resolution re: Salary Schedule
and Classification Plan

- 2 - Clerk
- 1 - Attorney
- 1 - Personnel
- 1 - Department involved *Operations & Maintenance - Robert Howard*
- 1 - Finance
- 6

MODESTO CITY COUNCIL
RESOLUTION NO. 99-148

A RESOLUTION APPROVING CHANGES TO CHAPTER 11
OF THE POLICY AND PROCEDURES FOR THE
COMMUNITY DEVELOPMENT DEPARTMENT RELATING
TO THE HOUSING MAINTENANCE PROGRAM.

WHEREAS, the City previously adopted a Policy and Procedures Manual
(hereafter referred to as "Manual") for the Community Development Department, and

WHEREAS, the Community Development Department, Office of Housing and
Neighborhoods, by report dated April 5, 1999, to the Mayor and City Council, recommended
changes to Chapter 11 of said Manual, as set forth in said report, a copy of which is on file in
the office of the City Clerk, and

WHEREAS, the Council considered the changes as proposed by the Community
Development Department at its meeting held on April 13, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby approves the proposed changes to Chapter 11 of the Community
Development Program Policy and Procedures Manual, as recommended by the Community
Development Department, 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 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-149

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICE FOR REPLACEMENT OF THE 9TH STREET 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 Replacement of the 9th Street 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 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-150**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FROM THE WASTEWATER CONTINGENCY RESERVE
FUND FOR THE ANNUAL REMOVAL OF BIOSOLIDS**

WHEREAS, biosolids are removed from the drying beds each year to ensure that there is sufficient capacity to continue the generating process of the solids. The biosolids that were to be removed during FY97-98 was delayed due to Headworks construction; and

WHEREAS, the money budgeted was not used or encumbered; and therefore, placed in the Wastewater Contingency Reserve Fund. The biosolids were removed, when construction allowed and billing did not transpire until after the beginning of this fiscal year, utilizing funds budgeted for this year's work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #621-800-8000-8003	Contingency Reserve	(99,000)
Acct #621-480-5213-0235	Services – Professional & Other	99,000

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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-151

A RESOLUTION APPROVING A REQUEST BY JOHN MACHADO FOR A VARIANCE AT 1500 "J" STREET, TO THE STANDARD SPECIFICATIONS RELATING TO THE DOWNTOWN EXPOSED AGGREGATE SIDEWALK REQUIREMENT ALONG "J" AND 15TH STREETS, IN THE CITY OF MODESTO.

WHEREAS, Section 307 of the City of Modesto Standards Specifications pertains to Sidewalks, Curbs and Gutters, and

WHEREAS, subsection (C) of Section 307 of the Modesto Standard Specifications requires Downtown Exposed Aggregate Sidewalk within certain areas as shown in Standard Detail #352 of said Standard Specifications, and

WHEREAS, subsection (C) of Section 307 of the Modesto Standard Specifications sets forth the procedure for consideration of proposed changes to said Downtown Exposed Aggregate Sidewalk requirements, and provides, in part, that proposed changes to this pattern, or substitution of materials, shall be considered on a case by case basis, and provides that the Downtown Improvement District Board of Directors shall provide the initial review and recommendation to the City Council, and City staff shall make a recommendation as well, and

WHEREAS, a variance to the Exposed Aggregate Sidewalk Standards for property located at 1500 "J" Street has been requested by John Machado, as the sidewalk has been installed with a non-conforming salt and pepper finish, and a planter area exists for landscaping between the sidewalk and the back of the curb, however, for commercial applications, the City requires full-width sidewalk or landing strips and entrance walks as a

minimum to accommodate customers parking along the curb, and, an encroachment permit was not obtained in advance of installing the sidewalk which does not conform to the Aggregate Sidewalk Standards requirements of the Modesto Standard Specifications, and

WHEREAS, the D.I.D., pursuant to correspondence dated September 30, 1998, recommended that the tardy request for a variance should be granted since the new sidewalk is an attractive improvement; the Board also recommended that the curbside landings on both streets be placed with stamped pavings except for appropriate sized tree wells, and that the landing strips be the same salt and pepper finish as the main sidewalk, with the reference to stamped paving for the entrance walk links providing a certain number of connections from the main sidewalk to the landing strips at the back of the curb, and

WHEREAS, the Council considered this matter at its meeting of April 13, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of John Machado for a variance to the City of Modesto Standard Specifications relating to the Downtown Exposed Aggregate Sidewalk requirements for property located at 1500 "J" Street, subject to an encroachment permit being obtained by Mr. Machado for the purpose of installing landing strips and entrance walk connectors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DISTRIBUTION FOR
VARIANCE RESOLUTION

2 Clerk
1 Attorney
1 E&T - Doug Samski

MODESTO CITY COUNCIL
RESOLUTION NO. 99-152

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF
MODESTO AND LITTLE 92 TRUST FOR WELL SITE NO. 311

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
lease agreement between the City of Modesto and Little 92 Trust for Well Site No. 311
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 April, 1999, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Dobbs,
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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-153

A RESOLUTION AUTHORIZING PAYMENT OF A
HOUSING SUPPLEMENT TO ROSE AND JOHN REDMOND
FOR THE FLOOD PROTECTION PROJECT.

WHEREAS, the City has an approved project to acquire fourteen (14) residential properties on Hillside Drive for flood protection, and this project has been approved and funded by HUD, and

WHEREAS, the Estate of A.J. Redmond, one of the fourteen (14) owners, has sold the required property to the City, and

WHEREAS, the property was occupied at the close of escrow by the son of A.J. Redmond, the daughter lived on the property prior to the City acquiring the property, and the son and daughter did not probate the estate and have continued to pay taxes, and

WHEREAS, Pacific Relocation, the City's consultant for this project, has made the determination that the Redmonds, under Federal Relocation Guidelines, are owner/occupants, and as owner/occupants, they are entitled to relocation benefits, such as a replacement-housing supplement and moving expenses, and

WHEREAS, by an Agenda Report dated March 30, 1999, City staff recommended to the Council that funds for this relocation be authorized, as this relocation will exceed the \$50,000 limit delegated to the City Manager for approval, and

WHEREAS, on April 13, 1999, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED that funding is hereby authorized for payment of a housing supplement of up to \$55,064.50 and moving expenses in the amount of

\$1,750.00, to Rose and John Redmond for the Flood Protection project, as recommended.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-154

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS AND PAULINE GIANULIAS FOR THE ACQUISITION OF A PORTION OF PARCEL NO. 77-09-26 FOR RIGHT OF WAY ACQUISITION ON HILLGLEN DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Chris and Pauline Gianulias for the acquisition of a portion of Parcel No.77-09-26 for right of way on Hillglen Drive in the sum of \$12,940 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-155

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS AND PAULINE GIANULIAS FOR THE ACQUISITION OF A PORTION OF PARCEL NO. 77-09-26 FOR RIGHT OF WAY ACQUISITION ON HILLGLEN DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Chris and Pauline Gianulias for the acquisition of a portion of Parcel No.77-09-26 for right of way on Hillglen Drive in sum of \$14,560 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-156

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND REMIGIO A. AND MANUELA Q. MONTOYA FOR THE ACQUISITION OF PROPERTY AT 105 ELM STREET FOR THE CORPORATION YARD EXPANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Remigio A. and Manuela Q. Montoya for the acquisition of property at 105 Elm Street for the Corporation Yard expansion 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-157

A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION CONTRACT TOWER OPERATOR FOR THE OPERATION OF THE AIRPORT LIGHT SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the letter of agreement between the City of Modesto and the Federal Aviation Administration contract tower operator for the operation of the airport light system 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-158

A RESOLUTION APPROVING THE REQUEST OF THE STANISLAUS COUNTY SHERIFF'S AERO SQUADRON TO USE THE MODESTO CITY-COUNTY AIRPORT ON MAY 8, 1999, FOR THE FOURTH ANNUAL AIRPORT APPRECIATION DAY.

WHEREAS, the Stanislaus County Sheriff's Aero Squadron has requested authorization to host its fourth annual Airport Appreciation Day on May 8, 1999, at the Modesto City-County Airport, and

WHEREAS, the air show will be held between airline flights scheduled on May 8, 1999, and Modesto's airspace will be closed by issuance of a Notice to Airmen, and

WHEREAS, Steve Stavrakakis, a performer at the show, will obtain an air show waiver from the FAA and will carry an insurance certificate in the amount of \$1,000,000 naming the City of Modesto as an additional insured, and

WHEREAS, the Aero Squadron will obtain an event policy from the City in the amount required by the City's Risk Manager, and

WHEREAS, the Aero Squadron will be responsible for the event's security and traffic control, and

WHEREAS, on March 25, 1999, the Transportation Policy Committee reviewed and approved the Aero Squadron's request to use the Modesto City-County Airport for Airport Appreciation Day,

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

that it hereby approves the request of the Stanislaus County Sheriff's Aero Squadron to use the Modesto City-County Airport on May 8, 1999, for the Fourth Annual Airport Appreciation Day, contingent upon Steve Stavrakakis obtaining an air show waiver from the FAA and providing an insurance certificate to the City in the amount of \$1,000,000 which names the City of Modesto as an additional insured, and upon the Aero Squadron obtaining an event policy from the City in an amount required by the City's Risk Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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 Zahre
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-159

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR GRANT FUNDING TO THE CALFED BAY-DELTA PROGRAM ON BEHALF OF THE TUOLUMNE RIVER REGIONAL PARK JOINT POWERS AUTHORITY.

WHEREAS, the Community Services and Neighborhood Connections Department has been notified of the opportunity to apply for approximately \$67,842 in grant funding from the CALFED Bay-Delta Program on behalf of the Tuolumne River Regional Park Joint Powers Authority, and

WHEREAS, this program is a coalition of various Federal agencies which funds ecosystem restoration programs and projects to improve the health of the Bay-Delta ecosystem, and projects involving the Tuolumne River are eligible for this program funding, and

WHEREAS, City staff has proposed that this grant provide the additional \$67,842 needed to complete environmental documents, and

WHEREAS, the City Manager is the appropriate person to sign the application and related grant documents on behalf of the Tuolumne River Regional Park Joint Powers Authority, and

WHEREAS, the Council considered this matter at it's meeting held on April 13, 1999,

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 for grant funding for approximately \$67,842 to the CALFED Bay-Delta Program on behalf of the Tuolumne River Regional Park Joint Powers Authority for preparation of environmental documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

DISTRIBUTION
RESOLUTION AUTHORIZING SUBMITTAL
OF GRANT APPLICATIONS

- 2- Clerk
 - 1- Attorney
 - 1- Initiating Department - CS&NC
 - 1- Finance
-

5

Please distribute as noted above.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-160

A RESOLUTION RENAMING NOTTING GATE DRIVE,
LOCATED BETWEEN MERLE AVENUE AND NEW
LONDON WAY, TO LIBBY WAY.

WHEREAS, it is proposed to rename Notting Gate Drive, located between
Merle Avenue and New London Way, to Libby Way, and

WHEREAS, Section 34091.1 of the Government Code of the State of California
provides that when the existing name of any city street should be changed, the legislative body
is authorized to adopt a resolution to change the name of existing streets, and

WHEREAS, this proposed street name change is in response to a request from
Garcia-Davis-Ringler Engineering to rename the entry street to the gated community known as
Adriana Two, as there are no properties which front directly onto this entry street, and,
therefore, there are no address implications, and

WHEREAS, the Stanislaus County Emergency Dispatch Office has been
contacted, and no issue was raised with this proposed name change, and

WHEREAS, by letter dated March 19, 1999, City staff informed property
owners of the proposed street name change, and

WHEREAS, said matter was considered by the City Council at its meeting held
on April 13, 1999, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the proposal to rename Notting Gate Drive, located between Merle Avenue and New London Way, to *Libby Way*.

BE IT FURTHER RESOLVED, that in accordance with Government Code Section 34092, the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

DISTRIBUTION FOR
MISCELLANEOUS RESOLUTION

2 Clerk
1 Attorney
1 CDD - John Stack
1 Clerk, County Board of Supervisors (signed & certified)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-161

A RESOLUTION APPROVING THE FINAL MAP OF THE
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 7.89 acres, known as TUSCANY UNIT NO. 2 SUBDIVISION ("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 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 13th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-162

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN TO
REDESIGNATE A PORTION OF THE PELANDALE-
SNYDER COMPREHENSIVE PLANNING DISTRICT FROM
RESIDENTIAL TO VILLAGE RESIDENTIAL.

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 Resolutions No. 95-584, No. 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, and 98-293 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, Resource Development, Inc. applied for an amendment to the Pelandale-Snyder Specific Plan to redesignate 2.5 acres on the west side of Tully Road from Multifamily Residential to Professional Offices, and

WHEREAS, City staff determined that this Specific Plan amendment would require an amendment to the General Plan, and

WHEREAS, staff concluded that the most appropriate amendment would be to redesignate the Residential area of the Pelandale/Snyder Comprehensive Planning District to Village Residential, to allow for increased flexibility in implementing the General Plan in the Pelandale-Snyder Comprehensive Planning District, and

WHEREAS, pursuant to provisions of Government Code Section 65402 of the State of California, the Modesto 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, on March 15, 1999, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan to redesignate a portion of the Pelandale-Snyder Comprehensive Planning District from Residential to Village Residential, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 99-23, recommending to the City Council an amendment to the General Plan to redesignate a portion of the Pelandale-Snyder Comprehensive Planning District from Residential to Village Residential, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on April 13, 1999, in the City Council Chambers, City Hall, 801 11th 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 to redesignate a portion of the Pelandale-Snyder Comprehensive Planning District from Residential to Village Residential is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Exhibit III-18

PELANDALE/SNYDER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 390-acre Comprehensive Planning District is essentially an extension of the existing residential south of Snyder Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 330 acres designated "Village Residential"
- 60 acres designated "Mixed Use"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,800 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served one of two ways: a subtrunk from the North Trunk near Dale Road or extension of the adjacent North Trunk sanitary sewer to serve the Kiernan/Carver Comprehensive Planning District as well as this Comprehensive Planning District.

6. Focused EIR:

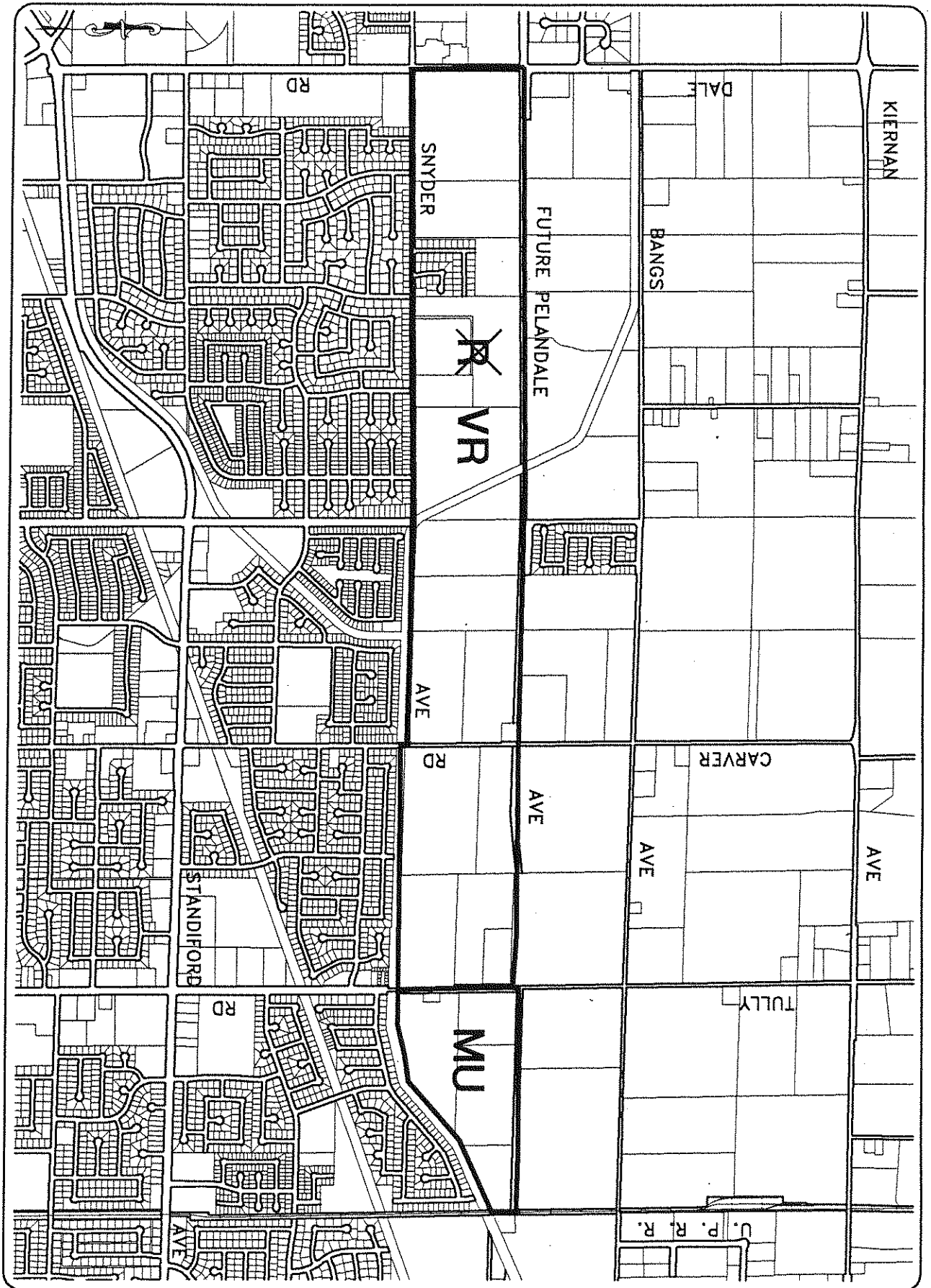
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 2,800 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

PELANDALE/SNYDER C.P.D.

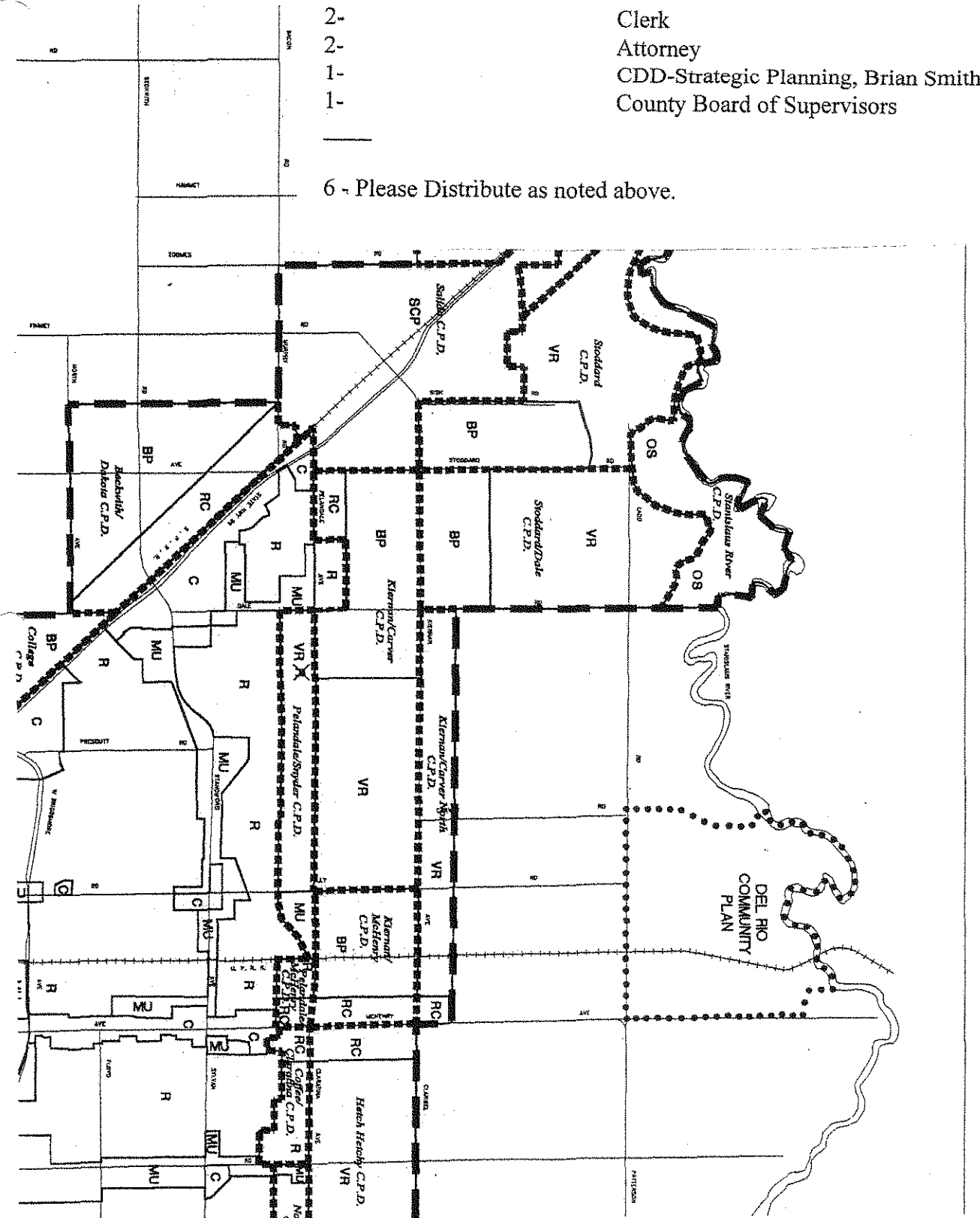


DISTRIBUTION LIST

RES. AMENDING URBAN AREA GENERAL PLAN

- 2- Clerk
- 2- Attorney
- 1- CDD-Strategic Planning, Brian Smith
- 1- County Board of Supervisors

6 - Please Distribute as noted above.



**GENERAL PLAN
LAND USE DIAGRAM
(NW portion)**

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-163

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 THE MODESTO URBAN AREA GENERAL PLAN TO REDESIGNATE A PORTION OF THE PELANDALE-SNYDER COMPREHENSIVE PLANNING DISTRICT FROM RESIDENTIAL TO VILLAGE RESIDENTIAL.

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 to redesignate a portion of the Pelandale-Snyder Comprehensive Planning District from Residential to Village Residential, 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 99-18 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 General Plan Amendment is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Planned Urbanizing Area.

2. No additional significant environmental effects will occur as a result of the proposed General Plan 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 General Plan Amendment, that were not previously considered in the General Plan Master EIR.

4. There are no specific features unique to this General Plan Amendment that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply city-wide, including this project as appropriate.

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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

INITIAL STUDY

EA/CDD 99-18

EXHIBIT "A"

City of Modesto
Initial Study

General Plan Amendment No. 9

EA/CDD 99-18
February 23, 1999

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 for 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. 9
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287
- D. Project Location:
The area is bounded by Dale Road to the west, the planned extension of Pelandale Avenue to the north, Tully Road to the east, and Snyder Avenue and M.I.D. Lateral No. 6 to the south.
- E. Project sponsor:
Redev, Inc., 2020 Standiford Ave., #D-5, Modesto, CA 95350
- F. General Plan Designation:
Residential (R)
- G. Zoning:
Specific Plan-Overlay (SP-O)

H. Description of Proposed Project:

This General Plan Amendment is to re-designate 330 acres from Residential to Village Residential in the Pelandale/Snyder Comprehensive Planning District.

I. Surrounding land uses:

The project is adjoined on the south by existing single-family subdivisions. To the west is existing multi-family development. To the east is an existing church and agricultural land that is approved for an expansion of the existing church. To the north is a combination of existing agricultural land and developing or approved single-family subdivisions.

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 General Plan Amendment would result in 23,600 projected average daily trips from this area. The analysis for the General Plan Master Environmental Impact Report assumed 25,300 average daily trips from this area. Therefore, this Amendment would not generate any increased traffic from what was projected in the Master Environmental Impact Report, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this Amendment are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this Amendment 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

Since the proposed Amendment will not result in any significant increase in intensity of development, it will not create additional noise impacts, 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 an area currently being developed under the approved Pelandale-Snyder Specific Plan. The proposed Amendment will not result in the loss of any agricultural land not already analyzed in both the General Plan Master Environmental Impact Report and the Pelandale-Snyder 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

Since the proposed Amendment will not result in any significant increase in intensity of development, it 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

Since the proposed Amendment will not result in any significant increase in intensity of development, it 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

This area is located in an area currently being developed under the approved Pelandale-Snyder Specific Plan. The proposed Amendment will not result in the loss of any sensitive wildlife and plant habitat not already analyzed in both the General Plan Master Environmental Impact Report and the Pelandale-Snyder EIR. 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 area is located in an area currently being developed under the approved Pelandale-Snyder Specific Plan. In addition, Figure 8-1 of the MEIR indicates that the area is also outside the Archaeological Resource Study Area, and therefore doesn't 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

Since the proposed Amendment will not result in any significant increase in intensity of development, and development in the Pelandale/Snyder Comprehensive Planning District is providing storm drainage facilities in accordance with the mitigation measures

presented in the Master Environmental Impact Report, the Amendment will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

Since the proposed Amendment will not result in any significant increase in intensity of development, and development in the Pelandale/Snyder Comprehensive Planning District is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will create no additional demand for storm drainage not identified 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 still valid.

K. Increased Demand for Parks and Open Space

Since the proposed Amendment will not result in any significant increase in intensity of development and development in the Pelandale/Snyder Comprehensive Planning District is providing for parks in accordance with the General Plan, the Amendment will create no additional demand for parks and open space not identified in the MEIR. 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

Since the proposed Amendment will not result in any significant increase in intensity of development and development in the Pelandale/Snyder Comprehensive Planning District is providing for schools in accordance with the General Plan, the Amendment will create no additional demand for schools not identified in the MEIR. 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

Since the proposed Amendment will not result in any significant increase in intensity of development, it will create no additional demand for police services not identified 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

Since the proposed Amendment will not result in any significant increase in intensity of development, it will create no additional demand for fire services not identified 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 Amendment 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

Since the proposed Amendment will not result in any significant increase in intensity of development, 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 (pages IV-16-1 through IV- 16-14) are therefore still valid.

Q. Landslides and Seismic Activity

Since the proposed Amendment will not result in any significant increase in intensity of development, it 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 Amendment 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 General Plan Amendment is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Planned Urbanizing Area.
- B. No additional significant environmental effects will occur as a result of the proposed General Plan Amendment, that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed General Plan Amendment, that were not previously considered in the General Plan Master EIR.

- D. There are not specific features unique to this General Plan Amendment that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

A handwritten signature in cursive script that reads "Steve Mitchell".

Steve Mitchell,
Associate Planner

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Steve Mitchell
3

Check
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MODESTO CITY COUNCIL
RESOLUTION NO. 99-164

A RESOLUTION APPROVING 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. (RESOURCE DEVELOPMENT)

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, Resource Development has proposed 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, the Planning Commission held a duly noticed public hearing on March 15, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on March 15, 1999, the Planning Commission adopted Resolution No. 99-24, recommending to the City Council Amendment No. 6 to the Pelandale-Snyder Village 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, said matter was set for a public hearing of the City Council to be held on April 13, 1999, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend 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, as recommended by the Planning Commission in its Resolution 99-24, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The area is designated Village Residential in the General Plan, which allows office development.
2. Allowing offices in this location will assist General Plan policies that require buffering of residential uses from noise along arterial streets.

BE IT FURTHER RESOLVED that said 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, as recommended by the Planning Commission, 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 13th day of April, 1999, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

AMENDMENT NO. 6

SPECIFIC PLAN AMENDMENT APPLICATION PACKAGE

1. Details of Amendment

This amendment would amend the specific plan as follows:

- ~~A. Amend Objective A.3.c., page 2-5, and Objective H.1.b, page 2-34 to allow Multi-family Residential (MFR) and Single Family Residential (SFR) land uses to be separated by a wall with both uses backing up to the wall.~~
- ~~B. Amend Objective F.1.a., page 2-28, Figure 4, page 1-10, Figure 5, page 2-2, and Figure 15, page 2-29, to change the location of a 3/4 acre fire station site to the southwest corner of Tully Road and Future Snyder Avenue.~~
- C. Amend Land Use Designation A.2.c., page 2-3, and Figure 5, page 2-2, to include Professional Office (PO) use for 2.5± acres net on a portion of APN 46-07-6 and 7 at the northwest corner of Tully Road and future Snyder Avenue.

2. Need for the Amendment

~~A. Objectives A.3.c. and H.1.b.~~

~~The property is bordered by Pelandale Expressway on the North, Tully Road, a principal arterial, on the east and Snyder Avenue, a collector street, on the south. Developing a street between the MFR and SFR uses would be an extra cost that other projects in the City would not have thereby placing this project at a disadvantage in the marketplace. Most families looking to buy a SFR or rent a MFR are accustomed to these two types of uses backing up to each other with a wall in between. To present the product differently and still attract all the buyers and renters available, would require re-educating the general public which is not feasible. The design of the MFR project has ingress and egress from Tully Road with an internal private-looped street with the units facing the looped street and backing up to the exterior property lines.~~

~~B. Objective F.1.a.~~

~~The City of Modesto Fire Department has considered the site designated in the Specific Plan and has determined the southwest corner of Tully Road and Snyder Avenue is a better location. They are not planning property acquisition in the near future and will be evaluating other sites north of Pelandale and near Tully Road.~~

C. Land Use Designation A.2.c

The Pelandale-Snyder Specific Plan has Professional Office (PO) use designated in only one location; the east side of Tully Road. This was because at the time the Specific Plan was developed, no one requested PO on their property. We believe there is a need for PO use on the West Side of Tully Road as well. In fact, we have a potential user in Medical Ambassadors who presently reside on the East side of Tully on the Big Valley Grace Church property. The northeast corner of Tully Road and Future Snyder Avenue would give them access to both Tully and Snyder and provide better traffic circulation. Traditionally Modesto has had PO and MFR uses on both sides of Tully Road its full length. Future residents living in this area who

may work for Medical Ambassadors could walk to work. There is a market for this use and therefore a need for PO designation.

3. Supplemental Studies

The effects of the proposed amendment on the adopted Specific Plan are as follows:

- A. The amended plan would conform to the Specific Plan's Principles and Goals as described in Chapter I of the Pelandale/Snyder Specific Plan because: ~~(1) replacing the street with a wall between MFR and SFR is an internal design of the project and doesn't effect the rest of the Specific Plan; (2) we are deleting the Pelandale/Tully corner as a choice for the fire station at the request of the Fire Department, all other sites are still available; (3) an existing PO use will move from the office building on the east side of Tully to the 2.5 acres on the west side of Tully, Big Valley Grace will move their administration from the church to the existing office building.~~
- B. The proposed amendment would be compatible with approved development in the Specific Plan area as follows: ~~(1) the amendment provides for an internal design change to the project and will not affect any approved development; (2) the relation between the fire station and MFR will be the same, just at a different street intersection; (3) the proposed PO will be separated from the SFR and MFR with a wall and landscaping.~~
- C. The proposed amendment would be consistent with the comprehensive policies presented in Chapter II of the Specific Plan except for the sections we are amending.
- D. The proposed amendment would be compatible with surrounding existing and planned land uses as follows: ~~(1) the amendment provides for an internal design change to the projects which will not affect adjacent uses; (2) the amendment deletes the Pelandale/Tully corner as a choice for the fire station and will not affect adjacent uses; (3) the proposed PO use will be developed to City standards with setbacks and landscaping and there is existing PO uses across Tully Road.~~
- E. Visual Impacts: ~~(1) replacing the street between MFR and SFR with a wall will have no off-site impacts; on-site impacts will be reduced to a minimum with setbacks and landscaping; (2) deleting the Pelandale/Tully corner as a choice for the fire station has no visual impacts; (3) on-site and off-site impacts for the proposed PO use will be reduced to a minimum with setbacks and landscaping.~~
- F. Traffic Impacts: ~~(1) replacing the street between MFR and SFR with a wall and (2) deleting the Pelandale/Tully corner as a choice for the fire station has no impacts; (3) changing the 2.5 acres at the northwest corner of Tully Road and Snyder Avenue from MFR to PO to accommodate Medical Ambassadors will reduce the project trips from 300 ADT to 200 ADT. Also the traffic impacts will be lessened by the fact that this corner has access to two streets and the intersection will have a signal.~~

- G. The scope and nature of Public Utilities, as described in the Specific Plan and Facilities Master Plan, would not be affected by these amendments.

4. **Supplemental Environmental Analysis**

The amendments are in conformance with the Circulation Plan, the Public Facilities and Infrastructure Master Plans, Schools, Parks, Community Design Policies, and the EIR mitigation measures. Since amendment ~~(1) involves internal design changes to the project and amendments (2) and (3)~~ involve uses which are already existing or proposed in the Specific Plan, there will be no impact to the adopted Environmental Impact Report.

Adoption of Land Use Designations

The following Table 2 Specific Plan Land Use Designations, is hereby adopted consistent with Section 65451(a)(1) of the State Government Code. The designations describe the uses indicated on the Specific Plan Land Use Diagram. Permitted city zoning under each Plan designation is indicated.

Table 2 Specific Plan Land Use Designations

Specific Plan Designation	Permitted City Zoning *
SFR Signal Family Residential	R-1, PD
MFR Multi-family Residential	R-3, R-2, R-1, PD
P-O Professional Office	P-O

*Note: The entire Plan Area will be pre-zoned SP-O, Specific Plan Overlay Zone.

a. Single Family Residential (SFR)

The SFR designation accommodates single family residential uses. The maximum permitted density for an overall land use area is 7.0 dwelling units/gross acre. The acreage does not include area dedicated to major streets or expressways. Areas designated SFR shall be zoned R-1 as Principal Underlying Zone. The prezoning will be the SP-O Specific Plan Overlay Zone.. Under the SFR designation, the P-D zoning is permitted as an overlay zoning, provided the project does not exceed the SFR density and the use is consistent with the R-1 zoning.

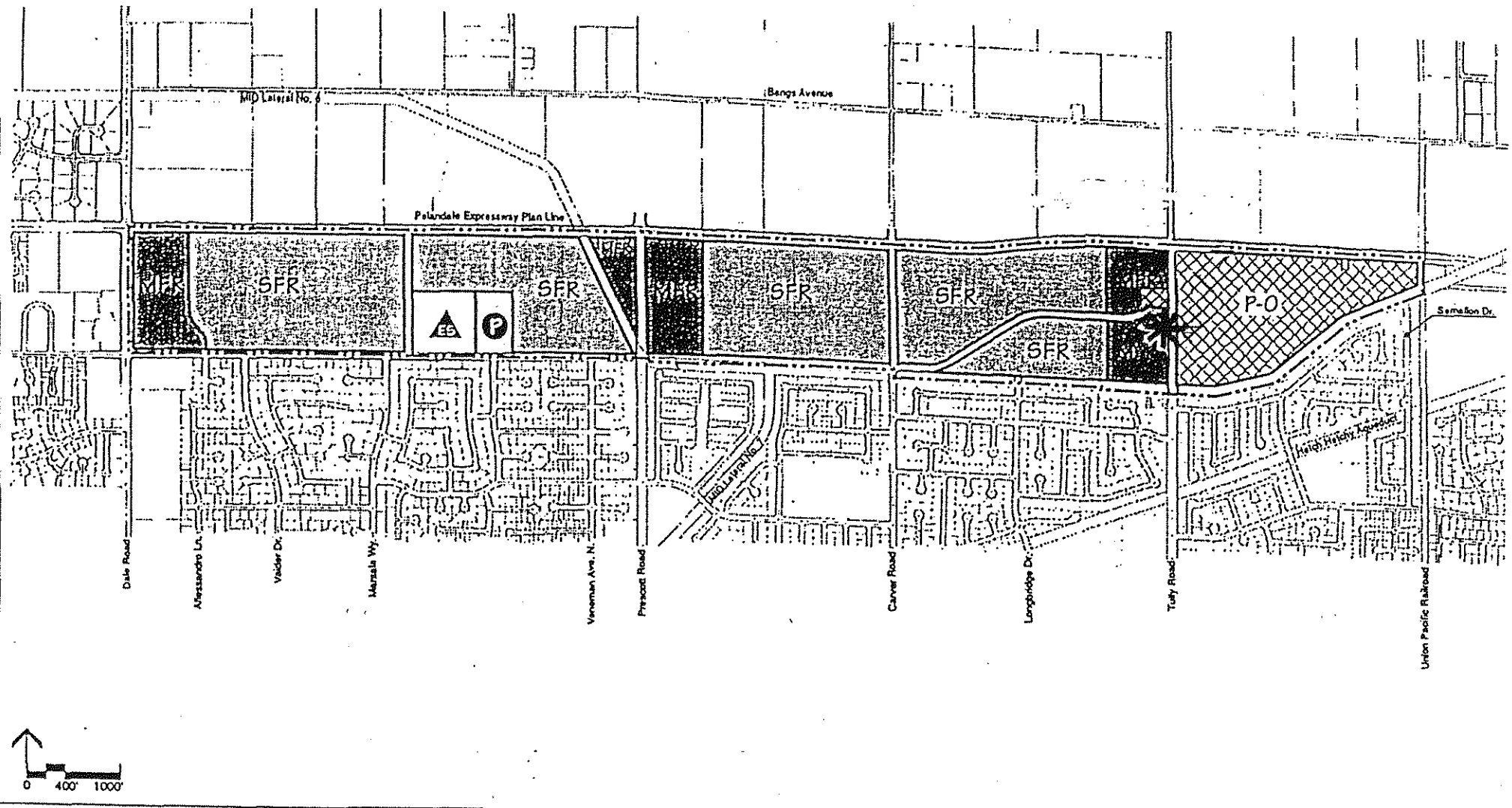
b. Multi-family Residential (MFR)

The MFR designation accommodates multi-family residential uses. The maximum permitted density for an overall land use area is 18.0 dwelling units/gross acre. The acreage does not include area dedicated to major streets or expressways. Areas designated MFR shall be zoned R-3. Under the MFR designation, the R-2, R-1 are also consistent zones. P-D zoning is permitted as an overlay zoning, provided the project does not exceed the MFR density and the use is consistent with the Principal Underlying Zoning. The City may grant density exemption for senior citizen housing.

and approximately 2.5 acres net west of Tully Road at the northwest corner of Tully Road and future Snyder Avenue.

c. Professional Office (P-O)

The P-O designation applies to the area of the Specific Plan east of Tully Road. The P-O designation is intended to accommodate the existing Big Valley Grace Church and the development of compatible professional office/residential land uses consistent with the City's P-O Zoning regulations. The designation will also allow for the expansion of the Church facility should the Church acquire additional properties in this vicinity (a preliminary master plan for the Church is included in the Technical Appendix for environmental review purposes). The PD Zoning is permitted as an overlay zone should residential development be pursued, the maximum density shall not exceed 18 units/acre.



- Single Family Residential
 - Multi-Family Residential
 - Professional Offices
 - Fire Station
 - School
 - Park
- page 2-2*

CITY OF MODESTO
PELANDALE-SNYDER SPECIFIC PLAN

Figure 5
Land Use Diagram

RESOLUTION AMENDMENT TO SPECIFIC PLAN

1 Attorney - Rosemarie
1 CDD - Steve Mitchell
1 Resource Development
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Clack

MODESTO CITY COUNCIL
RESOLUTION NO. 99-165

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. 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. (RESOURCE DEVELOPMENT)

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 EA/CDD 99-4 reviewed the proposed 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 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 99-4, provides substantial evidence to support findings 1-3 above.
5. As per Section 2166 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 13th day of April, 1999, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Initial Study

EA/CDD 99-4

City of Modesto
Initial Study

Pelandale-Snyder Specific Plan Amendment No. 5

EA/CDD 99-4
January 13, 1999

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. 5
- 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 Snyder Avenue between Dale Road and the Union Pacific railroad tracks.

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. Since the proposed amendments are minor in nature, 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. The proposed amendments are minor in nature, and would actually lessen traffic impacts, as the change from multi-family residential to offices results in a slight decrease in traffic, and the relocation of the fire station will provide better access for the fire station and less disruption of traffic at the major intersection of Pelandale Avenue and Tully Road. Therefore, there would be no change 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. The proposed amendments would not create any additional noise impacts, as existing development standards will ensure that the fire station and office uses will be adequately buffered from future residential areas. 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 these amendments 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 amendments are minor in nature, and will not create any additional biological impacts. Therefore, there would be no change

- 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 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. 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 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 amendments 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 amendments are 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,
Associate Planner

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Steve Mitchell
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A. Link
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MODESTO CITY COUNCIL
RESOLUTION NO. 99-166

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 12 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE WEST SIDE OF LITT ROAD SOUTH OF HILLGLEN AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (HERITAGE HOMES)

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 Heritage Homes for a Precise Plan for Area No. 12, property located on the west side of Litt Road south of Hillglen Avenue, and

WHEREAS, the applicant has applied for approval of a rezoning from a 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. CDD 99-19, 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. 99-25, adopted on March 15, 1999, and City staff, by a report dated March 31, 1999, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 12 of the Village One Specific Plan as set forth in said Resolution No. 99-25, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from a Specific Plan-Holding Zone, SP-H to a Specific Plan-Overlay Zone, SP-O, Precise Plan Area 12, property located on the west side of Litt Road south of Hillglen Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 13, 1999, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th 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. CDD 99-19, entitled "City of Modesto Initial Study Precise Plan No. 12 and Rezoning to Specific Plan-Overlay Zone", for the proposed project, and the Council hereby makes the following findings:

1. 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.
2. 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.
3. 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.
4. The Initial Study, Environmental Assessment No. CDD 99-19, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. CDD 99-19, entitled "City of Modesto Initial Study Precise Plan No. 12 and Rezoning to Specific Plan-Overlay Zone", 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 13th day of April, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

99-19

EXHIBIT "A"

City of Modesto
Initial Study

Precise Plan No. 12 and Rezoning to Specific Plan-Overlay Zone

EA/CDD 99-19

February 23, 1999

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:
Precise Plan No. 12 and rezone to Specific Plan-Overlay Zone
- 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 Litt Road south of Hillglen Avenue.

- E. Project Sponsor:
Heritage Homes, 1160 W. Olive Avenue, Ste. E, Merced, CA 95380
- F. General Plan Designation:
Village Residential (VR)
- G. Current Zoning:
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:
The Precise Plan and rezoning are to allow for the development of 46 acres in the Village One Specific Plan, for up to 230 single-family homes.
- I. Surrounding land uses:
The project is adjoined on the south by a single-family subdivision currently under construction, to the north and east by vacant parcels with approved tentative subdivision maps for single-family development, and to the west by ranchette parcels designated in the Village One Specific Plan for residential development.
- J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 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 development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity (230 dwelling units), and provides a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because 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 development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning 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 development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. Population, Employment and Housing

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

7. Urban Design and Visual Quality

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

intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

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

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

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

11. Fiscal Impacts

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

13. Growth Inducing Impacts

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

- 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,
Associate Planner

Check
11

MODESTO CITY COUNCIL
RESOLUTION NO. 99-167

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 9-9-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING TO HEAVY INDUSTRIAL ZONE, M-2. (MORGAN/WHITMORE REORGANIZATION AREA)

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 amending Section 9-9-9 of the Zoning Map of the City of Modesto Prezoning to Heavy Industrial Zone, M-2, for the Morgan/Whitmore Reorganization Area, 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 99-16 reviewed the proposed prezoning to Heavy Industrial Zone, M-2, for the Morgan/Whitmore Reorganization Area 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. 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 of

approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

EA/CDD 99-16

EXHIBIT "A"

City of Modesto

Initial Study

PREZONING TO M-2, HEAVY INDUSTRIAL ZONE FOR THE
MORGAN/WHITMORE REORGANIZATION AREA

EA NO. CDD 99-16

III. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed Prezoning to M-2, Heavy Industrial Zone for the Morgan/Whitmore Reorganization Area. 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:

- D. Project Title:
Prezoning to M-2, Heavy Industrial Zone for the Morgan/Whitmore Reorganization Area
- E. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353
- F. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA
(209) 577-5280
- D. Project Location:
In the South Modesto Urban Area at the northwest corner of Morgan Road and Whitmore Avenue
- G. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353
- H. General Plan Designation:
Industrial

- G. Zoning:
Existing: County Industrial
Prezoning: would be to M-2, Heavy Industrial

K. Description of Proposed Project:

Prezoning of one property totaling approximately 40 acres, to M-2, Heavy Industrial Zone. This property is located on the northwest corner of Morgan Road and Whitmore Avenue (see attached map). This property is currently under agricultural use and would be annexed and developed as an industrial use which is compatible with the adjacent developed heavy industrial uses (existing City M-2 zone). Sewer and water service connections will be provided as necessary following annexation.

L. Surrounding Land Uses:

- North: Existing heavy industrial uses including land owned by Kraft Foods with a dry cereal processing plant, existing developed residential area in the unincorporated County, and the Union Pacific Railroad and Highway 99.
South: Developing agricultural lands in the Ceres Sphere of Influence
East: Developing agricultural lands in the City of Ceres and Union Pacific Railroad and Highway 99.
West: Existing industrial uses including Kraft Foods and Basic Vegetable, in the City of Modesto and the Tidewater Railroad tracks.

- M. Other Public agencies whose approval is required: none

IV. 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.

S. **Traffic and Circulation**

The proposed Morgan/Whitmore industrial area Prezoning, annexation and any subsequent industrial development would be consistent with the designation shown on the City's General Plan Land Use Diagram. Thus the Prezoning and annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Therefore the proposed Prezoning and annexation 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.

- T. Degradation of Air Quality**
This proposed Prezoning and annexation area and subsequent industrial development is consistent with the City's General Plan. Subsequent development would be required to incorporate appropriate mitigation pursuant to the MEIR and regional Air District. These uses 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-2-5) are, therefore, still valid.
- U. Generation of Noise**
Prezoning and annexation of the Morgan/Whitmore Reorganization area and the subsequent development of industrial uses, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area and there is no non-residential development adjacent to the 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.
- V. Loss of Productive Agricultural Land**
The 40-acre Prezone and annexation area is surrounded by existing industrial development and is located in the City's General Plan Area designated for future industrial development. 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.
- W. Increased Demand for Water Supplies**
Properties adjacent to the Prezone and annexation area have been connected to the City water system. Additional water connections in this industrial area 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.
- X. Increased Demand for Sanitary Sewer Services**
Existing industrial uses adjacent to this Prezone parcel are connected to City sewer service. Future industrial uses anticipated for the 40-acre annexation area would be consistent with the industrial designation in the City's General Plan and 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.

Y. Loss of Sensitive Wildlife and Plant Habitat

The 40-acre Rezoning proposal is a requirement for the incorporation of the remaining undeveloped parcel in an existing developed area of the General Plan. This parcel does not contain wildlife habitat and is over 1.0 miles from the Tuolumne River riparian corridor. 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.

Z. Disturbance of Archaeological and Historic Sites

This Rezoning and annexation of a 40-acre potential industrial site will not disturb any archaeological or historic sites because it is approximately 1.0 miles south 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.

AA. Drainage, Flooding and Water Quality

The proposed Rezoning and annexation is for designated 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 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.

BB. Increased Demand for Storm Drainage

The Rezoning is for a 40-acre parcel located in an area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. Future development 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.

- CC. Increased Demand for Parks and Open Space**
The proposal to Prezone 40-acres of land to heavy industrial-designation 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.
- DD. Increased Demand for Schools**
The proposed Prezoning is to prepare to bring into the City a 40-acre industrial-designated area that consists solely of non-residential uses. 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.
- EE. Increased Demand for Police Services**
Prezoning and subsequent annexation of the 40-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, 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.
- FF. Increased Demand for Fire Services**
Prezoning and subsequent annexation of the 40-acre Morgan/Whitmore area will not result in the transfer of the fire protection responsibility from one agency to another. The Imperial Avenue Fire Station, located approximately 1.5 miles from the proposal, is currently operated by the City of Modesto under contract from the Industrial Fire Protection District. The area would be served by the Imperial Avenue Fire station. In addition, 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 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown 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.

GG. Generation of Solid Waste

The Rezoning area is currently provided waste disposal service by the Bertolotti Disposal Company, who would also continue serving the area following annexation. 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.

HH. Generation of Hazardous Materials

Rezoning of the 40-acre area of land designated for industrial uses will not result in the generation of additional hazardous materials, because this annexation will not result in additional or different type of development not already designated in the adopted General Plan. Because 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.

II. Landslides and Seismic Activity

Rezoning of the 40-acre industrial area, because the land is essentially flat, and 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.

JJ. Energy

Because existing and proposed uses in the 40-acre Morgan/Whitmore Reorganization area would be consistent with the industrial designation in the General Plan the Rezoning 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

- F. The proposed Rezoning of the Morgan/Whitmore Reorganization area of 40-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).
- G. The proposed Rezoning of the Morgan/Whitmore Reorganization area and 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.
- H. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).
- I. There are no specific features unique to this Rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
- J. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: _____

John R. Noy, 2/19/99

MODESTO INDUSTRIAL PARK ADDITION
I.N. 59-6807
S.C.R.

AREA = 40.26± ACRES

A.P.N.
56-52-11

CITY OF MODESTO
LIMITS LINE

CITY OF CERES
LIMITS LINE

EXISTING CITY
LIMITS LINE S 89°54'01" E 1327.93'

EXISTING CITY
LIMITS LINE

ROAD

SECTION LINE AND
CENTERLINE OF
MORGAN ROAD.

P-M-2

SCALE 1"=300'

A.P.N.
56-52-04

N 00°29'35" W 1318.23'

A.P.N.
56-52-08
S.E. 1/4 OF S.E. 1/4
OF SECTION 9
T4 S. R.9 E
M.D.B. & M.

A.P.N.
40-89-03
CERES BUSINESS AND
INDUSTRIAL PARK

S 00°39'55" E 1319.48'

CITY OF CERES
LIMITS LINE

MORGAN

EXISTING CITY
LIMITS LINE

SEC. 9

SEC. 10

N 89°50'55" W (B.O.B.) 1331.91'

P.O.B. SEC. 15

WHITMORE

SECTION LINE AND
CENTERLINE OF
WHITMORE AVE.

AVENUE SEC. 16

CITY OF CERES
LIMITS LINE

A.P.N.
56-53-47

A.P.N.
56-53-48

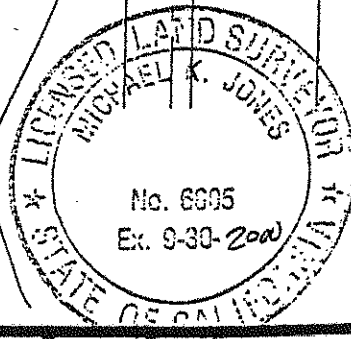
A.P.N.
56-53-46

WEST CERES REORGANIZATION
TO THE CITY OF CERES
A.P.N.
56-53-45

53-16-01	53-16-02	53-16-15
A.P.N. 53-16-03		
A.P.N. 53-16-04		

SIS OF BEARINGS

BEARING OF NORTH 89°50'55" WEST FOR THE
WEST LINE OF SECTION 9, AS SHOWN ON THE SURVEY
FOR RECORD ON MAY 5, 1975 IN BOOK 13 OF
PLATS, AT PAGE 77, STANISLAUS COUNTY RECORDS,
USED AS THE BASIS OF ALL BEARINGS SHOWN HEREON.



SCALE: 1"=300'
BY: M. JONES
4961ANX1.DWG
DEC. 17, 1998



O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

**MORGAN-WHITMORE
REORGANIZATION
TO THE
CITY OF MODESTO**

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Steve Nish
3

REVISED 4/15/99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-168

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 SECTIONS 19-3-9 AND 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING TO LIGHT INDUSTRIAL ZONE, M-1. (NORTH 99/WOODLAND REORGANIZATION AREA)

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 amending Sections 19-3-9 and 30-3-9 of the Zoning Map of the City of Modesto Prezoning to Light Industrial Zone, M-1, for the North 99/Woodland Reorganization Area, 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 99-17 reviewed the proposed prezoning to Light Industrial Zone, M-1, for the North 99/Woodland Reorganization Area, 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. 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 of

approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

EA/CDD 99-17

EXHIBIT "A"

City of Modesto

Initial Study

**PREZONING TO M-1, LIGHT INDUSTRIAL ZONE
FOR THE NORTH 99/WOODLAND REORGANIZATION AREA**

EA NO. CDD 99-17

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this Prezoning to M-1, Light Industrial Zone for the proposed North 99/Woodland Reorganization. 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:
Prezoning to M-1, Light Industrial Zone for the North 99/Woodland Reorganization Area
- 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 north and south sides of Woodland Avenue between Highway 99 and North 9th Street
- E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353
- F. General Plan Designation:
Redevelopment Area

- G. Zoning:
Existing: County Industrial
Prezoning: to be Prezoned M-1, Light Industrial

H. Description of Proposed Project:

Prezoning to M-1, Light Industrial Zone in preparation for annexation of 7 properties totaling approximately 53.6 acres that include properties on the north and south sides of Woodland Avenue which are part of an unincorporated County island (see Exhibit A). The area is completely developed with industrial uses including: Modesto Irrigation District (MID) corporation yard (9.14 acres), MID parking lots (4.77 acres), the previous Western Stone Products parcel which is being acquired by the MID for future expansion (9.65 acres), Fisher Graphics parcel (1.52 acres), and the F.M.C. Corporation parcel (31.23 acres). The Fisher Graphics parcel is connected to City water and sewer service. Additional service connections will be provided as necessary following annexation.

I. Surrounding Land Uses:

North: Union Pacific Railroad Tracks, North 9th Street and the developed Modesto Urban Area.
South: Highway 99 & existing industrial uses in the Modesto Urban Area
East: MID turbine power plant and existing industrial uses in Modesto
West: Highway 99 & existing industrial uses in the Modesto Urban Area

- 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 existing industrial uses are consistent with the designation shown on the City's General Plan Land Use Diagram. Thus this Prezoning to Light Industrial and annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Therefore the proposed annexation 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**
This proposed Rezoning of the annexation area of existing industrial urban development within the City's Redevelopment Area is consistent with the City's General Plan. These uses 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-2-5) are, therefore, still valid.
- C. Generation of Noise**
Rezoning and annexation of the North 99 Reorganization area and the subsequent expansion of the MID corporation yard, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area between a railroad track and state highway and there is no non-residential development adjacent to the 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 area to be Rezoned and annexed is in the City's Redevelopment Area and consists of existing industrial parcels which have already been developed. 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**
Properties in the Rezoning area have been connected to the City water system. Additional water connections in this Redevelopment Area 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**
Existing and future Industrial uses anticipated for the 53.6-acre area to be Rezoned and annexed would be consistent with the Redevelopment Area designation in the City's General Plan and 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 53.6-acre Prezoning proposal is a precursor to the incorporation of an existing developed area of the Modesto General Plan that has been 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 Prezoning of existing developed properties will not disturb any archaeological or historic sites because the properties are approximately three 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 proposed Prezoning would cover 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 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 Prezoning is for a 53.6-acre area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. Future development/expansion 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 Prezone to M-1 approximately 53.6-acres of existing developed industrial uses prior to their annexation into the City of Modesto 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 Rezoning and subsequent annexation is to bring into the City a 53.6-acre developed industrial area that consists solely of non-residential uses. 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

Rezoning and subsequent annexation of the 53.6-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, 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

Rezoning and subsequent annexation of the 53.6-acre area of industrial uses will result in the transfer of the fire protection responsibility from the Woodland Avenue Fire Protection District to 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 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown 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 area to be Rezoned and annexed consists of developed industrial uses that are currently provided waste disposal service by the Modesto Disposal Company, who would also continue serving the area following annexation. 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

The Rezoning and subsequent annexation of the 53.6-acre area of existing industrial uses will not result in the generation of additional hazardous materials, because this annexation will not result in additional or different type of development not already identified in the adopted General Plan.

The project area includes the F.M.C. Corporation property which is currently undergoing site remediation due to contamination from a previous on-site Barium processing facility. Pursuant to the California Regional Water Quality Control Board, Central Valley Region, the facility is regulated by Waste Discharge Requirements (WDRs) Order No. 87-108 and Cleanup and Abatement (C&A) Order Nos. 90-721, 93-202 and amendments, and 96-063 for soil and groundwater investigations and remediation in conformance with Title 27 California Code of Regulations. This "clean-up" operation is anticipated to be ongoing for several years. It is anticipated the site will eventually be reused under the Brownfields legislation as part of the City Redevelopment Area.

Because 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

Rezoning of the 53.6-acre, developed industrial area, because the land is essentially flat, and 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

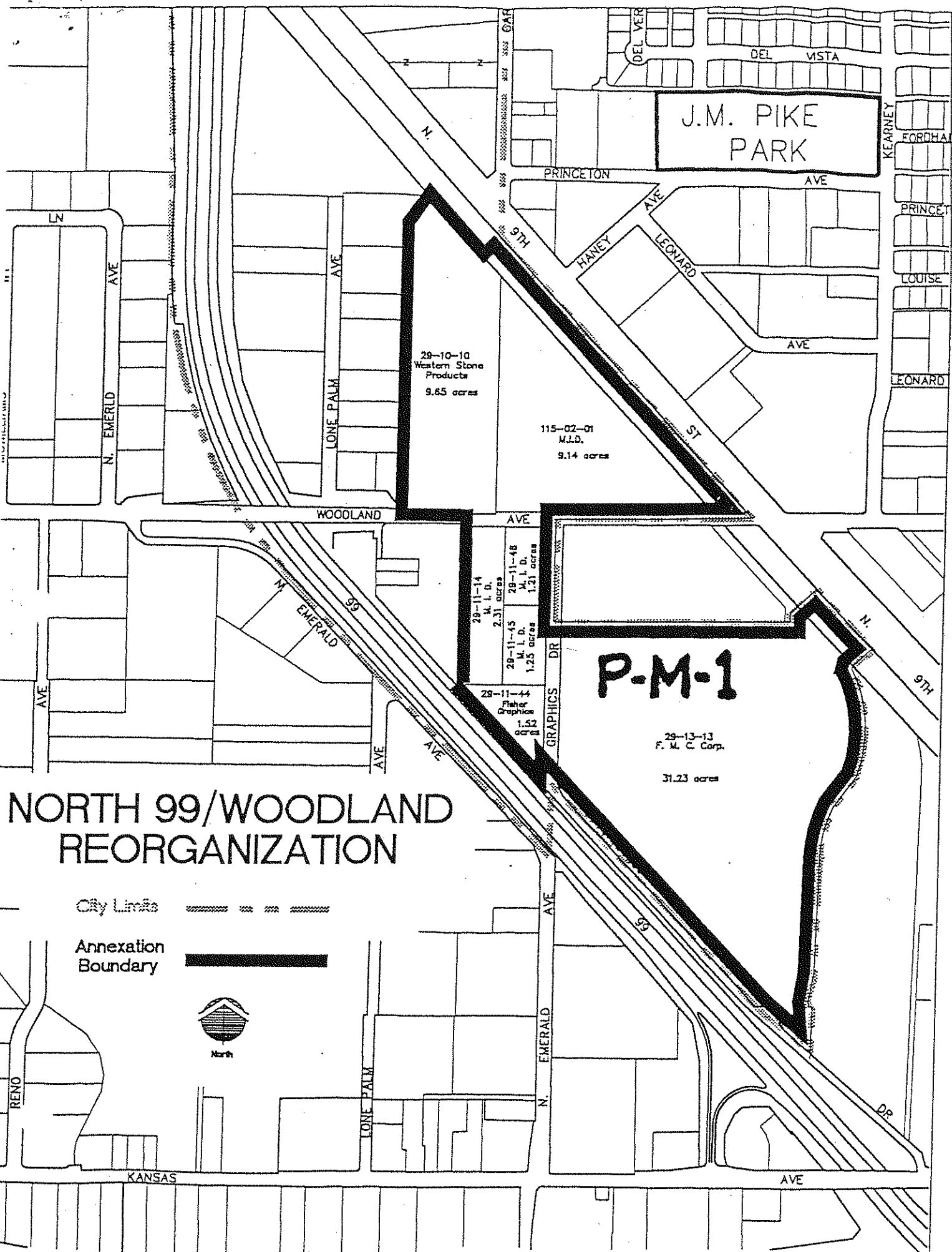
Because existing and proposed uses in the 53.6-acre Rezoning for North 99/Woodland Reorganization area are consistent with the Redevelopment Area designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during 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

- A. The proposed Rezoning of the North 99/Woodland Reorganization area of 53.6-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).
- B. The proposed Rezoning of the North 99/Woodland Reorganization area and 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.
- 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 rezoning 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: _____

John R. Nish 2/19/99



J.M. PIKE
PARK

29-10-10
Western Stone
Products
9.65 acres

115-02-01
M.I.D.
9.14 acres

P-M-1

29-13-13
P. M. C. Corp.
31.23 acres

NORTH 99/WOODLAND REORGANIZATION

City Limits 

Annexation
Boundary 



RENO
KANSAS

LONE PALM

N. EMERALD

AVE

Clarke

MODESTO CITY COUNCIL
RESOLUTION NO. 99-168

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 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING TO LIGHT INDUSTRIAL ZONE, M-1. (NORTH 99/WOODLAND REORGANIZATION AREA)

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 amending Section 19-3-9 of the Zoning Map of the City of Modesto Prezoning to Light Industrial Zone, M-1, for the North 99/Woodland Reorganization Area, 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 99-17 reviewed the proposed prezoning to Light Industrial Zone, M-1, for the North 99/Woodland Reorganization Area, 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. 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 of

approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

EA/CDD 99-17

EXHIBIT "A"

City of Modesto

Initial Study

**PREZONING TO M-1, LIGHT INDUSTRIAL ZONE
FOR THE NORTH 99/WOODLAND REORGANIZATION AREA**

EA NO. CDD 99-17

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this Prezoning to M-1, Light Industrial Zone for the proposed North 99/Woodland Reorganization. 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:
Prezoning to M-1, Light Industrial Zone for the North 99/Woodland Reorganization Area
- 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 north and south sides of Woodland Avenue between Highway 99 and North 9th Street
- E. Project Sponsor, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353
- F. General Plan Designation:
Redevelopment Area

- B. Degradation of Air Quality**
This proposed Rezoning of the annexation area of existing industrial urban development within the City's Redevelopment Area is consistent with the City's General Plan. These uses 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-2-5) are, therefore, still valid.
- C. Generation of Noise**
Rezoning and annexation of the North 99 Reorganization area and the subsequent expansion of the MID corporation yard, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area between a railroad track and state highway and there is no non-residential development adjacent to the 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 area to be Rezoned and annexed is in the City's Redevelopment Area and consists of existing industrial parcels which have already been developed. 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**
Properties in the Rezoning area have been connected to the City water system. Additional water connections in this Redevelopment Area 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**
Existing and future Industrial uses anticipated for the 53.6-acre area to be Rezoned and annexed would be consistent with the Redevelopment Area designation in the City's General Plan and 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.

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 Rezoning and subsequent annexation is to bring into the City a 53.6-acre developed industrial area that consists solely of non-residential uses. 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

Rezoning and subsequent annexation of the 53.6-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, 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.

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Rezoning and subsequent annexation of the 53.6-acre area of industrial uses will result in the transfer of the fire protection responsibility from the Woodland Avenue Fire Protection District to 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 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown 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 area to be Rezoned and annexed consists of developed industrial uses that are currently provided waste disposal service by the Modesto Disposal Company, who would also continue serving the area following annexation. 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.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed Rezoning of the North 99/Woodland Reorganization area of 53.6-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).
- B. The proposed Rezoning of the North 99/Woodland Reorganization area and 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.
- 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 rezoning 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: _____

John R. Nish 2/19/99

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Steve Nish
3

MODESTO CITY COUNCIL
RESOLUTION NO. 99-169

A RESOLUTION ACCEPTING THE CITY MANAGER'S REPORT AND FINDING CABLE ONE IN COMPLIANCE WITH THE PROVISIONS OF THE MODESTO MUNICIPAL CODE AND ITS FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF MODESTO AND DELAYING ENFORCEMENT REQUIREMENTS OF THE OPERATIONS PLAN.

WHEREAS, Section 11-4.13 of the Modesto Municipal Code requires each cable grantee to file an annual report with the City Manager by October 31st of each year, and

WHEREAS, pursuant to said section, on or before December 31st of each year, the City Manager shall make a report to the Council on the results of the annual test and the grantee's report, and

WHEREAS, Cable One's report dated February 3, 1999, was submitted for Council action on February 9, 1999, without complete documentation (a copy of which is on file in the Office of the City Clerk), and

WHEREAS, Council referred the report back to staff and directed that the Utility Services and Franchises Committee review the status of the franchise prior to submitting its report to Council, and

WHEREAS, on February 25, 1999, the City Clerk submitted an audit report of the Cable Television Franchise Ordinance requirements, focusing on timeliness of filings, completeness of reports and information, updating documents and administration of the franchise, and

WHEREAS, the City Clerk and the Deputy City Manager concluded that many of the issues could be could be addressed by the centralization of information in one location to facilitate administration, and

WHEREAS, all required documentation has been located and Cable One is furnishing updated copies of documents previously submitted as either Capital Cities Cable or Post Newsweek Cable, and

WHEREAS, the Utility Services and Franchises Committee met and reviewed the matter on March 24, 1999, and found that the issues raised at the Council meeting on February 9, 1999, have been addressed and Cable One is in substantial compliance, subject to corrective actions made or undertaken by the company, and

WHEREAS, attached as Exhibit "A" is the Annual Statement required to be filed by Cable One, and

WHEREAS, attached as Exhibit "B" is an addendum to comments made by Harold Horn in his draft report and comments received by Council at its meeting on February 9, 1999, and

WHEREAS, at its meeting on April 13, 1999, at 4:00 p.m., the City Council met and considered the agenda report dated April 7, 1999, which recommended finding that Cable One is in compliance with the Municipal Code and its cable franchise and delaying enforcement requirements of the Operations Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby accepts Cable One's report dated February 3, 1999, as

supplemented by further documentation dated February 16, 1999, and finds that Cable One is in substantial compliance with the provisions of Chapter 4 of Title XI of the Modesto Municipal Code and Cable One's nonexclusive franchise.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves delaying the enforcement requirements of the Operations Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



1639 PRINCETON AVENUE
P. O. BOX 4306
MODESTO, CA 95352

February 16, 1999



Mr. Paul Baxter
Deputy City Manager
City of Modesto
801 11th Street
Modesto, CA 95353

Dear Paul:

The following information is enclosed to complete the annual evaluation of the Cable One operation in Modesto.

1. Name and Address of Grantee

Cable One, Inc.
1314 N. Third Street, 3rd Floor
Phoenix, AZ 85004

2. Local Address

1639 Princeton Ave.
Modesto, CA 95350

3. Name and Title of Individual Principally Responsible

John Pezzini, General Manager
T. Mitchell Bland, Division VP, Norwest Division

4. Name of System Engineer

Chuck VanPetten

EXHIBIT A

5. Name and Address of Current Officers

See attached list.

6. Change in Corporate Structure

No major changes to report in 1998.

7. Submission of Reports

FCC Form 395 Filed 9/30/98
FCC Form 320 Filed 7/1/98

8. FCC Proof of Performance


Successful Proof of Performance 2/28/98 & 7/31/98


9. Type of Services

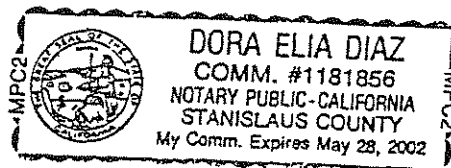
See attached list.

10. A complete reproducible set of systems maps is available at our local office.

Signed under penalty of perjury,


John Pezzini
General Manager


Notary Public



CABLE ONE

OFFICERS & DIRECTORS
AS OF DECEMBER 31, 1998

OFFICERS:

Thomas O. Might	President
Thomas P. Basinger	Vice President
T. Mitchell Bland	Vice President
Stephen A. Fox	Vice President
John D. Gosch	Vice President
Charles T. Hill	Vice President
Gerald W. McKenna	Vice President
Ronald R. Pancratz	Vice President
Kelvin D. Smith	Vice President
Alan H. Silverman	Vice President & Secretary
Patrick A. Dolohanty	Vice President & Treasurer
John F. Hockenberry	Assistant Secretary
James W. Keller	Assistant Treasurer
John B. Morse, Jr.	Assistant Treasurer

DIRECTORS:

Donald E. Graham
Thomas O. Might
John B. Morse, Jr.
Alan G. Spoon

CABLE ONE™

MONTHLY CHARGES (Residential Service Rates)

STANDARD CABLE SERVICE	\$45.70
HBO Package - (Includes: Basic, Expanded, HBO, HBO PLUS, HBO SIGNATURE, Cinemax, MoreMax)	
STANDARD CABLE SERVICE	\$42.70
Showtime Package - (Includes: Basic, Expanded, Showtime 1, 2, 3, and The Movie Channel)	
Basic Service Expanded	\$29.75
Expanded Service/ (Requires Basic Service)	\$14.80
Basic Service	\$14.95
Wire Maintenance (No charge to seniors)	\$1.00
Addressable Converter *	\$1.80
Standard Converter	\$1.09
Remote Control	\$0.21
Additional Outlets	N/C
Stereo Outlet	N/C
TV WEEK Program Guide	\$1.30/mo.
THE CABLE GUIDE	\$0.67/mo.
HBO	\$13.75
Cinemax	\$13.75
The Movie Channel	\$10.95
Showtime	\$10.95

(Converter may be needed for some TVs)
(*Zenith Converter needed for Pay-Per-View movies and events)

FM LINE UP

96.7....	KVFX (Mntca/Rock).....	88.1
91.3....	KJOP (Stkrn/Class).....	88.3
104.1...	KHKK (Mdsta/Rock).....	88.5
93.1....	KOSO (Ptrsn/Rock).....	88.7
101.5...	KAMB (Mrcd/Religious)....	88.9
97.5....	KABX (Mrcd/Oldies).....	89.1
102.1...	KDFC (SFO/Class).....	89.5
102.6...	KJSN (Mdsta/Top 40)....	89.9
103.3...	KATM (Mdsta/Cntry)....	102.5
105.5....	KRVR (Cpropls/Jazz)....	102.7
99.9....	KCIV (MtBilln/Div).....	102.9
	WFMT (Chcgo/Class)....	103.3

(C. r.-AIR) (City/Format) (ON CABLE)

PREMIUM SERVICE PACKAGES

Entertainment Spectacular	\$27.50
HBO/Cinemax Plex Pak	\$15.95
Showtime/The Movie Channel PlexPak	\$12.95

CABLE ONE™.net INTERNET SERVICE

Cable ONE Customers:	\$17.95
Non-Cable ONE Customers:	\$19.95

Unlimited usage
Up to five e-mail addresses
Personal web site hosting (no domains)
10 MB storage for personal web pages
Mail, Usenet, FTP, Telnet, Gopher, IRC
Licensed copy of Internet Explorer 4.01 SP1
Easy billing directly on your cable bill

ISDN and Business pricing available
please call 577-3456, Ext. 231

DMX



\$9.95 (Residential Service)

DMX is 30 Channels of music.
Without the Radio Announcers.
Without The Commercial Interruptions.
24 hours a day of perfect, CD Quality sound. Right through your stereo.

Business pricing available
Please call 577-3456, Ext. 204

Spanish Language
Available with SAP on
(Second Audio Programming)

HBO
Showtime
Cinemax
Cartoon Network

INSTALL CHARGES

Install New Service (Up to four TVs)	\$65.95
Reactivate Service (Up to four TVs)	\$44.54
Reactivate Non-pay	\$26.62
Install DMX	\$19.97
Activate/Add Additional Outlet (after original install, under four outlets)	\$19.97
Activate/Add Additional Outlet (over four outlets)	\$39.95
VCR Kit	\$5.00
Install VCR Kit	\$13.31
Install Converter(after original install)	\$8.87
Change of Premium service	\$8.87
Home Service Call (if not on wire maintenance)	\$26.62
Activate Internet (Residential)	\$29.95

OFFICE HOURS:
Mon.-Fri., 8-5
Saturday 9-1(*)

CUSTOMER SERVICE: (TIL 7 pm) 577-3500

PAY-PER-VIEW: Ch. 66 1-800-511-8866
Ch. 67 1-800-511-8867
Ch. 68 1-800-511-8668
Ch. 69 1-800-511-8869
Ch. 99 1-800-511-8899

ACCOUNT BALANCE INQUIRY: 577-1111

ADMINISTRATION: 577-3456

INTERNET: 577-3400

CABLE REPAIR: 577-4280

Oakdale Office: 847-8031
(*Modesto Office Only)

1639 Princeton Avenue • Modesto, CA 95350
825 West "F" Street • Oakdale, CA 95361

Prices Do Not Include Franchise Fees, Utility and FCC User Fees.

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**ADDENDUM/COMMENTS TO
TECHNICAL AND OPERATIONAL COMPLIANCE ANALYSIS
CABLEONE
MARCH, 1999**

CITY OF MODESTO MUNICIPAL CODE (Chapter 4, "Procedure for Granting Cable Television System Franchises").		
ITEM	REQUIREMENT:	COMMENT:
12	End of each March, June and December. Grantee to submit test results taken within past week at permanent test points of parameters specified in this Section.	Grantee provided annual proof of performance
15	Grantee to prepare and file annual compliance report with City Manager; said report to contain information as specified in this section.	1998 filed late. 1996 and 1997 received, but not submitted to Council for approval.
18	Franchise fees and other sums to be paid in amount and on schedule per Franchise Ordinance	Compliant – Fees paid on schedule. Cable One furnished audited report.
19	Grantee to file balance sheet, profit and loss statement with City Manager not later than 90 days after close of Grantee's fiscal year; residual payments to be made within 15 days.	1997 filed. 1998 filed.
22	Grantee to provide new subscribers with printed card detailing complaint filing procedure (prior approval of text by City Manager required.)	Under review.

EXHIBIT B

CITY OF MODESTO CABLE TELEVISION FRANCHISE ORDINANCE		
ITEM:	REQUIREMENT	COMMENT:
6	Where cable plant is not already in place, plant is to be extended and service provided within 60 days of order; penalty of six months free service if not met.	Correction. Cable One does comply with this provision.
13	In accordance with provisions of the City Code, 3% fee to be paid quarterly.	Compliant. Records and audit at Finance.
14	Revenue and expense statements to be filed with City within 90 days of end of Grantee's fiscal year.	Compliant. 1997 filed. 1998 filed.
25	Public access channel to be provided; programming via the Public Access/LO Studio; records of public requests for use to be retained for two years.	Cable One corrected problem. Files established.
33	Within 90 days of commencement of term of current franchise, timetable for construction studio and detailed plans to be provided to City. City and Grantee to mutually agree upon final plan and equipment list.	Partially compliant. Authorization letter located for studio. Review of mutual plan issue continuing.
44	\$20,000 security fund, acceptance of franchise, performance bond and liability insurance to be maintained during term of franchise.	Security information filed with Finance Department; acceptance of franchise bond and insurance to be reissued in name of Cable One.

PUBLIC ACCESS CONCERNS
CABLE ONE

MARCH, 1999

I. STAFFING

ISSUE:	STATUS:	COMMENT:	FURTHER ACTION NEEDED:
1. Positions remain vacant including Director of Programming	Four full-time positions including Director of Programming.	Annie De Long hired December 15, 1998 as Director of Programming.	None.
2. Insufficient training.	Formal P.A. training Program begins March 1, 1999.	Informational packet on file with City Manager's Office.	None.
3. No formal internships available.	Informational packet on file with City Manager's Office.	Informational packet on file with City Manager's Office.	None.

II. EQUIPMENT AND FACILITIES

ISSUE:	STATUS:	COMMENT:	FURTHER ACTION NEEDED:
1. Studio equipment in need of replacement/repair	Equipment evaluation being conducted by independent consultant. Report pending.	None.	None
2. Two editing suites/only one is operational (control room editing was available). Two editing suites are needed.	Control/edit available for P.A. use.	Several hours available.	Second edit suite not needed.
3. Van/Suit case studio does not exist.	Equipment is in inventory to build s/c studio.	Operational April 30, 1999.	Work in progress.
4. No formal check-in/out procedures.	Informational packet on file with City Manager's Office.	None.	None.

ISSUE:	STATUS:	COMMENT:	FURTHER ACTION NEEDED:
5. No formal facility reservation procedures.	Formal procedure in place.	Informational packet on file with City Manager's Office.	None.
6. No formal production training offered.	Formal training program begins March 1, 1999.	Informational packet on file with City Manager's Office.	None.
7. Hours of operation are not adequate. Receptionist/staff are needed.	Over 30 hours of studio time available per week. 2 hours check out time per day.	Informational packet on file with City Manager's Office.	None.
8. Facilities are run down and unprofessional.	Studio equipment/refurbished reviewed March 1, 1999.		None.

III. PROGRAMMING

ISSUE:	STATUS:	COMMENT:	FURTHER ACTION NEEDED:
1. 15 hours a week of original local originating programming (exclusive of public agency meetings.)	L.O. on hold since December 15, 1998 for studio refurbishment.	Recreation of 1998 playback schedule shows compliance.	Resume normal L.O. programming upon completion of studio.
2. Local programming quality and quantity is lacking in professional supervision outlined in agreement. A channel for local origination programming does not currently exist. (Channel 2 at one time was designated as an L.O. Channel and now is being used almost exclusively for leased accessed infomercials.)	See Annie Delong Resume and Attachment. Designate timing block and building schedule for L.O. Programming.	Which is currently being shown on Channel 8.	Work in progress.
3. Public access programming and production is limited. The system is unorganized and poorly managed.	System reorganized. New management.	Informational packet on file with City Manager's Office.	Continued improvement.
4. Automated playback system needed to fill daytime programming hours. Currently, a character-generated calendar is used to fill the time.	Utilized Academy of Cable Programming for additional material. System finished March 1, 1999.	Until P.A. trainees begin to produce their own programming. Not part of franchise requirement.	

IV. CUSTOMER SERVICE/OTHER ISSUES

ISSUE:	STATUS:	COMMENT:	FURTHER ACTION NEEDED:
1. Service to Public Buildings and Schools. Contract provides that basic service will be provided to public, non-profit and schools.	Service is provided to all schools upon request.		None.
2. Customer Service. The FCC requires that phone calls made to customer service representatives shall receive a busy signal no more than 3% of the time. (Les Page report states the phone lines were busy 5% of the time.)	Current busy studies are underway. Revised consultant report show busy s tats at 4% for sample month.		Busy studies to conducted internally/externally in March 1999.
3. Adult controversial information on public access.	Any form of City censorship expressly prohibited in Municipal Code, Ch 4, 11-4.34(b)	None.	None.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-170

A RESOLUTION WAIVING LATE FILING REQUIREMENTS
AND GRANTING APPROVAL NOT TO FILE A
DEFICIENCY NOTICE ON CABLE ONE.

WHEREAS, Section 11-4.13 of the Modesto Municipal Code requires each cable grantee to file an annual report with the City Manager by October 31st of each year, and

WHEREAS, pursuant to said section, on or before December 31st of each year, the City Manager shall make a report to the Council on the results of the annual test and the and the grantee's report, and

WHEREAS, Cable One's report dated February 3, 1999, was submitted for Council action on February 9, 1999, without complete documentation (a copy of which is on file in the Office of the City Clerk), which necessitated referring the matter back to City staff and the gathering of further documentation, and

WHEREAS, all required documentation has been located and Cable One is furnishing updated copies of documents previously submitted as either Capital Cities Cable or Post Newsweek Cable, and

WHEREAS, the Utility Services and Franchises Committee met and reviewed the matter on March 24, 1999, and concluded that the issues raised have been adequately addressed and Cable One is in substantial compliance, and

WHEREAS, at its meeting on April 13, 1999, at 4:00 p.m., the City Council met and considered the agenda report dated April 7, 1999, which recommended that the late filing requirements be waived,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby waives the late filing requirements and grants approval not to file a deficiency notice on Cable One.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-171

A RESOLUTION DIRECTING CITY STAFF TO AMEND THE MUNICIPAL CODE TO REDUCE QUARTERLY TESTING REQUIREMENTS FOR THE CABLE SYSTEM TO THREE TIMES PER YEAR AND AUTHORIZING DEVELOPMENT OF A MODIFIED OPERATIONAL PLAN TO MEET CURRENT ORDINANCE REQUIREMENTS THROUGH THE BALANCE OF THE FRANCHISE TERM.

WHEREAS, Section 11-4.12 of the Modesto Municipal Code requires quarterly tests of the cable system on a scheduled basis, and

WHEREAS, the Council desires to reduce the quarterly testing requirements to three times per year to allow for one City test and two Federal Communications tests to meet compliance standards, and

WHEREAS, the Council further desires that City staff develop a modified Operational Plan for Cable One which meets the current ordinance requirements through the balance of the franchise term, and

WHEREAS, at its meeting on April 13, 1999, at 4:00 p.m., the Council considered a staff report dated April 7, 1999, which recommended that staff be directed to amend the Municipal Code to reduce quarterly testing requirements for the cable system to three times per year and authorize development of a modified Operational Plan to meet current ordinance requirements through the balance of the franchise term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby directs City staff to amend the Municipal Code to reduce the quarterly testing requirements to three times per year, allowing for one City test and two

Federal Communications tests by the cable company to meet compliance standards.

BE IT FURTHER RESOLVED that the Council authorizes City staff to develop a modified Operational Plan which meets the current ordinance requirements through the balance of the franchise term.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-172**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
TRANSFER FUNDS TO THE PROMOTIONS ACCOUNT FOR THE MAYOR'S
DOWNTOWN NIGHTS PROJECT**

WHEREAS, at the request of the Downtown Improvement District, the goals and budget for the Mayor's Downtown Nights' Project are completed; and

WHEREAS, the budget for this summer's market is \$35,000; with \$10,000 needing to be transferred from its Reserve Account to the Promotions Account #090-140-1442-0237.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #090-140-1442-0237	\$ 10,000
Acct #090-800-8000-8003	\$(10,000)

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 April, 1999, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

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. 99-173

A RESOLUTION APPROVING \$25,000 IN FUNDING FOR
THE MAYOR'S DOWNTOWN NIGHTS MARKET.

WHEREAS, the Downtown Improvement District presented the goals and budget for the downtown market project called Mayor's Downtown Nights to the City Council at its meeting on April 13, 1999, at 4:00 p.m., and

WHEREAS, the committee notified downtown businesses of the potential for beginning a downtown market in Modesto and support from area merchants is overwhelmingly favorable, and

WHEREAS, the committee proposes to operate the market on "I" Street between 10th and 12th Streets, from 5:00 p.m. to 8:30 p.m., each Tuesday night from Memorial Day to Labor Day on an annual basis, and

WHEREAS, many farmers who participate in the local farmers' market will be participating in the evening event, and

WHEREAS, the downtown market committee has consulted with an expert in the organization of evening markets including budgeting for certain necessary items, and

WHEREAS, the market will hire a part-time coordinator to implement market regulations, create market themes and ensure the general success of the market, and

WHEREAS, the budget for this summer's market is \$35,000, \$10,000 of which will be funded by The Downtown Improvement District, and

WHEREAS, the Downtown Improvement District is requesting \$25,000 from

MODESTO CITY COUNCIL
RESOLUTION NO. 99-174

A RESOLUTION APPOINTING FRANK MURATORE, BILL SEAVY, GEORGE PETRULAKIS, NICK BAVARRO, TOM ZEFF, ROGER SCHRIMP, JOHN PEREZ, ALITA ROBERTS, NORRINE COYLE, AMY ELLIOT-NEUMAN, PAUL SCHAFFER, MIKE LOEFFLER AND CAROLYN MITTON TO THE CHARTER REVIEW 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. Frank Muratore, Bill Seavy, George Petrulakis, Nick Bavarro, Tom Zeff, Roger Schrimp, John Perez, Alita Roberts, Norrine Coyle, Amy Elliot-Neuman, Paul Schaffer, Mike Loeffler and Carolyn Mitton are hereby appointed to the Charter Review Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of April, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

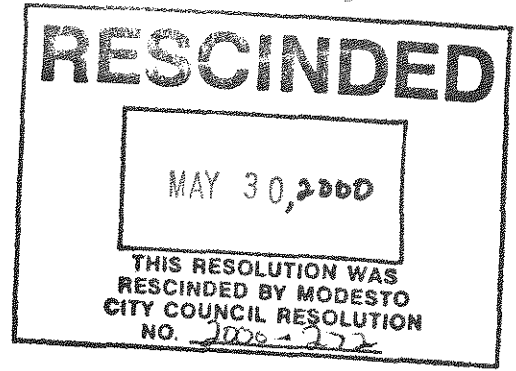
ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

Check 149



MODESTO CITY COUNCIL
RESOLUTION NO. 99-175

A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 98-258.

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 two and one-half (2 ½%) percent across-the-board salary increase for unrepresented Management and Confidential employees, effective June 22, 1999, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a two and one-half (2 ½%) across-the-board salary increase for Council appointees, effective June 22, 1999, and

WHEREAS, the Council desires to approve a two and one-half (2 ½%) 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 22,

1999, to provide for a two and one-half (2 ½%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees and a two and one-half (2 ½%) 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 22, 1999".
2. Exhibit "B" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99/00, Effective 6/22/99 - Schedule D Management/Confidential - General".
3. Exhibit "C" entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 22, 1999".
4. Exhibit "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99/00, Effective 6/22/99 - 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 99-00, Effective 6/22/99 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".
6. Exhibit "F" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99-00, Effective 6/22/99 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".
7. Exhibit "G" entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 22, 1999".
8. Exhibit "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99/00, Effective 6/22/99 - Schedule G Management/Confidential - Police - Unrepresented".
9. Exhibit "I" entitled "City Of Modesto Class Range Table, Executive Management, Effective June 22, 1999", which includes Council Appointees.
10. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 99/00, Effective 6/22/99 - Executive Management".

SECTION 2. COUNCIL APPOINTEES. Effective June 22, 1999, the salaries for the positions of the Council Appointees shall be as follows:

<u>TITLES</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	\$58.3213	\$4665.71	\$10147.91
City Attorney	\$54.5189	\$4361.51	\$ 9486.28
City Clerk	\$28.6517	\$2292.14	\$ 4985.40

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 \$10.00 per month for employees with family coverage, effective July 20, 1999.

SECTION 9. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Effective June 22, 1999, Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of unused sick leave as follows: (1) Ninety (90%) percent of accrued sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accruing after promotion to a management classification shall be paid out at the employees then current regular rate of pay.

SECTION 10. REPEAL. Resolution No. 98-258 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective June 22, 1999

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
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

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor
Police Support Services Supervisor

424 Assistant Planner
Asst. 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

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

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

432	Plant Maintenance Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor Water Quality Control Operations Supervisor
433	Organizational Development Specialist Laboratory Manager
434	Senior Programmer Analyst Electrical Supervisor Sr. Housing Rehab. Specialist Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator
435	Management Analyst Senior Personnel Analyst Administrative Services Officer 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	
440	Purchasing Officer Associate Civil Engineer Associate Traffic Engineer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

- 441 Airport Manager
 Solid Waste Program Manager
 Transit Manager
 Streets Superintendent
 Parks Operations Superintendent
 Risk Manager
 Assistant Personnel Director
 Recreation Superintendent
 Fleet Manager
 Urban Forestry Superintendent
 Wastewater Collections Superintendent
 Water Superintendent
 Building Maintenance Superintendent
 Police Records Manager
 Fire Marshal
 Golf Services Manager
 Deputy City Attorney II
- 442 Supv. Building Inspector
 Supv. Construction Inspector
 Manager of Budget and Financial Analysis
 Information Services Manager
- 443 Deputy Chief Bldg. Official
 Sr. Deputy City Attorney I
- 444 General Services Manager
 Principal Planner
- 445 Customer Services Division Manager
 Accounting Division Manager
 Housing and Neighborhoods Division Manager
- 446 Water Quality Control Superintendent
- 447 Chief Building Official
 Assistant to City Manager
 Asst. Parks & Recreation Dir. - Civic Center
 Asst. Parks & Recreation Dir. - Parks
 Asst. Parks & Recreation Dir. - Recreation
 Business Development Division Manager
 Development Services Division Manager
 Strategic Planning Division Manager
 Senior Civil Engineer
 Traffic Engineer

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

448

449 Sr. Deputy City Attorney II

450

451

452 Deputy Director - Engineering & Transportation
 Deputy Director - Utilities

453 Assistant City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 6/22/99

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL
HOURLY

2.50%

Range	1	2	3	4	5	6	7	8	9
0401	9.9577	10.2066	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325
0402	10.2066	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358
0403	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467
0404	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654
0405	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920
0406	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268
0407	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700
0408	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218
0409	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823
0410	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519
0411	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307
0412	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190
0413	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170
0414	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249
BY-WEEKLY	1	2	3	4	5	6	7	8	9
0401	796.62	816.53	836.94	857.86	879.31	901.30	923.83	946.93	970.60
0402	816.53	836.94	857.86	879.31	901.30	923.83	946.93	970.60	994.86
0403	836.94	857.86	879.31	901.30	923.83	946.93	970.60	994.86	1,019.74
0404	857.86	879.31	901.30	923.83	946.93	970.60	994.86	1,019.74	1,045.23
0405	879.31	901.30	923.83	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36
0406	901.30	923.83	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14
0407	923.83	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60
0408	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74
0409	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58
0410	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15
0411	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46
0412	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52
0413	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36
0414	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99
MONTHLY	1	2	3	4	5	6	7	8	9
0401	1,732.65	1,775.95	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06
0402	1,775.95	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82
0403	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93
0404	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38
0405	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21
0406	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45
0407	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18
0408	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38
0409	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11
0410	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43
0411	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35
0412	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91
0413	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16
0414	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13

EXHIBIT B

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 6/22/99

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL
HOURLY

2.50%

Range	1	2	3	4	5	6	7	8	9
0415	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430
0416	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716
0417	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109
0418	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612
0419	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227
0420	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958
0421	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807
0422	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777
0423	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871
0424	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093
0425	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445
0426	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931
0427	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554
0428	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0415	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44
0416	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73
0417	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87
0418	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90
0419	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82
0420	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66
0421	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46
0422	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22
0423	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97
0424	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74
0425	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56
0426	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45
0427	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43
0428	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54

MONTHLY	1	2	3	4	5	6	7	8	9
0415	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88
0416	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46
0417	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89
0418	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26
0419	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56
0420	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86
0421	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25
0422	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73
0423	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36
0424	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21
0425	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34
0426	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80
0427	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64
0428	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 6/22/99

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL
HOURLY

2.50%

Range	1	2	3	4	5	6	7	8	9
0429	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226
0430	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282
0431	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489
0432	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851
0433	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372
0434	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056
0435	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907
0436	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930
0437	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128
0438	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506
0439	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069
0440	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821
0441	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767
0442	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0429	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81
0430	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26
0431	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91
0432	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81
0433	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98
0434	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45
0435	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26
0436	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44
0437	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02
0438	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05
0439	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55
0440	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57
0441	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14
0442	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29

MONTHLY	1	2	3	4	5	6	7	8	9
0429	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74
0430	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12
0431	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10
0432	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81
0433	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28
0434	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58
0435	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79
0436	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98
0437	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22
0438	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61
0439	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20
0440	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09
0441	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35
0442	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 6/22/99

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL
HOURLY

2.50%

Range	1	2	3	4	5	6	7	8	9
0443	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259
0444	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815
0445	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585
0446	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575
0447	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789
0448	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234
0449	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915
0450	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838
0451	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009
0452	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434
0453	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120
0454	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120	44.9073
0455	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120	44.9073	46.0300
0456	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120	44.9073	46.0300	47.1808

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0443	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07
0444	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52
0445	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68
0446	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60
0447	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31
0448	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87
0449	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32
0450	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70
0451	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07
0452	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47
0453	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96
0454	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96	3,592.58
0455	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96	3,592.58	3,682.40
0456	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96	3,592.58	3,682.40	3,774.46

MONTHLY	1	2	3	4	5	6	7	8	9
0443	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30
0444	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18
0445	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78
0446	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21
0447	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52
0448	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87
0449	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32
0450	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97
0451	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95
0452	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35
0453	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29
0454	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29	7,813.86
0455	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29	7,813.86	8,009.22
0456	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29	7,813.86	8,009.22	8,209.45

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective **June 22, 1999**

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 99-00
Effective 6/22/99

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF

2.50%

Range	1	2	3	4	5	6	7	8	9
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HOURLY

515	32.4653	33.2769	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557
516	33.2769	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446
517	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582
518	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972
519	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621
520	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537
521	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725
522	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193
523	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948
524	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997
525	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347
526	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347	51.9006
527	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347	51.9006	53.1981
528	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347	51.9006	53.1981	54.5281

BI-WEEKLY

515	2,597.22	2,662.15	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46
516	2,662.15	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57
517	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66
518	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78
519	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97
520	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30
521	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80
522	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54
523	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58
524	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98
525	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78
526	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78	4,152.05
527	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78	4,152.05	4,255.85
528	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78	4,152.05	4,255.85	4,362.25

MONTHLY

515	5,648.95	5,790.18	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70
516	5,790.18	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76
517	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14
518	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92
519	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21
520	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15
521	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82
522	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35
523	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89
524	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56
525	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45
526	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45	9,030.71
527	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45	9,030.71	9,256.47
528	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45	9,030.71	9,256.47	9,487.89

EXHIBIT D

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
Effective 6/22/99

SCHEDULE - X
 FIRE MANAGEMENT - 80 HRS
 BATTALION CHIEF

2.50%

Range	1	2	3	4	5	6	7	8	9
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HOURLY

1812	30.6548	31.4212	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500
1813	31.4212	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838
1814	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409
1815	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219
1816	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274
1817	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581
1818	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146
1819	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975
1820	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074
1821	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451
1822	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451	47.8112
1823	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451	47.8112	49.0065
1824	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451	47.8112	49.0065	50.2317

BI-WEEKLY

1812	2,452.38	2,513.70	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00
1813	2,513.70	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70
1814	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27
1815	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75
1816	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19
1817	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65
1818	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17
1819	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80
1820	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59
1821	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61
1822	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61	3,824.90
1823	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61	3,824.90	3,920.52
1824	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61	3,824.90	3,920.52	4,018.54

MONTHLY

1812	5,333.93	5,467.30	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90
1813	5,467.30	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37
1814	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91
1815	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61
1816	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56
1817	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91
1818	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74
1819	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17
1820	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28
1821	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25
1822	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25	8,319.16
1823	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25	8,319.16	8,527.13
1824	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25	8,319.16	8,527.13	8,740.32

EXHIBIT E

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
Effective 6/22/99

SCHEDULE - Y
 FIRE MANAGEMENT - 112 HRS
 BATTALION CHIEF

2.50%

Range	1	2	3	4	5	6	7	8	9
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HOURLY

812	21.8965	22.4439	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786
813	22.4439	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456
814	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292
815	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299
816	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481
817	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843
818	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389
819	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124
820	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052
821	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178
822	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178	34.1507
823	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178	34.1507	35.0045
824	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178	34.1507	35.0045	35.8796

BI-WEEKLY

812	2,452.41	2,513.72	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00
813	2,513.72	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71
814	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27
815	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75
816	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19
817	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64
818	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16
819	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79
820	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58
821	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59
822	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59	3,824.88
823	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59	3,824.88	3,920.50
824	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59	3,824.88	3,920.50	4,018.52

MONTHLY

812	5,333.99	5,467.34	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90
813	5,467.34	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39
814	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91
815	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61
816	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56
817	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89
818	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72
819	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14
820	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26
821	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21
822	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21	8,319.11
823	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21	8,319.11	8,527.09
824	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21	8,319.11	8,527.09	8,740.28

EXHIBIT E

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective **June 22, 1999**

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 99-00
EFFECTIVE 6/22/99

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED
HOURLY

2.50%

Range	1	2	3	4	5	6	7	8	9
1615	29.1176	29.8455	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769
1616	29.8455	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638
1617	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729
1618	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047
1619	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598
1620	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388
1621	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423
1622	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709
1623	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252
1624	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058
1625	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134
1626	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134	46.5487
1627	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134	46.5487	47.7124
1628	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134	46.5487	47.7124	48.9052

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,329.41	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15
1616	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10
1617	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83
1618	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38
1619	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78
1620	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10
1621	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38
1622	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67
1623	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02
1624	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46
1625	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07
1626	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07	3,723.90
1627	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07	3,723.90	3,816.99
1628	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07	3,723.90	3,816.99	3,912.42

MONTHLY	1	2	3	4	5	6	7	8	9
1615	5,066.47	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98
1616	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29
1617	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48
1618	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63
1619	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80
1620	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14
1621	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75
1622	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73
1623	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19
1624	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20
1625	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93
1626	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93	8,099.48
1627	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93	8,099.48	8,301.95
1628	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93	8,099.48	8,301.95	8,509.51

EXHIBIT H

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 22, 1999

RANGE	TITLE
1405	City Clerk/Auditor
1406	
1407 - 1411	
1412	
1413	Personnel Director
1414	
1415	
1416	
1417	
1418	
1419	Finance Director
1420	Fire Chief Community Services and Neighborhood Connections Director Operations and Maintenance Director
1421	
1422	Police Chief Community Development Director Engineering and Transportation Director
1423	
1424	Deputy City Manager City Attorney
1425	
1426	
1427	
1428	City Manager

EXHIBIT I

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 06/22/99

Executive Management

2.50%

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	City clerk/auditor	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		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	Personnel Director	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		37.6163	47.0203	3,009.30	3,761.62	6,545.23	8,181.52
1419	Finance Director	38.5567	48.1959	3,084.54	3,855.67	6,708.87	8,386.08
1420	Community Services & Neighbor-	39.5206	49.4008	3,161.65	3,952.06	6,876.59	8,595.73
	hood Connections Director	39.5206	49.4008	3,161.65	3,952.06	6,876.59	8,595.73
	Fire Chief	39.5206	49.4008	3,161.65	3,952.06	6,876.59	8,595.73
	Operations & Maintenance Direct	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	Police Chief	41.5213	51.9016	3,321.70	4,152.13	7,224.70	9,030.88
	Community Development Directo	41.5213	51.9016	3,321.70	4,152.13	7,224.70	9,030.88
	Engineering and Transportation	41.5213	51.9016	3,321.70	4,152.13	7,224.70	9,030.88
	Director						
1423		42.5593	53.1991	3,404.74	4,255.93	7,405.31	9,256.65
1424	Deputy City Manager	43.6233	54.5291	3,489.86	4,362.33	7,590.45	9,488.07
	City Attorney	43.6233	54.5291	3,489.86	4,362.33	7,590.45	9,488.07
1425		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		46.9775	58.7219	3,758.20	4,697.75	8,174.09	10,217.61
1428	City Manager	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		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

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 99-00
EFFECTIVE 06/22/99

Executive Management

2.50%

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	City clerk/auditor	27.1551	33.9439	2,172.41	2,715.51	4,724.99	5,906.23
1406		27.8340	34.7925	2,226.72	2,783.40	4,843.12	6,053.90
1407		28.5298	35.6623	2,282.39	2,852.98	4,964.20	6,205.23
1408		29.2431	36.5538	2,339.45	2,924.30	5,088.30	6,360.35
1409		29.9741	37.4677	2,397.93	2,997.42	5,215.50	6,519.39
1410		30.7235	38.4044	2,457.88	3,072.35	5,345.89	6,682.36
1411		31.4916	39.3645	2,519.33	3,149.16	5,479.54	6,849.42
1412		32.2789	40.3486	2,582.31	3,227.89	5,616.52	7,020.66
1413	Personnel Director	33.0859	41.3573	2,646.87	3,308.58	5,756.94	7,196.16
1414		33.9130	42.3912	2,713.04	3,391.30	5,900.86	7,376.08
1415		34.7608	43.4510	2,780.87	3,476.08	6,048.39	7,560.47
1416		35.6298	44.5373	2,850.39	3,562.98	6,199.60	7,749.48
1417		36.5206	45.6507	2,921.65	3,652.06	6,354.59	7,943.23
1418		37.4336	46.7920	2,994.69	3,743.36	6,513.45	8,141.81
1419	Finance Director	38.3694	47.9618	3,069.55	3,836.94	6,676.27	8,345.34
1420	Community Services & Neighbor-	39.3286	49.1608	3,146.29	3,932.86	6,843.18	8,553.97
	hood Connections Director	39.3286	49.1608	3,146.29	3,932.86	6,843.18	8,553.97
	Fire Chief	39.3286	49.1608	3,146.29	3,932.86	6,843.18	8,553.97
	Operations & Maintenance Direct	39.3286	49.1608	3,146.29	3,932.86	6,843.18	8,553.97
1421		40.3118	50.3898	3,224.94	4,031.18	7,014.24	8,767.82
1422	Police Chief	41.3196	51.6495	3,305.57	4,131.96	7,189.61	8,987.01
	Community Development Directo	41.3196	51.6495	3,305.57	4,131.96	7,189.61	8,987.01
	Engineering and Transportation	41.3196	51.6495	3,305.57	4,131.96	7,189.61	8,987.01
	Director						
1423		42.3526	52.9408	3,388.21	4,235.26	7,369.36	9,211.69
1424	Deputy City Manager	43.4114	54.2643	3,472.91	4,341.14	7,553.58	9,441.98
	City Attorney	43.4114	54.2643	3,472.91	4,341.14	7,553.58	9,441.98
1425		44.4967	55.6209	3,559.74	4,449.67	7,742.43	9,678.03
1426		45.6091	57.0114	3,648.73	4,560.91	7,935.99	9,919.98
1427		46.7493	58.4366	3,739.94	4,674.93	8,134.37	10,167.97
1428	City Manager	47.9180	59.8975	3,833.44	4,791.80	8,337.73	10,422.17
1429		49.1160	61.3950	3,929.28	4,911.60	8,546.18	10,682.73
1430		50.3439	62.9299	4,027.51	5,034.39	8,759.83	10,949.80
1431		51.6025	64.5031	4,128.20	5,160.25	8,978.84	11,223.54
1432		52.8926	66.1158	4,231.41	5,289.26	9,203.32	11,504.14
1433		54.2149	67.7686	4,337.19	5,421.49	9,433.39	11,791.74
1434		55.5703	69.4629	4,445.62	5,557.03	9,669.22	12,086.54
1435		56.9596	71.1995	4,556.77	5,695.96	9,910.97	12,388.71

EXHIBIT J

MODESTO CITY COUNCIL
RESOLUTION NO. 99-176

A RESOLUTION ORDERING THE COFFEE-CLARATINA
EAST REORGANIZATION TO THE CITY OF MODESTO.
(INHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO), by Resolution No. 99-01, dated February 24, 1999, approved the proposed Coffee-Claratina East Reorganization to the City of Modesto (CITY), upon condition that it be processed as an inhabited reorganization, and designated said Reorganization the Coffee-Claratina East Reorganization, and

WHEREAS, the type of reorganization being acted on is an inhabited annexation consisting of 77.61 acres of land to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and a detachment of 77.61 acres from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, said proposed Reorganization is located west of Coffee Road and south of Claratina Avenue and the existing City limits, and

WHEREAS, LAFCO Resolution No. 99-01 indicated the following:

- (a) The subject territory is within the primary area of the Modesto Sphere of Influence.
- (b) The boundaries, as proposed, include the entire adjacent Claratina right-of-way and are consistent with adopted LAFCO policy and the adjacent annexation boundaries.
- (c) The territory is determined to be inhabited, and five of the six property owners consented in writing to the filing of the petition.

(d) The City of Modesto has prepared a Specific Plan for the Coffee-Claratina Comprehensive Planning District.

(e) The proposal will result in planned, orderly and efficient development of the area and provision of services.

(f) Williamson Act Contract No. 75-1925, located within the territory, was within one mile of the City's boundaries when the contract was executed.

(g) The City of Modesto protested the execution of the contract on January 13, 1975, and filed that resolution with LAFCO.

(h) On March 29, 1978, LAFCO held a hearing to consider the protest, and found the contract to be inconsistent with the publicly desirable future use and control of the land, and upheld the City's protest.

(i) Government Code Section 56842.7 requires LAFCO to determine whether a city shall succeed to a Williamson Act contract or may exercise an option to not succeed to a contract upon annexation, and

WHEREAS, the terms and conditions of the proposal as approved by LAFCO are as follows:

- (a) That it be processed as a reorganization consisting of annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Stanislaus Consolidated Fire Protection District.
- (b) 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 upon receipt of map and legal description "approved as to description".

- (c) Determines that the City of Modesto may exercise its option to not to succeed to the rights, duties, and powers of the County with regard to Williamson Act Contract No. 75-1925 pursuant to Section 51243.5 of the Government Code;
- (d) Upon completion of the Conducting Authority proceedings and evidence that the City of Modesto has exercised its option not to succeed to Williamson Act Contract No. 75-1925, directs the Executive Officer to file the Notice of Completion concurrently with the City's filing of the Certificate of Contract Termination, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on April 20, 1999 at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the date, time and place for hearing protests against said reorganization, and the City Clerk gave notice to all persons legally entitled thereto, 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

WHEREAS, the regular County assessment roll is utilized by the City of Modesto, and

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by property owners owning less than 50% of the assessed value of the land within the annexation territory, and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, one (1) parcel of land within said Coffee-Claratina East Reorganization territory is subject to California Land Conservation Act Contracts (Williamson Act Contracts), and

WHEREAS, on January 13, 1975, the Council adopted Resolution No. 75-32 which protested the execution of the Lena Iverson Open Space Contract Application No. 75-1925 to the Stanislaus County Local Agency Formation Commission, hereinafter referred to as "LAFCO", pertaining to Assessor's Parcel No. 052-08-16, and

WHEREAS, a copy of said City Council Resolution No. 75-32 is attached hereto as Exhibit "B" and incorporated herein by reference, and

WHEREAS, the City intends to not succeed to the above protested contract and upon approval of the Coffee-Claratina East Reorganization, the contract that was protested to as identified on Exhibit "B", attached hereto, will be null and void,

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 Coffee-Claratina East Reorganization to the City of Modesto 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 Stanislaus Consolidated Fire Protection District.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, pursuant to the provisions of Government Code Section 51243, hereby states its intention not to succeed to the California Land Conservation Act Contracts referred to above. Said contract pertaining to property in the Coffee-Claratina East Reorganization to the City of Modesto is more specifically identified on Exhibit "B" attached hereto and incorporated herein by reference.

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

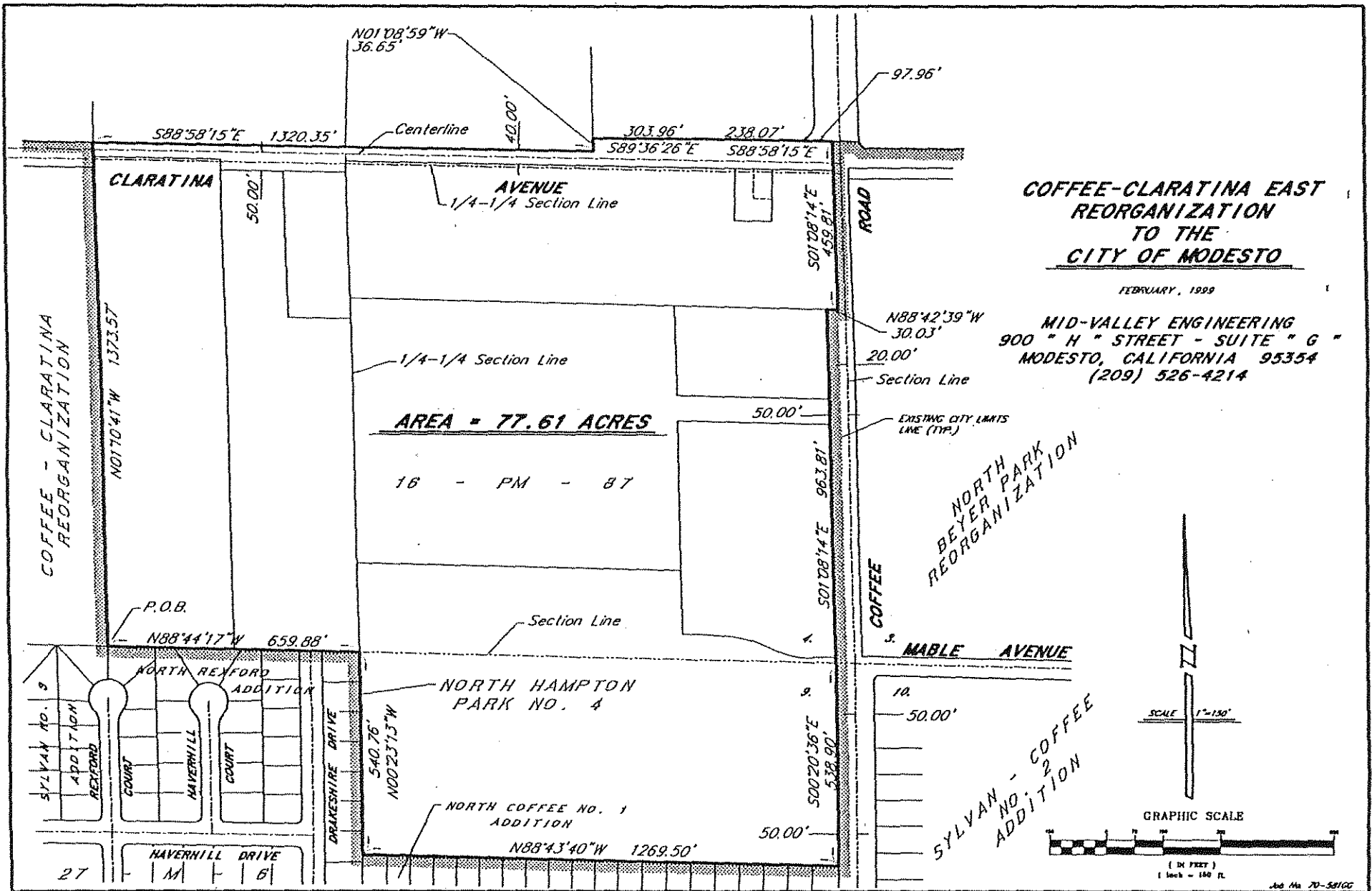
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"



**COFFEE-CLARATINA EAST
REORGANIZATION
TO THE
CITY OF MODESTO**

FEBRUARY, 1999

MID-VALLEY ENGINEERING
900 " H " STREET - SUITE " G "
MODESTO, CALIFORNIA 95354
(209) 526-4214

AREA = 77.61 ACRES

16 - PM - 87

SCALE 1"=150'



Job No. 70-59162

Approved as to description

ON 3-17-99

BY *[Signature]*

**COFFEE-CLARATINA EAST
REORGANIZATION TO THE
CITY OF MODESTO**

ALL that certain real property being a portion of the Southeast quarter of Section 4 and the Northeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

BEGINNING at the Northwest corner of LOT 23 in BLOCK 12464 of the City of Modesto as shown on the Map of NORTH HAMPTON PARK NO 4, filed for record on September 7, 1977 in Book 27 of Maps at Page 6, Stanislaus County Records, with said point lying on the existing Modesto City Limits Line; thence North 1°10'41" West along said City Limits Line, a distance of 1373.57 feet to a point on the North right-of-way line of Claratina Avenue; thence leaving said City Limits Line and proceeding along last said right-of-way line the following four (4) courses: 1) South 88°58'15" East, 1320.35 feet; 2) North 1°08'59" West, 36.65 feet; 3) South 89°36'26" East, 303.96 feet; 4) South 88°58'15" East, 238.07 feet; thence leaving last said right-of-way line and proceeding South 88°58'15" East, a distance of 97.96 feet to a point on the Northerly extension of the West right-of-way line of Coffee Road, with said point lying on the existing Modesto City Limits Line; thence along last said right-of-way line and along the existing Modesto City Limits Line the following four (4) courses: 1) South 1°08'14" East, 459.81 feet; 2) North 88°42'39" West, 30.03 feet; 3) South 1°08'14" East, 963.81 feet; 4) South 0°20'36" East, 538.90 feet to the Southeast corner of PARCEL 1 as shown on that certain map filed for record on April 19, 1973 in Book 16 of Parcel Maps at Page 87, Stanislaus County Records; thence leaving last said right-of-way line and continuing along the existing Modesto City Limits Line the following three (3) courses: 1) North 88°43'40" West, 1269.50 feet to a point on the East line of the above mentioned NORTH HAMPTON PARK NO. 4; 2) North 0°23'13" West along last said line, 540.76 feet to the Northeast corner of said NORTH HAMPTON PARK NO. 4; 3) North 88°44'17" West along the North line of said NORTH HAMPTON PARK NO. 4, 659.88 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and / or rights-of-way of record.

Containing 77.61 acres, more or less.

NOTE: The bearing of North 1°08'14" West along the West right-of-way line of Coffee Road as shown in Book 24 of Surveys at Page 66, Stanislaus County Records, was used as the basis for all bearings in this description.



David L. Skidmore

David L. Skidmore, L.S. 7126
License Expires 12/31/02

LEGAL-70581GG1.WPD

Approved as to description

CN 3-17-99

BY *David L. Skidmore*

EXHIBIT "B"

MODESTO CITY COUNCIL
RESOLUTION NO. 75-32

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING
THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION
NO. 75-1925 (LENA IVERSON)

WHEREAS, an Open Space Contract Application has been referred
to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has
been fully considered, and

WHEREAS, the City staff has recommended that the City protest
the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City
of Modesto that it does hereby protest the execution of an Open Space Contract
on Application No. 75-1925 (Lena Iverson).

BE IT FURTHER RESOLVED that this protest be filed with the
Stanislaus County Board of Supervisors and the Stanislaus County Local Agency
Formation Commission and the Local Agency Formation Commission is hereby
requested to hold a hearing and consider this protest as provided for in Section
51243.5 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 13th day of January,
75, by Councilman Dunlap, who moved its adoption, which motion
being duly seconded by Councilman Elliott, was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmen:	Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	None

ATTEST:


W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


ELWYN L. JOHNSON, City Attorney

2/2/99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-177

A RESOLUTION AUTHORIZING THE USE OF A BANNER
ACROSS 12TH STREET IN FRONT OF THE EMPLOYMENT
DEVELOPMENT DEPARTMENT PROCLAIMING MAY AS
“VETERANS APPRECIATION MONTH.”

WHEREAS, on April 20, 1999, the Council considered a request submitted by the Employment Development Department (EDD) for permission to hang a large banner-type sign across 12th Street in front of the EDD office, to proclaim May as “Veterans Appreciation Month” and

WHEREAS, Article 21, of Chapter 2 of Title X provides for the regulation of signs in the City of Modesto, Section 10-2.2104(b) of the Modesto Municipal Code defines signs, and Section 10-2.2104(b)(2) exempts directional, warning or informational signs authorized by federal, state or municipal authority or public utility,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby grant permission to the Employment Development Department to hang a large banner across 12th Street in front of the EDD office proclaiming May as “Veterans Appreciation Month,” conditioned that approval of this banner is an exception, not a precedent.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of April, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-178

A RESOLUTION REJECTING BIDS FOR CARVER/STANDIFORD AND CARVER/SCOTT SEWER LIFT STATION REPLACEMENT PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 30, 1999

WHEREAS, the bids received for Carver/Standiford and Carver/Scott Sewer Lift Station Replacement project were opened at 11:00 a.m. on March 30, 1999, and;

WHEREAS, only one bid was received which was 42% 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 Carver/Standiford and Carver/Scott Sewer Lift Station Replacement, opened in the office of the City Clerk on March 30, 1999, 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-179

A RESOLUTION ACCEPTING THE PROJECT TITLED CARPENTER ROAD
STORM DRAIN AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carpenter Road Storm Drain, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated March 24, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road Storm Drain be accepted from said contractor, Ross F. Carroll; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$970,545.40 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-180

A RESOLUTION APPROVING A SECOND AMENDMENT TO AN AGREEMENT
BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN TO PROVIDE
CONSTRUCTION MANAGEMENT FOR THE AMTRAK STATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment to an agreement between the City of Modesto and Pacific Design to provide construction management for the Amtrak Station 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 27th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-181

A RESOLUTION APPROVING A SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECT FOR CONSULTANT SERVICE FOR THE WASTEWATER COLLECTION MAINTENANCE BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment to an agreement between the City of Modesto and Grothe & Smith Architect for consultant services for the Wastewater Collection Maintenance Building 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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-182

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$35,000 TO FULLY FUND THE WASTEWATER COLLECTION MAINTENANCE BUILDING

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

FROM: 621 480 F733 6010; \$165,000
621 440 F752 6010; \$100,000
621 440 K011 6040; \$ 85,000

TO: 621 480 F743 6050; \$350,000

The transfer is needed to fully fund the construction project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-183

A RESOLUTION APPROVING THE DESIGN OF A
PRIVATE PROJECT TO INSTALL A WOOD FENCE
IN THE KENT WAY RIGHT-OF-WAY AT THE
DEAD END LOCATION INTO BRIGGSMORE
AVENUE.

WHEREAS, Ed and Barbara Snelson reside at 1544 Kent Way and have
requested approval from the City to construct a 6-foot high wood fence across Kent Way at its
dead end location into Briggsmore Avenue, and

WHEREAS, the Briggsmore Avenue travel way carries high-speed traffic, and

WHEREAS, the proposed fence will improve security for the neighborhood and
increase safety for children who may play in the street from time to time and will keep
pedestrians from entering the Briggsmore travel way, and

WHEREAS, the proposed fence will be in the same alignment and connect to the
existing fences at the two end properties on each side of Kent Way, and

WHEREAS, residents along the affected block of Kent Way were each sent a
letter of information regarding the proposed fence asking for any objections or comments on the
proposed fence construction, and

WHEREAS, no objections were received, and

WHEREAS, Mr. Snelson proposes and agrees to pay for and construct the
proposed 6-foot high fence in accordance with the 8-foot Fence Design Details which were
submitted and which will provide an extra measure of strength to the fence, and

WHEREAS, Mr. Snelson is a licensed general contractor and will furnish the City with certificates of liability and workers compensation insurance since he will be working in the right-of-way, and

WHEREAS, the Streets Division supports the project and will maintain the fence following construction,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the fence design is hereby approved and installation of the 6-foot wood fence in the Kent Way right-of-way at the dead end location into Briggsmore Avenue is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99-184

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 27th day of April, 1999, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Dobbs, Fihser, Friedman, Serpa, Smith,
Mavor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

RESOLUTIONS RE. LANDSCAPE MAINTENANCE DISTRICTS

2	Attorney
1	Engineering & Transportation
1	Operations & Maintenance - Duane Fredericks
1	Finance
5	

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-185

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 27th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

RESOLUTIONS RE. LANDSCAPE MAINTENANCE DISTRICTS

2 Attorney
1 Engineering & Transportation
1 Operations & Maintenance - Duane Fredericks
1 Finance
5

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-186**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FROM THE SEWER FUND CAPITAL IMPROVEMENT
PROGRAM TO REIMBURSE THE SEWER FUND OPERATING BUDGET**

WHEREAS, due to the age of the pipeline and the corrosive nature of the material that runs through it, repairs were needed to keep it operational; and

WHEREAS, the work on this project has been completed and the contractor has been paid. However, the funds to pay the contractor were erroneously drawn out of the Operating Budget, instead of the Annual Sewer Rehabilitation CIP; and

WHEREAS, staff requests that the funds budgeted in the CIP for this work be transferred into the FY98-99 Sewer Fund Operating Budget. This will allow staff to use the funds for the normal day-to-day work that is necessary to maintain services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<u>Expenditures</u>		
#623-480-H865-8003	Sewer Line Rehab	\$(21,192)
#623-700-7000-7623	Transfer to Fund 621	21,192
#621-700-7000-223	Maintenance & Repair	21,192
<u>Revenue</u>		
#621-700-7000-9623	Transfer In from Fund 623	\$ 21,192

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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-187

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FROM THE SEWER FUND CAPITAL IMPROVEMENT
PROGRAM TO REIMBURSE THE SEWER FUND OPERATING BUDGET**

WHEREAS, as part of the Cannery Segregation Line project, the constructed sewer lines had to be activated. Silt, sand and other construction debris that had settled in the lines during construction were flushed out causing damage to equipment at the WQC Plant; and

WHEREAS, initially this damage was paid for out of the Sewer Fund Operating Budget. It is more appropriate to pay these costs out of the Cannery Segregation Line CIP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<u>Expenditures</u>		
#623-480-H865-8003	Cannery Segregation	\$(80,102)
#623-700-7000-7623	Transfer In to Fund 621	80,102
#621-700-7000-223	Maintenance & Repair	80,102
<u>Revenue</u>		
#621-700-7000-9623	Transfer In from Fund 623	\$ 80,102

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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHIR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-188

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GAYLOR F. LUCAS, ET UX FOR THE ACQUISITION OF PROPERTY LOCATED AT 730 BENSON AVENUE AS PART OF THE AIRPORT NEIGHBORHOOD VACANT PROPERTY ACQUISITION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gaylor F. Lucas, et ux for the acquisition of property located at 730 Benson Avenue as part of the Airport Neighborhood Vacant Property Acquisition Project for \$17,000 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 27th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-189

A RESOLUTION APPROVING THE RENAMING
OF WOODLAND PARK TO CHARLES M. SHARP
NEIGHBORHOOD 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, by City Council Policy No. 6.005 names of parks not adjacent to schools will be selected by the City Council from names submitted by the Culture Commission according to certain procedures, and

WHEREAS, the name Charles M. Sharp Neighborhood Park was recommended to the Culture Commission by a group of neighborhood residents as the name for the park now known as Woodland Park , and

WHEREAS, Mr. Sharp, now deceased, retired from many years of service with the Woodland Avenue Fire Department, served on the Board of Trustees for Paradise School for 12 years, and was a Modesto native, and

WHEREAS, the Human Services Committee met on April 7, 1999, and supported the recommendation of the Culture Commission and staff to rename the park Charles M. Sharp Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renaming the park now known as Woodland Park to Charles M. Sharp Neighborhood Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 199~~8~~⁹, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-190

A RESOLUTION APPROVING THE RENAMING
OF HIGHWAY VILLAGE PARK TO CITY GATE
CHILDREN'S 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, by City Council Policy No. 6.005 names of parks not adjacent to schools will be selected by the City Council from names submitted by the Culture Commission according to certain procedures, and

WHEREAS, the citizens in the Highway Village neighborhood have recommended several possible names for the one-acre park now known as Highway Village Park, and City Council policy has been followed, and

WHEREAS, the Culture Commission has recommended the one-acre park be re-named City Gate Community Park, which was the second choice of the Highway Village Park Advisory Council to the Culture Commission, and

WHEREAS, according to the Urban Area General Plan, a "community park" is a park with a minimum of twenty-five acres, or with one acre of park land per one thousand population within the Community Park Service Area, whichever is greater, and

WHEREAS, the name City Gate Community Park, as recommended by the Culture Commission, is in conflict with the General Plan because it does not meet the criteria of a community park, and

WHEREAS, the Human Services Committee met on April 7, 1999, and supported

staff's recommendation to name the park City Gate Children's Park , and

WHEREAS, one of the names proposed by the Highway Village Park Advisory Council to the Culture Commission was City Gate Children's Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renaming the park now known as Highway Village Park to City Gate Children's Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-191

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE
TO THE TEEN SERVICES ORGANIZATION

WHEREAS, the Council has requested recommendations for an alternative activity for Modesto teens during Mo-Band concerts. Settings and activities were looked at by the Mo-Band planning committee that could attract and accommodate a large crowd of teens; and

WHEREAS, staff is recommending that the events be presented as "street fair" activities on Thursday nights, targeting youth 15-24 years of age; and

WHEREAS, there is a fiscal impact with total costs for a six-week series of \$44,122. Funds will be appropriated from the General Fund Contingency Reserve to the Teen Services Division.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<u>From:</u>		<u>To:</u>	
#010-800-8000-8003	\$5,070	#010-370-3716-0260	\$5,070

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 April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:

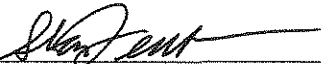


JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:



STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-192**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS TO THE TEEN SERVICES ORGANIZATION FOR
ALTERNATIVE ACTIVITIES FOR TEENS**

WHEREAS, Council requested recommendations for alternative activities for Modesto teens during Mo-Band concerts. The Centre Plaza outdoor front area and side parking lot has been determined as the most adequate place to conduct the event; and

WHEREAS, the recommended activities will require additional funds consisting of one-time costs and per event costs with a total for the six event series to be \$44,122.

WHEREAS, the budget is hereby amended to increase the 1999-00 Teen Services Annual Operating Budget by \$6,140. This increase will be implemented during the adoption process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #010-800-8000-8003	\$(6,140)
Acct #010-370-3716-0260	\$ 6,140

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 19th day of April, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

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. 99-193

RESCINDED
4-23-2003

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

A RESOLUTION ESTABLISHING PASSENGER FARES FOR
BUS SERVICE ON MODESTO AREA EXPRESS AND DIA
A-RIDE SERVICE SUPERSEDING RESOLUTION NOS.
96-244.

2002-209

BE IT RESOLVED by the Council of the City of Modesto that the following

fares are hereby established for passengers riding on the fixed route buses of the Modesto

Area Express:

A. Cash Fares

- 1. Regular Passengers \$.85
- 2. Students (age 5 and older and full-time college students) \$.65
- 3. Handicapped and Senior Citizens \$.40
- 4. Transfer fare for passengers transferring from the Stanislaus County Rural Transit System to Modesto Area Express \$.25
- 5. Student field trip fare (per student and/or accompanying adult, effective only for elementary or junior high school field trips prearranged in accordance with rules set by the Transit Manager) \$.45

B. Passes and Tickets

- 1. Regular Monthly Pass - full month \$33.00
- in the 7th of the month \$24.75
- in the 14th of the month \$16.50
- After the 21st of the month \$ 8.25

RESCINDED
5-24-2005
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

2005-277

2.	Student Monthly Pass - full month	\$22.00
	After the 7th of the month	\$16.50
	After the 14th of the month	\$11.00
	After the 21st of the month	\$ 5.50
3.	Senior Citizen/Handicapped Monthly Pass - full month	\$17.00
	After the 7th of the month	\$12.75
	After the 14th of the month	\$ 8.50
	After the 21st of the month	\$ 4.25
4.	All day Bus Pass (all passengers)	\$ 2.10
5.	Commuter Tickets	\$33.00 for 50 rides
	(Commuter tickets are valid only between the hours of 6:00 a.m. and 10:00 a.m. and from 4:00 p.m. to 6:00 p.m. every day)	
6.	Regular Passenger Ticket Books	\$42.50 for 50 rides
7.	Student Passenger Ticket Books	\$32.50 for 50 rides
8.	Senior Citizen/Handicapped Ticket Books	\$20.00 for 50 rides

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the City of Modesto's Dial-A-Ride service:

Regular Cash Fare	\$ 1.65
Ticket Books (containing 10 tickets)	\$11.50

BE IT FURTHER RESOLVED that the above fees and this resolution shall become effective on July 1, 1999.

BE IT FURTHER RESOLVED that Resolution No. 96-244 is hereby
superseded effective July 1, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of April, 1999, by
Councilmember Fisher, who moved its adoption, which motion being duly seconded
by Councilmember Dobbs, was upon roll call carried and the resolution adopted by
the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-194

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. 1997-1
(ANNEXATION #1)
(North Beyer Community Facilities District)

WHEREAS, this Council did, on March 23, 1999, adopt its Resolution No. 99-117 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1997-1 (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 April 27, 1999, 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.

(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 7. 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 8. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory for each of the ninety days preceding the close of the Election. 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 9. 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 4th day of May, 1999, 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 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 10. 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 11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 12. 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 13. 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 14. 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. 97-0062837-00 on August 14, 1997.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 27th day of April, 1999, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT A

**CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1997-1
(NORTH BEYER PARK SPECIFIC PLAN)**

CFD REPORT

June 17, 1997

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: Rate and Method of Apportionment of Special Tax

I. INTRODUCTION

On November 26, 1996, the City Council of the City of Modesto approved the North Beyer Specific Plan, allowing up to 1,200 dwelling units to be developed on 160 acres. At the same time, a residential subdivision was approved which proposed 263 dwelling units to be built on 55 acres within the Specific Plan. One condition on the tentative map of the subdivision required the development to form, or annex into a Mello-Roos Community Facilities District (CFD) to fund the maintenance of various parkways and open space within the development.

II. STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 1997-1

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. 1997-1 (Resolution No. 97-252) was adopted by the City Council on May 13, 1997. 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 North Beyer CFD

The initial boundaries of the CFD include the "Florsheim Development", which will ultimately be developed into approximately 436 single family residential units, 22 acres of commercial property and 4.6 acres of office uses. 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 levy as property in the CFD from the start.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Book 2, page 80 of the Book of Assessment District Maps in the Stanislaus County Recorder's Office.

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 landscape and hardscape of streets, parkways and open space within the

North Beyer Park Specific Plan, as well as maintenance of these improvements (authorized facilities and maintenance costs are identified in detail below). 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 A of this report.

As explained in Sections C and D 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 Facilities Special Tax will be paid only once and 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. The maximum Facilities Special Tax that can be levied in fiscal year 1997-98 is \$84 for each single family unit, \$54 for each multi-family unit, and \$4,263 for each non-residential acre. These maximum taxes are subject to increase each year based on the increase, if any, in the construction cost index published in the Engineering News Record.

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 the North Beyer Park Specific Plan. 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. The maximum Maintenance Special Tax that can be levied in fiscal year 1997-98 is \$80 per single family residential unit, \$52 per multi-family unit and \$396 per non-residential acre. Once again, these maximum tax rates are subject to increase each year based on the increase, if any, in the construction cost index published in the Engineering News Record.

III. DESCRIPTION OF FACILITIES TO BE FUNDED BY CFD No. 1997-1

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. 1997-1. 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", a copy of which is provided in Appendix A.

A. Authorized Capital Improvements

1. Oakdale Road (Principle Arterial)

According to the Land Use Diagram, the plan is for 505 lineal feet of residential frontage, and 740 lineal feet of mixed-use/neighborhood shopping. This street parkway includes a 16-foot-wide landscape median.

510 lineal feet x 10 ft wide planter x 3.50/sq. ft. = \$17,850

16 ft wide median x 720 lineal feet	=	\$42,499
500-foot 4-foot transition planter @ \$4.50/sq. ft	=	<u>\$9,000</u>
Subtotal for Oakdale Road	=	\$69,349
Eng., Inspection, Admin., Contingency (25%)	=	<u>\$17,350</u>
Total for Oakdale Road	=	\$86,686

2. Coffee Road (Minor Arterial)

The Land Use Diagram calls for 1,250 lineal feet of mixed use/neighborhood shopping/professional office frontage. The street parkway includes the landscaped median only as in Oakdale Road.

16 ft wide median x 720 lineal feet	=	\$42,499
500-foot 4-foot transition planter @ \$4.50/sq. ft	=	<u>\$9,000</u>
Subtotal for Coffee Road	=	\$51,499
Eng., Inspection, Admin., Contingency (25%)	=	<u>\$12,900</u>
Total for Coffee Road	=	\$64,399

Total capital costs for street parkways and open space = \$151,100

B. Authorized Maintenance Costs

1. Pelandale Expressway (Class B Expressway Standards)

Landscaped Median:		
35,165 sq. ft. @ \$.42/sq. ft.	=	\$14,769
Landscape Planter:		
44,200 sq. ft. @ \$.42/sq. ft.	=	<u>\$18,564</u>
Total for Pelandale Expressway	=	\$33,333

2. Oakdale Road (Principal Arterial)

Landscaped Median:		
11,500 sq. ft. @ \$.42/sq. ft.	=	\$4,830
Landscape Planter:		
5,100 sq. ft. @ \$.42/sq. ft.	=	<u>\$2,142</u>
Total for Oakdale Road	=	\$6,972

3. Coffee Road (Minor Arterial)

Landscaped Median:		
11,500 sq. ft. @ \$.42/sq. ft.	=	<u>\$4,830</u>

Total for operation and maintenance of street parkways and open space = \$45,135

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT No. 1997-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

**CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1997-1
(North Beyer Park Specific Plan)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1997-1 (herein "CFD No. 1997-1") 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. 1997-1, 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. 1997-1 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 maintenance and landscaping of parks, parkways and/or open space.

"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.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1997-1.

"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.

“Facilities Special Tax” means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1997-1, including appurtenant expenses such as planning, design, engineering and inspection.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Initial Church Property” means all Parcels that, at the time of formation of CFD No. 1997-1, had existing structures that were used as places of worship and which were exempt from ad valorem property taxes because they were owned by a religious organization. If Initial Church Property is developed for other land uses that make it Taxable Property in future Fiscal Years, the exemption for such property set forth in Section E below shall no longer apply, and the property shall be treated as Taxable Property after such changes in land use takes place.

“Future Church Property” means any Parcel within the CFD that meets all of the following criteria: (1) a structure has been built that is used as a place of worship, rectory, convent or private school, (2) the Parcel is exempt from ad valorem property taxes because it is owned by a religious organization, and (3) the Parcel is not Initial Church Property.

“Land Use Class” means any of the three classes listed in Table 1 and Table 2 below.

“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. 1997-1, 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.

“Multi-Family Residential Property” means, in any Fiscal Year, all Parcels for which a building permit has been issued for a residential structure consisting of two or more Residential Units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes and apartment units.

“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 Residential or Multi-Family Residential Property and which is not exempt from Special Taxes pursuant to Section E below.

“Public Agency” means the federal government, State of California or other local governments or public agencies.

“Residential Unit” means a single residential dwelling unit and shall include single family homes and individual condominium, townhome, duplex, triplex and fourplex units, as well as individual apartment units in a multi-family building.

“Single Family Detached Residential Property” means, in any Fiscal Year, all Parcels for which a building permit has been issued for a residential structure consisting of only one Residential Unit.

“Taxable Property” means, in any Fiscal Year, all Parcels of Single Family Detached Residential Property, Multi-Family Residential Property and Non-Residential Property within CFD No. 1997-1.

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, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use 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. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1997-1 for each Fiscal Year in which the Facilities Special Tax is collected:

TABLE 1 MAXIMUM FACILITIES SPECIAL TAX (Fiscal Year 1997-98)		
Land Use Class	Description	Maximum Facilities Special Tax
1	Single Family Detached Residential Property	\$84 per Residential Unit
2	Multi-Family Residential Property	\$54 per Residential Unit
3	Non-Residential Property	\$4,263 per Acre

Beginning in January 1998, the Facilities Special Tax shall be adjusted annually by applying the 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. 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.

2. *Annual Maintenance Special Tax*

All Taxable 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. 1997-1 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. 1997-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

TABLE 2 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX (Fiscal Year 1997-98)		
Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Single Family Detached Residential Property	\$80 per Residential Unit
2	Multi-Family Residential Property	\$52 per Residential Unit
3	Non-Residential Property	\$396 per Acre

Beginning in January 1998, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the 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. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

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. 1997-1 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 for that Fiscal Year.

The Maintenance Special Tax shall then be levied on all Parcels of Developed Property as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed 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 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 in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above.

The Annual Maintenance Special Tax for CFD No. 1997-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1997-1 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 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. In addition, no Special Tax shall be levied in any Fiscal Year on Initial Church Property. The City may choose to levy a Special Tax on Future Church Property in any Fiscal Year if revenues from such levy are needed to meet the Maintenance Special Tax Requirement. If the City determines that Special Tax revenues generated from levying a Special Tax on Future Church Property are not needed to meet the Maintenance Special Tax Requirement in any Fiscal Year, the City may choose not to levy a Special Tax on Future Church Property in that Fiscal Year.

F. 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 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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MODESTO CITY COUNCIL
RESOLUTION NO. 99-195

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE FOR THE DISTRICT ATTORNEY'S OFFICE'S USE OF OFFICE SPACE AT CITY HALL AT THE MALL AND AREA COMMAND OFFICES FOR COMMUNITY OUTREACH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for the District Attorney's Office's use of office space at "City Hall at the Mall" and Area Command Offices for community outreach 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 April, 1999, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-196

A RESOLUTION ACCEPTING THE BID OF GREG OPINSKI CONSTRUCTION INC. FOR THE PROJECT TITLED "NEW POLICE HEADQUARTERS BUILDING – BID PACKAGE NO. 2"

WHEREAS, the bids received for New Police Headquarters Building – Bids Package No. 2 were opened at 11:00 a.m. on March 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 \$6,261,746 from Greg Opinski Construction Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Greg Opinski Construction 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 27th day of April, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-197

A RESOLUTION DENYING THE APPEAL OF WILLIAM B. HUGHES CONCERNING A PROTEST TO CAPITAL FACILITIES FEES PAID TO OBTAIN A BUILDING PERMIT FOR A FAMILY AUTOMOTIVE TENANT IMPROVEMENT LOCATED AT 817 EIGHTH STREET IN THE CITY OF MODESTO.

WHEREAS, on September 19, 1997, Mr. Bill Hughes (the "Applicant") submitted plans for a building permit for a Family Automotive Shop located at 817 Eighth Street, and

WHEREAS, one portion of the proposed remodeling project was to enclose a covered area for automotive repair use, and

WHEREAS, the Capital Facility Fee (CFF) for the building permit was in amount of \$7,099.20, which was based on 50% of the total CFF due for a new project, and based on the established CFF Task Force Administrative Guideline, and

WHEREAS, on December 23, 1997, the Applicant under protest paid the required CFF and a building permit was issued, and

WHEREAS, the Applicant appealed to the Chief Building Official and the Community Development Director, and both, the Chief Building Official and the Community Development Director, denied the Applicant's appeal, and

WHEREAS, the Applicant appealed to the Council, and by Resolution No. 98-147 adopted by the Council on March 17, 1998, the Council denied the appeal concerning the protest to Capital Facilities Fees paid, and

WHEREAS, by letter dated March 3, 1999, from Mr. Hughes, an appeal to the Council was submitted requesting reconsideration of said matter, and

WHEREAS, said matter was again considered by the Council on April 27, 1999, after which the Council found and determined that said appeal should be

NOW, THEREFORE, BE IT RESOLVED by the City Council that the appeal filed by the Applicant is hereby denied for the following reasons:

1. The Administrative Guidelines established by the Capital Facility Fee Task Force requires 50% of the CFF to be paid when an enclosure is built around a previously covered area for the following reasons:
 - a. The enclosure is an enhancement of a business activity.
 - b. Police surveillance and fire suppression cannot be provided as easily in an enclosed structure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 1999, 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: Dobbs, Fisher, Serpa, Smith

NOES: Councilmembers: Friedman, Mayor Lang

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-198

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR REPLACING AND
REPAIRING CURB, DRIVE APRONS, SIDEWALKS AND ASPHALT ARE
VARIOUS LOCATIONS

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 replacing and/or repairing curb, drive aprons, sidewalks and asphalt at various locations, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 7, 1999 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 May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-199

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING OF TIRE
RECAPPING AND SERVICE REQUIREMENTS

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 recapping and service requirements, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 7, 1999 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 May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-200

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL FOR THE
PROJECT TITLED "FIXED FILM REACTOR SIDING INSTALLATION"

WHEREAS, the bids received for Fixed Film Reactor Siding Installation were opened at 11:00 a.m. on April 20, 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 \$77,500 from Ross F. Carroll be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll 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 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-201

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST INC. FOR THE PROJECT TITLED "CALIFORNIA AVENUE SEWER LIFT STATION REHABILITATION"

WHEREAS, the bids received for California Avenue Sewer Lift Station Rehabilitation were opened at 11:00 a.m. on April 20, 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 \$200,770 from Conco-West 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 Conco-West 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 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-202

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$234,770 TO FULLY FUND THE CALIFORNIA AVENUE SEWER LIFT STATION REHABILITATION PROJECT

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

FROM: 621-440-K676 6040; \$200,770
621-440-K676 6050; \$ 17,000
621-440-K676 6060; \$ 17,000

TO: 6040; \$200,770
6050; \$ 17,000
6060; \$ 17,000

The source account for this transfer included funding for three different projects. This transfer will create a new account to track the second of the three proposed projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-203

A RESOLUTION ACCEPTING THE BID OF ROSS RECREATION EQUIPMENT FOR FURNISHING PLAYGROUND APPARATUS FOR THE GRACEADA PARK – GRACEADA IS FUN TIME (G.I.F.T.) PROJECT

WHEREAS, the bids received for Playground Apparatus for the Graceada Park – Graceada Is Fun Time (G.I.F.T.) project, were opened at 11:00 a.m. on April 20, 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 Ross Recreation Equipment for a total amount of \$93,722 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross Recreation Equipment 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 4th day of May, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-204

A RESOLUTION ACCEPTING THE PROJECT TITLED "SCENIC BEND LIFT
STATION SLUICE GATE REPLACEMENT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Scenic Bend Lift Station Sluice Gate Replacement, has been completed by ConcoWest Inc., in accordance with the contract agreement dated July 1, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Bend Lift Station Sluice Gate Replacement 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 \$98,123 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 May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-205

A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 10% TO 15% OF THE ORIGINAL CONTRACT PRICE WITH RICK ARMSTRONG ENGINEERING AND BUILDING CONTRACTOR, INC., ON THE BUS YARD FUEL FACILITY REPLACEMENT PROJECT.

WHEREAS, on June 23, 1998, the City Council awarded a \$257,500.00 contract to Rick Armstrong Engineering And Building Contractor Inc., to replace the Bus Yard underground fuel tanks and the fuel island with above ground tanks, and a new fuel island with a canopy, and

WHEREAS, the contractor started work on August 10, 1998, and the work is nearly complete, and

WHEREAS, during the course of construction, the contractor encountered contaminated soil in the immediate vicinity of two 12,000 gallon underground tanks being removed, and

WHEREAS, the Stanislaus County Department of Environmental Resources directed the City to remove and dispose of the contaminated soil in order to receive a "clean" site determination, and

WHEREAS, in order not to delay the work of construction, the Contractor proceeded with removal and disposal activities on a time and materials force account basis, and

WHEREAS, the final cost for the extra work is \$36,205.00, an amount which

exceeds the Director's authority for the project as established by the Council's change order policy adopted by Resolution No. 94-443, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 10 % of the original contract price, or \$25,750.00 in this case,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the Director of Engineering and Transportation's authority level to issue change orders, from 10% to 15% of the original contract price with Rick Armstrong Engineering and Building Contractor, Inc., to pay for the cost of soil contamination removal and disposal activities in connection with the completion of the Bus Yard Fuel Facility Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-206

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$38,000 TO FULLY FUND THE BUS YARD FUEL FACILITY REPLACEMENT PROJECT

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

FROM: 651-160-H080 6070; \$38,00

TO: 651-160-F771 6040; \$38,000

Removal and disposal of unforeseen contaminated soil, along with added testing and staff time associated with it, created a shortfall in the project accounts. Eighty percent of the extra cost should be covered by federal funds through acquisition of a supplement allocation from the Federal Transportation Administration. The remainder will be covered by Bus Fund reserves.

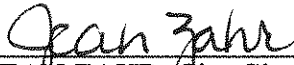
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-207

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:

Customer Services Division Manager

The revised specifications for the classification of Customer Services 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 May 4, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

CUSTOMER SERVICES DIVISION MANAGER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in this class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, coordinate and administer the Customer Services Division of the Finance Department including, cashiering, and licensing; to develop information and present recommendations to the Finance Director; to act as Finance Director in his/her absence.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, 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:

Plan, coordinate and administer the Customer Services Division utilities, collections operations; prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, licensing and auditing.

Prepare a variety of technical reports requiring research, analysis and interpretation.

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

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

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

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

ESSENTIAL AND MARGINAL STATEMENTS (Continued)

Essential Functions:

Oversee revenue collection activities within the Utility, Collections, Cashiering and Licensing Sections.

Coordinate assigned activities with other City divisions, departments, outside agencies and members of the community.

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.

Principles of supervision, training and performance evaluation.

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

Public or private utility company theory, principles and practices, and their application to a wide variety of transactions and problems.

Principles and procedures of Finance Department operations, including the establishment of policy.

Ability to:

Organize, direct and implement a comprehensive finance program.

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

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Understand and apply legal requirements and administrative policies.

QUALIFICATIONS (Continued)

Interpret and analyze fiscal data and draw logical conclusions.

Provide fiscal interpretation of data to management.

Communicate clearly and concisely, both orally and in writing, with those contacted in the course of work.

Use a personal computer, including familiarity with automated billing and cashiering systems.

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:

Approximately five years progressively responsible administrative experience involving customer service or related program management function. Three years of the required experience must include supervisory responsibility.

Training:

Bachelor's degree from an accredited college or university with major course work in accounting, business administration, economics, finance or a related field.

Working Conditions

Environmental conditions:

Office environment.

Physical conditions:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-208

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 99-175 TO AMEND THE CLASS RANGE
TABLE TO CHANGE THE SALARY RANGE FOR
CUSTOMER SERVICES DIVISION MANAGER FROM
RANGE 445 TO RANGE 442.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No.
99-175 to change the salary range for Customer Services Division Manager from Range 445 to
Range 442, based upon a revised job description for the Customer Services Division Manager,

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"
of Resolution No. 99-175 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 June 22, 1999", which is attached hereto and made
a part hereof as though set forth in full herein. Said amended Exhibit "A" changes the salary
range for Customer Services Division Manager from Range 445 to Range 442.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on
and after June 22, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective May 4, 1999

RANGE	TITLE
403	Administrative Clerk (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
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

Class Range Table
Management and Confidential Non-Sworn Class
Page 3 of 5

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
433	Organizational Development Specialist
434	Senior Programmer Analyst Electrical Supervisor Senior Housing Rehabilitation Specialist Secondary Treatment Site Supervisor Operations Supervisor Arborist Land Surveyor Assistant Civil Engineer Assistant Traffic Engineer Geographic Information Systems Coordinator

Class Range Table
Management and Confidential Non-Sworn Class
Page 4 of 5

RANGE	TITLE
435	Management Analyst Senior Personnel Analyst Administrative Services Officer 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	
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 Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II

RANGE	TITLE
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
448	
449	Senior Deputy City Attorney II
450	
452	
452	Deputy Director – Engineering & Transportation Deputy Director – Utilities
453	Assistant City Attorney

Personnel Resolution re: Salary Schedule
and Classification Plan

- 2 - Clerk
- 1 - Attorney
- 1 - Personnel
- 1 - Department involved - *Finance / Customer Services*
- 1 - Finance
- 6

MODESTO CITY COUNCIL
RESOLUTION NO. 99-209

A RESOLUTION APPROVING A VARIANCE TO THE STANDARD SPECIFICATIONS, RELATING TO THE DOWNTOWN EXPOSED AGGREGATE SIDEWALK REQUIREMENT, AT THE STATE THEATRE, LOCATED AT 1307 "J" STREET, IN THE CITY OF MODESTO.

WHEREAS, Section 307 of the City of Modesto Standards Specifications pertains to Sidewalks, Curbs and Gutters, and

WHEREAS, subsection (C) of Section 307 of the Modesto Standard Specifications requires Downtown Exposed Aggregate Sidewalk within certain areas as shown in Standard Detail #352 of said Standard Specifications, and

WHEREAS, subsection (C) of Section 307 of the Modesto Standard Specifications sets forth the procedure for consideration of proposed changes to said Downtown Exposed Aggregate Sidewalk requirements, and provides, in part, that proposed changes to this pattern, or substitution of materials, shall be considered on a case by case basis, and provides that the Downtown Improvement District Board of Directors shall provide the initial review and recommendation to the City Council, and City staff shall make a recommendation as well, and

WHEREAS, a variance to the Exposed Aggregate Sidewalk Standards for the State Theatre located at 1307 "J" Street, c/o Connie Harris, President of the Downtown Arts Project, has been requested, as the Downtown Arts Project is in the process of restoring the State Theatre to its original 1934 condition, and

WHEREAS, the State Theatre was designated a Landmark Preservation Site in 1994, and

WHEREAS, the original sidewalk is a radial design of poured colored concrete in an art-deco style and there is a significant amount of fading and cracking in the existing cement and it is the intent of the Downtown Arts Project to replace the sidewalk as originally designed and extend it into the newly restored lobby, and

WHEREAS, the D.I.D., pursuant to correspondence dated January 25, 1999, recommended that the request for a variance should be granted in order to enable the sidewalk and entry to be restored to its original structure and design, and

WHEREAS, the Council considered this matter at its meeting of May 4, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve a variance to the City of Modesto Standard Specifications relating to the Downtown Exposed Aggregate Sidewalk Standards for the State Theatre located at 1307 "J" Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-210

A RESOLUTION APPROVING THE FINAL MAP OF THE
MILLBROOK ESTATES UNIT NO. 2 SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, CALVIN E. BRIGHT AND MARJORIE H. BRIGHT, Trustees of
the Calvin and Marjorie Bright Living Trust and BRIGHT DEVELOPMENT, a California
corporation are possessed of a tract of land situated in the City of Modesto, County of
Stanislaus, consisting of 11.22 acres, known as MILLBROOK ESTATES UNIT NO. 2
SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 10th day of February, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto
has certified that the final map of said tract substantially conforms to the approved tentative
map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the
final map of said MILLBROOK ESTATES UNIT NO. 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 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-211

A RESOLUTION CANVASSING THE RESULTS OF THE APRIL 28, 1999, ELECTION HELD WITHIN THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1997-1 AND ORDERING ANNEXATION OF SAID TERRITORY TO THE NORTH BEYER PARK COMMUNITY FACILITIES 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. 97-355, adopted on June 24, 1997, formed its Community Facilities District No. 1997-1 (the "District"), relating to territory within the North Beyer Park Area, and, subject to the vote of the qualified electors therein, authorized the levy of a special tax therein, and

WHEREAS, the Council thereafter declared its intention, by its Resolution of Intention to Annex No. 99-117, adopted March 23, 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 14 in the Office of the Stanislaus County Recorder (the "Annexed Territory"), relating to territory within the North Beyer Park 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 "B" hereto, and by this reference incorporated herein, and to set a hearing thereon for April 27, 1999, and

WHEREAS, at the conclusion of the public hearing, the Council did, on April 27, 1999, adopt its Resolution No. 99-194, 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 April 28, 1999,(the "Election"), and

WHEREAS, on April 28, 1999, 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 "C", 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 4th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

Exhibit "A"

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1997-1
(North Beyer Park Specific Plan)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1997-1 (herein "CFD No. 1997-1") 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. 1997-1, 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. 1997-1 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 maintenance and landscaping of parks, parkways and/or open space.

"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.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1997-1.

"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.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1997-1, including appurtenant expenses such as planning, design, engineering and inspection.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Initial Church Property" means all Parcels that, at the time of formation of CFD No. 1997-1, had existing structures that were used as places of worship and which were exempt from ad valorem property taxes because they were owned by a religious organization. If Initial Church Property is developed for other land uses that make it Taxable Property in future Fiscal Years, the exemption for such property set forth in Section E below shall no longer apply, and the property shall be treated as Taxable Property after such changes in land use takes place.

"Future Church Property" means any Parcel within the CFD that meets all of the following criteria: (1) a structure has been built that is used as a place of worship, rectory, convent or private school, (2) the Parcel is exempt from ad valorem proeprty taxes because it is owned by a religions organization, and (3) the Parcel is not Initial Church Property.

"Land Use Class" means any of the three classes listed in Table 1 and Table 2 below.

"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. 1997-1, 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.

"Multi-Family Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a residential structure consisting of two or more Residential Units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes and apartment units.

"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 Residential or Multi-Family Residential Property and which is not exempt from Special Taxes pursuant to Section E below.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Residential Unit" means a single residential dwelling unit and shall include single family homes and individual condominium, townhome, duplex, triplex and fourplex units, as well as individual apartment units in a multi-family building.

"Single Family Detached Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a residential structure consisting of only one Residential Unit.

"Taxable Property" means, in any Fiscal Year, all Parcels of Single Family Detached Residential Property, Multi-Family Residential Property and Non-Residential Property within CFD No. 1997-1.

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, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use 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. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. *Facilities Special Tax*

The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1997-1 for each Fiscal Year in which the Facilities Special Tax is collected:

<u>TABLE 1</u> MAXIMUM FACILITIES SPECIAL TAX (Fiscal Year 1997-98)		
Land Use Class	Description	Maximum Facilities Special Tax
1	Single Family Detached Residential Property	\$84 per Residential Unit
2	Multi-Family Residential Property	\$54 per Residential Unit
3	Non-Residential Property	\$4,263 per Acre

Beginning in January 1998, the Facilities Special Tax shall be adjusted annually by applying the 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. 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.

2. *Annual Maintenance Special Tax*

All Taxable 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. 1997-1 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. 1997-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<u>TABLE 2</u> MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX (Fiscal Year 1997-98)		
Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Single Family Detached Residential Property	\$80 per Residential Unit
2	Multi-Family Residential Property	\$52 per Residential Unit
3	Non-Residential Property	\$396 per Acre

Beginning in January 1998, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the 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. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

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. 1997-1 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 for that Fiscal Year.

The Maintenance Special Tax shall then be levied on all Parcels of Developed Property as follows:

- Step 1:* Calculate the total Maintenance Special Tax revenues that could be collected from Developed 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 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 in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above.

The Annual Maintenance Special Tax for CFD No. 1997-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1997-1 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 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. In addition, no Special Tax shall be levied in any Fiscal Year on Initial Church Property. The City may choose to levy a Special Tax on Future Church Property in any Fiscal Year if revenues from such levy are needed to meet the Maintenance Special Tax Requirement. If the City determines that Special Tax revenues generated from levying a Special Tax on Future Church Property are not needed to meet the Maintenance Special Tax Requirement in any Fiscal Year, the City may choose not to levy a Special Tax on Future Church Property in that Fiscal Year.

F. 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 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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Exhibit "B"

NORTH BEYER PARK SPECIFIC PLAN Description of Facilities and Services

Facility Descriptions: The following is a cost summary of the landscape and related hardscape costs for the North Beyer Park development streets, parkways, and open space. (All costs are in 1997 dollars). Street parkways include median and roadside landscape and hardscape.

1. Oakdale Road (Principle Arterial)

According to the Land Use Diagram, the plan is for 505 lf of residential frontage, and 740 lf of mixed-use/neighborhood shopping. This street parkway includes a 16-foot-wide landscape median.

510 lf x 10 ft wide planter x 3.50/sq. ft	=	\$17,850
16 ft wide median x 720 lf	=	\$42,499
500-foot 4-foot transition planter @ \$4.50/sq. ft	=	<u>\$9,000</u>
Subtotal for Oakdale Road	=	\$69,349
Eng., Inspection, Admin., Contingency (25%)	=	<u>\$17,350</u>
Total for Oakdale Road	=	\$86,686
		Use \$86,700

2. Coffee Road (Minor Arterial)

The Land Use Diagram calls for 1,250 lf of mixed use/neighborhood shopping/professional office frontage. The street parkway includes the landscaped median only as in Oakdale Road.

16 ft wide median x 720 lf	=	\$42,499
500-foot 4-foot transition planter @ \$4.50/sq. ft	=	<u>\$9,000</u>
Subtotal for Oakdale Road	=	\$51,499
Eng., Inspection, Admin., Contingency (25%)	=	<u>\$12,900</u>
Total for Coffee Road	=	\$64,399
		Use \$64,400

Total capital costs for street parkways and open space in North Beyer Park Specific Plan Area: = \$151,100

Services Descriptions: The following is a description and cost summary for maintaining street parkways and open space in the North Beyer Park Specific Plan. (All costs are in 1997 dollars). Street parkways include median and roadside landscape and hardscape.

1. Pelandale Expressway (Class B Expressway Standards)

Landsaped Median:		
35,165 sq. ft. @ \$.42/sq. ft./Annual Maintenance	=	\$14,769
Landscape Planter:		
44,200 sq. ft. @ \$.42/sq. ft./Annual Maintenance	=	<u>\$18,564</u>
Total for Pelandale Expressway	=	\$33,333

EXHIBIT A
 North Beyer Park Specific Plan
 Description of Facilities and Services with Opinion of Costs
 March 28, 1997

2. Oakdale Road (Principal Arterial)

Landscaped Median:		
11,500 sq. ft. @ \$.42/sq. ft./Annual Maintenance	=	\$4,830
Landscape Planter:		
5,100 sq. ft. @ \$.42/sq. ft./Annual Maintenance	=	<u>\$2,142</u>
Total for Oakdale Road	=	<u>\$6,972</u>

3. Coffee Road (Minor Arterial)

Landscaped Median:		
11,500 sq. ft. @ \$.42/sq. ft./Annual Maintenance	=	<u>\$4,830</u>

Total for operation and maintenance of street parkways and open space in North Beyer Park Specific Plan Area
 = \$45,155

Summary of Street Parkway and
 Open Space Facilities and Services and Costs

	<u>Capital Costs</u>	<u>Maintenance</u>
Pelandale Expressway	—	\$33,333
Oakdale Road	\$86,700	\$6,972
Coffee Road	\$64,400	\$4,830
Total Project Estimates		
North Beyer Park Landscaping Plan	\$151,100	\$45,155

EXHIBIT C

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 99-194, the Resolution calling for the Election, adopted on April 27, 1999 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1997-1(1) on April 28, 1999, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Formation adopted at a public hearing held by the City Council of the City of Modesto on June 24, 1997, be levied within the territory proposed to be annexed to Community Facilities District No. 1997-1(1) for the purposes of financing certain public facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 65.42 NO 34.58

Dated: April 28, 1999

Jean Zahr
JEAN ZAHR
City Clerk of the City of Modesto

Clerk
13

MODESTO CITY COUNCIL
RESOLUTION NO. 99-212

A RESOLUTION DESIGNATING THE PROPERTY AT 207
ELMWOOD COURT AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNERS: WILLIAM AND
VIRGINIA BALMANNO)

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 March 15, 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. 99-1, that the
property at 207 Elmwood Court 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, and use
are economically feasible.
3. The distinguishing characteristics of significance are for the most part
original and intact.
4. The existing and proposed use are compatible with preservation and
maintenance of the site.

and

WHEREAS, after a public hearing held on May 4, 1999, in the City Council
Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the property at 207 Elmwood Court 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 207 Elmwood Court is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 207 Elmwood Court has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Architectural significance as a well-maintained Provincial-style single-family residence from the 1920's.

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 4th day of May, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Property at 207 Elmwood Court
William and Virginia Balmanno

Exhibit "A" Legal Description

Lot 19 of Block 554 of the City of Modesto, as per map 4 filed in Book 11 of Maps,
Stanislaus County Records

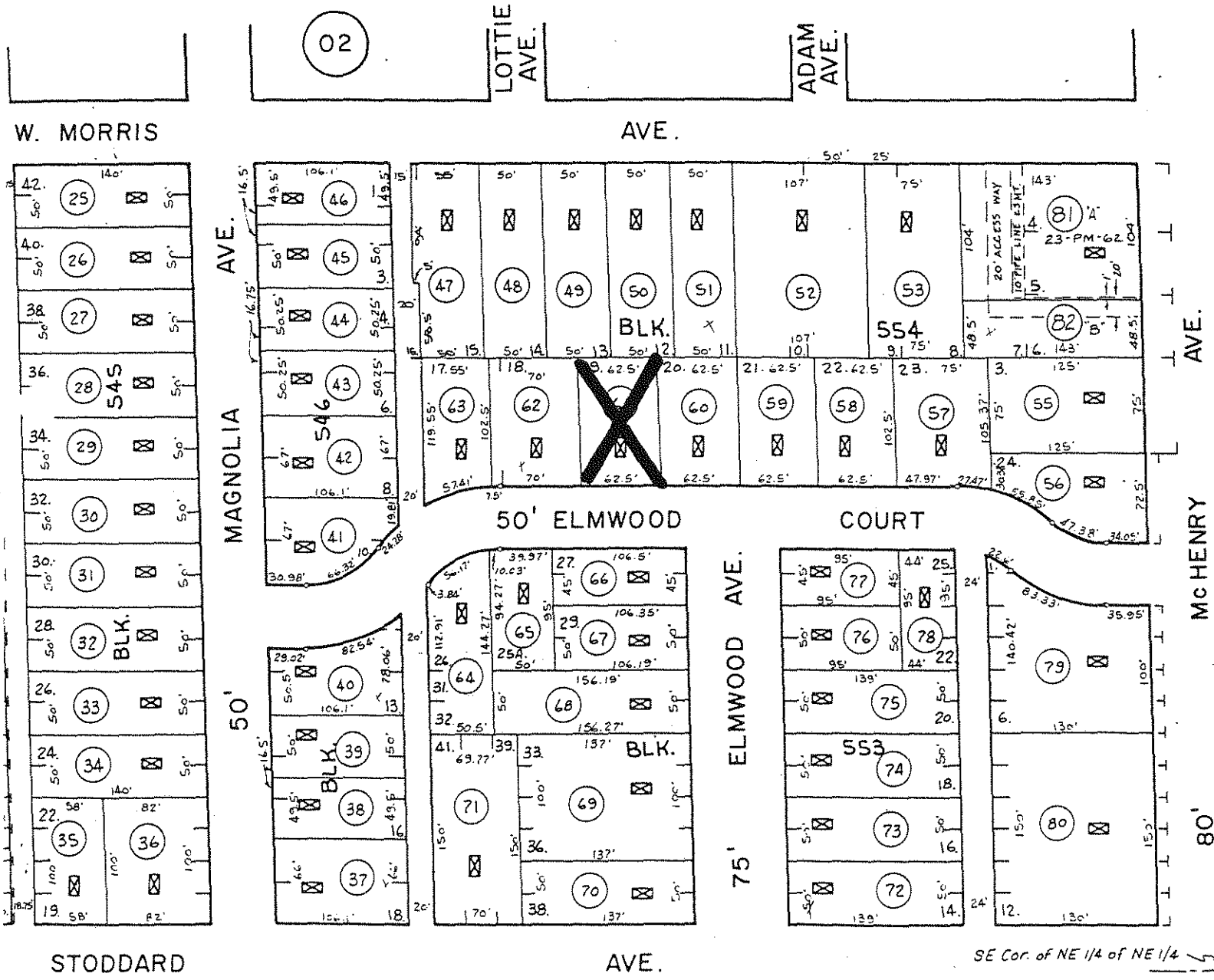
NE 1/4 SECTION 29 T.3 S. R.9 E. M.D.B. & M.

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110

CITY OF MODESTO - BLKS. 537, 544 - 546, 553, 554

THIS MAP FOR ASSESSMENT PURPOSES ONLY



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MODESTO CITY COUNCIL
RESOLUTION NO. 99-213

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 10 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE EAST SIDE OF FINE AVENUE NORTH OF KODIAK DRIVE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (DARWIN COLBY)

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 Darwin Colby for a Precise Plan for Area No. 10, property located on the east side of Fine Avenue north of Kodiak 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 99-25, 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. 99-31, adopted on April 5, 1999, and City staff, by a report dated April 20, 1999, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 10 of the Village One Specific Plan as set forth in said Resolution No. 99-31, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area 10, property located on the east side of Fine Avenue north of Kodiak Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 4, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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 99-25, entitled "City of Modesto Initial Study Precise Plan No. 10, Rezoning to Specific Plan-Overlay Zone and Colby Meadows Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. 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.
2. 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.
3. 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.
4. The Initial Study, Environmental Assessment No. EA/CDD 99-25, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 99-25, entitled "City of Modesto Initial Study Precise Plan No. 10, Rezoning to Specific Plan-Overlay Zone and Colby Meadows Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

INITIAL STUDY

EA/CDD 99-25

EXHIBIT "A"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

Precise Plan No. 10, Rezoning to Specific Plan-Overlay Zone
and Colby Meadows Vesting Tentative Subdivision Map

EA/CDD 99-25
March 8, 1999

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:
Precise Plan No. 10, rezone to Specific Plan-Overlay Zone, and Colby Meadows 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 east side of Fine Avenue north of Kodiak Drive.
- E. Project Sponsor:
Darwin Colby, 6606 Quannah Way, Orangevale, CA 95662
- F. General Plan Designation:
Village Residential (VR)
- G. Current Zoning:
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:
The precise plan, rezoning, and subdivision map are for the development of 39.1 acres in the Village One Specific Plan with a 179-lot single-family subdivision.
- I. Surrounding land uses:
The project is adjoined on the west by a vacant parcel with an approved tentative subdivision map for single-family development and a school site, and to the north, south and east by ranchette parcels designated in the Village One Specific Plan for residential development.
- J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 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 development proposed by this precise plan, rezoning and subdivision is consistent with the Village One Specific Plan in land use and intensity. The Specific Plan allows up to 179 dwelling units, which is the number of lots being proposed by the project. It also provides a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because 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 development proposed by this precise plan, rezoning and subdivision is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The development proposed by the precise plan, rezoning and subdivision 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 development proposed by the precise plan, rezoning and subdivision is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. Population, Employment and Housing

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

7. Urban Design and Visual Quality

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

of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

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

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by the precise plan, rezoning and subdivision is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

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

11. Fiscal Impacts

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

13. - Growth Inducing Impacts

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

- 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,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 99-214

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR ACTUATOR REPAIR
AND RELATED INSTALLATION FOR OPERATIONS & MAINTENANCE
DEPARTMENT – WASTEWATER COLLECTION DIVISION (WQC)

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 Actuator repair and related installation for Operations & Maintenance Department – Wastewater Collection Division (WQC), to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 22, 1999 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 11th day of May, 1999, 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, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-215

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST INC. FOR THE
PROJECT TITLED CLARIFIER CONTROL BOX REHABILITATION PROJECT

WHEREAS, the bids received for Clarifier Control Box Rehabilitation were opened at 11:00 a.m. on April 20, 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 \$101,600 from Conco-West 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 Conco-West 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 11th day of May, 1999, 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, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-216

A RESOLUTION ACCEPTING THE PROJECT TITLED "EFFLUENT PUMP FACILITY – VARIABLE SPEED DRIVE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Effluent Pump Facility – Variable Speed Drive, has been completed by Steiny & Company Inc., in accordance with the contract agreement dated July 1, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Effluent Pump Facility – Variable Speed Drive be accepted from said contractor, Steiny & Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$216,038.31 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 11th day of May, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-217

A RESOLUTION ACCEPTING THE PROJECT TITLED MITCHELL ROAD
WATERLINE PROJECT – LAPHAM TO TENAYA AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Mitchell Road Waterline Project – Lapham to Tenaya, has been completed by Rolfe Construction, in accordance with the contract agreement dated November 24, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Mitchell road Waterline – Lapham to Tenaya be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$172,673.50 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 11th day of May, 1999, 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, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-218

A RESOLUTION APPROVING THE FINAL MAP OF THE
ROSE LANE NO. 4 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
15.30 acres, known as ROSE LANE NO. 4 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 ROSE LANE 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 11th day of May, 1999, 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, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Zahn
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-219

A RESOLUTION APPROVING THE USE OF
AMPLIFIED MUSIC AT THE RIBBON CUTTING
FOR THE G.I.F.T. (GRACEADA IS A FUN TIME)
PROJECT AT GRACEADA PARK ON JUNE 26,
1999.

WHEREAS, the G.I.F.T. (Graceada Is A Fun Time) Committee has planned a
Ribbon Cutting for the newly renovated Graceada Park for Saturday, June 26, 1999, at the Park,
located on the corners of Needham and Sycamore Avenues, and

WHEREAS, festivities will begin at 10:00 a.m. and end at 3:00 p.m., and

WHEREAS, the Committee has planned a variety of activities including live
music, Karaoke singing, recreation, and wading pool games, and

WHEREAS, THE G.I.F.T. Committee has requested that the City allow amplified
music at the Park on Saturday, June 26, 1999, and

WHEREAS, the use of amplified live music has been restricted to those nonprofit
organizations holding annual events prior to the passage of Ordinance 12-4.103, and

WHEREAS, based upon an agreement between the neighbors of Graceada Park
and the City Council, live music amplification can only be approved by the City Council, and

WHEREAS, local performers will participate as well as musicians and clowns,
and

WHEREAS, all activities of the event will focus on family and community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it does hereby approve the request for use of amplified instruments and voice for the Ribbon

Cutting for the G.I.F.T. project at Graceada Park on June 26, 1999.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 11th day of May, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-220

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS
PROPERTY BY SEALED BID OR PUBLIC AUCTION.

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 one (1) 1997 Van Pelt Fire Pumper Truck 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, a description of the 1997 Van Pelt Fire Pumper Truck to be sold by sealed bid and/or public auction 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 1997 Van Pelt Fire Pumper Truck, 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 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, and subject to 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 11th day of May, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

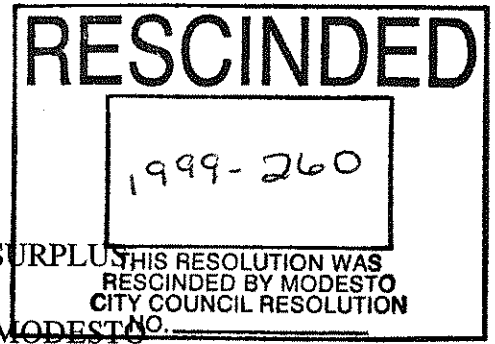
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

Clerk

Updated by Resolution
99-260



MODESTO CITY COUNCIL
RESOLUTION NO. 99-221

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO 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 accumulated by the City of Modesto, 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 on Saturday, May 29, 1999, 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 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 surplus, lost, stolen, unclaimed and/or seized property accumulated by the City of Modesto, a list of which is on file in the office of the City Clerk.

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 to be conducted by Roger Ernst and Associates on Saturday, May 29, 1999, 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, and subject to 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 11th day of May, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-222

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(73), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(73). (MID-VALLEY ENGINEERING/MEMORIAL HOSPITAL ASSN.)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Mid-Valley Engineering, on behalf of Memorial Hospital, on January 25, 1999, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D(73), as an addition to Planned Development Zone, P-D(73), to allow a hospital storage facility together with existing professional offices and parking areas, property located on the north side of Spanos Court east of Coffee Road, described as follows:

P-O to P-D(73), as an addition to P-D(73)

All that certain real property situate in a portion of the southwest quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

All of Parcel B as shown on that Parcel Map filed in the office of the Recorder of Stanislaus County, California, on December 10, 1986, in Volume 38 of Parcel Maps at Page 99;

Also, the northerly 350.01 feet measured at right angles of the southwest quarter of the southwest quarter of above mentioned Section 15.

Including also the southerly 30 feet of 60-foot Celeste Drive, located immediately adjacent to the above-described property.

and

WHEREAS, after a public hearing held on April 5, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by

the Planning Commission, by its Resolution No. 99-29, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the expanded area of development as an addition to P-D(73), by reason of its plot plan design and existing conditions of approval for the Memorial Hospital campus, is compatible with surrounding development.
2. That the requested addition to the Planned Development Zone to include a hospital storage building, medical offices, and parking areas as part of hospital campus uses are consistent to and within an area designated by the General Plan for Mixed Uses (MU).
3. The proposed expansion will meet current and future needs for providing medical services to the greater community area.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 11, 1999, in the City Council Chambers, City Hall, 801 11th 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 Mid-Valley Engineering, on behalf of Memorial Hospital, 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. 99-29 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3139-C.S. on the 11th day of May, 1999, reclassifying the above-described property from

Professional Office Zone, P-O, to Planned Development Zone, P-D(73), as an addition to Planned Development Zone, P-D(73).

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(73), as an addition to Planned Development Zone, P-D(73), is hereby approved subject to the following conditions:

1. All development shall conform to the plans titled "Site Plan to Accompany Amendment to Planned Development No. 73 for Memorial Hospital," as amended in red, stamped approved by the City Council on May 11, 1999.
2. All conditions of City Council Resolution No. 86-597 and subsequent Planning Commission Resolution Nos. 87-196, 90-44, 92-12, and 93-01, not in conflict with the above 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(73), as an addition to Planned Development Zone, P-D(73):

The entire construction program be accomplished in one phase, construction to begin on or before March 15, 2001, and completion to be not later than March 15, 2002.

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(73), as an addition to Planned Development Zone, P-D(73), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1999, by Councilmember Dobbs, who moved its adoption, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-222a

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 15-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-0, TO PLANNED DEVELOPMENT ZONE, P-D(73), AS AN ADDITION TO P-D(73), PROPERTY LOCATED ON THE NORTH SIDE OF SPANOS COURT EAST OF COFFEE ROAD TO ALLOW A HOSPITAL STORAGE FACILITY TOGETHER WITH EXISTING PROFESSIONAL OFFICES AND PARKING AREAS. (MID-VALLEY ENGINEERING/MEMORIAL HOSPITAL ASSN.)

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, Mid-Valley Engineering, on behalf of Memorial Hospital, has proposed that the zoning designation for the property located on the north side of Spanos Court east of Coffee Road, be amended to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(73), as an addition to P-D(73) 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 99-12 reviewed the proposed amendment to the Zoning Map and rezone to P-D(73) 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(73) 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 11th day of May, 1999, by Councilmember Dobbs, who moved its adoption, 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, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

INITIAL STUDY CDD 99-12

EXHIBIT "A"

City of Modesto
Initial Study

EA NO. CDD 99-12

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from P-O to P-D as an addition to P-D(73). 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 Mid-Valley Engineering, Inc. to Rezone From P-O to P-D as an Addition to P-D(73) to Allow A hospital Warehouse Storage Facility Together With Existing Professional Office and Parking Areas on Property Located on the North side of Spanos Court East of Coffee Road
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Mid-Valley Engineering
900 "H" Street, Suite G
Modesto, CA 95354
phone (209) 526-4214
- D. Project Location:
north side of Spanos Court east of Coffee Road
- E. Project Sponsor:
Roy Galli
Mid-Valley Engineering
- F. General Plan Designation:
Mixed Use (MU)
- G. Zoning:
P-O, Professional Office

- H. Description of Proposed Project:
This is an application to rezone 12.70 acres from P-O to P-D as an addition to P-D(73), Memorial Hospital to allow a new one-story, 11,808 square foot, hospital warehouse storage facility together with adjacent existing professional office and parking areas on property located on the north side of Spanos Court east of Coffee Road. The proposed storage building will be located on the most northern portion of the hospital property and just south of the adjacent parking lot serving the Family Medicine office building. Approximately 53 parking spaces will be removed to accommodate this structure.
- I. Surrounding land uses:
west, north – offices; east residential; south – Memorial hospital
- 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**

Approval of the rezoning resulting in an addition to the planned development boundary of P-D(73), Memorial Hospital will not contribute to additional traffic in the area. The proposed rezoning will bring existing and possible future additions to the hospital campus under one comprehensive review process. A site traffic mitigation study was not required for the proposed rezoning and eminent addition of a medical equipment storage building. This property development as part of the Memorial Hospital campus 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 rezoning and resulting development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

This proposed rezoning and resulting development is adjacent to and surrounded by urban development. The adjacent developed

neighborhood contains a mixture of residential and professional office uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this 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

This proposed rezoning and resulting 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 for P-O uses. The requested rezoning will allow uses commensurate with the planned development zone for Memorial Hospital, 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

This proposed rezoning and resulting 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

This proposed rezoning and resulting 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

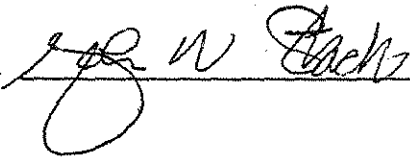
This proposed rezoning and resulting development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the 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**
This proposed rezoning and resulting 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.
- I. **Drainage, Flooding and Water Quality**
This proposed rezoning and resulting development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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**
This proposed rezoning and resulting development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.
- K. **Increased Demand for Parks and Open Space**
This proposed rezoning and resulting development 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**
This proposed rezoning and resulting development will not impact the Modesto School system, as these medical related facilities will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

- M. Increased Demand for Police Services**
This proposed rezoning and resulting development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.
- N. Increased Demand for Fire Services**
This proposed rezoning and resulting development 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 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 proposed rezoning and resulting 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**
This proposed rezoning and resulting 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**
This proposed rezoning and resulting 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**
This proposed rezoning and resulting 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.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from C-2 to P-D as an addition to P-D(73) to allow a new one-story, 11,808 square foot, hospital warehouse storage building together with adjacent existing professional office and parking areas is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).
- B. The proposed rezoning and 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.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- D. There are no specific features unique to this rezoning 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:  _____

EA RESOLUTION

- 1 Attorney
- 1 CDD - Construction Administration
- 1 Initiating Department - Attention: John Stack
- 3

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-223

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 A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(498), TO LOW DENSITY RESIDENTIAL ZONE, R-1, PROPERTY LOCATED ON THE SOUTH SIDE OF ALGEN AVENUE WEST OF CROWS LANDING ROAD TO ALLOW FOR DEVELOPMENT OF FOUR STANDARD SINGLE-FAMILY DWELLING LOTS INSTEAD OF EIGHT DWELLINGS ON SMALL LOTS. (EDWARD T. TAYLOR)

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, Edward T. Taylor has proposed that the zoning designation for the property located on the south side of Algen Avenue west of Crows Landing Road be amended to rezone a portion of Planned Development Zone, P-D(498), to Low Density Residential Zone, R-1, property located on the south side of Algen Avenue west of Crows Landing Road, in the City of Modesto ("the project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report 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 99-24 reviewed the proposed rezoning of a portion of Planned Development Zone, P-D(498), to Low Density Residential Zone, R-1, 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 rezoning of a portion of Planned Development Zone, P-D(498), to Low Density Residential Zone, R-1, 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 11th day of May, 1999, 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, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

INITIAL STUDY CDD 99-24

EXHIBIT "A"

City of Modesto
Initial Study

EA NO. CDD 99-24

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this rezoning of a portion of P-D(498) to R-1. 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 Edward T. Taylor to Rezone A Portion of P-D(498) to R-1 to Allow Construction of Single Family Houses on Conventional Lots Comprising the Remaining Undeveloped Portion of the P-D Zone, Property Located on the South Side of Algen Court West of Crows Landing Road.
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Edward T. Taylor
5361 River Road
Oakdale, CA 95361
phone (209) 847-0892
- D. Project Location:
south side of Algen Court west of Crows Landing Road.
- E. Project Sponsor:
Edward T. Taylor
- F. General Plan Designation:
(R) Residential Uses
- G. Zoning:
existing, P-D(498), a 13 small lot development using flag lots

- H. **Description of Proposed Project:**
This is an application to rezone the remaining eight undeveloped lots of P-D(498). This planned development zone was approved as a 13 small lot development using flag lots and shared driveways. The proposed rezoning of the remaining eight undeveloped lots, together with lot line adjustment of property lines will create four buildable single-family lots. Development of these lots will require only building permits for the houses.
- I. **Surrounding land uses:**
west, north, and east - residential; south - industrial
- 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**

Approval of the rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses will contribute insignificantly to the traffic in the area. However, the property is recognized by the General plan for residential uses which anticipates vehicular traffic as a result of such residential development. A site traffic mitigation study was not required for the proposed redevelopment of this property. Development of these residential parcels 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 the rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses are adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of single and multi-family residential uses and commercial / industrial development. 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 development, 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 for a small lot residential development. The requested rezoning will allow larger, more standard sized lots. This property is also within a (R) Residential 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses is outside the Potential biological Resource Study Area boundary in the 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses will have a less than significant impact on the Modesto School system, as this proposal will increase only slightly the enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. **Increased Demand for Police Services**

the rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses will have a less than significant impact upon the need for additional fire services to this area. A fire station is located approximately one block 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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 rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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.

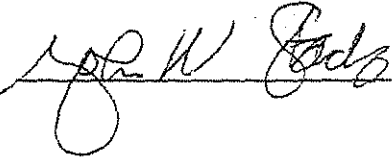
R. Energy

The rezoning of a portion of P-D(498) to R-1 and the resulting four single-family houses 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.

ATTORNEY
COURT ADMIN
CDD - John Stack

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

- A. The proposed rezoning of a portion of P-D(498) to R-1 is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).
- B. The proposed rezoning and 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.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- D. There are no specific features unique to this rezoning 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:  _____

15/11/99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-224

A RESOLUTION DECLARING THE BUILDINGS
AND STRUCTURES LOCATED AT 1216 McGUIRE
DRIVE A NUISANCE AND DIRECTING THE
OWNER(S) OF THE PROPERTY TO ABATE THE
NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Myrna Anderson, the owner of the property at 1216 McGuire Drive ,
hereinafter referred to collectively as the "premises", is deceased, and

WHEREAS, Myrna Anderson is survived by a son who is an heir of the estate for
the property located at 1216 McGuire Drive, in the City of Modesto, County of Stanislaus,
hereinafter referred to collectively as the "premises", and

WHEREAS, a fire destroyed the dwelling at 1216 McGuire Drive on March 28,
1999, and there was no fire insurance on the dwelling or the contents, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by
the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all
provisions of the Housing Code including authority to inspect any building intended or designed
for human habitation and order that any such building determined to be substandard under the
Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance
by repair or demolition, and

WHEREAS, a Notice and Order to Repair or Demolish was issued on April 13,
1999, requiring the premises, including the swimming pool, to be secured and the damaged
dwelling to be repaired or demolished, and

WHEREAS, the CITY had the property fenced on April 23, 1999, as it was an attractive nuisance, and

WHEREAS, said Notice and Order dated April 13, 1999, was mailed by certified mail, postage prepaid, return receipt requested to heirs of record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 1101.4 of the Uniform Housing Code, and in accordance with 25 California Code of Regulations, Sections 54 and 58, and Sections 1101.2 and 1101.3 of the Housing Code of the City of Modesto, and

WHEREAS, the heirs of the record owner(s) failed to appeal from the Notice and Order of April 13, 1999, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto, and

WHEREAS, the heirs of the owner(s) of said premises have failed to obtain building permits and physically commence work within ten (10) days from the date of the Notice and Order to Repair or Demolish dated April 13, 1999, pursuant to Section 1101.2 of the Housing Code of the City of Modesto, and, therefore, the heirs of the owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the heirs of the record owner(s) have failed to make a timely choice of repair or demolition, and

WHEREAS, the premises and pool are presently open and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and

WHEREAS, the heirs of the owner(s) have been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on April 13, 1999, and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fail to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to heirs of record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, May 11, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 1216 McGuire Drive, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate

such nuisance and to recover from the heirs of the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

as follows:

1. That the premises commonly referred to as, 1216 McGuire Drive, hereinafter referred to collectively as the "premises", have been inspected and duly posted with a copy of a Notice and Order to Repair or Demolish dated April 13, 1999, and a copy of said notice has been mailed by certified mail to the heirs of the owner(s) of the property in accordance with 25 California Code of Regulations, Sections 54 and 58, and Sections 1101.2 and 1101.3 of the Housing Code of the City of Modesto.
2. That the heirs of the owner(s) of record have failed to appeal from the Notice and Order to Repair or Demolish dated April 13, 1999, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto .
3. That the premises at 1216 McGuire Drive are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and have been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code, and Housing Code of the City of Modesto, Sections 202 and 1001.4 .
4. That the heirs of the owner(s) of the property located at 1216 McGuire Drive have failed to secure the required building permits and physically commence work within ten (10) days from the date of the Notice and Order to Repair or Demolish dated April 13, 1999, pursuant to Section 1101.2 of the Housing Code of the City of Modesto.
5. That the heirs of the owner(s) of record have failed to make a timely choice of repair or demolition.
6. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.

7. That the premises at 1216 McGuire Drive are hereby declared to be a public nuisance, and it is ordered that the structures be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.
8. That the heirs of the record owner(s) of the premises are hereby ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within (30) days from the date this resolution is posted on the premises and served on heirs of the owner(s).
9. That the Chief Building Official, or a licensed contractor hired by him, is hereby ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the record owner(s) of the premises.
10. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, and (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the record owner(s) in accordance with 25 California Code of Regulations, Section 70.
11. That in the event the heirs of the property owner(s) fail to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from the heirs of the property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of abatement costs are not paid by the heirs of the property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations, Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 99-224, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 99-224 declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-225

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 731 EMPIRE AVENUE A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Lee Duncan and W. Lee Duncan have title to and are the record owner(s) of property located at 731 Empire Avenue in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at 731 Empire Avenue consists of four living units comprised of a two-story duplex in the front of the property, a single-family dwelling at the center, and an occupied single-family dwelling at the rear of the property, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the Housing Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be substandard under the Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, the City inspected the units in January of 1997, at which time the front and center units were open, unsecured and vandalized, and the rear dwelling was occupied and only the exterior was inspected, and

WHEREAS, the City secured the front two structures in 1997, and again secured them in 1998, and

WHEREAS, the owner(s) and/or their representative(s) attempted to allow a family to move into the top floor of the front unit and make repairs "in lieu of rent", and

WHEREAS, the City secured the dwellings as the Notice and Order requires that repairs be made prior to occupancy, and

WHEREAS, a Notice and Order to Repair or Demolish dated January 28, 1997, was issued by the Chief Building Official to repair or demolish the substandard structures located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within sixty (60) days from the date of the Notice and Order, and

WHEREAS, said Notice and Order dated January 28, 1997, was mailed by certified mail, postage prepaid, return receipt requested to record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Non-Complying and Uncompleted Building was recorded on May 12, 1997, with the Stanislaus County Recorder's Office confirming the existence of substandard buildings and dwelling units on the premises pursuant to Section 1102 of the Uniform Housing Code, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of January 28, 1997, and

WHEREAS, the owner(s) of said premises have failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the record owner(s) have failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and

WHEREAS, the owner(s) have been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on January 28, 1998, and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fail to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, May 11, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding

the real property situated in the City of Modesto commonly referred to as 731 Empire Avenue , hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the premises commonly referred to as, 731 Empire Avenue, hereinafter referred to collectively as the "premises", have been inspected and duly posted with a copy of a Notice and Order to Repair or Demolish dated January 28, 1997, and a copy of said notice has been mailed by certified mail to the owner(s) of the property in accordance with 25 California Code of Regulations, Sections 54 and 58, and Sections 1101.2 and 1101.3 of the Housing Code of the City of Modesto.
2. That the owner(s) of record have failed to appeal from the Notice and Order to Repair or Demolish dated January 28, 1997, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto .
3. That the premises at 731 Empire Avenue are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and have been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code, and Housing Code of the City of Modesto, Sections 202 and 1001.4 .
4. That the owner(s) of the property located at 731 Empire Avenue have failed to secure the required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Repair or Demolish dated January 28, 1997, pursuant to Section 1101.2 of the Housing

Code of the City of Modesto.

5. That the owner(s) of record have failed to make a timely choice of repair or demolition.
6. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.
7. That the premises at 731 Empire Avenue are hereby declared to be a public nuisance, and it is ordered that the structures be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.
8. That the record owner(s) of the premises are hereby ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within (30) days from the date this resolution is posted on the premises and served on owner(s).
9. That the Chief Building Official, or a licensed contractor hired by him, is hereby ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the record owner(s) of the premises.
10. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, and (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the record owner(s) in accordance with 25 California Code of Regulations, Section 70.
11. That in the event the property owner(s) fail to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of abatement costs are not paid by property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at

the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations, Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 99-225, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 99-225 declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-226

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER
THE PROPOSED 1999-2000 OPERATING BUDGET AND PROPOSED 2000-2009
CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 8,
1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto,
California, is hereby set as the time and place for a hearing to consider the proposed
1999-2000 operating budget and proposed 2000-2009 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of May, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-227

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING OF PUMP
REPAIR SERVICES

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 Pump Repair Services, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1999 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 May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-228

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING OF WATER WELL CONSTRUCTION, INSPECTION, AND TESTING SERVICES

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 Water Well Construction, Inspection, and Testing Services, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 9, 1999 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 May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-229

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN; BY THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) RELATING TO THE APPROVAL OF THE MODESTO URBAN AREA GENERAL PLAN; AND BY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) RELATING TO THE APPROVAL OF THE KIERNAN BUSINESS PARK SPECIFIC PLAN: AWARDING A CONTRACT TO MOZINGO CONSTRUCTION FOR BANGS AVENUE WATER AND SEWER MAINS.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (" EIR") (SCH 96042009) for the Wastewater Master Plan, and

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, on April 1, 1997, by Resolution No. 97-160, the City Council of the City of Modesto certified the Final Environmental Impact Report ("EIR") (SCH 94082005) for the Kiernan Business Park Specific 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 subject project may cause a significant effect on the environment that was not examined in the Master EIR and

whether the subsequent project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the City's Engineering and Transportation Department, by Environmental Assessment Initial Study EA/ET 99-12, reviewed the proposed Bangs Avenue Water and Sewer Mains project to determine whether the project is within the scope of the project covered by the Wastewater Master Plan, the Modesto Urban Area General Plan, and the Kiernan Business Park Specific Plan, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final Master EIR, the Master EIR and the Final 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 Final Master EIR, the Master EIR and the Final EIR, and

WHEREAS, on May 18, 1999, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed 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 Bangs Water and Sewer Mains project will not cause any additional significant effect on the environment that was not examined in the aforementioned environmental documents.
2. That no new or additional mitigation measures or alternatives are required.

3. That the Bangs Avenue Water and Sewer Mains project is within the scope of the project analyzed by the aforementioned environmental documents.
4. That no new environmental document or findings pursuant to Public Resources Code Section 21081 are required.
5. The Initial Study to Document Conformance of the Bangs Avenue Water and Sewer Mains project with the Master EIR for the Wastewater Master Plan and other referenced environmental documents, provides substantial evidence to support the above determination and findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering & 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 18th day of May, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

INITIAL STUDY EA/ET 99-12

EXHIBIT "A"

City of Modesto
Initial Study to Document Conformance
Bangs Avenue, Water and Sewer Mains with the
Master EIR for the Urban Area General Plan
Master EIR for the Wastewater Master Plan, the
Kiernan Business Park Specific Plan Focused EIR
EA No. EA/ET 99-12

INTRODUCTION

Section 21157.1(c) of the California Environmental Quality Act provides that "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 pursuant to Section 21081 shall be required by this division." This Initial Study has been developed by the City as the information basis on which subsequent water and wastewater projects will be evaluated in compliance with Section 21157.1(c).

DETERMINATION

On the basis of this initial evaluation:

An initial study was prepared pursuant to CEQA Section 21157.1 I found that the proposed project's effects were adequately addressed in the Master EIR for the Urban Area General Plan (State Clearinghouse No. 92052017), Wastewater Master Plan Master EIR (State Clearinghouse No. 96042009), the Kiernan Business Park and the Carver-Bangs Specific Plans Focused EIR (State Clearinghouse No. 94082005) and that no new environmental document nor findings are necessary. Copies of the Initial Study and the related Environmental Impact Reports are available for review at the City of Modesto Community Development Department Strategic Planning Division, Third Floor, 801 Eleventh Street, Modesto.



Mark Houghton / Associate Civil Engineer

4-6-99

Date

DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor's Parcel Number and include attachments as necessary)

A Portion of the Bangs Avenue, Dale Road, Carver Road, and Tully Road Right of Way, as shown on:

Assessor's Book 46, Pages 2, 4, 6, 7, 11, 12
Assessor's Book 78, Pages 15 & 18

Note: All construction will be completed within existing city or county right-of-way.

The project will install one 30" sewer trunk and one 20" water main from the intersection of Bangs Avenue and Dale Road east to the American Avenue alignment approximately 2600'. A second 24" water main will be installed from the intersection of Bangs Avenue and Carver Road to the east approximately 8100' to near McHenry Ave. These two lines are intended to serve the Kiernan Business Park Specific Plan Area, as well as other adjacent specific plan areas that are yet to be developed.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to traffic and circulation needs. Substantial evidence for this conclusion is as follows.

1. Section IV-1 of the MEIR for the Urban Area General Plan and Section VI - A of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

3. The construction of the subsequent project would result in approximately 12 vehicle trips per day and the operation of the subsequent project would result in no additional vehicle trips per day. This will not substantially degrade the level of service along affected roadways and intersections.

4. The service capacity (regarding circulation) of the subsequent project is zero and is therefore substantially similar to that described in the Wastewater Master Plan MEIR. Consequently, the subsequent project would support an overall development level and population consistent with the growth projections embodied in the Wastewater Master Plan.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

B. DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS.

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to degradation of air quality and generation of odors. Substantial evidence for this conclusion is as follows.

1. Although airborne particulate matter (PM-10) would be generated during construction activities, these impacts will be reduced to less than significant by compliance with the San Joaquin Valley Unified Air Pollution Control District Rule 8020 "Fugitive Dust Requirements for Control of Fine Particulate Matter"

2. Construction of the subsequent project would result levels of NOx below the significance levels of 55 pounds per day and 10 tons per year. Operation of the subsequent project would not result in air pollutant emissions substantially in excess of those analyzed in the WWMP MEIR, and therefore would not result in any additional exceedences of SJVUAPCD thresholds.

3. Section IV - 2 of the MEIR for the Urban Area General Plan and Section VI - B of the Wastewater Master Plan MEIR provide the criteria and basis for judging potential environmental consequences of this subsequent project.

4. Objectionable odors would not be created in excess of those analyzed and described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

C. GENERATION OF NOISE

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to generation of noise. Substantial evidence for this conclusion is as follows.

1. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the MEIR for the Urban Area General Plan..

2. Section IV - 3 of the MEIR for the Urban Area General Plan and Section VI - C of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. The Contractor shall install noise reduction equipment (mufflers) when construction is near homes or schools.
2. Equipment staging areas shall be located as far from residences as possible.

D. LOSS OF AGRICULTURAL LAND

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to loss of agricultural land. Substantial evidence for this conclusion is as follows.

1. The subsequent project is located within the General Plan boundary and the potential for loss of productive agricultural lands has already anticipated and fully addressed in the Section IV - 4 MEIR for the Urban Area General.

2. Section VI - D of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. For the construction of the Bangs Ave. Water & Sewer Mains, the City shall reduce the potential for conflicts with the agricultural use by siting equipment staging areas so that the amount of displacement of agricultural lands is minimized.

E. INCREASED DEMAND FOR WATER SUPPLIES

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for water supplies. Substantial evidence for this conclusion is as follows.

1. Section IV - 5 of the MEIR for the Urban Area General Plan and Section VI - E of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not use large amounts of water or significantly waste water in a way not described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for sanitary sewer services.

Substantial evidence for this conclusion is as follows.

1. Section IV - 6 of the MEIR for the Urban Area General Plan and Section VI - F of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to loss of sensitive wildlife and plant habitat. Substantial evidence for this conclusion is as follows.

1. Section IV - 4 of the MEIR for the Urban Area General Plan and Section VI - H of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not pipeline 24C, 7B or &C as designated on Figure IV- 6 of the Wastewater Master Plan MEIR nor is it located on lands that can be characterized as open pasture lands, wetlands, or vernal pools.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to disturbance of archaeological or historic sites.

Substantial evidence for this conclusion is as follows.

1. Section IV - 8 of the MEIR for the Urban Area General Plan and Section VI H of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not affect any structure or artifact of known historical importance or significance.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

I. DRAINAGE, FLOODING AND WATER QUALITY

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to drainage, flooding, and water quality. Substantial evidence for this conclusion is as follows.

1. Section IV - 9 of the MEIR for the Urban Area General Plan and Section VI - I of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project would not locate any structures within a 100-year flood plain that are not described in the WWMP and that would contribute to substantial flooding.
3. The subsequent project would not create any discharges beyond those analyzed in the WWMP MEIR that could result in a violation of water quality standards.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

J. INCREASED DEMAND FOR STORM DRAINAGE

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for storm drainage. Substantial evidence for this conclusion is as follows.

1. Section IV - 10 of the MEIR for the Urban Area General Plan and Section VI - J of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.
2. The subsequent project will not impact an existing drainage system nor cause them to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

K. INCREASED DEMAND FOR PARKS AND RECREATION

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for parks and recreation. Substantial evidence for this conclusion is as follows.

1. Section IV – 11 of the MEIR for the Urban Area General Plan and Section VI - K of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project will not result in the long-term disruption of the normal use or require the reduction in size of an existing park.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

L. INCREASED DEMAND FOR SCHOOLS

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for schools. Substantial evidence for this conclusion is as follows.

1. Section IV – 12 of the MEIR for the Urban Area General Plan and Section VI - L of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The sewer mains are sized to serve only the areas contemplated in the Wastewater Master Plan MEIR, and will generate no additional students.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

M. INCREASED DEMAND FOR POLICE SERVICES

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for police services. Substantial evidence for this conclusion is as follows.

1. Section IV – 13 of the MEIR for the Urban Area General Plan and Section VI - M of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project should not exceed the capacity of local police services beyond that described in Section IV - 13 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

N. INCREASED DEMAND FOR FIRE SERVICES

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for fire services. Substantial evidence for this conclusion is as follows.

1. Section IV - 14 of the MEIR for the Urban Area General Plan and Section VI - N of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project should not result in a substantial increase in the demand for fire services beyond that described in Section IV - 14 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

O. GENERATION OF SOLID WASTE

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to generation of solid waste. Substantial evidence for this conclusion is as follows.

1. Section IV - 15 of the MEIR for the Urban Area General Plan and Section VI - O of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project should not result in a substantial increase in the demand for solid waste beyond that described in Chapter IV, Section 15 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

P. GENERATION OF HAZARDOUS WASTE

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to generation of hazardous waste. Substantial evidence for this conclusion is as follows.

1. Section IV - 16 of the MEIR for the Urban Area General Plan and Section VI - P of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project is not anticipated to result in an unauthorized release of a hazardous substance or generate, use, store, or transport of any hazardous waste substantially beyond that described in the WWMP MEIR, or violate a federal, state, or local laws or regulations for hazardous materials or hazardous wastes.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

Q. LANDSLIDES AND SEISMIC ACTIVITY

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to landslides and seismic activity. Substantial evidence for this conclusion is as follows.

1. Section IV - 17 of the MEIR for the Urban Area General Plan and Section VI - Q of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not located in an area in which landslides and seismic activity threaten the public health and safety.

Following are the feasible mitigation measures, identified in the MEIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

R. ENERGY

The Bangs Ave. Water & Sewer Mains, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows.

1. Section IV - 18 of the MEIR for the Urban Area General Plan and Section VI - R of the Wastewater Master Plan MEIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project will not create a significant increase in demand for energy beyond that analyzed in Section IV - 18 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Bangs Ave. Water & Sewer Mains subsequent project:

1. No new mitigation required.

EXHIBIT "A"

Initial Study to Document Conformance Bangs Ave. Water & Sewer Mains Project with the Master EIR for the Urban Area General Plan and MEIR for the Wastewater Master Plan

MITIGATION TASKS

The following tasks have been identified for mitigation in the Initial Study:

1. The Contractor shall install noise reduction equipment (mufflers) when construction is near homes of schools.
2. Equipment staging areas shall be located as far from residences as possible.
3. For the construction of the portion of the Bangs Ave. Water & Sewer Mains between Carver Avenue and McHenry Avenue, the City shall reduce the potential for conflicts with the agricultural use by siting construction easements and equipment staging areas so that the amount of displacement of agricultural lands is minimized.

MITIGATION IMPLEMENTATION

The above tasks are to be implemented by incorporation into the project plans and specifications and by proper construction practices.

RESPONSIBLE AGENCY

The City of Modesto Engineering and Transportation Department shall be responsible for the implementation of the mitigation tasks.

Applicant's Concurrence

In accordance with Sections 21064.5 and 2180(c.) (2) of the Public Resources Code, and Section 15070(b)(1) of the CEQA Guidelines, I consented to the incorporation of the above Mitigation Measures into the Bangs Ave. Water & Sewer Mains Project before the Initial Study was released for public review.

Signature: _____



Mark Houghton
City of Modesto

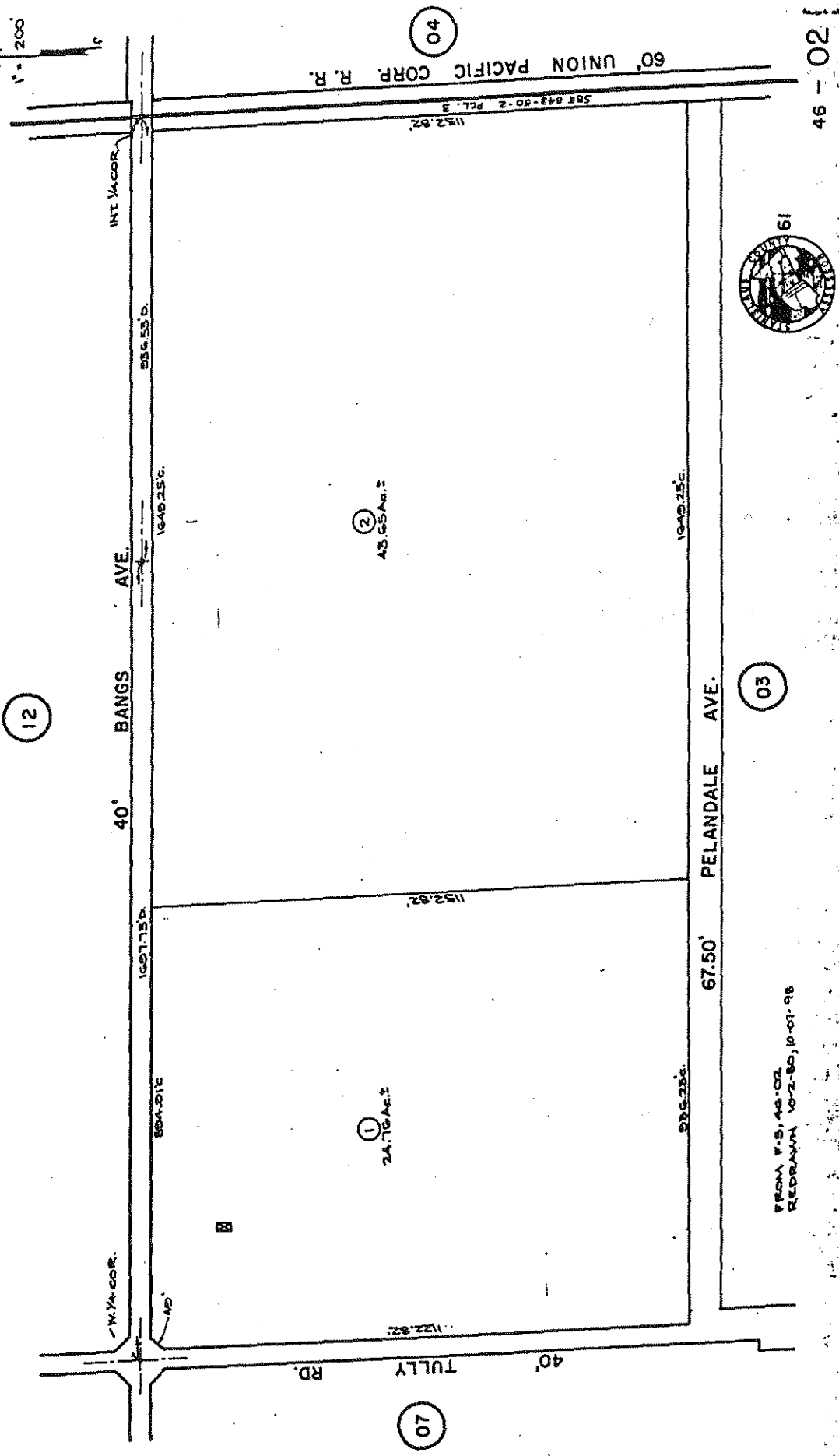
Engineering and Transportation Department

Date: _____

4-6-99

PORTION SW 1/4 SECTION 5 T.3S.R.9E.M.D.B.&M.

THIS MAP FOR ASSESSMENT PURPOSES ONLY



12

2
43.65 AC.±

1
24.76 AC.±

10

03

FROM T.S. 40-02
REDBAWN 10-2-80, 10-07-98



61

40

60' UNION PACIFIC CORP. R. R.

SBE 643-50-2 PCL. 3
152.82'

INT 1/4 COR.

856-53.5'

1646-25.6'

40' BANGS AVE.

1607.73'

884-21.2'

W 1/4 COR.

40'

122.82'

TULLY RD.

40'

67.50' PELANDALE AVE.

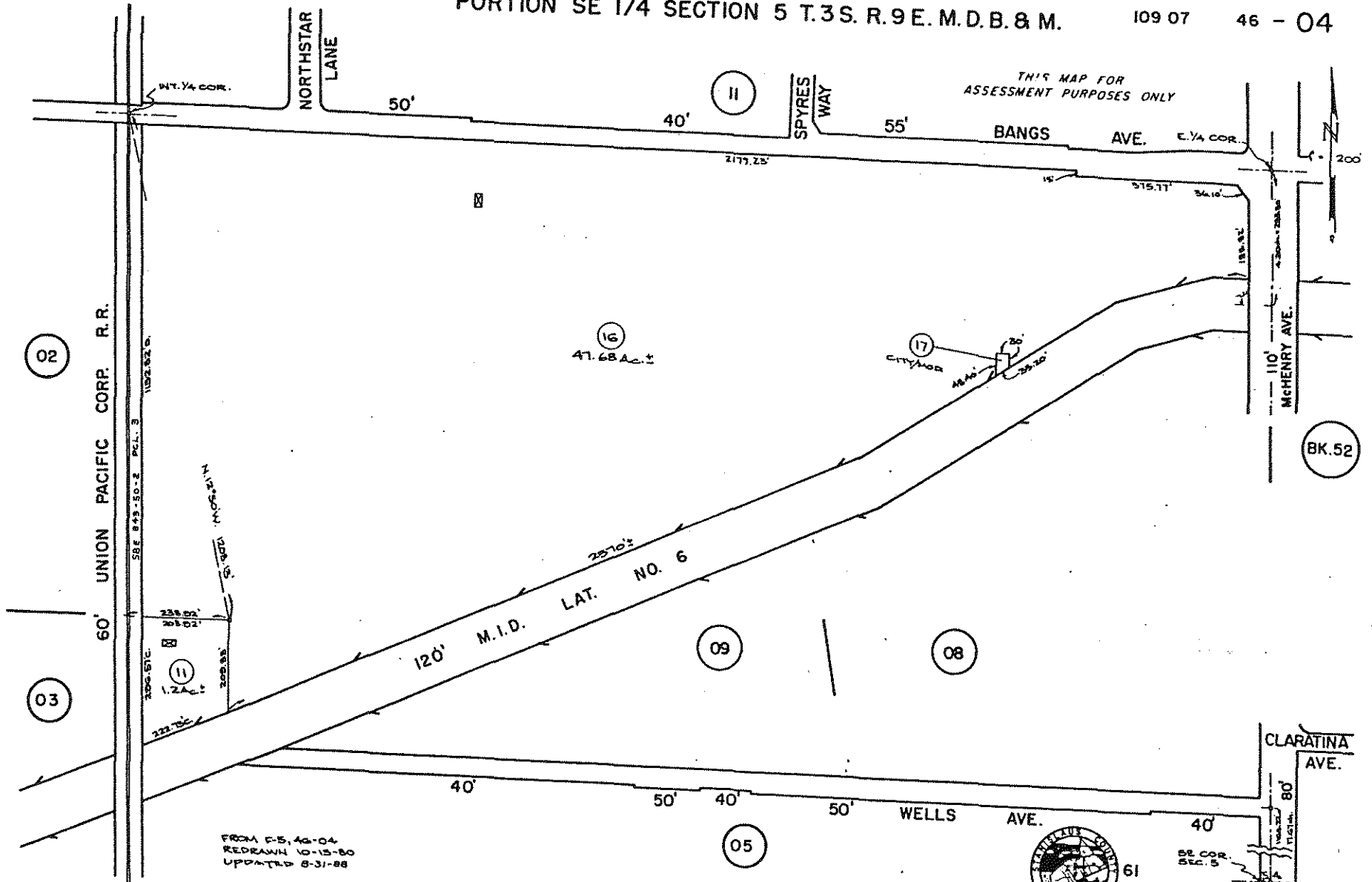
1646-25.6'

1152.82'

PORTION SE 1/4 SECTION 5 T.3S. R.9E. M.D.B. & M.

109 07 46 - 04

THIS MAP FOR ASSESSMENT PURPOSES ONLY



FROM P.S. 46-04
REDAWN 10-15-80
UPDATED 8-31-88



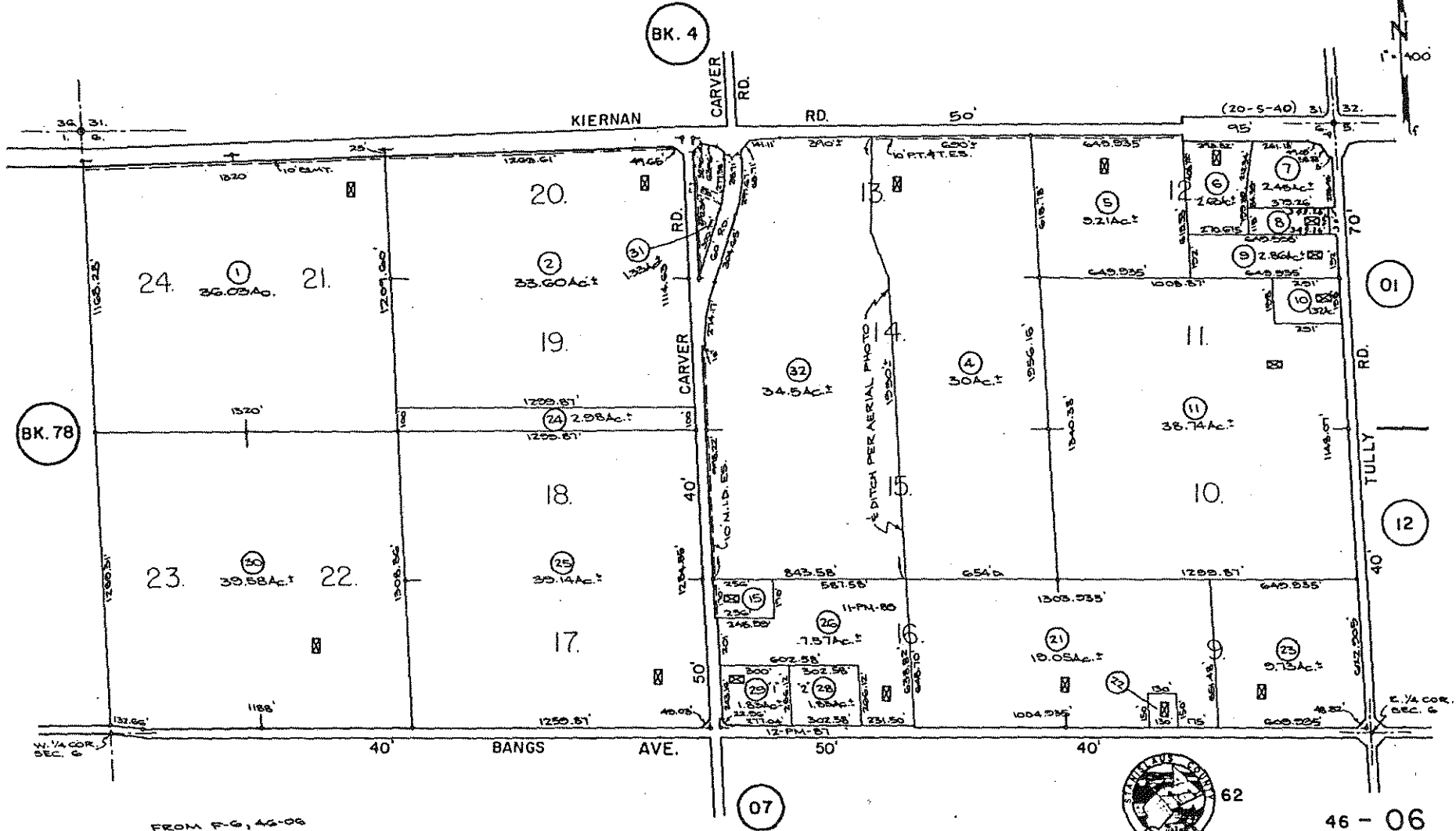
46 - 04

N. 1/2 SECTION 6 T.3S.R.9E.M.D.B.&M.
 POR. ALBEMERL TR.-LOTS 9 thru 24

98 001

46 - 06

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



FROM P-6, 46-06
 R.M. 4-10
 REDRAWN 7-11-70
 UPDATE - 10-14-08

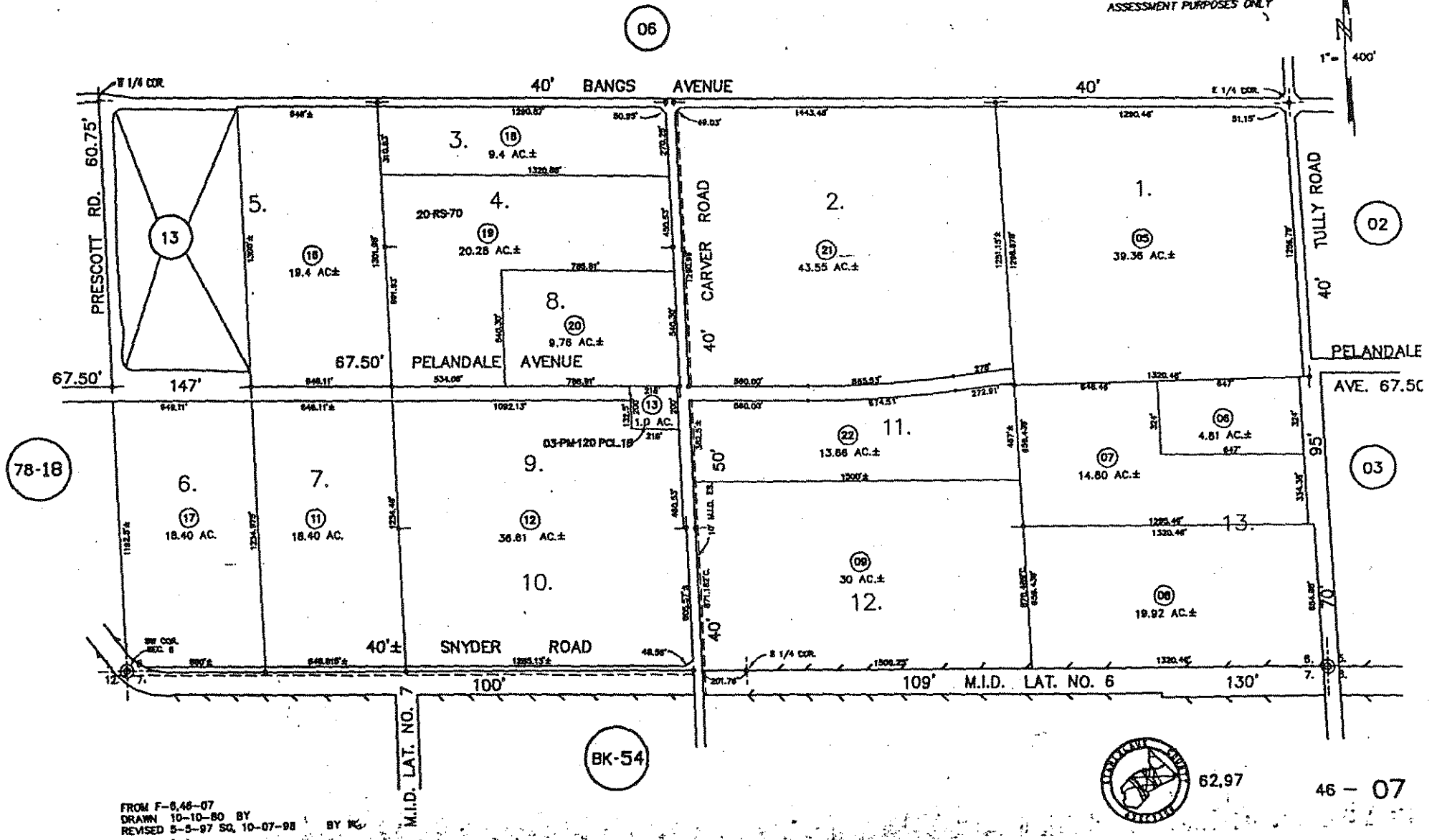
46 - 06

S. 1/2 SECTION 6 T.3S. R.9E. M.D.B.& M.
ALL NASH TRACT (04M10)

098 001
002 205
002 213 (98)

46 - 07

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM F-848-07
DRAWN 10-10-80 BY
REVISED 5-5-97 SQ. 10-07-98 BY JC

46 - 07

PORTION NE 1/4 SECTION 5 T.3S.R.9E.M.D.B.&M.

109 007
109 016

46 - 11

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



12

10

1-20

BK. 52

04

FROM F-5, 46-01
REDRAWN 3-22-90
UPDATED 6-10-91, 6-16-93 Kc, 7-9-98



91,99

46 - 11

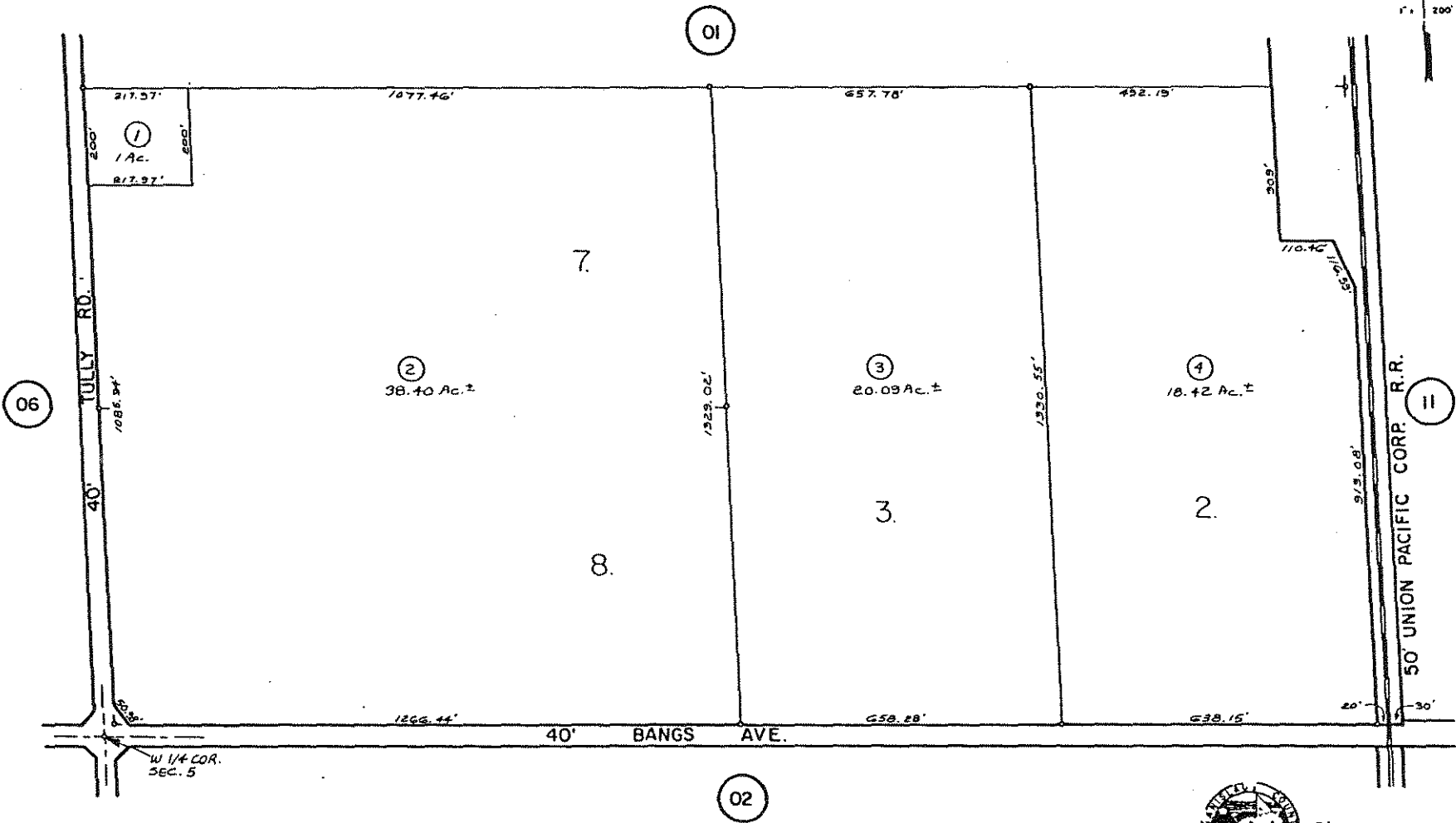
POR. NW1/4 SECTION 5 T.3S. R.9E. M.D.B.&M.
 POR. ALBEMERL TR. - LTS. 2,3,7,8

098 001

46-12

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY

1" = 200'



FROM F-5, 46-01
 + M-19
 REDRAWN 1-24-91



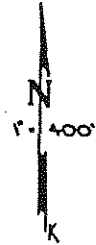
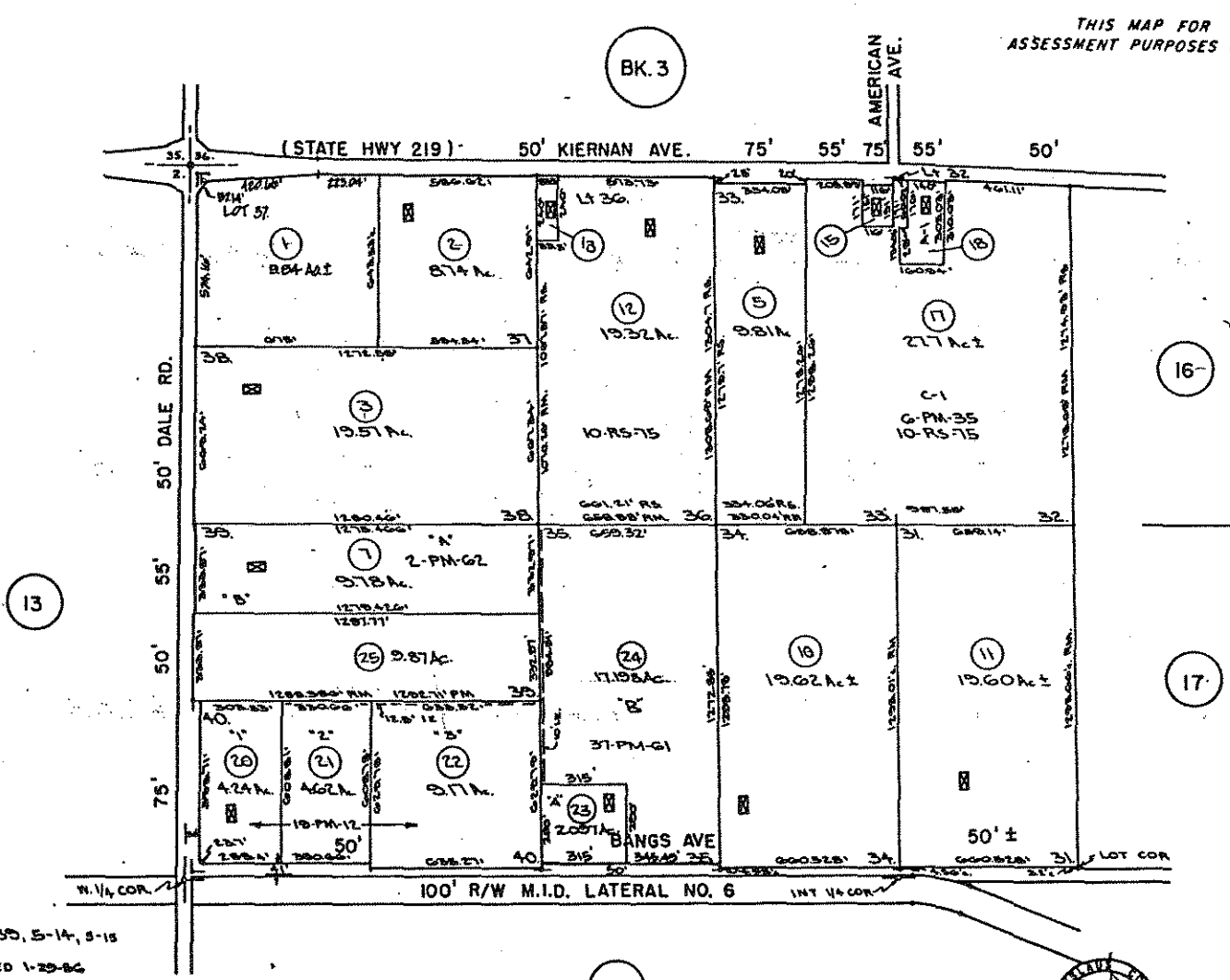
91

46-12

PORTION N.1/2 SECTION 1 T.3 S. R.8 E., M.D.B. & M.
ALBEMERL TRACT LOTS 31 THRU 40

098 001 78-15

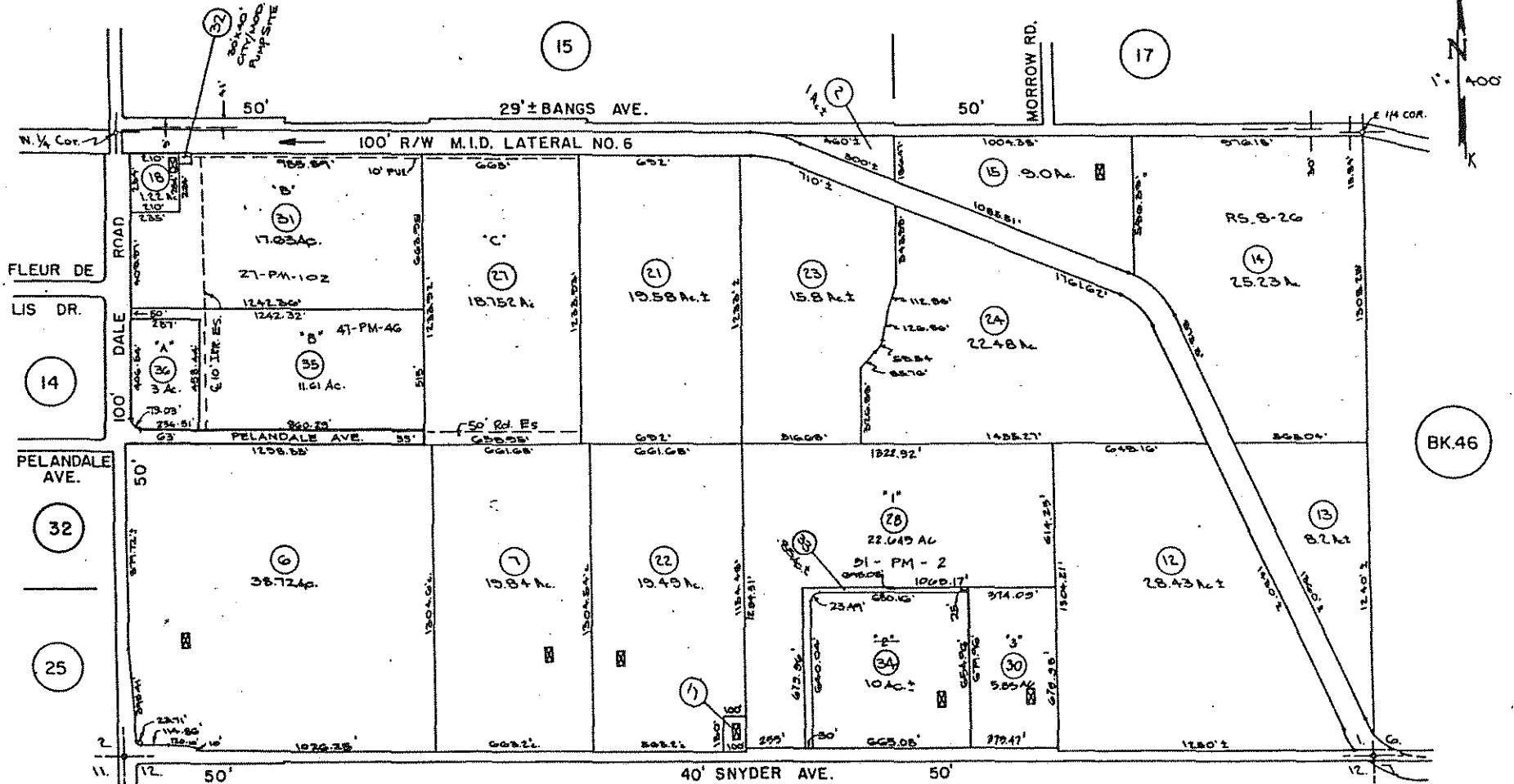
THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM E-30, 5-14, 5-15
RM 4-13
REPARCELLED 1-29-86



THIS MAP FOR ASSESSMENT PURPOSES ONLY



FROM E-39, S-18
 77 Nov 2-113
 RS B-26
 UPDATED 3-4-71, 12-8-97

BK. 76



83,98

MODESTO CITY COUNCIL
RESOLUTION NO. 99-230

A RESOLUTION ACCEPTING THE BID OF MOZINGO CONSTRUCTION FOR
THE PROJECT TITLED "BANGS AVENUE WATER AND SEWER MAINS"

WHEREAS, the bids received for Bangs Avenue Water and Sewer Mains were opened at 11:00 a.m. on May 4, 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 Mozingo 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 \$1,705,854.36 from Mozingo 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 18th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-231

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF FUNDS TO
FULLY FUND BANGS AVENUE WATER AND SEWER MAINS

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

WATER FUNDS---		
FROM:	612-480-J963 6040	370,000
TO:	612-480-J944 6010	75,000
	612-480-J944 6040	50,000
	612-480-J944 6050	150,000
	612-480-J944 6060	95,000
FROM:	612-480-C204 6040	85,000
TO:	612-480-J944 6040	85,000
FROM:	612-480-K004 6040	60,000
TO:	612-480-J944 6040	60,000
SEWER FUNDS---		
FROM:	621-440-H386 6030	143,000
TO:	621-440-K010 6040	100,000
	621-440-K010 6060	43,000
FROM:	621-440-H386 6050	195,000
TO:	621-440-K010 6010	35,000
	621-440-K010 6040	90,000
	621-440-K010 6050	70,000

Transfers listed above will consolidate funds that remain from prior projects. All funds will be consolidated into two master project accounts (612-480-J944 for water and 621-440-K010 for sewer) that will be used for construction of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-232

A RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION TO NEGOTIATE AND EXECUTE ADDITIONAL CHANGE ORDERS FOR SITE CLEAN-UP OF CONTAMINATED SOIL AT THE NEW POLICE HEADQUARTERS BUILDING SITE (BID PACKAGE NO. 1), NOT TO EXCEED \$656,003.00.

WHEREAS, on October 20, 1998, the City Council awarded a \$599,221.00 contract to Acme Construction, Inc., for demolition of existing buildings, excavation and disposal of previously identified contaminated soils, and construction of the building foundation for the New Police Headquarters Building Project, and

WHEREAS, significant additional hazardous material that was previously unidentified was discovered during the course of excavating the site, and

WHEREAS, on March 23, 1999, by Resolution No. 99-123, the City Council authorized the Engineering and Transportation Director to negotiate and execute an additional \$250,000.00 in change orders for site clean-up of the contaminated soils, and

WHEREAS, by the above actions, the Council increased the Director's change order authority on the project to \$342,796.00, and

WHEREAS, eight change orders have been executed on the project to date totaling \$337,475.00, and

WHEREAS, as construction has continued at the site, the quantities of contaminated soil removed and disposed of were actually larger than originally anticipated, thus leading to increased costs, and

WHEREAS, the extra work for removing and disposing of larger quantities of soil is estimated to cost \$180,207.00 at this time, and

WHEREAS, the Construction Manager recommends that an additional \$133,000.00 be set aside for other unknown conditions, quantities or other changes that may occur as Bid Package No. 1 is completed, and

WHEREAS, it is recommended that the Engineering and Transportation Director's change order authority be increased in the additional amount of \$313,207.00 over the \$342,796.00 previously authorized, to a total of \$656,003.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Engineering and Transportation to negotiate and execute additional change orders on the Police Department Headquarters Bid Package No. 1 Project for additional site cleanup of contaminated soil in an amount not to exceed \$656,003.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

Res. 99-233
Number Not Used

02.2.99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-234

A RESOLUTION APPROVING THE FISCAL YEAR
1999-2000 ANNUAL ACTION PLAN FOR
COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG), THE HOME INVESTMENT
PARTNERSHIP (HOME) PROGRAM, AND
EMERGENCY SHELTER GRANT (ESG); AND
AUTHORIZING SUBMITTAL OF GRANT
APPLICATIONS AND AUTHORIZING THE CITY
MANAGER TO EXECUTE NECESSARY RELATED
GRANT DOCUMENTS.

WHEREAS, the Citizens Housing and Community Development Committee
conducted a meeting on May 11, 1999, for the purpose of receiving public comments pertaining
to the 1999-2000 Fiscal Year Annual Action Plan, and

WHEREAS, a duly noticed public hearing was held by the City Council at its
meeting of May 18, 1999, to consider the submittal of an application to the U.S. Department of
Housing and Urban Development (HUD) pertaining to the 1999-2000 Fiscal Year Annual Action
Plan, describing how the City intends to spend federal assistance received from HUD in the areas
of Community Development, Housing Production, and Homeless Assistance, and

WHEREAS, notice of both of the above-referenced meetings were printed in the
Modesto Bee, and

WHEREAS, approval of the Annual Action Plan will result in the execution of
grant agreements between the City and HUD, and the receipt of over \$3.6 million dollars, and

WHEREAS, said funds will assist low and moderate-income persons and
neighborhoods, and will produce affordable housing for citizens,

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), the Home Investment Partnership (HOME) Program, and the Emergency Shelter Grant (ESG) is hereby approved, and a copy of said Annual Action Plan is on file in the office of the City Clerk.

2. That City staff is hereby authorized to submit an application for funds to the U.S. Department of Housing and Urban Development (HUD) as described in the 1999-2000 Fiscal Year Annual Action Plan.

3. That the City Manager or his authorized designee is hereby authorized to execute any and all documents necessary in relation to grant applications and/or agreements relating 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 18th day of May, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-235

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: AMENDMENT TO PRECISE PLAN FOR AREA NO. 25 PROPERTY LOCATED ON THE EAST SIDE OF MILLBROOK AVENUE SOUTH OF FLOYD AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (LOWE DEVELOPMENT)

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 Lowe Development for an amendment to the Precise Plan for Area No. 25, property located on the east side of Millbrook Avenue south of Floyd Avenue, and

WHEREAS, the applicant has applied for an amendment to the Precise Plan for Area No. 25 to allow development in the precise plan to utilize private streets, 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 99-28, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 99-34, adopted on April 19, 1999, and City staff, by a report dated May 3, 1999, from the Community Development Department, recommended to the City Council approval of the amendment to Precise Plan Area No. 25 of the Village One Specific Plan as set forth in said Resolution No. 99-34, property located on the east side of Millbrook Avenue south of Floyd Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 18, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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 99-28, entitled "City of Modesto Initial Study Amendment to Precise Plan No. 25", for the proposed project, and the Council hereby makes the following findings:

1. The proposed precise plan amendment is consistent with the Modesto Urban Area General Plan and the Village One Specific Plan.
2. 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.

3. 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.
4. 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.
5. The Initial Study, Environmental Assessment No. EA/CDD 99-28, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 99-28, entitled "City of Modesto Initial Study Amendment to Precise Plan No. 25", 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 May, 1999, 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, Dobbs, Fisher, Friedman, 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

INITIAL STUDY

EA/CDD 99-28

EXHIBIT "A"

City of Modesto
Initial Study

Amendment to Precise Plan No. 25

EA/CDD 99-28
April 7, 1999

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. 25
- 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 east side of Millbrook Avenue south of Floyd Avenue.

- E. Project Sponsor:
Lowe Development, 609 Cherry Hill Court, Modesto, CA 95356
- 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 Precise Plan No. 25 of the Village One Specific Plan to allow the already-approved single-family development to utilize public rather than private streets.
- I. Surrounding land uses:
The project is adjoined on the north by a currently-developing single-family subdivision, and to the south, east and west by vacant parcels designated in the Village One Specific Plan for residential development.
- J. Other public agencies whose approval is required:
None.

III. ANALYSIS OF CONFORMANCE WITH SECTION 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 development proposed by this precise plan amendment is consistent with the Village One Specific Plan in land use and intensity. The only change is to allow development to utilize public streets. Since the Village One Environmental Impact Report assumed that development in the specific plan would utilize public streets, the proposed amendment is entirely consistent with the Environmental Impact Report. 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 development proposed by this precise plan amendment is consistent with the Village One Specific Plan in land use and intensity, and the change to public streets does not result in any additional noise. 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 development proposed by the precise plan amendment 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 development proposed by the precise plan amendment is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. Population, Employment and Housing

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

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this precise plan amendment is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

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

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by the precise plan amendment is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

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

11. Fiscal Impacts

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

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development proposed by the precise plan amendment is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented

in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

- 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.

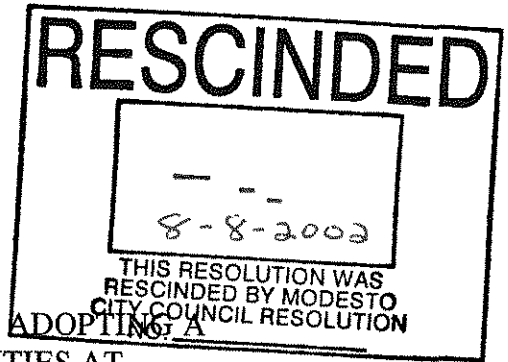
Signature:



Steve Mitchell,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 99-236

A RESOLUTION ESTABLISHING FEES AND ADOPTING A
USE AND FEE POLICY FOR USE OF FACILITIES AT
TUOLUMNE RIVER REGIONAL PARK.



WHEREAS, pursuant to an agenda report to the City Council dated May 10, 1999, the Community Services and Neighborhood Connections Department staff recommended to the Council certain fee assessments relating to the use of Tuolumne River Regional Park and a Use and Fee Policy, a copy of which report is marked Exhibit "A", attached hereto and incorporated as if set forth in full herein, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee's ad hoc fees committee was a part of the fee and policy development process, and

WHEREAS, pursuant to city staff recommendation, in order for the Tuolumne River Regional Park Fund to recover costs associated with providing facilities and services for reserved uses of the park facilities, fee increases are necessary, and graduating the increase over five years to reach the cost of service will minimize the impact to renters of the many unique facilities at Tuolumne River Regional Park, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on May 18, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said proposed fees and Use and Fee Policy for Tuolumne River Regional Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the fees and the Use and Fee Policy for Tolumne River Regional Park as set forth in Exhibit "B" attached hereto and incorporated herein by reference, with the exception of priorities 4, 5 and 6 which Council directed to be returned to City staff for revision.

BE IT FURTHER RESOLVED that this resolution shall become effective on July 1, 1999.

BE IT FURTHER RESOLVED that should any previous fees or documentation be in conflict with this resolution, the provisions of this resolution shall take precedence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Milich Asst
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"



CITY OF MODESTO

AGENDA REPORT

AGENDA ITEM NO.

COUNCIL MEETING:

05/18/99

May 10, 1999

TO: City Council
FROM: Community Services and Neighborhood Connections Department
SUBJECT: FEES FOR USE OF TUOLUMNE RIVER REGIONAL PARK

RECOMMENDED COUNCIL ACTION:

Hearing to consider fees for use of facilities at Tuolumne River Regional Park.

BACKGROUND:

As authorized by the Joint Powers Agreement between Stanislaus County and the cities of Ceres and Modesto, the City of Modesto has been responsible for calculation and recommendation of fees for various facilities and services at the Tuolumne River Regional Park. Facilities include: the American Legion Hall; TRRP A and B, Legion and Mancini picnic areas; the day camp area; and Mancini soccer fields. Services include special requests, such as additional staff, portable toilets and rental of City-owned equipment,

Current fees for TRRP were implemented in 1993 and no increases have occurred since that time. Since then, the City of Modesto has established fees for its facilities based on actual cost of service and has implemented a use policy that recognizes different types of use and graduates fees to provide lower cost to its co-sponsored programs, local non-profits and youth groups, and includes charges for a percent of event gross for fundraisers. In cases where cost of service greatly exceeded existing fees or what the market would bear, fees have been adjusted accordingly. This fee proposal is similarly constructed. The TRRP Citizens Advisory Committee's ad hoc fees committee was a part of the fee and policy development process as well.

Proposed Use and Fee Policy

The proposed policy recommends five priority categories for fee assessment.

- ◆ Priority 1 use fees would be based on resolutions, policies or written agreements.
- ◆ Priority 2 use fees would be 25% of the full fee for all reservable facilities and for all services provided (75% for fundraisers). This category includes programs and co-sponsored programs of the Joint Powers Agencies.
- ◆ Priority 3 use fees would be 50% of the full fee for all reservable facilities and for all services provided (100% for fundraisers). This category included other uses by the City of Modesto, Stanislaus County or the City of Ceres.
- ◆ Priority 4 users would pay the full fee for all reservable facilities and for all services provided (plus up to 5% of the event gross for fundraisers). Non-profit organizations and other public agencies are included in this category.
- ◆ Priority 5 users would pay the full fee for all reservable facilities and for all services provided. Fundraisers are not allowed. Private citizens are included in the category.

Proposed Use and Fee Policy and Proposed Fees

- ◆ Priority 6 users would pay the full fee for all reservable facilities and for all services provided (plus from 10-15% of event gross). Commercial for-profit groups are in this category.

The policy also includes reservation procedures, fees for services and deposits, cancellation and refund procedures, and responsibilities of renters.

Proposed Fees

Actual cost of service was calculated using the following cost categories as applicable:

- ◆ **Reservation Processing.** This category includes time spent by office staff to provide information, check availability, monitor payments due, apply cash payments and receipts, give out keys, receive keys returned, process refund requests, and follow up if payments and/or keys are late. For Legion Hall and Special Events, it also includes additional time to discuss requirements, send letters and documents, and provide special instructions.
- ◆ **Custodial Services.** (Legion Hall) The cost for the City of Modesto's Building Services staff to provide after event cleaning of facility and stocking of restroom supplies is included in custodial services.
- ◆ **Building Maintenance.** (Legion Hall) The City of Modesto's Building Services staff also provides on-going maintenance of the facility, to include HVAC service, maintenance of floors, fixtures and furniture, and repair to fixtures and furniture.
- ◆ **Facility Preparation.** (other than Legion Hall) This category includes costs to the City of Modesto's Parks Division staff to clean and otherwise prepare a facility for reserved use.
- ◆ **Utilities.** This category includes charges for electricity, gas and garbage, as applicable.
- ◆ **Capital Purchase.** Capital purchases include on-going replacement of fixtures and furniture that have a finite use-life, such as tables, chairs and restroom fixtures.
- ◆ **Miscellaneous.** This category includes infrastructure replacement ("depreciation") based on insurance-assessed replacement valued over 20 years and liability insurance attributed to the facility (by the City of Modesto Risk Manager).

Due to the disparity between existing fees and cost of service, proposed fees for 1999 are lower than actual costs. In all cases over the proposed five year schedule, fees reach estimated cost of service in year five. (A 2.5% increase in cost of service has been estimated annually.)

A new 4-hour use fee and fees based on type of use for Legion Hall have been proposed. Currently, there is one daily fee for Legion Hall, regardless of the type of event or its length. Implementing a 4-hour fee will accommodate meetings and shorter events with a lower fee. Fees have also been decreased for events that do not use the kitchen and increased for events where alcoholic beverages are served.

In addition, fees for use of the day camp area have been established. This fee is nominal for most current users, but will allow other groups and events to use this facility.

Impact

The majority of users at Legion Hall are private citizens hosting weddings, quinceañeras and other family events. Proposed fees for these groups increase from \$400 currently to \$500 for the remainder of 1999, up to \$925 in 2003 for an all day use. Based on benchmark data, these

Proposed Use and Fee Policy and Proposed Fees

fees are in line with or below other similar facilities. Other frequent users of Legion Hall include the American Legion (priority 1, fees set by agreement) and the City of Modesto Personnel Department (currently paying no fee, proposed fee of \$75).

Picnic area renters (private groups) would see an increase of \$25 per section (from \$25 to \$50) the first year, increasing to \$85 per section in year 2003. Local non-profit groups that host large events, such as the Hispanic Chamber of Commerce's Cinco de Mayo and the St. Andrew's Society's Highland Games, are currently paying \$200 per day to reserve TRRP A and B picnic areas, plus 5% of their gross. In 1998, the Hispanic Chamber paid \$550 and the St. Andrew's Society paid \$631 in gross receipts, in addition to daily rental fees. Proposed fees for both of these picnic areas are \$615 per day for these fundraising events. The new policy provides for a negotiated percent up to 5%. Lowering or waiving the required percent of gross could keep their fees at or near the current level.

Many large events request or require other services from the City of Modesto staff. Proposed fees for these services (revenue to the City for City staff or City equipment) have been not been increased or have seen an increase of approximately 2.5% for staff cost increases, which will result in minimal impact.

Attached is a copy of the proposed policy and fee schedule, including fee calculation worksheets.

TUOLUMNE RIVER REGIONAL PARK COMMISSION RECOMMENDATION:

The TRRP Commission met on April 20, 1999 and voted to recommend the proposed fee policy and fees.

REASON FOR RECOMMENDED ACTION:

In order for the Tuolumne River Regional Park Fund to recover costs associated with providing facilities and services for reserved uses of the park facilities, fee increases are necessary. Graduating the increase over five years to reach the cost of service will minimize the impact to renters of the many unique facilities at Tuolumne River Regional Park.

STEPS FOLLOWING APPROVAL:

Fees will become effective for all rentals made on or after July 1, 1999.

Recommended by: 
James E. Niskanen, Acting Director

Submitted by: _____
J. Edward Tewes, City Manager

EXHIBIT "B"

City of Modesto
Community Services and Neighborhood Connections Department

Tuolumne River Regional Park Use and Fee Policy

I. Authorities for TRRP Use and Fee Policy

A. The 1995 TRRP Inter Agency Task Force Report

General Finding # 6:An earmarked source of funding for the core infrastructure and traditional public access and use, supplemented by user fees, private investment, grants, growth impact fees and/or development bonds should be explored in order to create the opportunity for achieving the park systems vision.

B. The 1995 TRRP Inter Agency Task Force Report

General Recommendation - Long Term # 2:Under any type of District mechanism, the overall funding mix would likely include the following financing sources:

b. User Fees: Will go toward maintaining facilities and providing services of special nature (parking facilities, large group picnic facilities, reservation services, etc.). These services would be established at 100% of cost.

C. The 1995 TRRP Inter Agency Task Force Report

TRRP Task Force Short-Term Solutions # 3. Revise Use Policies and Fee Structures

a)User fees must be set at cost of service plus depreciation for all special services and uses such as facility reservation services and special events. Any special use that generates revenue should pay the cost of service PLUS a net revenue return to the TRRP fund. This would apply to all users including non-profits. The specific revenue return would be a negotiated amount based on a number of factors associated with the specifics of the use.

b)No total fee waivers will be approved including requests from non-profits and public agencies. Modesto, the County and Ceres could receive a reduced rate if cost offsets were provided, such as clean-up services. However, every user must pay a minimum rate to cover other direct and indirect costs such as utilities and depreciation.

c)Create additional fees categories for facility reservations and additional services in order to broaden the market for facility use and provide additional revenue potential and services at no additional cost.

D. The 1995 TRRP Inter Agency Task Force Report

TRRP Task Force Short-Term Solutions # 6. Create Additional Recreational, Educational, and Revenue Opportunities

c) Develop additional services to be offered through the reservation systems such as catering, decorating, entertainment, AV and other special equipment.

E. The 1995 TRRP Inter Agency Task Force Report

TRRP Task Force Short-Term Solutions # 8. Provide More Focused Management of Total Park Operations

a) Create a PARK SERVICES POSITION on an interim basis. This position will be dedicated to the following tasks:

* Develop the additional services to be offered through the reservation systems.

F. Agreement Between County of Stanislaus, City of Modesto and City of Ceres Relating To The Acquisition , Development and Operation of the Tuolumne River Regional Park - Dated February, 1972

Agreement, #5 states the following:

"Except as otherwise provided in this agreement, MODESTO shall have and exercise full and exclusive responsibility for the maintenance, operation and control of the Tuolumne River Regional Park, including the employment of all necessary personnel, and the adoption of all regulations necessary for said purposes. MODESTO may enter into contracts or agreements with third parties to carry out any of said purposes, subject to approval by the other parties hereto of the terms of such contracts or agreements. MODESTO is authorized to use its own personnel, equipment and supplies for the maintenance, operation and control of the park....."

II. Use Policy Actions

A. Mission Statement for Use Policy

The primary purpose of the TRRP facility rental program is to broaden the market and encourage and promote the use of TRRP facilities for a variety of positive and safe recreation, park and conservation pursuits, through an efficient and responsive delivery of quality service to public, non-profit, for-profit, and private citizens.

B Objectives for Use Policy

1. To standardize TRRP rental policies and procedures in accordance with other Department's managed rental programs.
2. To create a positive image of facility management by improving the functions and processes directly related to the facility rental services.
3. To encourage and increase use of rental facilities.
4. To provide well managed, safe and clean facilities that meet Health, Safety and Risk Management Standards.
5. To provide site and/or area supervision of facilities for rental use by regional residents.
6. To enable appropriate staff to make more informed decisions on facility reservations.
7. To generate revenue to offset 100% cost of service for rental facilities.
8. To ensure that all facilities are rented in accordance with TRRP policies and agreements.

C. Facility Rental Categories

1. Policy identifies various rental categories for the purpose of creating greater customer and staff convenience as follows:

- B Buildings
- G Picnic Areas
- H Sport Fields - Soccer
- I Special Community-Wide Events
- J Special Park/Facility Use, Parking Lots and Trails

D. Geographical Service Area for Facility Rentals

1. Policy supports a geographical service area that includes local and regional cities, counties, states and countries.

E. Allow and Increase Versatile Use of Rental Facilities

1. Policy allows for fundraisers³ by non-profit organizations and for-profit enterprises; and commercial⁴ events for-profit enterprises.

2. Policy permits Commercial for-profit events at specified sites.

F. Promote Guest Services for Rental Facility Users

1. The TRRP Inter Agency Task Force Report recommends creating a Park Services Position to develop additional services to be offered through the reservation system. Until implemented, the City of Modesto CSNC Department will continue to: 1) manage, supervise and facilitate the facility rental program, 2) carry-out the day to day procedural requirements relating to rental reservations, 3) coordinate major special events, and 4) carry-out any agreement negotiations; and the O&M Department will continue to: 1) provide direct site and/or area supervision during rental use, and 2) site and/or facility maintenance and repair.

2. Policy provides for the preparation of a RFP for the establishment of a catering pool to provide service for users and a % of the gross for TRRP.

³ Fundraiser Event: An event that a public or non-profit organization conducts with the intent to collect more money than the actual event expense for the purpose of business operation and/or charitable work of the organization. A For-Profit Enterprise will be permitted to conduct a fundraiser if the Enterprise pays in-full the event costs and donates all funds raised either to the CSNC Department for specific programs and/or to a non-profit organization, that is approved of, in advance by the CSNC Department, for charitable work of that organization. A statement of expenses and revenue must be provided to the CSNC Department.

⁴ Commercial Event: An event that a For-Profit Enterprise conducts for the sole purpose of making a profit. All commercial events are managed by the Centre Plaza management team.

G. Develop a Marketing Strategy

1. Policy allows for brochures, paid ads, logo design and other types of marketing techniques for the promotion of TRRP facilities.
2. Policy allows for research into a variety of techniques for accessing and making rental payments, i.e., Internet, fax, telephone access and credit card, ATM, automatic checking payment.

III. Priority of Use and Fee Policy

Use Priority		Rental Fee Policy	
#1	Resolution, Policy, or Written Agreement	#1	Usage Fee Per Resolution, Policy, or Written Agreement
#2	City of Modesto, City of Ceres, and Stanislaus County (Joint Power Agencies) Department Programs and/or Co-sponsored Programs	#2	25% of Full Fee for all reservable facilities and services Fundraiser: 75 % of Full Fee for all reservable facilities and services sub 1, sub 2, sub 6, sub 11, sub 12, sub 13, sub 14, sub 17
#3	City of Modesto, City of Ceres, Stanislaus County	#3	50% of Full Fee for all reservable facilities and services Fundraiser: 100% of Full Fee for all reservable facilities and services sub 3, sub 4, sub 11, sub 13, sub 14
#4	Non-Profit and Public Organizations	#4	100% of Full Fee for all reservable facilities and services Fundraiser: 100% of Full Fee for all reservable facilities and services, plus 0-5% of event gross Fundraiser - Ticketed Event: 100% of Full Fee for all reservable facilities and services, plus 0-5% of event gross and/or 0-5% of gross ticket sales, whichever is greater. sub 10, sub 11, sub 12, sub 13, sub 14
#5	Private Citizens	#5	100% of Full Fee for all reservable facilities and services sub 11, sub 12, sub 14

<p>#6 Commercial For-Profit</p>	<p>#6 100% of Full Fee for all reservable facilities and services, plus 10-15% of event gross income</p> <p>Ticketed Event: 100% of Full Fee for all reservable facilities and services, plus 10-15% of event gross and/or 10% of gross ticket sales, whichever is greater.</p> <p>Sub 11, sub 12, sub 13, sub 14, sub 15</p>
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- sub 1 Co-sponsored Program: Program that: 1) is initiated by any joint power agency, 2) is in collaboration and/or partnership with any joint power agency, or 3) has met specific criteria as set forth by any joint power agency and a written agreement and/or contract has been negotiated and approved.
- sub 2 Joint Power Agency staff meetings and other functions where staff attendance is required.
- sub 3 Joint Power Agency Adult Sport Leagues - Facilities only during period of time league is conducted. Team must be verifiable on a current league roster.
- sub 4 Joint Power Agency functions/activities where staff attendance is not required, but approved by Department.
- sub 6 Legion Hall available for use in this category, Monday through Thursday, day and evening use, and Friday, day use, ONLY.
- sub 10 Proof of tax-exempt status required.
- sub 11 Facility Supervisor may be required and if so, cost is included in rental fee.
- sub 12 Insurance certificate and hold harmless agreement as required by Risk Manager must be submitted prior to usage. This requirement may be waived for specific Public Entities.
- sub 13 Fundraiser Event: An event that a public or non-profit organization conducts with the intent to collect more money than the actual event expense for the purpose of business operation and/or charitable work of the organization. A For-Profit Enterprise will be permitted to conduct a fundraiser if the Enterprise pays in-full the event costs and donates all funds raised either to the CSNC Department for specific programs and/or to a non-profit organization, that is approved of, in advance by the CSNC Department, for charitable work of that organization. A statement of expenses and revenue must be provided to the CSNC Department.
- sub 14 Security services are required for all fundraiser and commercial events and any time liquor is served/sold, unless waived by TRRP management staff. User must arrange for security services at additional cost to user.
- sub 15 Commercial Event: An event that a For-Profit Enterprise conducts for the sole purpose of making a profit. All commercial events are managed by the Centre Plaza management team.
- sub 17 Cost of service must be offset as negotiated with in-kind service such as facility clean-up.

IV. Rental Facility Uses Not Granted

- A. Any use by an individual or organization for the commission of any act intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means.
- B. Any use by an individual or organization for the commission of any act which is prohibited by law or for the commission of any crime.
- C. Any use which is inconsistent with the designed use of the rental facility/area.
- D. Any use which is discriminatory in the legal sense.
- E. Any use which involves the possession, consumption, or sale of any restricted substance. (Note: Permission, upon advance request, may be granted for the sale of alcoholic beverages only at designated facilities/ sites and must be approved by the Alcohol Beverage Control.)
- F. Any use by minors under the age of eighteen (18), unless Department approved chaperons, over 18 years of age, are present at all times. Chaperon's name, phone number and address will be required in writing for each chaperon, 30 days prior to the scheduled booking.
- G. Any use for casino or Las Vegas gambling type events.
- H. Any organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.
- I. Any previous violation of TRRP policies, procedures or regulations governing the use of TRRP rental facilities.
The CSNC Director and/or designee reserves the right to cancel and terminate a permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit on the part of the permittee.
Should any violation occur during rental time by permittee, the CSNC Director and/or designee, at its discretion, shall have the right to deny any future requests by the permittee for use of any other TRRP property or facilities.
- J. Any use of facility for which a fee has not been paid. If a group wishes to set up early for an event, they must reserve and pay for that time in advance, as specified.

V. TRRP Rental Facilities Reservation Procedures

A. Reservation Booking and Payment

Reservation booking can be requested thirteen (13) months in advance after the first day of each month. Fifty percent (50%) of the rental fee must be paid at the time of rental reservation booking, with the balance of all applicable fees (i.e., cleaning/deposit, set-up and flat fees) to be paid prior to ninety (90) days of the rental event date or the rental booking will be cancelled. If rental reservation booking is done by telephone, the fifty percent (50%) rental fee must be paid by credit card ONLY.

If signature renter wishes to walk-through rental facility prior to reservation booking, this can be arranged. If signature renter does a walk-through after reservation booking and decides facility does not meet renter's needs, reservation cancellation policy is in effect.

If booking is made thirty (30) days or less, prior to requested rental time, rental request must be reviewed by supervisor for approval. If approved, all fees due must be paid in full in cash and/or cash equivalent only at time of booking.

The CSNC Director has the right to waive any proposed rental reservation booking fee if it is deemed that services rendered are sufficient to cover fee. Director's decision shall be final.

The CSNC Department, as rental manager of TRRP facilities, will make every effort to accommodate reservation booking; however, in the event of an error and/or any other situation rendering the rental facility not useable by the renter, the Joint Power Agencies shall not be liable for damage to the renter in excess of the amount of the rental fee paid for the facility.

B. Facility Set-Up Fee

If signature renter wishes to have rental facility set-up, a facility set-up fee will be charged. If requested, this fee is payable at the same time as the balance of all applicable fees.

C. Flat Fees

- A. Alcohol Beverage Permit \$20.00
- B. Cancellation Admin Fee \$25.00
- C. Call Back Duty Fee \$64.00

D. Cleaning/Damage Deposit and Refunds

A cleaning/damage deposit of \$100 or one-half (1/2) of the facility rental fee, whichever is greater, may be charged.

Cleaning/Damage: If the rental facility requires cleaning beyond normal facility maintenance, if the rental facility has been damaged as a result of the renter's use, or if renter uses facility beyond hours booked, the cleaning/damage deposit is subject to partial or no refund and shall constitute adequate grounds for denying facility use in the future.

Should facility damage/ cleaning costs or hours of use exceed the deposit, the signature renter will be billed for actual costs incurred beyond the deposit.

If renter is eligible for full or partial deposit refund, the renter can obtain refund in the same method that the rental fee was paid with the exception of cash and ATM, which will always be refunded by check.

Refund time as follows:

Credit Card - will be completed within 3-4 business days

Check - will be completed within 10-14 business days

E. Reservation Key Deposit and Refund

In facility rentals, where applicable, a key deposit fee of \$25 will be charged of signature renter at the time of key issue. Key pick-up permitted one (1) business day prior to scheduled rental time.

If key is returned in-person within two (2) business days after scheduled rental, deposit will be refunded in full. If returned after two(2) or more business days after scheduled rental, 50% of deposit will be refunded and shall constitute adequate grounds for denying facility use in the future.

F. Reservation Cancellation Procedure

Date booking fee is due until one-hundred and eighty (180) days prior to scheduled rental time, 25% of rental fee is assessed the renter.

Date booking fee is due, between one-hundred and seventy-nine (179) days and until thirty (30) days prior to scheduled rental time, 50% of rental fee is assessed the renter.

Date booking fee is due, between twenty-nine (29) days or less prior to scheduled rental time, 100% of rental fee is assess the renter.

After canceling rental booking, if the signature renter wishes to leave reservation booking fee in place with the CSNC Department, and the rental facility is booked by another user group during the same rental date/time and for the same rental fee, a full refund, minus a cancellation admin fee, will be granted. If the rebooking rental fee is less, then the cancellation fee assessed will be for the specified day period that cancellation is submitted, and/or the actual difference between rental fees, whichever is greater.

G. Customer Service Refunds⁵

A full refund of any fee collected will be refunded in full in the following situations:

1. If the CSNC Department deems that inclement weather prohibited the use of the rental facility,
2. If the signature renter submits a signed physicians release form indicating that the signature renter can not fulfill rental obligations due to physical impairment,
3. If it is determined that the CSNC Department was in error in processing the rental contract for: 1) double booking, 2) failure to open facility, 3) incorrect key issued, 4) dissatisfaction with the cleanliness of facility, or
4. If, for any reason, the CSNC Director and/or designee deems that a full refund is in the best interest of the Joint Power Agencies.

H. Rental Facility Waiting List

If rental facility is booked at time of request, requesting party is eligible for placement on waiting list. If facility rental reservation is cancelled on requested date, waiting list requester will be contacted.

I. Required Rental Permits, Licenses, Authorizations by City, County or State Laws (Permit types may include, but not be limited to the following: Dance, ABC, Insurance, Security)

It is the signature renter's responsibility to submit any and all required rental permits to the CSNC Department twenty (20) business days prior to scheduled rental. Without proper permits, rental use of the facility will be subject to cancellation without reservation fee refund.

⁵ Customer service refunds DO NOT APPLY TO WALK-THROUGH done after booking fee is paid.

J. Signature Renter Responsibilities

1. Shall be present for the entire event duration.
2. Shall be the responsible party for any damage or breakage sustained by the facility or premise. (Should damage or breakage occur, responsibility for repair will be that of the O&M Department and will be made to Department specifications.)
3. Shall be the responsible party for any cleaning/damage fee charged should facility not be left in reasonable condition as found - general cleanup of area including disposal of garbage.
4. Shall be responsible for the implementation of all facility rules and regulations.
5. Shall be responsible for securing facility upon leaving the premise, where applicable.
6. Shall permit inspection by the Fire, Police, and Community Services and Neighborhood Connections Department at all times.
7. Shall set up facility for group's needs, unless facility set-up is requested in advance and the set-up fee has been included in the booking fee.
8. Shall be responsible for removing any or all equipment, merchandise, property, debris, etc., brought in by said renter, immediately after use and within paid rental time, or the Department reserves the right to remove said items and dispose of and charge renter for additional costs.
9. Shall ensure that facility seating/standing capacities are adhered to.
10. Shall ensure that liquor or smoking does not occur where not permitted and shall ensure that at no time will illegal substances be permitted.
11. Shall not sub-let reservation booking to any other party.
12. Shall not use flammable materials such as bunting, tissue paper, crepe paper, etc. for the purpose of decorating. All materials used for decorating purposes must be approved by the Fire Department.

Tuolumne River Regional Park
Proposed Fees based on Cost of Service
American Legion Hall

	Priority 2		Priority 3		Priority 4, 5 & 6 *	
	reg. use	fundraiser	reg. use	fundraiser	reg. use	fundraiser
Per 4 hours						
Group A (load-in, meetings, other uses without kitchen)						
1999 Fee	\$75	\$225	\$150	\$300	\$300	\$300
2000 Fee	\$81	\$244	\$163	\$325	\$325	\$325
2001 Fee	\$88	\$263	\$175	\$350	\$350	\$350
2002 Fee	\$94	\$281	\$188	\$375	\$375	\$375
2003 Fee	\$100	\$300	\$200	\$400	\$400	\$400
Group B (use of kitchen, no alcoholic beverages)						
1999 Fee	\$88	\$263	\$175	\$350	\$350	\$350
2000 Fee	\$94	\$281	\$188	\$375	\$375	\$375
2001 Fee	\$100	\$300	\$200	\$400	\$400	\$400
2002 Fee	\$119	\$356	\$238	\$475	\$475	\$475
2003 Fee	\$125	\$375	\$250	\$500	\$500	\$500
All other uses						
1999 Fee	\$100	\$300	\$200	\$400	\$400	\$400
2000 Fee	\$106	\$319	\$213	\$425	\$425	\$425
2001 Fee	\$113	\$338	\$225	\$450	\$450	\$450
2002 Fee	\$119	\$356	\$238	\$475	\$475	\$475
2003 Fee	\$138	\$413	\$275	\$550	\$550	\$550
All Day						
Group A (load-in, meetings, other uses without kitchen)						
1999 Fee	\$100	\$300	\$200	\$400	\$400	\$400
2000 Fee	\$125	\$375	\$250	\$500	\$500	\$500
2001 Fee	\$150	\$450	\$300	\$600	\$600	\$600
2002 Fee	\$175	\$525	\$350	\$700	\$700	\$700
2003 Fee	\$200	\$600	\$400	\$800	\$800	\$800
Group B (use of kitchen, no alcoholic beverages)						
1999 Fee	\$113	\$338	\$225	\$450	\$450	\$450
2000 Fee	\$138	\$413	\$275	\$550	\$550	\$550
2001 Fee	\$163	\$488	\$325	\$650	\$650	\$650
2002 Fee	\$188	\$563	\$375	\$750	\$750	\$750
2003 Fee	\$213	\$638	\$425	\$850	\$850	\$850
All other uses						
1999 Fee	\$125	\$375	\$250	\$500	\$500	\$500
2000 Fee	\$156	\$469	\$313	\$625	\$625	\$625
2001 Fee	\$188	\$563	\$375	\$750	\$750	\$750
2002 Fee	\$219	\$656	\$438	\$875	\$875	\$875
2003 Fee	\$231	\$694	\$463	\$925	\$925	\$925

* Fundraiser fee also included negotiated % of event gross

Note: Priority 1 Use Fees are set by Resolution, Policy or Written Agreement

Tuolumne River Regional Park
Proposed Fees based on Cost of Service
Picnic Areas

	Priority 2		Priority 3		Priority 4, 5 & 6 *	
	reg. use	fundraiser	reg. use	fundraiser	reg. use	fundraiser
Mancini or Legion, 10am-3pm or 5pm-10pm						
1999 Fee	\$13	\$38	\$25	\$50	\$50	\$50
2000 Fee	\$15	\$45	\$30	\$60	\$60	\$60
2001 Fee	\$18	\$53	\$35	\$70	\$70	\$70
2002 Fee	\$20	\$60	\$40	\$80	\$80	\$80
2003 Fee	\$21	\$64	\$43	\$85	\$85	\$85
Mancini or Legion, all day						
1999 Fee	\$15	\$45	\$30	\$60	\$60	\$60
2000 Fee	\$18	\$53	\$35	\$70	\$70	\$70
2001 Fee	\$20	\$60	\$40	\$80	\$80	\$80
2002 Fee	\$23	\$68	\$45	\$90	\$90	\$90
2003 Fee	\$24	\$71	\$48	\$95	\$95	\$95
Area A or B, per section, 10am-3pm or 5pm-10pm						
1999 Fee	\$13	\$38	\$25	\$50	\$50	\$50
2000 Fee	\$15	\$45	\$30	\$60	\$60	\$60
2001 Fee	\$18	\$53	\$35	\$70	\$70	\$70
2002 Fee	\$20	\$60	\$40	\$80	\$80	\$80
2003 Fee	\$21	\$64	\$43	\$85	\$85	\$85
Area A or B, per section, all day						
1999 Fee	\$15	\$45	\$30	\$60	\$60	\$60
2000 Fee	\$18	\$53	\$35	\$70	\$70	\$70
2001 Fee	\$20	\$60	\$40	\$80	\$80	\$80
2002 Fee	\$23	\$68	\$45	\$90	\$90	\$90
2003 Fee	\$24	\$71	\$48	\$95	\$95	\$95
Area A, 10am-3pm or 5pm-10pm						
1999 Fee	\$31	\$94	\$63	\$125	\$125	\$125
2000 Fee	\$35	\$105	\$70	\$140	\$140	\$140
2001 Fee	\$40	\$120	\$80	\$160	\$160	\$160
2002 Fee	\$45	\$135	\$90	\$180	\$180	\$180
2003 Fee	\$51	\$154	\$103	\$205	\$205	\$205
Area A, all day						
1999 Fee	\$44	\$131	\$88	\$175	\$175	\$175
2000 Fee	\$49	\$146	\$98	\$195	\$195	\$195
2001 Fee	\$54	\$161	\$108	\$215	\$215	\$215
2002 Fee	\$60	\$180	\$120	\$240	\$240	\$240
2003 Fee	\$66	\$199	\$133	\$265	\$265	\$265
Area B, 10am-3pm or 5pm-10pm						
1999 Fee	\$50	\$150	\$100	\$200	\$200	\$200
2000 Fee	\$56	\$169	\$113	\$225	\$225	\$225
2001 Fee	\$63	\$188	\$125	\$250	\$250	\$250
2002 Fee	\$69	\$206	\$138	\$275	\$275	\$275
2003 Fee	\$75	\$225	\$150	\$300	\$300	\$300
Area B, all day						
1999 Fee	\$63	\$188	\$125	\$225	\$250	\$250
2000 Fee	\$69	\$206	\$138	\$250	\$275	\$275
2001 Fee	\$75	\$225	\$150	\$300	\$300	\$300
2002 Fee	\$81	\$244	\$163	\$325	\$325	\$325
2003 Fee	\$88	\$263	\$175	\$350	\$350	\$350

* Fundraiser fee also included negotiated % of event gross
Note: Priority 1 Use Fees are set by Resolution, Policy or Written Agreement

Tuolumne River Regional Park
Proposed Fees based on Cost of Service

Facility	Priority 2		Priority 3		Priority 4, 5 & 6 *	
	reg. use	fundraiser	reg. use	fundraiser	reg. use	fundraiser
Soccerfields						
Per field, per 2 hours						
1999 Fee	\$6	\$19	\$13	\$25	\$25	\$25
2000 Fee	\$7	\$20	\$13	\$26	\$26	\$26
2001 Fee	\$7	\$20	\$14	\$27	\$27	\$27
2002 Fee	\$7	\$21	\$14	\$28	\$28	\$28
2003 Fee	\$7	\$22	\$15	\$29	\$29	\$29
each consecutive 2 hours						
1999 Fee	\$3	\$8	\$5	\$10	\$10	\$10
2000 Fee	\$3	\$8	\$6	\$11	\$11	\$11
2001 Fee	\$3	\$9	\$6	\$12	\$12	\$12
2002 Fee	\$3	\$10	\$7	\$13	\$13	\$13
2003 Fee	\$4	\$11	\$7	\$14	\$14	\$14
Day Camp						
1 pod, all day						
1999 Fee	\$3	\$8	\$5	\$10	\$10	\$10
2000 Fee	\$3	\$9	\$6	\$12	\$12	\$12
2001 Fee	\$4	\$11	\$7	\$14	\$14	\$14
2002 Fee	\$4	\$12	\$8	\$16	\$16	\$16
2003 Fee	\$5	\$14	\$9	\$18	\$18	\$18
3 pods, all day						
1999 Fee	\$6	\$19	\$13	\$25	\$25	\$25
2000 Fee	\$8	\$24	\$16	\$32	\$32	\$32
2001 Fee	\$10	\$30	\$20	\$40	\$40	\$40
2002 Fee	\$12	\$36	\$24	\$48	\$48	\$48
2003 Fee	\$14	\$41	\$28	\$55	\$55	\$55
all (6 pods), all day						
1999 Fee	\$13	\$38	\$25	\$50	\$50	\$50
2000 Fee	\$16	\$48	\$32	\$64	\$64	\$64
2001 Fee	\$20	\$60	\$40	\$80	\$80	\$80
2002 Fee	\$24	\$72	\$48	\$96	\$96	\$96
2003 Fee	\$28	\$83	\$55	\$110	\$110	\$110
Special Event Services	(1)	(2)	(3)	(4)	(4)	(4)

- (1) Fees charged at 25% of actual costs on attached table
- (2) Fees charged at 75% of actual costs on attached table
- (3) Fees charged at 50% of actual cost on attached table
- (4) Fees charged at 100% of actual cost on attached table

* Fundraiser fee also included negotiated % of event gross

Note: Priority 1 Use Fees are set by Resolution, Policy or Written Agreement

TUOLUMNE RIVER REGIONAL PARK
SPECIAL EVENTS, DAY CAMP, OTHER SPECIAL USES
COST OF SERVICE

	# hours	Hourly Rate	Total Salary	% Benefits	Total Benefits	Overhead @ 15% of sal.	\$ Subtotal
I. RESERVATION PROCESSING							
Office Staff	1.15	\$12.27	\$14.11	49.70%	\$7.01	\$2.12	\$23.24
II. NEGOTIATED SERVICES PER HOUR							
Event Attendant	1.00	\$12.44	\$12.44	9.00%	\$1.12	\$1.87	\$15.43
Maintenance Worker II	1.00	\$16.28	\$16.28	56.14%	\$9.14	\$2.44	\$27.86
Maintenance Mechanic	1.00	\$18.42	\$18.42	56.14%	\$10.34	\$2.76	\$31.52
Parks Crewleader	1.00	\$17.97	\$17.97	56.14%	\$10.09	\$2.70	\$30.75
Parks Supervisor I	1.00	\$22.38	\$22.38	56.14%	\$12.56	\$3.36	\$38.30
Parks Superintendent	1.00	\$30.86	\$30.86	56.14%	\$17.32	\$4.63	\$52.81
Operations Supervisor	1.00	\$26.74	\$26.74	56.14%	\$15.01	\$4.01	\$45.76
Events Supervisor	1.00	\$22.49	\$22.49	56.14%	\$12.63	\$3.37	\$38.49
Service Worker I	1.00	\$10.18	\$10.18	9.00%	\$0.92	\$1.53	\$12.62
Cashier	1.00	\$7.03	\$7.03	9.00%	\$0.63	\$1.05	\$8.72
Police Reserve Level I	1.00	\$14.00	\$14.00	9.00%	\$1.26	\$2.10	\$17.36
Police Reserve Level II	1.00	\$13.00	\$13.00	9.00%	\$1.17	\$1.95	\$16.12
Crew Cab Pickup	1.00	\$2.96					\$2.96
Pickup Truck	1.00	\$1.62					\$1.62
Utility Vehicle	1.00	\$1.31					\$1.31
Parking Lot Sweeper	1.00	\$1.82					\$1.82
Blower	1.00	\$1.29					\$1.29
III. NEGOTIATED SERVICES PER EVENT							
Portable Restroom Rental (per unit)							\$50.00

(Fees are in addition to fees charged for reservable facilities. Reservation processing fee should be charged for both facility and special event.)

TUOLUMNE RIVER REGIONAL PARK
 AMERICAN LEGION HALL
 COST OF SERVICE FOR ALL-DAY EVENT (8:00 a.m. to 1:00 a.m.)

I. RESERVATION PROCESSING	# hours	Hourly Rate	Total Salary	% Benefits	Total Benefits	\$ Subtotal	Category Total
Office Staff	0.7	\$12.27	\$8.59	49.70%	\$4.27	\$12.86	
Overhead @ 15% of salaries						\$1.29	\$14.15
		Annual Cost		# Uses per year		Cost per use	
II. CUSTODIAL SERVICES							
Bldg Svces Charges		\$23,841.00		100		\$238.41	
Supplies		\$3,924.00		132		\$29.73	\$268.14
III. BUILDING MAINTENANCE							
Bldg Svces Charges		\$30,325.00		132		\$229.73	
Repair & Maintenance		\$9,093.00		132		\$68.89	
HVAC Repair		\$2,963.00		132		\$22.45	
Electrical Supplies		\$2,500.00		132		\$18.94	
Misc. Supplies		\$10,878.00		132		\$82.41	\$422.42
IV. UTILITIES							
Telephone		\$508.00		365		\$1.39	
PG&E		\$5,583.00		365		\$15.30	
Garbage		\$4,000.00		127		\$31.50	
Electricity		\$2,205.00		365		\$6.04	\$54.22
V. CAPITAL PURCHASE							
Tables & Chairs		\$2,815.00		132		\$21.33	\$21.33
VI. MISCELLANEOUS							
Infrastructure Replacement (Depreciation)		\$30,825.00		365		\$84.45	
Liability Insurance		\$2,174.00		132		\$16.47	\$100.92
TOTAL COST OF SERVICE							\$881.17

Note: Cost for Set-up prior to events, use by government agencies and American Legion regular uses is \$467.39 (Cost of Service less charges for garbage, custodial staff and reservation processing).

TUOLUMNE RIVER REGIONAL PARK
 PICNIC AREAS (PER SECTION)
 COST OF SERVICE

	# hours	Hourly Rate	Total Salary	% Benefits	Total Benefits	\$ Subtotal	Category Total
HOURLY COSTS							
I. RESERVATION PROCESSING							
Office Staff	0.4	\$12.27	\$4.91	49.70%	\$2.44	\$7.35	
II. FACILITY PREPARATION							
Maintenance Worker II	1.4	\$16.28	\$22.79	56.14%	\$12.80	\$35.59	
Crew Cab Pickup	0.7	\$2.96				\$2.07	
Overhead @ 15% of Salaries						\$4.16	
							\$49.16

COSTS BASED ON NUMBER OF USES

	Annual Cost	Potential # Uses per year	Cost per use	
III. UTILITIES	\$3,700.00	720	\$5.14	
IV. CLEANING SUPPLIES	\$664.35	720	\$0.92	
V. REPAIR AND MAINTENANCE	\$1,725.25	720	\$2.40	
VI. GARBAGE/DUMP FEES	\$515.00	720	\$0.72	
VII. INFRASTRUCTURE REPLACEMENT VALUE	\$6,689.74	720	\$9.29	\$18.46

TOTAL COST OF SERVICE	1section	Area A	Area B
10AM-3PM or 5PM-10PM	\$67.63	\$185.99	\$245.17
All Day	\$86.09	\$241.37	\$319.01

TUOLUMNE RIVER REGIONAL PARK
 DAY CAMP (PER POD)
 COST OF SERVICE

	# hours	Hourly Rate	Total Salary	% Benefits	Total Benefits	\$ Subtotal	Category Total
HOURLY COSTS							
I. RESERVATION PROCESSING							
Office Staff	0.4	\$12.27	\$4.91	49.70%	\$2.44	\$7.35	
II. FACILITY PREPARATION							
Maintenance Worker II	0.2	\$16.28	\$3.26	56.14%	\$1.83	\$5.08	
Crew Cab Pickup	0.1	\$2.96				\$0.30	
Overhead @ 15% of Salaries						\$1.22	
							\$13.95
COSTS BASED ON NUMBER OF USES							
		Annual Cost		Potential # Uses per year		Cost per use	
V. REPAIR AND MAINTENANCE		\$345.00		720		\$0.48	
VI. GARBAGE/DUMP FEES		\$100.00		720		\$0.14	
VII. INFRASTRUCTURE REPLACEMENT VALUE		\$1,334.00		720		\$1.85	\$2.47
TOTAL COST OF SERVICE							
All Day		1 pod \$16.42		3 pods \$49.27		All (6 pods) \$98.54	

MODESTO CITY COUNCIL
RESOLUTION NO. 99-237

A RESOLUTION AMENDING RESOLUTION 88-649, AS AMENDED,
APPROVING COMPREHENSIVE UPDATE OF
CAPITAL FACILITIES FEES PROGRAM

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the current CFF are set forth in City Council Resolution 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, 98-654 and

WHEREAS, the above-referenced resolutions previously adopted the current fees for City facilities based on capital programs associated with each category of facilities, including police, fire, parks, transit, streets, air quality, and governmental facilities and, in addition, included fees necessary to pay for the administration of the CFF program and the Update Report has developed and documented revised capital programs for these categories, and

WHEREAS, since the adoption of the existing fees pursuant to the above-referenced resolutions, the City has received a report entitled Final CFF Update Report, revised April 26, 1999, from Townhall Associates, and recommendations from City contract employee Charles Long in a memorandum dated April 26, 1999 which present documentation and recommendations necessary to update the above-referenced capital programs and fees levied on future development necessary to serve development that occurs consistent with the City's 1995 General Plan, and

WHEREAS, the above mentioned report and memorandum have been made available for public inspection, and may be viewed during business hours in the Office of the City Clerk, and these documents establish the factual basis for adjusting or creating fees in accordance with their recommendations, and set forth the relationship between contemplated future development and necessary capital facilities, and

WHEREAS, the Council received and considered a memorandum of May 18, 1999 from Charles A. Long setting forth modified recommendations to those set forth in the April 26 report, specifically 1) that consideration of the Industrial and Warehouse fees be delayed until July 20, 1999; 2) that the effective date of all other new fees (except previously approved new fees for residential) be modified to September 1, 1999; and, 3) that improved vacant lots as of December 8, 1998 be charged the vested lot fee through March 1, 2001, and

WHEREAS, the fees collected pursuant to this resolution shall be used to finance the municipal facilities identified in the above-referenced report and memorandum, which are incorporated herein by this reference, and

WHEREAS, Initial Study CDD 98-62 has been prepared on the CFF Update and has concluded, in essence, that the CFF Update is within the scope of the Master Environmental Impact Report prepared on the City's General Plan in 1995 and that there are no new impacts not previously identified and no new environmental documentation is required, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on May 18, 1999 in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held, and

WHEREAS, after considering the above-referenced report and memorandum, and the testimony received at a public hearing held on May 18, 1999 the City Council hereby approves and adopts the subject report and memorandum, and incorporates the same herein, and further finds that future development in the City of Modesto as set forth in the reports and memorandum will generate additional demands on municipal services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, and 98-654 is hereby amended to read as follows:

Paragraph 2. Capital Facilities Fee Determination

A. Overview of Fee Determination: The Capital Facilities Fees levied by the City shall be the result of three factors described in this paragraph:

1. The Full Recovery Fees reflect the full cost allocation to each category of new development of capital facilities necessary to serve growth.
2. The Phase-In Program describes how fees will increase from the fee level existing in 1998 to the Full Recovery level.
3. Automatic annual inflation adjustment will escalate fees by the amount of inflation.

The remaining sections authorize and direct the implementation of these three factors.

B. Full recovery fees: The Full Recovery Capital Facilities Fees levied on each category of development in the City of Modesto shall be the sum of two components:

1. Fees for Community Facilities as set forth in Table 1 show the Full Recovery Fees for Community Facilities for each of the categories of development shown in the table, and
2. Fees for Transportation Facilities as set forth in the Table 2 show the Full Recovery Fees for Transportation Facilities for each of the categories of development shown in the table.

NOTE THAT NEW FEES FOR INDUSTRIAL AND WAREHOUSE USES WILL BE CONSIDERED ON JULY 20, 1999 AND, CONSEQUENTLY, FEES FOR THESE USES WILL REMAIN THE SAME UNTIL COUNCIL ACTION ON JULY 20, 1999.

Categories of land use type shown in Tables 1 and 2 are described in the Land Use Categories Definitions (Paragraph 2 (F)) of this resolution. Uses not specifically described in the Land Use Categories Definitions shall be charged at rates to be determined by the Director of Community Development, using trip generation estimates acceptable to the Director.

Table 1
CFF Full Recovery Fee Schedule
Community Facilities

Land Use	Facility						
	Fire	Parks	Police	City Hall and Other Facilities	Subtotal	Admin- istration*	Total
RESIDENTIAL (fee/dwelling unit)							
Single family detached	\$139	\$2,022	\$346	\$416	\$2,923	\$93	\$3,016
Medium-density	111	1,618	277	333	2,339	74	2,413
Multi-family	83	1,213	208	250	1,754	56	1,810
NON-RESIDENTIAL (fee per 1,000 square feet)							
Office	54	0	133	160	347	83	430
Commercial	32	0	80	96	208	75	283
Industrial/Warehouse	Fee changes will considered July 20, 1999						

* The total fee for administrative purposes; no additional administration fee is included in Transportation CFF.

**TABLE 2
CFF FULL RECOVERY FEE SCHEDULE
TRANSPORTATION FACILITIES**

Land Use Category	Peak Hour Trip Ends ¹	Adjustment Factor ²	Adjusted Peak Hour Trips ³	Streets	Public Transit	Air Quality	Total
RESIDENTIAL Per Dwelling Unit							
Single Family	1.00 / du	1.0	1.00	\$ 2,726	\$ 96	\$ 56	\$ 2,878
All non-Single Family	0.62 / du	1.0	.62	\$ 1,690	\$ 60	\$ 35	\$ 1,785
Senior Housing	0.27 / du	1.0	.27	\$ 736	\$ 26	\$ 15	\$ 777
NON-RESIDENTIAL Per 1,000 square feet of development							
Office							
General Office	2.00	0.75	1.5	\$ 4,089	\$ 144	\$ 84	\$ 4,317
Medical Office	3.66	0.75	2.745	\$ 7,483	\$ 264	\$ 154	\$ 7,901
Industrial/Warehouse	0.59	0.75	.442	Fees changes will be considered July 20, 1999			
Commercial							
Small Retail (<50,000 sf)	10.06	0.15	1.51	\$ 4,114	\$ 145	\$ 85	\$ 4,344
Medium Retail (50-100,000 sf)	6.92	0.20	1.38	\$ 3,948	\$ 139	\$ 81	\$ 4,168 ⁴
Shopping Center (100-300,000 sf)	5.47	0.30	1.64				
Shopping Mall (>300,000 sf)	3.77	0.35	1.32				
Other⁵							
Church (Industrial/Warehouse)	0.66	0.15	.10	\$ 270	\$ 10	\$ 6	\$ 286
Day Care Center (Commercial)	13.20	0.05	.66	\$ 1,799	\$ 63	\$ 37	\$ 1,899
Hospital (Office)	0.92	0.75	.69	\$ 1,881	\$ 66	\$ 39	\$ 1,986
Mini-Warehouse (Industrial/Warehouse)	0.26	0.30	.078	\$ 213	\$ 8	\$ 4	\$ 225
Nursing Home (Commercial)	0.36	0.15	.054	\$ 147	\$ 5	\$ 3	\$ 155

1 Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)

2 Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Engineering & Transportation Department.

3 The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.

4 The CFF Update report combines the three larger retail categories into one.

5 Uses in the Other category are assigned to the category shown in parentheses for the Community Facilities component of the fee. For instance, fees for a Church are \$286 for Transportation plus \$106 (the rate for Industrial/Warehouse) for Community Facilities for a total of \$392 per 1000 square feet.

C. Phase-in of Full Recovery: To mitigate the negative impacts of a sudden increase in CFF for job producing development the Council hereby enacts a Phase-In Program to increase fees from the levels existing in 1998 to the Full Recovery levels calculated in the Update Report. The Program will work as follows.

1. Information will be prepared each April (except for 1999, when it will be prepared in June) regarding the amount of development for which building permits were issued in the prior 12 months ending March 31 (except in 1999, when the 12 month period will end May 31). The development activity for each of these markets will be compared with thresholds as shown in Table 3. If activity exceeds the thresholds in Table 3 then the next step of the phase in for that market segment shown in Table 4 will occur on July 1 of that year. If the activity is below the threshold for that market segment, then the phase-in scheduled for July 1 will be deferred and the entire schedule of phase-in for that market segment will be extended to reflect the year of deferral. The City's Director of Community Development is hereby authorized and directed to administer the Phase-In Program and to administratively determine whether the next step of phase-in for each market segment will go into effect.

Table 3
DEVELOPMENT ACTIVITY THRESHOLDS
over prior 12 months to March 31

Market Segment	Phase in period	Threshold
Single Family Residential	Immediate, except for vested maps	None
Multi-Family Residential	5 years beginning July 1, 1999	80 units in previous 12 months
Office	5 years beginning July 1, 1999	40,000 square feet in previous 12 months
Retail	5 years beginning July 1, 1999	100,000 square feet in previous 12 months
Industrial and other	5 years beginning July 1, 1999	75,000 square feet in previous 12 months

2. The Phase-In Program phases in fees to Full Recovery over 5 years as shown in Table

4 below. This table shows the phase-in of the total fee, i.e. the fee that is the sum of the two components, Community Facilities and Transportation Facilities.

Table 4
Phase-in of CFF assuming Market Strength Thresholds are met
(All Fees will be automatically adjusted by annual inflation)

	Unit	To 8/31/99	9/1/99 to 6/30/00	7/1/00 to 6/30/01	7/1/01 to 6/30/02	7/1/02 to 6/30/03	After 7/1/03
Single Family-vested tentative map as of Dec 8 1998	Dwelling Unit (DU)	Adjust old fee of \$3,819 by inflation on March 1, 99 and each March 1 thereafter.					
Single Family-non-vested tentative map as of Dec 8, 1998	DU	No phase-in. Fee of \$5,894 for all units not in a vested tentative map on Dec 8, 1998. Adjust for inflation on July 1, 1999 and each July 1 thereafter.					
Medium Density	DU	\$2,924	\$3,179	\$3,434	\$3,688	\$3,943	\$4,198
Multiple	DU	2,415	2,651	2,887	3,123	3,359	3,595
Senior Housing	DU/Room	1,920	2,053	2,187	2,320	2,454	2,587
Industrial/Warehouse							
Industrial	1,000 sf	1,214	To be considered July 20, 1999				
Warehouse	1,000 sf	291	To be considered July 20, 1999				
Office							
Medical Office	1,000 sf	\$5,341	\$5,939	\$6,537	\$7,135	\$7,733	\$8,331
General Office	1,000 sf	3,142	3,463	3,784	4,105	4,426	4,747
Retail							
<50,000 sf	1,000 sf	\$3,944	\$4,081	\$4,218	\$4,354	\$4,490	\$4,627
50-99,000 sf	1,000 sf	2,998	3,289	3,579	3,870	4,160	\$4,451 ⁶
100-300,000 sf	1,000 sf	2,538	2,921	3,303	3,686	4,068	\$4,451
>300,000 sf	1,000 sf	2,452	2,852	3,252	3,651	4,051	\$4,451
Other							
Church	1,000 sf	\$348	\$357	\$366	\$374	\$383	\$392
Daycare	1,000 sf	1,373	1,535	1,697	1,858	2,020	2,182
Hospital	1,000 sf	2,565	2,535	2,505	2,476	2,446	2,416
Mini-Warehouse	1,000 sf	315	318	321	325	328	331
Nursing Home	1,000 sf	320	344	367	391	414	438
Note: costs shown in this table are in constant dollars, and do not reflect the effects of inflation. Actual fees would be adjusted for inflation to the time at which the phase-in steps take effect.							

⁶ The CFF Update combines the last three categories of retail into one fee category with a full recovery fee of \$4,451. Phase in to full recovery is from the respective starting points of the old categories.

D. Automatic Annual Inflation Adjustment: All fees shall be automatically adjusted annually for inflation by the City's Director of Engineering and Transportation. The annual adjustment for single family residential development in vested tentative maps that existed as of December 8, 1998 began under Resolution 98-654 on March 1, 1999 and continues for each March 1 thereafter based on the change in the San Francisco Bay Area Engineering News Record (ENR) Construction Cost Index through the preceding December. The Director is hereby directed and authorized to continue making annual adjustments on March 1 of each year for lots in vested tentative maps that existed as of December 8, 1998.

The adjustment for all other categories of development will begin on September 1, 1999 and continue each July 1 thereafter based on the change in the San Francisco Bay Area Construction Cost ENR Index through the preceding April. The year 1999 is the only year in which the adjustment for all other categories takes place on September 1; in all subsequent years the adjustment is made effective July 1.

The City's Director of Engineering and Transportation is hereby authorized and directed to make these adjustments administratively.

E. Administration of the Distribution of Fee Revenue among capital programs: The City's Director of Community Development is hereby authorized and directed to administratively determine the adjustment of fee components each year as the phase-in of fees to Full Recovery occurs and as inflation adjustments occur. As the total fee is adjusted for phase-in and inflation, each component of the fee shall be automatically adjusted to reflect its proportionate share of the Full Recovery Fee in accordance with Table 5 which shows the percentage distribution of fee components for each category of development based on each component's share of the Full Recovery Fee.

Table 5

Percentage Distribution of Fee Components compared to Full Recovery for each Development Category											
Land Use Category	Fire	Parks	Police	Govt	Admin	Total Com- munity Facilities	Streets	Public Transit	Air Quality	Total Trans- portation Facilities	Full Recovery Fee
RESIDENTIAL											
Single Family	\$139 2.36%	\$2,022 34.31%	\$346 5.87%	\$416 7.06%	\$93 1.58%	\$3,016 51.17%	\$2,726 46.25%	\$96 1.63%	\$56 0.95%	\$2,878 48.83%	\$5,894 100.00%
Medium Density	\$111 2.64%	\$1,618 38.54%	\$277 6.60%	\$333 7.93%	\$74 1.76%	\$2,413 57.48%	\$1,690 40.26%	\$60 1.43%	\$35 0.83%	\$1,785 42.52%	\$4,198 100.00%
Multi-Family	\$83 2.31%	\$1,213 33.74%	\$208 5.79%	\$250 6.95%	\$56 1.56%	\$1,810 50.35%	\$1,690 47.01%	\$60 1.67%	\$35 0.97%	\$1,785 49.65%	\$3,595 100.00%
Senior Housing	\$83 3.21%	\$1,213 46.89%	\$208 8.04%	\$250 9.66%	\$56 2.16%	\$1,810 69.97%	\$736 28.45%	\$26 1.01%	\$15 0.58%	\$777 30.03%	\$2,587 100.00%
NON-RESIDENTIAL											
Office											
General Office	\$54 1.14%	\$0 0.00%	\$133 2.80%	\$160 3.37%	\$83 1.75%	\$430 9.06%	\$4,089 86.14%	\$144 3.03%	\$84 1.77%	\$4,317 90.94%	\$4,747 100.00%
Medical Office	\$54 0.65%	\$0 0.00%	\$133 1.60%	\$160 1.92%	\$83 1.00%	\$430 5.16%	\$7,483 89.82%	\$264 3.17%	\$154 1.85%	\$7,901 94.84%	\$8,331 100.00%
Industrial/Warehouse											
Commercial											
Small Retail (<50,000 sf)	\$32 0.69%	\$0 0.00%	\$80 1.73%	\$96 2.07%	\$75 1.62%	\$283 6.12%	\$4,114 88.91%	\$145 3.13%	\$85 1.84%	\$4,344 93.88%	\$4,627 100.00%
Medium Retail (50-100,000 sf)	\$32 0.72%	\$0 0.00%	\$80 1.80%	\$96 2.16%	\$75 1.69%	\$283 6.36%	\$3,948 88.70%	\$139 3.12%	\$81 1.82%	\$4,168 93.64%	\$4,451 100.00%
Shopping Center (100-300,000 sf)	\$32 0.72%	\$0 0.00%	\$80 1.80%	\$96 2.16%	\$75 1.69%	\$283 6.36%	\$3,948 88.70%	\$139 3.12%	\$81 1.82%	\$4,168 93.64%	\$4,451 100.00%
Shopping Mall (>300,000 sf)	\$32 0.72%	\$0 0.00%	\$80 1.80%	\$96 2.16%	\$75 1.69%	\$283 6.36%	\$3,948 88.70%	\$139 3.12%	\$81 1.82%	\$4,168 93.64%	\$4,451 100.00%
Other											
Church (Industrial/Warehouse)	\$12 3.06%	\$0 0.00%	\$32 8.16%	\$38 9.69%	\$24 6.12%	\$106 27.04%	\$270 68.88%	\$10 2.55%	\$6 1.53%	\$286 72.96%	\$392 100.00%
Day Care Center (Commercial)	\$32 1.47%	\$0 0.00%	\$80 3.67%	\$96 4.40%	\$75 3.44%	\$283 12.97%	\$1,799 82.45%	\$63 2.89%	\$37 1.70%	\$1,899 87.03%	\$2,182 100.00%
Hospital (Office)	\$54 2.24%	\$0 0.00%	\$133 5.50%	\$160 6.62%	\$83 3.44%	\$430 17.80%	\$1,881 77.86%	\$66 2.73%	\$39 1.61%	\$1,986 82.20%	\$2,416 100.00%
Mini-Warehouse (Industrial/Warehouse)	\$12 3.63%	\$0 0.00%	\$32 9.67%	\$38 11.48%	\$24 7.25%	\$106 32.02%	\$213 64.35%	\$8 2.42%	\$4 1.21%	\$225 67.98%	\$331 100.00%
Nursing Home (Commercial)	\$32 7.31%	\$0 0.00%	\$80 18.26%	\$96 21.92%	\$75 17.12%	\$283 64.61%	\$147 33.56%	\$5 1.14%	\$3 0.68%	\$155 35.39%	\$438 100.00%

F. Land Categories Definitions: For purposes of the fees set forth in subparagraphs 2(A) through 2(E), the following definitions of development categories shall apply. Uses not shown in these definitions shall be charged at rates to be determined by the Director of Community Development, using trip generation estimates acceptable to the Director.

RESIDENTIAL

Single Family

Typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically 10 dwellings per acre or less.

Multiple Family

Includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments greater than a density of 10 units per acre. This category also applies to mobile homes and hotel/motel uses.

Medium Density

Shall mean duplex or triplex buildings located on a single lot designed for occupancy by two or three families.

Senior Housing

Includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

INDUSTRIAL

Manufacturing/Light Industrial/
Industrial Park

Manufacturing/Light Industrial/Industrial Park - facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered to be in this category include uses such as those listed below:

- 1) Electronics assembly, paper products
- 2) Metal fabricator
- 3) Bottling plant
- 4) Cabinet shop
- 5) Machine shop
- 6) Sheetmetal shop
- 7) Welding shop
- 8) Wholesale business
- 9) Printing plant
- 10) Material testing labs manufacturer

- 11) Food processor, brewery, bakery
- 12) Recycling facility
- 13) Burning operations for lumber and wood products
- 14) Junk handling, processing, storage
- 15) Landfill, waste products disposal or transfer station
- 16) Manufacture, fabrication, processing, packaging and treatment of:
 - a) Explosives
 - b) Oil and grease products
 - c) Chemicals and chemical products
- 17) Rock crushing
- 18) Pulp and paper mill
- 19) Reduction, processing and storage of offal, dead animals, bones or similar materials
- 20) Septic tank, cesspool servicing
- 21) Stockyard
- 22) Tannery
- 23) Vehicle salvage, wrecking

INDUSTRIAL (continued)

Mixed Industrial Uses - When a development proposal contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purpose of calculating development fees.

WAREHOUSE/DISTRIBUTION/
HEAVY

Warehouse/Distribution - facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping materials. Uses which are considered to be in this category include uses such as those listed below:

- 1) Freight forwarding
 - 2) Warehousing
 - 3) Corporation yard, freight yard
 - 4) Equipment rental yard
 - 5) Moving and storage service
 - 6) Bulk feed storage
 - 7) Lumberyard
 - 8) Sand, gravel, building materials dealer
- (NOTE: This category does not include mini-warehousing)

OFFICE
Medical

Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

General

All other types of general and professional offices, including but not limited to office parks, business parks, corporate headquarters, insurance offices and US Post Offices.

COMMERCIAL

Small Retail (less than 50,000 square feet)

Convenience markets, often with on-site gasoline pumps, usually open 24-hours or extended hours.

Fast-food restaurants with or without sit-down facilities and with or without drive-up windows; generally food is ordered and taken to be consumed outside the restaurant building, although some on-site seating is usually provided.

Sit-down restaurants where food is ordered and consumed in the restaurant, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch, and dinner. This category also includes all drinking establishments--bars and cocktail lounges--except those in conjunction with low turnover restaurants. The latter are charged the low turnover rate.

Sit-down restaurants which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

Banks: Full service banking institutions with or without drive-up windows.

Saving & loan institutions, including thrift and credit unions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given S & L is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

COMMERCIAL (continued)

Other Retail

(Fee category at full recovery has been collapsed into one. Phase-in fees will be based on size of facility as noted in Tables 2 and 4)

Includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. May include uses in small retail category if in a shopping center.

OTHER

Church

Structures primarily designed as a place for public worship.

Day care and school

An educational, vocational or day care facility involving educational services to those age 5 and over.

Hospital

A structure designed for health services, both in-patient and out-patient; that includes surgical care of the sick or injured of the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

Mini-Warehouse

A personal storage facility not associated with industrial use.

Nursing Home

Structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family.

For purposes of interpreting these definitions the term "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title 10 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the City Council that only projects shown in the Update Report are eligible for receipt of CFF funds. Individual projects shall be flexibly budgeted within total dollar limits of the capital programs of the two principal fee components as follows:

1. Fees for Community Facilities, which include Police, Fire, Parks, Government and Administration.
2. Fees for Transportation, which includes Streets, Transit and Air Quality.

As long as the overall dollar amounts of the capital programs for these two components are not exceeded individual eligible projects may vary from the estimates shown in the Update Report.

BE IT FURTHER RESOLVED by the City Council that the collection of non-residential Capital Facilities Fees shall be made prior to the final inspection on the shell building and no longer will be required prior to issuance of a building permit.

BE IT FURTHER RESOLVED by the City Council that Director of Community Development is authorized and directed to modify the current CFF deferral program to eliminate the letter of credit as security for loans, simplify the interest rate (1/2 point above the City's investment rate for idle funds) and expand the categories to include Office, Retail and Industrial/Warehouse uses. In addition, loans under the deferral program shall be secured by a deed of trust recorded against the property subordinated to financing for the project.

BE IT FURTHER RESOLVED by the City Council that the Director of Community Development is authorized to present proposals to the City Council for transfer of CFF fee credits from existing buildings to other locations based on the following criteria:

1. The projects involves commercial/industrial job retention of at lease 25 jobs or redevelopment of blighted area.
2. The beneficiary of the transfer is the owner of the existing building or the existing building is demolished and does not have credits when rebuilt.

BE IT FURTHER RESOLVED that it is the policy of the City Council to annually review one or more components of the capital program that form the basis of calculating the Capital Facilities Fees. These reviews shall not result in upward revision of the non-residential phase-in amounts set forth in Table 4 of this resolution. This policy in no way prevents the upward adjustment of fees due to annual inflation adjustments nor does it prevent the Council from adopting higher Full Recovery Fees that may result from a more costly capital program.

BE IT FURTHER RESOLVED by the City Council that the findings of Initial Study CDD 98-62 are hereby acknowledged, namely,

- A. The CFF Update is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017), and
- B. The proposed CFF Update 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, and
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1), and

- D. There are no specific features unique to this CFF Update that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

BE IT FURTHER RESOLVED by the City Council that in addition to the other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Sections 10561 and 15273 of the State CEQA Guidelines because:

- (1) The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, wastewater treatment facilities, other City facilities, air quality facilities, public transportation facilities and street facilities, as well as the purchase of certain items of capital equipment.
- (2) However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either established or increased Capital Facilities Fees to fund the Capital Facilities Fees that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

BE IT FURTHER RESOLVED by the City Council that the Townhall Associates

Final CFF Update Report of April 26, 1999 and the Long memorandum of April 26, 1999 and the testimony received at the public hearing, have established:

1. That there is a reasonable relationship between the need for the public facilities designated in the reports and analyses, and in the City's General Plan and Specific Plans generated in accordance with that plan, and the City's Capital Improvement Plan, and the impacts of the types of development for which the corresponding fees are charged,
2. That there is a reasonable relationship between the fees, uses, and the type of development for which the fee is charged,
3. That there is a reasonable relationship between the amount of the various fees and the cost of the public facilities or portions of the public facilities attributable to the development and types of development upon which the various fees are imposed,
4. That the cost estimates set forth in the reports and analyses are reasonable cost estimates for constructing these facilities, and that the fees expected to be generated by future development will not exceed the total costs of constructing the public facilities just referenced,
5. The Long reports and the Townhall Associates analysis establish a linkage or nexus between development in the City's Urban Reserve (unincorporated area of the City's General Plan Area) and the need for additional public facilities or improvements to existing public facilities within the City of Modesto as well as within the Urban Reserve. Therefore, the term "development" as used in the preceding four subparagraphs shall include but not be limited to development in the City's Urban Reserve that may be approved or allowed by Stanislaus County prior to the annexation of said Urban Reserve or portions thereof to the City of Modesto. Because of this clearly established nexus, it is the intention of the City Council of the City of Modesto that the fees created by this resolution for streets facilities, air quality facilities, and public transportation facilities be imposed by the County of Stanislaus on development approved of or allowed by the County of Stanislaus in the City's Urban Reserve area and collected by the City of Modesto,
6. The City Council further finds that the methods of allocation of the fee components proposed

in the Long reports and the Townhall Associates analysis and enacted herein, do bear a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the respective fees.

BE IT FURTHER RESOLVED that the City will not unreasonably withhold the granting of an initial one year extension to the holder of a vesting tentative subdivision map for the sole purpose of making such maps subject to the increased CFF fees contained in this resolution.

BE IT FURTHER RESOLVED by the City Council that improved vacant lots existing on December 8, 1998, where the initial two-year vesting period had expired and where all subdivision improvements had been installed, will be permitted to pay the current (old) fee for building permits pulled through March 1, 2001. Any building permits pulled for these lots after March 1, 2001, shall be subject to the new higher fees contained herein.

BE IT FURTHER RESOLVED by the City Council that should any fee provision, clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

BE IT FURTHER RESOLVED by the City Council that this resolution shall take effect in accordance with law on June 17, 1999.

BE IT FURTHER RESOLVED by the City Council that to the extent any portion of any of the resolutions set forth above conflicts with any of the provisions of this resolution,

the language of this resolution shall prevail, and the language in the previous resolution to the contrary is hereby superseded and revoked

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-238

A RESOLUTION PLACING THE PELANDALE/MC HENRY COMPREHENSIVE PLANNING DISTRICT AND THE WESTSIDE INFILL AREA ON THE NOVEMBER 2, 1999, BALLOT FOR A MEASURE "M" ELECTION RELATING TO THE EXTENSION OF SEWER SERVICE TO SAID AREAS OF THE CITY OF MODESTO.

WHEREAS, on November 4, 1997, the voters enacted the "*Modesto Citizens' Advisory Growth Management Act of 1995*" (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, on August 4, 1998, the City Council adopted an "Implementation Policy" to provide direction for the application of Measure "M", the "*Modesto Citizens Advisory Growth Management Act of 1995*", and

WHEREAS, in accordance with the "*Modesto Citizens Advisory Growth Management Act of 1995*", the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto an advisory measure relating to the provision of sewer service to a certain area of the city, and questions relating to whether the City Council should provide sewer to the subject property, the "Pelandale/McHenry Comprehensive Planning District" and the "Westside Infill Area"

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

SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion at the request of the property owner, submit to the qualified electors of the City of Modesto at the regular municipal election to be held on November 2, 1999, two advisory measures relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE F

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan, provided the area is first annexed to the City?

“Pelandale/McHenry Comprehensive Planning District”

The unincorporated area designated “Pelandale/McHenry Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is east of the Union Pacific Railroad, south of the future Pelandale Expressway, west of McHenry Avenue, and north of Cottonwood Drive, consisting of 80 acres.

MEASURE G

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan, provided the area is first annexed to the City?

“Westside Infill” Area

The following two unincorporated “island” areas are generally located north of Kansas Avenue, west of Carpenter Road, south of Blue Gum Avenue, and east of Morse Road, consisting of 51.6 acres.

“Rosemore Cox” Area”

The unincorporated area generally located south of Blue Gum Avenue, north of Cox Avenue, east of Rosemore Avenue, west of Pritchard Avenue.

“Carpenter/Shaddox” Area

The unincorporated area generally located north of Woodland Avenue, east of Bennett Road, Seneca Place and Seneca Court, west of Carpenter Road, and south of Assessor’s parcel numbers 81-26-37 and 81-26-39.

SECTION 2. FORM OF BALLOT.

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

MEASURE F City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan, provided the area is first annexed to the City?	Yes <input type="checkbox"/> No <input type="checkbox"/>
--	---

“Pelandale/McHenry Comprehensive Planning District”

The unincorporated area designated “Pelandale/McHenry Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is east of the Union Pacific Railroad, south of the future Pelandale Expressway, west of McHenry Avenue, and north of Cottonwood Drive, consisting of 80 acres.

MEASURE G

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan, provided the area is first annexed to the City?	Yes <input type="checkbox"/> No <input type="checkbox"/>
--	---

“Westside Infill” Area

The following two unincorporated “island” areas generally located north of Kansas Avenue, west of Carpenter Road, south of Blue Gum Avenue, and east of Morse Road, consisting of 51.6 acres.

"Rosemore Cox" Area

The unincorporated area generally located south of Blue Gum Avenue, north of Cox Avenue, east of Rosemore Avenue, west of Pritchard Avenue.

"Carpenter/Shaddox" Area

The unincorporated area generally located north of Woodland Avenue, east of Bennett Road, Seneca Place and Seneca Court, west of Carpenter Road, and south of Assessor's parcel numbers 81-26-37 and 81-26-39.

SECTION 3. NOTICE AND SYNOPSIS OF ADVISORY VOTE.

Pursuant to Section 12114 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 advisory vote 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 4. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein the advisory election shall be held as provided by law for the holding of

advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 5. 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 advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at the regular municipal election.

SECTION 6. 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 7. 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 8. 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 18th day of May, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-239

A RESOLUTION APPOINTING MARK PETERS TO THE AIRPORT ADVISORY
COMMITTEE

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

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

SECTION 1. Mark Peters is hereby appointed to the Airport Advisory
Committee with an expiration date of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 18th day of May, 1999, by Councilmember Fisher, who
moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-240

A RESOLUTION APPOINTING CHARLES BEHR TO THE GOLF 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. Charles Behr is hereby appointed to the Golf Advisory Committee with an expiration date of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Golf 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 18th day of May, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-241

A RESOLUTION APPOINTING WAYNE MONTGOMERY 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. Wayne Montgomery is hereby appointed to the Landmark
Preservation Commission with an expiration date of December 31, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 18th day of May, 1999, by Councilmember Fisher, who
moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-242

A RESOLUTION APPROVING A SHIFT IN APPROACH TO
THE NORTH McHENRY ANNEXATION.

WHEREAS, this matter was considered by the City Council under the "Matters Too Late" portion of the agenda on May 18, 1999, and

WHEREAS, as a preliminary matter, the City Council finds (on a 5-2 vote), that:

(1) There was a need to take immediate action because there was a public expectation that the matter would be heard that night as evidenced by the presence of members of the Chamber of Commerce.

(2) The Council also finds that the need to take immediate action came to the Agency's attention after the agenda was posted as stated by Councilmember Fisher from the dais at the meeting.

and

WHEREAS, after making said findings, the matter was then considered by the City Council at its meeting held on May 18, 1999, at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Community Development And Housing Committee's recommendation to change policy with respect to the annexation of only the east side of North McHenry Avenue. The new policy will include the seeking of strategies to annex both sides of McHenry Avenue simultaneously, with the understanding that implementation of such policy

shall come back to Council at a later date or dates for implementation of formal action with respect to community outreach, repeal of conflicting resolutions, technical commencement of annexation and all related matters initiating such an annexation at a future meeting or meetings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of May, 1999, 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: Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang
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. 99-243

A RESOLUTION COMMENDING THE MODESTO
POLICE DEPARTMENT CITIZEN VOLUNTEERS
IN RECOGNITION OF THEIR PERFORMANCE OF
OUTSTANDING SERVICE TO THE CITIZENS OF
MODESTO IN 1998.

WHEREAS, in 1998, 60 citizens from our community contributed a total of 7,303
hours of time to the community welfare and safety of Modesto's citizens, and

WHEREAS, citizen volunteer duties during the year included assisting in both the
Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, participants of the Volunteer Program contributed greatly to the
reduction of cost for and enhancement of services rendered to the citizens of our community,
and

WHEREAS, the City Council wishes to recognize the performance of outstanding
service to the City of Modesto in 1998 by the Modesto Police Department citizen volunteers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby commends the 60 Modesto Police Department citizen volunteers for their
contribution of outstanding service to the City of Modesto in 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison Barrett Green for
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-244

A RESOLUTION COMMENDING THE MODESTO
POLICE DEPARTMENT EXPLORERS IN
RECOGNITION OF THEIR PERFORMANCE OF
OUTSTANDING SERVICE TO THE CITIZENS OF
MODESTO IN 1998.

WHEREAS, in 1998, 22 Explorers from our community contributed a total of
5,653 hours of time to the community welfare and safety of Modesto's citizens, and

WHEREAS, Explorer duties during the year included assisting in both the Bureau
of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, participants of the Explorer Program contributed greatly to the
reduction of cost for and enhancement of services rendered to the citizens of our community,
and

WHEREAS, the City Council wishes to recognize the performance of outstanding
service to the City of Modesto in 1998 by the Modesto Police Department Explorers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby commends the 22 Modesto Police Department Explorers for their contribution of
outstanding service to the City of Modesto in 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison Barratt Green for
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-245

A RESOLUTION COMMENDING THE MODESTO
POLICE DEPARTMENT RESERVES IN
RECOGNITION OF THEIR PERFORMANCE OF
OUTSTANDING SERVICE TO THE CITIZENS OF
MODESTO IN 1998.

WHEREAS, in 1998, 25 Reserve Police Officers from our community contributed
a total of 16,507 hours of time to the City of Modesto's welfare and safety, and

WHEREAS, Reserve Police Officers' duties during the year included enforcing
laws and helping with various community activities that took place in the City, and

WHEREAS, 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 performance of outstanding
service to the City of Modesto in 1998 by the 25 Reserve Police Officers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby commends the 25 Reserve Police Officers for their contribution of outstanding
service to the City of Modesto in 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison Barratt Green
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-246

A RESOLUTION APPROVING AND
AUTHORIZING SUBMISSION OF THE ANNUAL
TRANSPORTATION CLAIM, FOR TRANSIT
PURPOSES ONLY, TO THE STANISLAUS AREA
ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, on May 25, 1999, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development funds, and

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund, other than farebox revenues, is the Local Transportation Fund, and

WHEREAS, this fiscal year's total claim is \$3,630,686.00, and

WHEREAS, Council action authorizing the claim is required by SAAG 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 Transportation Development funds on behalf of the City of Modesto, and that submission of the City of Modesto's claim to the Stanislaus Area Association of Governments (SAAG) in the amount of \$3,630,686.00 for fiscal year 1999-2000 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Alison A. Barratt Green
MICHAEL D. MILICH, City Attorney

Clerk 4
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MODESTO CITY COUNCIL
RESOLUTION NO. 99-248

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 1999-00.
2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and Creekwood Meadows Subdivision 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. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 6th day of July, 1999, 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 City Hall, 801 Eleventh 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.

CORRECTED June 4, 1999

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 5th day of May, 1999, at the hour of 4:00 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 City Hall, 801 Eleventh 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Alison Baranoff
MICHAEL D. MILICH, City Attorney

(3)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-247

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 1999-00.
- 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 6th day of July, 1999, 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 City Hall, 801 Eleventh 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.

CORRECTED June 4, 1999

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 25th day of May, 1999, at the hour of 4:00 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 City Hall, 801 Eleventh 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Alison Barratt Green
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-249

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING SERVICES INC. FOR THE PROJECT TITLED "CREEKWOOD NEIGHBORHOOD PARK – PHASE I"

WHEREAS, the bids received for Creekwood Neighborhood Park – Phase I were opened at 11:00 a.m. on May 4, 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 Grover Landscaping Services 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 \$324,022.96 from Grover Landscaping Services 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 May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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 ZAHB, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-250**

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO FULLY FUND THE PROJECT TITLED "CREEKWOOD NEIGHBORHOOD PARK, PHASE I"

WHEREAS, funds are partially budgeted in Acct #135-310-J334; and

WHEREAS, additional funds of \$20,000 allow the City to award Alternate 1, which includes a basketball court and equipment, concrete benches and tables, drinking fountains, trash receptacles, and a park sign.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

From:	#135-800-8000-8003	\$20,000
To:	#135-310-J334-6040	\$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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-251

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS REY AND MARGARET REY, TRUSTEES OF THE REY FAMILY REVOCABLE TRUST DATED 9-9-92, AND GRETHA SVENSEN RASK, TRUSTEE UTD 10-17-90 FOR ACQUISITION OF PROPERTY AT 128 LAUREL STREET, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Thomas Rey and Margaret Rey, trustees of the Rey Family Revocable Trust dated 9-9-92, and Gretha Svenson Rask, trustee UTD 10-17-90 for acquisition of property at 128 Laurel 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-252

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND ALVIN AND WILLIAM LUCHESSA FOR ACQUISITION OF
PROPERTY NEEDED FOR THE PELANDALE EXPRESSWAY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alvin and William Luchessa for acquisition of property needed for the Pelandale Expressway 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 May, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-253

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND MEYERS LIVING TRUST DATED MAY 24, 1990 FOR
ACQUISITION OF PROPERTY LOCATED AT 113 ELM STREET, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Meyers Living Trust dated May 24, 1990 for
acquisition of property located at 113 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 25th day of May, 1999, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Dobbs,
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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-254

A RESOLUTION APPROVING THE SALE OF
EXCESS LAND TO RESOURCE DEVELOPMENT,
INC., AND AUTHORIZING THE CITY MANAGER
TO EXECUTE NECESSARY DOCUMENTS AND
TAKE APPROPRIATE STEPS TO COMPLETE THE
SALE.

WHEREAS, the City is acquiring 3.93 plus acres of land from Alvin and William
Luchessa for purposes of right-of-way for the Pelandale Expressway, and

WHEREAS, 1.649 plus acres of the land being acquired by the City is excess land
which is not needed for said right-of-way, and

WHEREAS, Resource Development, Inc., has offered to pay \$123,700.00 to the
City for said excess land, and

WHEREAS, Resource Development, Inc., desires to acquire the land for the
purpose of combining it with other land for a proposed subdivision/multi-family project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the sale of 1.649 plus acres of excess land to Resource Development, Inc.,
as set forth above, for the sum of \$123,700.00, and authorizes the City Manager, or his designee,
to execute necessary documents and take appropriate steps to complete the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison Barratt Green for
MICHAEL D. MILICH, City Attorney

W. L. King

MODESTO CITY COUNCIL
RESOLUTION NO. 99-255

A RESOLUTION AUTHORIZING THE CITY
MANAGER TO SIGN A GRANT APPLICATION
AND AGREEMENT WITH THE STATE OF
CALIFORNIA RESOURCES AGENCY FOR
\$59,100.00 IN FUNDING FOR THE MODESTO
YOUTH CONSERVATION CORPS PROGRAM.

WHEREAS, the State of California Resources Agency is offering one year of grant funding in the sum of \$59,100.00 for the Modesto Youth Conservation Corps Program (MYCC), and

WHEREAS, the MYCC Program, implemented in June of 1996, has provided training to over 100 youths in both job and personal skills to promote self esteem in a multi-cultural environment, and

WHEREAS, the MYCC provides training and employment opportunities for Modesto youth ages 16 to 18, through maintenance and repair activities in Modesto's city and regional parks and urban forest, and

WHEREAS, the grant funding will be used to provide wages for MYCC participants, and to enhance training and marketing during the one-year grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of the grant application to the State of California Resources Agency for grant funds in the amount of \$59,100.00 and authorizes execution of the grant application by City Manager, J. Edward Tewes, or his designee.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is also

authorized to execute and submit all agreements and documents, including but not limited to any extensions, 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-256

A RESOLUTION ACCEPTING A FEDERAL
AVIATION ADMINISTRATION (FAA) GRANT IN
THE AMOUNT OF \$97,750.00 FOR AIRPORT
IMPROVEMENT PROJECTS.

WHEREAS, on May 19, 1999, City staff received notice from the Federal
Aviation Administration (FAA) of a grant offer in the sum of \$97,750.00 for Modesto City-
County Airport projects relating to improvement of taxiways as recommended in the AIP #3-06-
0153-22 application, and

WHEREAS, the FAA's funding authorization is expected to expire on May 31,
1999, and all grants offered must be accepted by that date, and

WHEREAS, the Transportation Policy Committee recommended acceptance of
the grant at its May 20, 1999, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the FAA Airport Improvement Grant in the sum of \$97,750.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is
authorized to execute and submit all grant documents, including but not limited to amendments,
payment requests, and other documents which may be necessary regarding the aforementioned
grant agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Alison Barratt Green for
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-257

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR LIQUID FERROUS
CHLORIDE FOR FY 99/00 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 Ferrous Chloride for FY 99/00 with two one-year extensions to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 29, 1999 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-258

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR REBIDDING LIGHT
EMITTING DIODES (LED) PORTABLE CHANGEABLE MESSAGE SIGNS

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 rebidding Light Emitting Diodes (LED) Portable Changeable Message Signs, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 22, 1999 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-259

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF VISTAFLOC 708-H DRY POLYMER FROM WESTERN ENVIRONMENTAL SERVICES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Vistafloc 708-H Dry Polymer from Western Environmental Services are hereby waived.

BE IT FURTHER RESOLVED that purchase of Vistafloc 708-H Dry Polymer from Western Environmental Services for a not to exceed price of \$57,499.31 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-260

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS,
LOST, STOLEN, UNCLAIMED AND/OR SEIZED
PROPERTY ACCUMULATED BY THE CITY OF MODESTO
BY SEALED BID, PUBLIC AUCTION OR SCRAP, AND
RESCINDING RESOLUTION NO. 99-221.

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 accumulated by the City of Modesto, 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 on Saturday, June 5, 1999, 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 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 surplus, lost,

stolen, unclaimed and/or seized property accumulated by the City of Modesto, a list of which is on file in the office of the City Clerk.

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 to be conducted by Roger Ernst and Associates on Saturday, June 5, 1999, 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, and subject to 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.

SECTION 4. That Resolution No. 99-221 adopted by the Council on May 11, 1999, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:
By Alison Barratt Brew
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-261

A RESOLUTION APPROVING THE FINAL MAP OF THE
ROSE HOLLOW NO. 1 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, FLORSHEIM BROS., a California General Partnership by
FLORSHEIM BROS., a California Corporation, is possessed of a tract of land situated in the
City of Modesto, County of Stanislaus, consisting of 19.77 acres, known as ROSE HOLLOW
NO. 1 SUBDIVISION ("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 ROSE HOLLOW 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 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Alison Barrabreen for
MICHAEL D. MILICH, City Attorney

Cleek

MODESTO CITY COUNCIL
RESOLUTION NO. 99-262

A RESOLUTION AMENDING RESOLUTION NO. 99-238 TO INCLUDE FINDINGS OF CONSISTENCY TO THE GENERAL PLAN TO SUPPORT THE PELANDALE/MC HENRY COMPREHENSIVE PLANNING DISTRICT ON THE NOVEMBER 2, 1999, BALLOT FOR A MEASURE "M" ELECTION RELATING TO THE EXTENSION OF SEWER SERVICE TO SAID AREA OF THE CITY OF MODESTO.

WHEREAS, on May 18, 1999, by Resolution No. 99-238, the City Council took action to schedule the "Pelendale/McHenry Comprehensive Planning District" and the "Westside Infill Area" ballot measures for the November 2, 1999 election, and

WHEREAS, City staff recommended clarifying the intent of the Council in accordance with the Measure M Implementation Policy which the Council adopted on August 4, 1998, to support the Council's action to schedule a Measure M vote for the Pelendale/McHenry Comprehensive Planning District (CPD) by a finding of consistency with the City's General Plan, and

WHEREAS, the Council considered this recommendation at its meeting held on May 25, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, and

WHEREAS, the Council found and determined that the reasons for scheduling the Pelendale/McHenry Comprehensive Planning District for a Measure M vote are as follows:

1. It is a key area located within the North McHenry annexation area. With commercial development to the north, existing residential development to the west and south and a recent annexation of property to the east, this small area is an undeveloped island surrounded on three sides by the City of Modesto.

2. Development of this area could expedite the construction of the Pelandale Expressway.
3. Approval of 400 dwelling units would only add a minimal amount of units to the City's undeveloped inventory.

and

WHEREAS, the specific General Plan policies which support and would be implemented by scheduling the "Pelandale/McHenry Comprehensive Planning District" ballot measure for the November 2, 1999, election are as follows:

1. Where necessary to promote planned City growth, the City shall encourage development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures. (Policy D-3(d), page VII-6)
2. Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services. (Policy C-1(b), page II-4)
3. The Planned Urbanizing Area is expected to absorb substantial urban development in a comprehensively planned manner. For this reason, the land uses projected by the Land Use Diagram in Chapter III will be implemented through "Comprehensive Planning Districts, as defined and explained in Chapter III. (Policy A-2(c), page II-2)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 99-238, adopted by the Council on May 18, 1999, entitled, "A Resolution Placing The Pelandale/McHenry Comprehensive Planning District And The Westside Infill Area On The November 2, 1999, Ballot For A Measure 'M' Election Relating

To the Extension Of Sewer Service To Said Areas of The City Of Modesto” is hereby amended to add the following findings to read as follows:

“ That scheduling the Pelandale/McHenry Comprehensive Planning District for a Measure M election is consistent with the General Plan based on the following findings:

1. The Pelandale/McHenry CPD is contiguous to the City of Modesto on three sides and is surrounded by existing residential, industrial and commercial development. Existing and proposed development in the immediate vicinity has placed significant pressure on this area for annexation to the City of Modesto.
2. Because of the existing and proposed development surrounding this area, continued agricultural practices are compromised and annexation of this land is preferable to annexation of other agricultural lands currently not under the same development pressure.
3. Annexation and development of this land will facilitate the extension of the Pelandale Expressway, which is proposed to be a major transportation link between the east and west Modesto development areas.
4. Including the entire Pelandale/McHenry CPD in the Measure M election encourages future annexation to absorb urban development in a comprehensively planned manner.”

BE IT FURTHER RESOLVED that those provisions of said Resolution No. 99-238, adopted on May 18, 1999, not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-263

A RESOLUTION OF INTENTION TO CHANGE SPECIAL
TAXES WITHIN THE PELANDALE-SNYDER/CARVER-
BANGS CFD NO. 1998-2, WITHIN TAX AREA B
(PELANDALE-SNYDER) ONLY

WHEREAS, on April 6, 1999, the City Council passed a resolution of consideration pertaining to proposed changes in the special tax for Tax Area B of CFD No. 1998-2, and

WHEREAS, a public hearing was held on May 25, 1999, and there was no majority protest to the tax increase, and

WHEREAS, the question of levying an amended maximum facility special tax for Tax Area B (Pelandale-Snyder) of CFD No. 1998-2, and was passed by the electorate, and

WHEREAS, it was necessary to add taxes to Tax Area B, as above-described, in order to provide sufficient funds for the completion of Snyder Avenue improvements, and

WHEREAS, any protest pertaining to the regularity or sufficiency of the proceedings has been previously made, or waived by operation of statute,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. Each of the factual statements set forth above is found to be true and accurate.

2. Any potential environmental impact of the proposed amendment was adequately addressed by EIR's (SCH No. 94082005 and SCH No. 93042004) provided for the Carver-Bangs and Pelandale-Snyder Specific Plans, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 1999, 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: Friedman, Smith, Dobbs, Serpa, Conrad, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-264**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR
THIRD QUARTER OF THE FY 1998-99 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 1998-99.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that adjustments and revenue for the 1998-99 budget have been re-estimated 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 25th day of May, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST:


JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

Fiscal Year 1998-1999
Third Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
1 Revenue	Map checking fees	010	140	1401	4000	na	13,528	6,472	20,000
Revenue	Building Fee - All Inclusive	010	140	1401	4001	na	479,470	90,530	570,000
Revenue	Building Inspections	010	140	1401	4002	na	475,860	74,140	550,000
Revenue	Electrical Inspections	010	140	1401	4004	na	69,300	(14,300)	55,000
Revenue	Plan Checking Fees	010	140	1401	4007	na	271,975	18,025	290,000
Revenue	Zoning Fees	010	140	1401	4008	na	65,448	(15,448)	50,000
Revenue	Environmental Fees	010	140	1401	4009	na	32,073	(10,073)	22,000
Revenue	Plot Plan Review Fees	010	140	1401	4010	na	13,991	2,009	16,000
Revenue	Subdivision Application/Development Fee	010	140	1401	4011	na	25,080	99,920	125,000
Revenue	Annexation Fees	010	140	1401	4012	na	550	(550)	0
Revenue	Earthquake Fees	010	140	1401	4014	na	1,100	0	1,100
Revenue	Copying Fees	010	140	1401	4092	na	200	400	600
Revenue	Fish and Game Revenue	010	140	1401	8102	na	2,100	(600)	1,500
Revenue	Refunds & Damage Recovery	010	140	1401	8122	na	3,334	(3,334)	0
Revenue	Sale of Construction Codes & Specs	010	140	1401	8137	na	1,940	1,060	3,000
Revenue	Items for Resale	010	140	1401	8143	na	2,772	(1,772)	1,000
Appropriation	Miscellaneous Service	010	140	1401	0260	21C	0	246,479	246,479
Revenue	Medical Gas System Installation	010	180	1822	4033	na	210	405	615
Revenue	Spray Booth Installation	010	180	1822	4034	na	147	49	196
Revenue	Underground Flam/Comb Storage Tank	010	180	1822	4035	na	784	1,138	1,922
Revenue	Water Connect Inspection-Fire	010	180	1822	4036	na	1,566	1,284	2,850
Revenue	Sprinkler System	010	180	1822	4039	na	14,000	6,000	20,000
Revenue	Haz-Mat Cleanup Recovery	010	180	1822	4040	na	3,000	(2,500)	500
Revenue	Copying Fees	010	180	1822	4092	na	1,500	(500)	1,000
Revenue	Miscellaneous Special Services	010	180	1822	4095	na	13,000	(4,000)	9,000
Revenue	Miscellaneous Revenue	010	180	1822	8155	na	0	85	85
Appropriation	Miscellaneous Service	010	180	1822	0260	18C	0	1,961	1,961
Revenue	Bingo Permits	010	190	1901	2204	na	500	(250)	250
Revenue	Mobile Terminal Rental	010	190	1901	4027	na	11,760	(3,360)	8,400
Revenue	Jail Booking Fee Recovery	010	190	1901	4045	na	30,000	18,275	48,275
Revenue	Seized Forfeiture	010	190	1901	7202	na	0	5,027	5,027
Revenue	Miscellaneous Revenue	010	190	1901	8155	na	0	2,500	2,500
Revenue	Bicycle License	010	190	1921	2101	na	8,000	119	8,119
Revenue	Police Training Reimbursement	010	190	1921	3128	na	97,340	12,660	110,000
Revenue	Police School Reimbursement	010	190	1921	3727	na	140,259	63,426	203,685
Revenue	Police School Reimbursement OT	010	190	1921	3728	na	5,000	6,500	11,500
Revenue	DARE Reimbursement	010	190	1921	3729	na	60,725	654	61,379
Revenue	Sex offender/drug/arson Fees	010	190	1921	4020	na	4,000	(1,579)	2,421
Revenue	Extradition Reimbursement	010	190	1921	4021	na	12,000	(4,500)	7,500
Revenue	Drug Abuse Prevention	010	190	1921	4026	na	0	6,700	6,700
Revenue	Repossession Release	010	190	1921	4030	na	2,000	437	2,437
Revenue	Copying Fees	010	190	1921	4092	na	110,000	(10,000)	100,000
Revenue	SB 90 Mandated Cost Recovery	010	190	1921	8127	na	80,000	(20,000)	60,000
Revenue	Miscellaneous Revenue	010	190	1921	8155	na	12,000	(10,000)	2,000
Revenue	County Vehicle Theft Allocation	010	190	1941	3312	na	100,673	(1,973)	98,700
Revenue	Prop 172 Sales Tax Allocation	010	190	1961	3172	na	353,933	96,655	450,588
Revenue	County Housing Authority Officer Reimb	010	190	1961	3325	na	64,000	(7,972)	56,028
Revenue	Safety Response Reimbursement	010	190	1961	4029	na	35,000	24,781	59,781
Revenue	False Alarm Fee	010	190	1961	4043	na	44,000	22,798	66,798
Revenue	Parking Fines	010	190	1961	7113	na	112,500	(56,250)	56,250
Revenue	Miscellaneous Revenue	010	190	1961	8155	na	19,436	(7,451)	11,985
Revenue	FEMA Flood '97	010	190	1961	8170	na	0	1,583	1,583
Revenue	OES Flood '97	010	190	1961	8171	na	0	252	252
Revenue	Dog License	010	190	1964	2104	na	100,000	(34,759)	65,241
Appropriation	Miscellaneous Service	010	190	1901	0260	19C	0	104,273	104,273

Fiscal Year 1998-1999
Third Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Revenue	Miscellaneous Special Services	010	480	4522	4095	na	18,000	(5,434)	12,566
Revenue	Equipment Rental	010	480	4522	4962	na	4,000	(2,400)	1,600
Revenue	Special Assessments	010	480	4522	5101	na	35,337	(5,337)	30,000
Revenue	Mancini Bowl Rental	010	480	4522	6216	na	2,000	(500)	1,500
Revenue	Items for Resale	010	480	4522	8143	na	1,000	(1,000)	0
Revenue	Ballfield Rental	010	480	4522	6209	na	9,500	(4,500)	5,000
Revenue	FEMA Flood '97	010	480	4522	8170	na	0	3,309	3,309
Appropriation	Miscellaneous Service	010	480	4522	0140	48C	251,745	(15,862)	235,883
Revenue	Donations	010	480	4727	8107	na	5,000	(3,380)	1,620
Appropriation	Miscellaneous Service	010	480	4727	0216	48C	8,456	(3,380)	5,076
Revenue	Unabated Hazard Recovery	010	510	9510	4044	na	724	(724)	0
Revenue	Citation Processing Fee	010	510	9510	4086	na	4,391	(4,391)	0
Revenue	Interest on Bank Accounts	010	510	9510	6101	na	748,508	74,492	823,000
Revenue	Asset Forfeitures	010	510	9510	7202	na	10,815	(5,788)	5,027
Revenue	Donations	010	510	9510	8107	na	23,810	(23,810)	0
Revenue	Refunds & Damage Recovery	010	510	9510	8122	na	84,334	(12,668)	71,666
Revenue	SB 90 Mandated Cost Recovery	010	510	9510	8127	na	49,000	311,000	360,000
Revenue	Returned Check Charge	010	510	9510	8134	na	225	(225)	0
Revenue	Sale of Standard Contract Specs	010	510	9510	8140	na	4,313	(4,313)	0
Revenue	Miscellaneous Revenue	010	510	9510	8155	na	393,340	(375,206)	18,134
Revenue	OES Flood '97	010	510	9510	8171	na	0	7,000	7,000
Revenue	Sale of Fixed Assets	010	510	9510	8202	na	0	19,000	19,000
Appropriation	Contingency Reserve	010	800	8000	8003	01H	6,871,672	(15,633)	6,856,039
Revenue	Vehicle Release - PD	060	510	9510	4028	na	210,000	(10,730)	199,270
Revenue	Vehicle Fines & Forfeiture	060	510	9510	7110	na	145,000	205,000	350,000
Appropriation	Contingency Reserve	060	800	8000	8003	na	22,991	97,077	120,068
Appropriation	Transfer out to 010	060	700	7000	7010	na	523,000	132,658	655,658
Revenue	Transfer in from 060	010	700	7000	9060	na	523,000	132,658	655,658
Appropriation	Contingency Reserve	010	800	8000	8003	01H	19,000	132,658	151,658
Appropriation	Contingency Reserve	710	800	8000	8003	70H	86,430	11,089	97,519

Adjustments required to reflect current estimated revenues and appropriations.

2	Revenue	Traffic Safety Program Grant	010	190	1966	3176	na	113,358	6,402	119,760
	Revenue	Non-Governmental Grants	010	190	1921	8108	na	0	10,000	10,000
	Appropriation	Overtime	010	190	1921	0130	19A	140,000	10,000	150,000

Adjustments required to reflect actual amount received from Traffic Safety Grant,
and account for revenues from WAKE-UP Program to reimburse overtime expenditures.

3	Revenue	Federal Universal Hiring Grant	010	190	1963	3177	na	720,000	139,480	859,480
	Appropriation	Contingency Reserve	010	800	8000	8003	01H	6,856,039	139,480	6,995,519

Adjustments required to reflect the actual grant amount received from the Federal Universal Hiring Grant
waiver which was approved in January 1998.

4	Appropriation	Contingency Reserve	010	800	8000	8003	01H	6,995,519	(351,696)	6,643,823
	Appropriation	Transfer out to 040	010	700	7000	7040	01G	0	351,696	351,696
	Revenue	Transfer in from 010	040	700	7000	9010	na	0	351,696	351,696
	Appropriation	Contingency Reserve	040	800	8000	8003	na	(91,302)	351,696	260,394

Adjustments required to return local share of match provided by Fund 040 in previous fiscal years on the Federal Hiring Grant.
The waiver approval decreased the local match from 57% to 10%.

Fiscal Year 1998-1999
Third Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
5 Revenue	Citizen Option Public Safety	040	510	9510	3502	na	721,977	(22,315)	699,662
Revenue	Interest on Bank Account	040	510	9510	6101	na	22,500	960	23,460
Appropriation	Contingency Reserve	040	800	8000	8003	na	260,394	(21,355)	239,039
Appropriation	Contingency Reserve	040	800	8000	8003	na	239,039	(238,744)	295
Appropriation	Transfer out to 010	040	700	7000	7010	na	851,279	223,244	1,074,523
Revenue	Transfer in from 040	010	700	7000	9040	na	851,279	223,244	1,074,523
Appropriation	Contingency Reserve	010	800	8000	8003	01H	6,643,823	223,244	6,867,067
Appropriation	Records Management System	010	190	1980	5292	52C	388,034	325,000	713,034
Appropriation	Mobile Command Post	010	190	1961	5000	19C	0	125,000	125,000
Appropriation	Mobile Workstation	010	190	1980	5288	52C	180,000	100,000	280,000
Appropriation	Contingency Reserve	010	800	8000	8003	01H	6,867,067	(550,000)	6,317,067

Adjustments required to reflect actual grant allocation, estimated interest, and transfer amount for this fiscal year, and to appropriate funding for Records Management System, Mobile Command Post, and Mobile Workstations.

6 Revenue	Premium Assessments	733	030	6611	4971	na	1,618,590	296,574	1,915,164
Revenue	Premium Assessments	733	700	7000	9010	na	263,396	(263,396)	0
Revenue	Premium Assessments	733	700	7000	9113	na	1,466	(1,466)	0
Revenue	Premium Assessments	733	700	7000	9610	na	8,042	(8,042)	0
Revenue	Premium Assessments	733	700	7000	9621	na	10,187	(10,187)	0
Revenue	Premium Assessments	733	700	7000	9638	na	2,500	(2,500)	0
Revenue	Premium Assessments	733	700	7000	9651	na	1,297	(1,297)	0
Revenue	Premium Assessments	733	700	7000	9660	na	6,503	(6,503)	0
Revenue	Premium Assessments	733	700	7000	9670	na	1,017	(1,017)	0
Revenue	Premium Assessments	733	700	7000	9720	na	2,166	(2,166)	0
Appropriation	Liability Insurance	010	010	0101	0415	01B	898	169	1,067
Appropriation	Liability Insurance	010	020	0201	0415	02B	5,440	1,022	6,462
Appropriation	Liability Insurance	010	020	0202	0415	02B	1,250	235	1,485
Appropriation	Liability Insurance	010	030	0301	0415	03B	5,523	1,038	6,561
Appropriation	Liability Insurance	010	030	0303	0415	03B	673	127	800
Appropriation	Liability Insurance	010	040	0401	0415	04B	16,315	3,066	19,381
Appropriation	Liability Insurance	010	050	0501	0415	04B	2,143	403	2,546
Appropriation	Liability Insurance	010	120	1201	0415	12B	2,045	384	2,429
Appropriation	Liability Insurance	010	120	1205	0415	12B	4,030	757	4,787
Appropriation	Liability Insurance	010	120	1221	0415	12B	2,436	458	2,894
Appropriation	Liability Insurance	010	120	1222	0415	12B	7,504	1,410	8,914
Appropriation	Liability Insurance	010	120	1223	0415	12B	6,472	1,216	7,688
Appropriation	Liability Insurance	010	120	1224	0415	12B	1,714	322	2,036
Appropriation	Liability Insurance	010	120	1232	0415	12B	2,805	527	3,332
Appropriation	Liability Insurance	010	120	1234	0415	12B	366	69	435
Appropriation	Liability Insurance	010	140	1400	0415	06B	1,266	238	1,504
Appropriation	Liability Insurance	010	140	1401	0415	21B	18,216	3,423	21,639
Appropriation	Liability Insurance	010	140	1404	0415	14B	2,102	395	2,497
Appropriation	Liability Insurance	010	140	1405	0415	15B	4,898	921	5,819
Appropriation	Liability Insurance	010	140	1421	0415	24B	4,102	771	4,873
Appropriation	Liability Insurance	010	140	1430	0415	14B	4,121	774	4,895
Appropriation	Liability Insurance	010	160	1601	0415	16B	43,802	8,231	52,033
Appropriation	Liability Insurance	010	160	1612	0415	08B	8,148	1,531	9,679
Appropriation	Liability Insurance	010	180	1802	0415	18B	5,739	1,078	6,817
Appropriation	Liability Insurance	010	180	1822	0415	18B	4,855	912	5,767
Appropriation	Liability Insurance	010	180	1832	0415	18B	97,279	18,281	115,560
Appropriation	Liability Insurance	010	190	1901	0415	19B	78,740	14,797	93,537
Appropriation	Liability Insurance	010	190	1921	0415	19B	42,789	8,041	50,830
Appropriation	Liability Insurance	010	190	1924	0415	19B	857	161	1,018
Appropriation	Liability Insurance	010	190	1941	0415	19B	32,682	6,142	38,824

Fiscal Year 1998-1999
Third Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Appropriation	Liability Insurance	010	190	1942	0415	19B	1,149	216	1,365
Appropriation	Liability Insurance	010	190	1961	0415	19B	645,897	121,379	767,276
Appropriation	Liability Insurance	010	190	1962	0415	19B	8,006	1,505	9,511
Appropriation	Liability Insurance	010	190	1963	0415	19B	8,569	1,610	10,179
Appropriation	Liability Insurance	010	190	1964	0415	19B	3,162	594	3,756
Appropriation	Liability Insurance	010	190	1965	0415	19B	915	172	1,087
Appropriation	Liability Insurance	010	190	1966	0415	19B	3,073	578	3,651
Appropriation	Liability Insurance	010	300	3001	0415	30B	7,145	1,343	8,488
Appropriation	Liability Insurance	010	360	3611	0415	36B	762	143	905
Appropriation	Liability Insurance	010	370	3711	0415	37B	2,294	431	2,725
Appropriation	Liability Insurance	010	370	3712	0415	37B	1,997	375	2,372
Appropriation	Liability Insurance	010	370	3713	0415	37B	690	130	820
Appropriation	Liability Insurance	010	370	3714	0415	37B	1,876	353	2,229
Appropriation	Liability Insurance	010	370	3715	0415	37B	1,056	198	1,254
Appropriation	Liability Insurance	010	370	3716	0415	37B	690	130	820
Appropriation	Liability Insurance	010	370	3717	0415	37B	625	117	742
Appropriation	Liability Insurance	010	370	3724	0415	37B	1,761	331	2,092
Appropriation	Liability Insurance	010	370	3727	0415	35B	595	112	707
Appropriation	Liability Insurance	010	410	4112	0415	41B	12,283	2,308	14,591
Appropriation	Liability Insurance	010	420	4212	0415	42B	8,643	1,624	10,267
Appropriation	Liability Insurance	010	420	4213	0415	452B	2,308	434	2,742
Appropriation	Liability Insurance	010	430	4301	0415	43B	1,530	287	1,817
Appropriation	Liability Insurance	010	430	4302	0415	43B	469	88	557
Appropriation	Liability Insurance	010	440	4402	0415	44B	3,108	584	3,692
Appropriation	Liability Insurance	010	480	4522	0415	48B	38,573	7,249	45,822
Appropriation	Liability Insurance	010	480	4612	0415	48B	130,780	24,576	155,356
Appropriation	Liability Insurance	010	480	4622	0415	48B	43,803	8,232	52,035
Appropriation	Liability Insurance	010	480	4712	0415	48B	57,287	10,766	68,053
Appropriation	Liability Insurance	010	480	4801	0415	48B	3,361	632	3,993
Appropriation	Liability Insurance	010	700	7000	7733	01C	263,396	(263,396)	0
Appropriation	Liability Insurance	113	140	1452	0415	22B	2,615	540	3,155
Appropriation	Liability Insurance	113	140	1456	0415	22B	4,482	926	5,408
Appropriation	Liability Insurance	113	700	7000	7733	22G	1,466	(1,466)	0
Appropriation	Liability Insurance	610	480	5012	0415	61B	40,535	7,620	48,155
Appropriation	Liability Insurance	610	480	5015	0415	64B	2,243	422	2,665
Appropriation	Liability Insurance	610	700	7000	7733	61G	8,042	(8,042)	0
Appropriation	Liability Insurance	621	440	5201	0415	94B	3,101	583	3,684
Appropriation	Liability Insurance	621	480	5212	0415	62B	18,044	3,392	21,436
Appropriation	Liability Insurance	621	480	5213	0415	62B	14,525	2,731	17,256
Appropriation	Liability Insurance	621	480	5214	0415	62B	6,484	1,219	7,703
Appropriation	Liability Insurance	621	480	5215	0415	62B	3,785	711	4,496
Appropriation	Liability Insurance	621	480	5217	0415	62B	3,996	751	4,747
Appropriation	Liability Insurance	621	480	5222	0415	62B	4,254	800	5,054
Appropriation	Liability Insurance	621	700	7000	7733	62G	10,187	(10,187)	0
Appropriation	Liability Insurance	628	480	5312	0415	68B	6,584	1,287	7,871
Appropriation	Liability Insurance	628	480	5313	0415	68B	5,390	1,053	6,443
Appropriation	Liability Insurance	628	480	5314	0415	68B	820	160	980
Appropriation	Liability Insurance	628	700	7000	7733	68G	2,500	(2,500)	0
Appropriation	Liability Insurance	651	160	1672	0415	65B	2,568	483	3,051
Appropriation	Liability Insurance	651	480	5612	0415	66B	4,334	814	5,148
Appropriation	Liability Insurance	651	700	7000	7733	66G	1,297	(1,297)	0
Appropriation	Liability Insurance	660	330	3311	0415	33B	34,591	6,503	41,094
Appropriation	Liability Insurance	660	700	7000	7733	33G	6,503	(6,503)	0
Appropriation	Liability Insurance	670	340	3412	0415	34B	5,412	1,017	6,429
Appropriation	Liability Insurance	670	700	7000	7733	34G	1,017	(1,017)	0
Appropriation	Liability Insurance	720	480	5812	0415	72B	7,871	1,480	9,351
Appropriation	Liability Insurance	720	480	5813	0415	72B	3,651	686	4,337
Appropriation	Liability Insurance	720	480	7000	7733	72G	2,166	(2,166)	0

Fiscal Year 1998-1999
Third Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
13	Appropriation	010	370	3715	0140	37A	87,569	5,400	92,969
	Appropriation	010	800	8000	8003	01H	6,312,017	(5,400)	6,306,617
Adjustment to increase staffing at the King-Kennedy Building due to increased usage of the facility by community groups.									
14	Appropriation	010	390	3916	0466	39C	148,831	2,279	151,110
	Appropriation	010	800	8000	8003	01H	6,306,617	(2,279)	6,304,338
Adjustment to match City's JPA contribution to contract agreement.									
15	Appropriation	890	390	3912	0235	89C	109,777	(75,000)	34,777
	Appropriation	891	390	K033	6040	033	0	75,000	75,000
	Revenue	891	700	7000	9890	na	0	75,000	75,000
	Appropriation	890	700	7000	7891	_____	0	75,000	75,000
16	Revenue	660	701	7001	9010	na	224,000	33,000	257,000
	Appropriation	010	701	7001	7660	01L	224,000	33,000	257,000
	Appropriation	660	800	8000	8003	33H	10,741	33,000	43,741
	Appropriation	010	800	8000	8003	01H	6,304,338	(33,000)	6,271,338
Adjustment to Golf loan to bring working capital to zero balance.									

17	Appropriation	628	480	J751	6050	751	9,000	(9,000)	0
	Appropriation	628	480	J751	6060	751	15,000	(6,000)	9,000
	Appropriation	628	480	J755	6040	755	1,065,916	(78,000)	987,916
	Appropriation	628	480	J755	6050	755	115,000	(85,000)	30,000
	Appropriation	628	480	J755	6060	755	92,000	(38,000)	54,000
	Appropriation	628	440	K766	6050	766	35,000	(3,000)	32,000
	Appropriation	628	440	K804	6070	804	24,000	(1,000)	23,000
	Appropriation	628	480	H082	6001	082	97,000	(20,000)	77,000
	Appropriation	628	480	H084	6050	084	40,000	(40,000)	0
	Appropriation	628	480	H084	6060	084	64,000	(14,000)	50,000
	Appropriation	628	480	J261	6040	261	199,000	(11,000)	188,000
	Appropriation	628	480	_____	6040	_____	0	305,000	305,000

Transfer Completed CIP funds to catch up on deferred maintenance at hundreds of rockwells.
This would permit hundreds of rockwells to be rejuvenated by Applegate.

18	Appropriation	621	440	K011	6040	011	750,000	(200,000)	550,000
	Appropriation	621	440	_____	6040	_____	0	200,000	200,000

Transfer Completed CIP funds to Create a CIP for Y2K effort for sewer lift stations.
Electrical emergency connections, new pumps, seals, and hardware can be procured and installed in May and June of 1999 while waiting to order emergency generators and new pumps from next Fiscal Year's Budget.

Fiscal Year 1998-1999 Third Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
Appropriation	Transfer out to 713	010	700	7000	7713	01C	22,647	(22,647)	0
Appropriation	IS Operations - Inside	010	410	4112	0254	41C	0	22,647	22,647
Revenue	Transfer in from 010	713	700	7000	9010	na	22,647	(22,647)	0
Revenue	Technology & Information Svc	713	120	1245	4935	na	0	22,647	22,647
Appropriation	Transfer out to 713	610	700	7000	7713	01C	22,648	(22,648)	0
Appropriation	IS Operations - Inside	610	440	5015	0254	64C	0	22,648	22,648
Revenue	Transfer in from 610	713	700	7000	9610	na	22,648	(22,648)	0
Revenue	Technology & Information Svc	713	120	1245	4935	na	22,647	22,648	45,295
Appropriation	Transfer out to 713	621	700	7000	7713	01C	22,648	(22,648)	0
Appropriation	IS Operations - Inside	621	440	5201	0254	94C	0	22,648	22,648
Revenue	Transfer in from 621	713	700	7000	9621	na	22,648	(22,648)	0
Revenue	Technology & Information Svc	713	120	1245	4935	na	45,295	22,648	67,943

Adjustments required to reclassify amounts originally budgeted as transfers to revenues and expenses.

8	Appropriation	Miscellaneous Service	010	140	1401	0260	21C	246,479	(50,000)	196,479
	Appropriation	Transfer out to Center Plaza	010	700	7000	7670	01G	651,898	50,000	701,898
	Appropriation	Centre Plaza Contingency Reserve	670	800	8000	8003	34H	99,744	50,000	149,744
	Revenue	Transfer In from General Fund	670	700	7000	9010	na	651,898	50,000	701,898

To provide \$50,000 of funding for the Centre Plaza Business Plan. The Community Development Department has agreed to appropriate \$50,000 toward this project, this adjustment reduces CDD appropriations and transfers the funding. The Business Plan is a \$100,000 project proposed in the 1999-2000 CIP.

9	Appropriation	Headworks & Grit Removal Project	623	480	H868	6040	868	13,090,786	383,000	13,473,786
	Appropriation	Cannery Segregation Pipeline	623	480	H865	6050	865	580,898	(290,000)	290,898
	Appropriation	Pipeline Rehabilitation	623	480	H866	6050	866	68,700	(60,000)	8,700
	Appropriation	Pipeline Rehabilitation	623	480	H866	6060	866	68,700	(33,000)	35,700

Additional funds are required to complete the Headworks project. Funding is available in two other completed projects; the Cannery Segregation Pipeline and the Pipeline Rehabilitation Projects.

10	Appropriation	Indirect Cost	651	160	1672	0251	65B	246,263	(122,800)	123,463
	Appropriation	Indirect Cost	651	480	5612	0251	66B	93,551	(45,537)	48,014
	Appropriation	Indirect Cost	652	160	1673	0251	67B	59,959	(29,202)	30,757
	Appropriation	Indirect Cost	653	160	1674	0251	69B	8,095	(1,519)	6,576

This adjustment reflects the impact of the 1998-99 indirect cost study. In order to reduce a large variance between 1998-99 and 1999-2000, we are recommending executing the roll forward adjustment this year.

11	Appropriation	Salaries and Wages	621	480	5201	0110	62A	800,066	35,000	835,066
	Appropriation	Contingency Reserve	621	800	8000	8003	62H	1,386,893	(35,000)	1,351,893

This adjustment is required to cover budgeted salaries. In the first quarter report too much of a reduction was allocated to this organization.

12	Appropriation	Miscellaneous	010	370	3716	0260	37C	0	5,070	5,070
	Appropriation	Contingency Reserve	010	800	8000	8003	01H	6,317,067	(5,050)	6,312,017

Adjustment to increase funding for alternative teen services during Modesto Band of Stanislaus County Concerts.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-265

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR A MOBILE COMMAND
POST

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 Mobile Command Post, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 15, 1999 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 1st day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-266

A RESOLUTION ACCEPTING THE BID OF DULEY'S LANDSCAPE INC FOR THE PROJECT TITLED "WOODLAND PARK"

WHEREAS, the bids received for Woodland Park were opened at 11:00 a.m. on May 5, 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 \$498,310.90 from Duley's Landscape 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 Duley's Landscape 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 June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-267**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
FULLY FUND THE PROJECT TITLED "WOODLAND PARK"**

WHEREAS, funds are partially budgeted in the Woodland/Martone Park Acct #140-310-H058; and

WHEREAS, when this project was budgeted, the City did not have a final site chosen and the budget did not anticipate the cost for orchard removal, asbestos evaluation/removal or 700 linear feet of concrete block wall; and

WHEREAS, additional funds will be used from the CFF Contingency Reserve Account #135-800-8000-8003 (\$158,000) to fully fund the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

From:	#135-800-8000-8003	\$158,000
To:	#140-310-H058-6040	\$158,000
Transfer:	#135-700-7000-7140	\$158,000

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 June, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-268

A RESOLUTION ACCEPTING THE BID OF FAGUNDES AND SON FOR THE
PROJECT TITLED "TUOLUMNE RIVER BICYCLE PATH"

WHEREAS, the bids received for Tuolumne River Bicycle Path were opened at 11:00 a.m. on April 27, 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 \$213,711.50 from Fagundes and Son 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 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 June, 1999, by Councilmember Dobbs, who moved its adoption, 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, , Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-269**

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO FULLY FUND THE PROJECT TITLED "TUOLUMNE RIVER BICYCLE PATH"

WHEREAS, this project is funded in part by a grant from the Federal Land and Water Conservation Fund; and

WHEREAS, additional funds are needed due to unanticipated delays in obtaining FAA approval and environmental clearances to construct the project. This increased staff and design costs and added inflationary costs to the construction work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

From:	#143-310-H022-6040	\$ 98,700
	#143-800-8000-8003	\$ 16,200
To:	#891-310-F971-6010	\$114,900
Transfer:	#143-700-7000-7891	\$114,900
	#891-700-7000-9143	\$114,900

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 June, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: _____


JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-270

A RESOLUTION ACCEPTING THE BID OF SANCON ENGINEERING II, INC. FOR
THE PROJECT TITLED "INTERIOR COATING OF DIGESTERS 4 AND 5"

WHEREAS, the bids received for Interior Coating of Digesters 4 and 5 were opened at 11:00 a.m. on May 18, 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 \$121,400 from Sancon Engineering II, 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 Sancon Engineering II, 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 June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-271

A RESOLUTION ACCEPTING THE BID OF CARPETLAND FOR FURNISHING CARPET
REPLACEMENT AT MODESTO CENTRE PLAZA

WHEREAS, the bids received for carpet replacement at Modesto Centre Plaza, were opened at 11:00 a.m. on April 27, 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 Carpetland for a total amount of \$59,265 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Carpetland 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 1st day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman,

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-272

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING
THE PURCHASE OF A LIVE FIRE MOBILE RANGE FROM ADVANCED
INTERACTIVE SYSTEMS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a live fire mobile range from Advanced Interactive Systems are hereby waived.

BE IT FURTHER RESOLVED that purchase of a live fire mobile range from Advanced Interactive Systems for a not to exceed price of \$192,000 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 June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-273

A RESOLUTION APPROVING AN EXTENSION TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL CARE INC. FOR GOLF COURSE MAINTENANCE FOR NO MORE THAN SIX MONTHS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the extension to an agreement between the City of Modesto and Environmental Care Inc. for Golf Course Maintenance 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 June, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-274

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ANDREW S. MENDLIN FROM THE BOARD OF ZONING ADJUSTMENT, EFFECTIVE JUNE 1, 1999

WHEREAS, Andrew S. Mendlin was appointed a member of the Board of Zoning Adjustment on August 20, 1996 ; and

WHEREAS, Andrew S. Mendlin has tendered his resignation from the Board of Zoning Adjustment, effective June 1, 1999; 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 Board of Zoning Adjustment be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to 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 1st day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-275

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LINDA M. AVEDON FROM COMMUNITY QUALITIES FORUM, EFFECTIVE JUNE 1, 1999

WHEREAS, Linda M. Avedon was appointed a member of the Community Qualities Forum on August 25, 1998 ; and

WHEREAS, Linda M. Avedon has tendered her resignation from the Community Qualities Forum, effective June 1, 1999; and

WHEREAS, Linda M. Avedon 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 Linda M. Avedon 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 Linda M. Avedon 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 1st day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-276

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROL LANCASTER MINGUS FROM LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE JUNE 1, 1999

WHEREAS, Carol; Lancaster Mingus was appointed a member of the Local Cable Programming Committee on April 14, 1998 ; and

WHEREAS, Carol Lancaster Mingus has tendered her resignation from the Local Cable Programming Committee, effective June 1, 1999; and

WHEREAS, Carol Lancaster Mingus 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 Carol Lancaster Mingus from the Local Cable 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 Carol Lancaster Mingus 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 1st day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-277

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) ON BEHALF OF THE CITY OF MODESTO FOR EXCHANGE OF REGIONAL IMPROVEMENT PROGRAM FUNDS RELATING TO THE WHITMORE/99 INTERCHANGE IMPROVEMENT PROGRAM.

WHEREAS, the Stanislaus Area Association of Governments (SAAG) has shifted \$1.316 million in State transportation funds ("Regional Improvement Program") for the Whitmore/99 interchange improvement project, and

WHEREAS, in return, other cities in the County will receive local funds from the City of Ceres to be used for other transportation projects, and the City of Modesto will be set to receive immediate funding (\$41,800) for a traffic signal at Prescott Avenue and Chrysler Avenue, and

WHEREAS, shifting this funding allows for a needed regional transportation facility, the Whitmore/Highway 99 interchange, to be constructed as soon as possible, and in return the City of Modesto is provided with immediate funding for a needed traffic signal, and

WHEREAS, on June 1, 1999, the Council considered authorizing the City Manager to sign a Memorandum of Understanding (MOU) for exchange of Regional Improvement Program funds between the City of Ceres and the Cities of Hughson, Modesto, Newman, Patterson, Riverbank and Waterford,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to sign a Memorandum of Understanding

(MOU) for exchange of Regional Improvement Program funds between the City of Ceres and the Cities of Hughson, Modesto, Newman, Patterson, Riverbank and Waterford.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-278

A RESOLUTION APPOINTING THOMAS ARNOLD TO THE LOCAL CABLE PROGRAMMING COMMITTEE WITH A TERM EXPIRATION OF DECEMBER 31, 2002

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. Thomas Arnold is hereby appointed to the Local Cable Programming Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of June, 1999, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-279

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR WATER METERS OF
VARIOUS SIZES

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 Water Meters of Various Sizes, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 29, 1999 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 8th day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-280

A RESOLUTION ACCEPTING THE PROJECT TITLED ROSELLE AVENUE
WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Roselle Avenue Waterline, has been completed by Allen A. Waggoner Construction Inc., in accordance with the contract agreement dated October 6, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Roselle Avenue Waterline be accepted from said contractor, Allen A. Waggoner Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$150,021.20 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 June, 1999, by Councilmember Dobbs, who moved its adoption, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-281

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE
TABLE FOR SENIOR FIRE EQUIPMENT MECHANIC
FROM RANGE 126 TO RANGE 127.

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 June 8, 1999", which is attached hereto and made a part hereof as though set
forth in full herein. Said amended Exhibit "A" revises the class range for Senior Fire
Equipment Mechanic from Range 126 to Range 127.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on
and after June 8, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective June 8, 1999

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

06/08/99

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 Sr. Wastewater Treatment Plant Operator
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
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Specialist II Hazardous Material Program Coordinator
131	Sr. Civil Engineering Assistant
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-282

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:

Motor Sweeper Operator

The job specifications for the classification of Motor Sweeper Operator, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 8, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MOTOR SWEEPER OPERATOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed.

DEFINITION

To operate street sweeping equipment along an assigned City route cleaning City streets, gutters, alleys and parking lots.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Public Works Supervisor I and/or Crewleader.

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

Essential Functions:

Operate a street sweeper along an assigned City route.

Clean City streets, alleys, gutters and parking lots.

Sweep special events and emergency calls as assigned.

Perform minor repairs on street sweeping equipment and report the need for major repairs; check and adjust fluid level.

Replace brooms on sweepers; grease and lubricate moving parts as required.

Perform a variety of general field maintenance tasks when not operating sweeping equipment.

Marginal Functions:

Provide training to lower level staff in the operation of sweeping equipment.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operation and maintenance requirements of street sweeping equipment.

Traffic laws, ordinances, and rules involved in street sweeping equipment operations.

Safe work practices.

Ability to:

Operate large street sweeping equipment and bin truck.

Perform a variety of semi-skilled construction and maintenance tasks.

Perform maintenance on assigned equipment in an efficient, safe manner.

Perform manual labor, including medium-heavy occasional lifting up to 75 pounds.

Understand and follow oral and written instructions.

Work independently without supervision.

Work evening, holiday, weekend and emergency shift assignments as required.

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

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of increasingly responsible experience performing maintenance work involving the operation of commercial type equipment.

Experience and Training Guidelines (Continued)

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; operate in and around traffic, pedestrians, and a variety of obstacles.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; operating motorized equipment and vehicles. Climbing, full range of motion for sight visibility.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-283

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND THE CITY OF NEWMAN FOR THE USE OF MODESTO
PROPERTY AGENT'S RIGHT OF WAY SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and the City of Newman for the use of Modesto
Property Agent's right of way 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 8th day of June, 1999, 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, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-284

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE CALIFORNIA HOUSING FINANCE AGENCY (CHFA) FOR HELP PROGRAM FUNDS, TO EXECUTE LOAN AGREEMENTS AND COMMIT CITY RESOURCES TO THE PRESCOTT ESTATES PROJECT, AND TO TAKE ALL ACTIONS NECESSARY TO FACILITATE SAID PROPOSED PROJECT.

WHEREAS, the California Housing Finance Agency (CHFA) is accepting applications for \$10 million of HELP Program funds, and

WHEREAS, local government proposals are limited to no more than \$2,000,000 in funding per request, and

WHEREAS, said funds are available as loans, with an interest rate of 3% per annum, with repayment due in full no later than ten years from the date of loan approval, and

WHEREAS, applications are due June 11, 1999, with notification of funding to be announced by July 29, 1999, and

WHEREAS, the City is applying for funds in the amount of \$1,632,000, and

WHEREAS, if successful in obtaining said funds, the City will re-loan the funds to the Housing Authority for the purpose of acquiring 60 units at Prescott Estates, and

WHEREAS, the Housing Authority's commitment and presence at Prescott Estates will provide neighborhood stability, effective property management, and provide a source of revitalized housing to low-income families, and

WHEREAS, the Housing Authority will follow its own public agency rules

governing property acquisition, and purchases will be negotiated and subject to appraisals, and

WHEREAS, proceeds from the sale of the units at Prescott Estates will be used to repay the loan to CHFA within the ten-year period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to submit an application to CHFA for HELP program loan funds and to incur indebtedness in the amount of \$1,632,000, if said application is successful, for the purpose of re-lending said funds to the Housing Authority to acquire 60 units at Prescott Estates.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to execute loan agreements and commit City resources to the Prescott Estates project to provide a source of revitalized housing to low-income families, and to take any and all actions necessary to facilitate said proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-285

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO CANVASSING THE RESULTS OF THE JUNE 3,
1999, ELECTION HELD WITHIN TAX AREA B
(PELANDALE-SNYDER) OF COMMUNITY FACILITIES
DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-
SNYDER) AND ASSERTING COMPLIANCE WITH THE
PROVISIONS OF PROPOSITION 218

WHEREAS, this Council is conducting proceedings pertaining to the changing of special taxes within Tax Area B (Pelandale-Snyder) of the City of Modesto's Community Facilities District No. 1998-2 (the "District"), so as to better ensure payment of all costs necessary to finance certain Facilities and Services as described in the City's Resolution No. 98-653, adopted December 8, 1998, and

WHEREAS, on June 3, 1999, an election was held within Tax Area B of the District (the "Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying a new special tax within Tax Area B of the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the new 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 new 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 1999/2000 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

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

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. ?, the Resolution calling for the Election, adopted on May 25, 1999, by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1998-2 on June 3, 1999, 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 amendment to the special tax with a maximum rate, method of apportionment, and manner of collection as established in the Resolution of Change to be considered at public hearing by the City Council of the City of Modesto on May 25, 1999, be levied within the territory of Community Facilities District No. 1998-2 for the purposes of financing certain facilities and services as provided in the Resolution?

TOTAL VOTES CAST: YES 340 NO 0

Dated:

Jean Zahr
JEAN ZAHR
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 99-286

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO APPROVING A CHANGE IN THE SPECIAL
TAXES WITHIN TAX AREA B (PELANDALE-SNYDER) OF
THE CITY OF MODESTO'S COMMUNITY FACILITIES
DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-
SNYDER)

WHEREAS, on April 6, 1999, this Council adopted a Resolution of Consideration directing staff to process an amendment to the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 (the "District"), adding taxes for the completion of the Snyder Avenue improvements, and

WHEREAS, this Council declared its intention, by its Resolution of Intention to make changes in special taxes within Tax Area B (Pelandale-Snyder) of the District to increase the one-time special facilities tax in Tax Area B (Pelandale-Snyder) so that Snyder Avenue can be completed as planned, and

WHEREAS, on May 25, 1999, the City Council held a public hearing on the proposed amendment in accordance with the Mello-Roos Act, and resolved to place the matter before the qualified electors of Tax Area B (Pelandale-Snyder) of the District, and

WHEREAS, an election ("Election") was held within Tax Area B (Pelandale-Snyder) of the District on June 3, 1999, and

WHEREAS, the City Clerk has certified that the proposition of levying the special tax and establishing an appropriations limit was approved by at least two-thirds ($\frac{2}{3}$) of the votes cast at the Election within the District, and

WHEREAS, the new one-time special facilities 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 one-time special facilities tax complies with the provisions of Articles XIII C and XII D of the California Constitution, and other laws pertaining to the levy of such special taxes, and

WHEREAS, the City Council at its regular meeting on June 8, 1999, found that the Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto, and

WHEREAS, the levy and collection of the one-time special facilities tax within the Tax Area B (Pelandale-Snyder) was ordered for the 1999/2000 fiscal year, and in each subsequent fiscal year in which the one-time special facilities tax may validly be levied,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The City Council herewith determines that the levy of a new one-time special facilities tax in Tax Area B (Pelandale-Snyder) of the District is, and has been lawfully authorized.
2. That the City Clerk shall record notice of the changes and a new Notice of Special Tax Lien in accordance with the provisions of Section 3114.5 or 3117.5 of the California Streets and Highways Code, as appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

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. 99-287

A RESOLUTION APPROVING THE CITY'S PARTICIPATION WITH STANISLAUS COUNTY AND THE STANISLAUS COUNTY ECONOMIC DEVELOPMENT CORPORATION (SCEDCO) FOR THE PURPOSE OF PROVIDING TRANSPORTATION DEMAND MANAGEMENT SERVICES THROUGHOUT STANISLAUS COUNTY IN THE AMOUNT OF \$53,012.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY AGREEMENT, IN THE EVENT SAID PROPOSAL IS ACCEPTED BY THE STANISLAUS COUNCIL OF GOVERNMENTS POLICY BOARD.

WHEREAS, the Stanislaus Area Association of Governments (SAAG) has for several years been providing \$100,000 per year to Commute Connection, the agency that has been providing Transportation Demand Management Services throughout Stanislaus County, and

WHEREAS, the Policy Board directed SAAG to request indications of interest from both public and private sector proposers who would be interested in competing for the next contract which begins on July 1, 1999, and

WHEREAS, SAAG received indications of interest from five agencies including the City of Modesto, and

WHEREAS, the City contacted other agencies to see if they were interested in partnering with the City in a joint proposal to provide said transportation services, and

WHEREAS, staff from the County's Department of Environmental Resources indicated an interest in partnering with the City as did SCEDCO, and

WHEREAS, the City, County, and SCEDCO developed a proposal for

Transportation Demand Management Services (a copy of which is on file in the Office of the City Clerk), and

WHEREAS, the City is basing its participation in said proposal on the assumptions that the Council must approve the City's participation, and that the \$53,012.00 program cost is fully covered by the funds SAAG will pay to Modesto for its portion of the services, and

WHEREAS, interviews were held on May 25, 1999, and the selection panel and Technical Advisory Committee have recommended awarding the contract to Commute Connection, and

WHEREAS, the City, County, and SCEDCO seek Council approval of their joint proposal in the event it is chosen by the Stanislaus Council of Governments Policy Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City's participation with Stanislaus County and SCEDCO for the purpose of providing Transportation Demand Management Services throughout Stanislaus County in the amount of \$53,012.00, and authorizing the City Manager to execute an agreement for said services, in the event the City's joint proposal is accepted by the Stanislaus Council of Governments Policy Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-288

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE FUNDS FROM THE CENTRE PLAZA RESERVE TO A CAPITAL
PROJECT TO PROVIDE FIBER OPTIC CABLE**

WHEREAS, the Modesto Centre Plaza currently uses modems to access GroupWise and the Internet; and

WHEREAS, funds are needed to provide fiber optic cable from the new City/County building to the Centre Plaza. This will also provide a direct telephone connection, which will enable staff at the Plaza to have access to the City's voice mail system and reliable internal telephone service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Acct #670-800-8000-8003 \$(26,500)
Acct #670-340-K036-6040 \$ 26,500

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 8th day of June, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

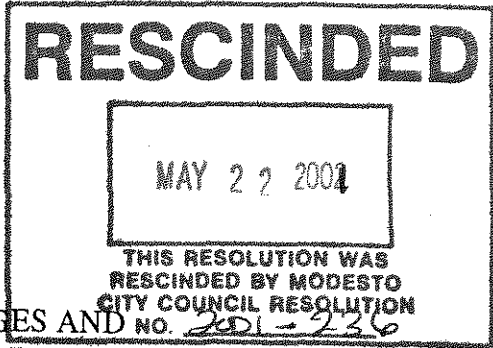
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 99-289

A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, RESCINDING COUNCIL RESOLUTION NO. 98-346.

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, a duly noticed public hearing was held by the Council on June 8, 1999, at 4:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California to consider increasing rates and charges for Modesto City-County Airport's aircraft hangars, office space, and tie down rentals,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) T-Hangars:
 - Hangar No. A \$103.00 per unit per month
 - End Units \$120.00 per unit per month
 - Hangar No. B \$125.00 per unit per month
 - End Units \$154.00 per unit per month
 - Hangar No. C \$132.00 per unit per month

End Units	\$159.00 per unit per month
Hangar No. D	\$118.00 per unit per month
End Units	\$140.00 per unit per month
Hangar No. E	\$173.00 per unit per month
End Units	\$202.00 per unit per month
Hangar No. F	\$173.00 per unit per month
End Units	\$202.00 per unit per month
Hangar No. G	\$173.00 per unit per month
Hangar No. H	\$173.00 per unit per month
Hangar No. I	\$337.00 per unit per month
Hangar No. J	\$173.00 per unit per month
Portable Land Rent	\$ 51.00 per unit per month

A five (5) percent discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1	\$1,256.00 - Sheriff's Aero Squadron lease rate \$857.00 per month for first year. Increase thereafter based on CPI.
Hangar No. 2	\$1,053.00 per month
Hangar No. 3	\$555.00 per month
Hangar No. 4	\$944.00 per month
Hangar No. 5	\$940.00 per month
Hangar No. 6	\$550.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

- (a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) \$31.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$51.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.037 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft \$5.00 per day.
- (e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) \$7.00 per day.
- (f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) \$11.00 per day.
- (g) Jet, Heavy Jet \$11.00 per day.

A five (5) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

- (a) Old Administration Building \$.69 per square foot
- (b) Office Building No. 1 \$.69 per square foot
- (c) Office Building No. 2,
Suite A \$.69 per square foot
- (d) Office Building No. 2,
Suite B \$.69 per square foot
- (e) Hangar Office Space \$.31½ per square
foot per month

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket Counter \$.067 per square foot
- (b) Other Areas \$.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters, \$10.00 per landing.

- (b) All large single and multi-engine aircraft, \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing.
- (c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement call board as follows:

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
7.5" x 9.5"	\$30.00	\$50.00
7.5" x 21"	\$35.00	\$55.00
19" x 21"	\$40.00	\$60.00

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service \$.50 Per Page
- (b) Outgoing Service Area Code 209 \$1.00 Per Page
 Other Area Code \$2.00 First Page,
 \$1.50 All Other Pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at Modesto City-County Airport will pay to the City of Modesto the greater of ten (10) percent of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and call board phone service. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five (5) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1999.

SECTION 17. SUPERSEDE. This resolution rescinds Council Resolution No. 98-346.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, 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 Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 9
To <u>Carol</u>	From <u>Jackie</u>	
Co. <u>Airport</u>	Co. <u>Clerk</u>	
Dept.	Phone # <u>577-5396</u>	
Fax # <u>576-1985</u>	Fax #	

MODESTO CITY COUNCIL
RESOLUTION NO. 99-290

A RESOLUTION REVISING THE PROCESS FOR DETERMINING THE ANNEXATION BOUNDARIES ALONG NORTH McHENRY AVENUE, SOUTH OF KIERNAN AVENUE, AND RESCINDING RESOLUTION NO. 98-642 INITIATING PROCEEDINGS FOR THE NORTH McHENRY-EAST REORGANIZATION.

WHEREAS, by Resolution No. 98-642, adopted by the City Council on December 8, 1998, the Council made application to, and requested that, the Stanislaus County Local Agency Formation Commission (LAFCO) initiate proceedings for the North McHenry-East Reorganization to the City of Modesto, for properties located along the east side of McHenry Avenue from the existing City limits, north to Claribel Avenue, and

WHEREAS, for a number of years, the City has provided city water service to commercial developments that have located in the unincorporated area along McHenry Avenue, and

WHEREAS, in exchange for City water, property owners have signed agreements to annex to the City when requested to do so by City, and

WHEREAS, in order to proceed with an annexation proposal to LAFCO, a tax sharing agreement between the City and County was negotiated and executed in December 1998, and

WHEREAS, the reason for pursuing annexation of the North McHenry corridor has been the combination of the number of properties now under a water agreement with the City, coupled with the tax sharing agreement with the County, and

WHEREAS, following said Council action on December 8, 1998, City staff contacted

affected property owners to seek their support for the annexation, and

WHEREAS, based upon feedback obtained from the affected property owners, staff recommended expansion of the annexation area to include both the east and west side of McHenry Avenue, instead of the east side only, and

WHEREAS, on April 21, 1999, the Community Development and Housing Committee recommended that options be developed for incentives to property owners such as a phase-in of City taxes over a three-year period for existing businesses, and

WHEREAS, the City Council, by Resolution No. 99-242, adopted on May 18, 1999, approved an alteration in the approach to the North McHenry Reorganization to include the seeking of strategies to annex properties on both sides of McHenry Avenue, and

WHEREAS, the Community Development and Housing Committee recommendations to Council to support staff's recommendation were intended to alter the City's approach to the annexation process concerning the proposed North McHenry Avenue annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 98-642 which initiated the North McHenry-East Reorganization.

BE IT FURTHER RESOLVED that the Council hereby approves the Community Development and Housing Committee recommendation to change policy by seeking strategies to enlarge the annexation study area to include both the east and west sides of McHenry Avenue.

BE IT FURTHER RESOLVED by the Council that it hereby directs City staff to communicate and consult with affected property owners and residents in the specified area regarding the annexation process and include in the discussions incentives such as a three-year phase in of City taxes for existing businesses.

BE IT FURTHER RESOLVED by the Council that City staff is hereby authorized to redraw the North McHenry Reorganization Boundary to include as many properties on both sides of McHenry Avenue as is feasible, based on consultation with property owners and residents, and return to Council to initiate an annexation at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, 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: Dobbs, Fisher, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Stevens Asst.
MICHAEL D. MILICH, City Attorney

Ch...

MODESTO CITY COUNCIL
RESOLUTION NO. 99-291

A RESOLUTION APPROVING THE ALLOCATION OF FUNDS TO THE CITY OF MODESTO FOR PHASE II OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION PROCESS IN THE AMOUNT OF \$250,000.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH SUB-RECIPIENTS.

WHEREAS, the City of Modesto has previously completed the allocation of 50% of the Public Service funds under the Community Development Block Grant (CDBG) program, and

WHEREAS, the City of Modesto worked collaboratively with the Stanislaus County Community Services Agency and United Way of Stanislaus County to carry out a Joint Request for Proposals for the other half of the funds, and

WHEREAS, over the past 6 months, staff from the three agencies has worked to develop an application process to allocate a total of \$675,000.00 (\$250,000.00 of which represents City of Modesto CDBG funds), and

WHEREAS, said agencies' collaborative efforts have eliminated duplication of services and of funding, while endeavoring to meet immediate community development needs, and

WHEREAS, the application period ended on April 21, 1999, and

WHEREAS, a Citizens Review Panel reviewed the proposals and ranked the

funding priorities, and

WHEREAS, \$675,000.00 was recommended for allocation to a total of 17 different programs, with, in some cases, a program receiving funding from more than one of the funding agencies, and

WHEREAS, funding recommendations for the City of Modesto CDBG program are attached as Exhibit "A" to this resolution and made a part hereof, and

WHEREAS, overall joint funding recommendations are attached as Exhibit "B" to this resolution and made a part hereof, and

WHEREAS, the City Council approved the collaborative efforts of the agencies at its Council meeting held on February 23, 1999, and a Letter of Understanding was executed among the three agencies, and

WHEREAS, City of Modesto funds for Phase II of the CDBG program were identified as part of the FY 1999-2000 Annual Action Plan, and

WHEREAS, approval of allocation of City of Modesto Phase II funds will allow staff to negotiate contract terms and conditions for each subrecipient recommended for funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of City of Modesto funds for Phase II of the CDBG allocation process in the amount of \$250,000.00 as set forth in Exhibit "A" attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary agreements with the subrecipients receiving funding from the

City through Phase II of the CDBG allocation process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of June, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

SUMMARY OF RECOMMENDATIONS
CDBG – PHASE II

The following organizations/programs were recommended by the Citizen Review Panel for funding under Phase II of the CDBG allocation process.

1. **California State University Stanislaus:** **\$20,000**
 California State University, Stanislaus, will expand its program, *The Bridge* from primarily Southeast Asian refugee families in Modesto and Stanislaus County to serve the broader west Modesto community along Paradise Road. Many of the services proposed will contribute to individual, family and neighborhood capacity building. Other provide neighborhood-based services, including counseling, after-school activities, neighborhood library resources. This program will also be funded by Stanislaus County Community Services Agency and United Way of Stanislaus.

2. **Center for Human Services:** **\$35,000**
 The Center for Human Services will develop and facilitate a *Family Mentoring Program* in the Airport Neighborhood. This program will involve four components: Mentoring, Educational/Vocational Training; Barrier Removal; and Family Enrichment Opportunities. The *Family Mentoring Program* is a neighborhood-based, comprehensive program designed to develop individual, family and neighborhood capacity. The goal of the program is to build individual and community strengths by creating a neighbor-to-neighbor support system supplemented with programs to strengthen families and eliminate barriers to employment and self sufficiency. This program will also be funded by Stanislaus County Community Services Agency.

3. **Central Valley Opportunity Center:** **\$25,000**
 CVOC will administer the **Employment Resource Center** as part of this grant agreement. The Employment Resource Center will offer limited English speaking persons a variety of pre-employment skills designed to increase employability. These services include: assessment, job search, English as a Second Language instruction, GED preparation, and employment case management.

4. **Community Housing and Shelter Service:** **\$15,000**
 The Community Housing and Shelter Service, through the Home Base Program, assists families and individuals in seeking permanent, affordable housing and provides supportive services for those families assisted with an overall effort to maintain housing. The mission of this program is to combat chronic poverty, welfare dependency and homelessness among families with children, through the provision of housing and social services, and the promotion of systematic change.

5. **Modesto City Schools:** **\$41,000**
 Modesto City Schools will administer the Community Block House Program in the following areas: Hanshaw Middle School, Orville Wright Elementary School, Mark Twain Jr. High School and Robertson Road Elementary School. Block Houses are community based information and referral systems and neighborhood crime prevention houses operated by local residents at targeted areas in the Airport neighborhood. This program will also be funded by Stanislaus County Community Services Agency and United Way of Stanislaus.

6. **Modesto City Schools:** **\$30,000**
 Modesto City Schools will administer the Healthy Start Program which integrates services through the case management process-changing systems to meet family needs in a holistic, categorical manner. The program links children and families to the necessary medical, dental and counseling services to help them become healthy, productive citizens.

EXHIBIT "A"

7. **Modesto Independent Living Center:** **\$15,000**
The Modesto Independent Living Center will be able to purchase durable medical equipment for persons with disabilities in Modesto that will lead to increase self-sufficiency and independent living.

8. **Modesto Riverbank Stanislaus County Food Bank:** **\$14,000**
The MRSC Food Bank will implement a lift truck training component to its Job Training Program. Job training and work experience, work readiness and motivational courses will be included in this program. All in an effort to lead individuals to self-sufficiency and gainful employment. This program will also be funded by Stanislaus County Community Services Agency.

9. **Parent Resource Center:** **\$35,000**
The Parent Resource Center is a child abuse preventive agency that will establish an innovative, neighborhood based child care center. The Center will include day care for children 0 to 5 years of age, transportation, volunteer mentoring, and life skills/parenting and education services to low income families in West Modesto, who are transitioning from welfare to work.

10. **Stanislaus Literacy Center:** **\$20,000**
The Stanislaus Literacy Center will expand its existing program (one-on-one adult literacy tutoring) to include a reading center in a one-stop job training facility and provide services to the low income neighborhoods of Modesto. This program will also be funded by Stanislaus County Community Services Agency.

JOINT RFP AWARDS

		Stanislaus County	City of Modesto	United Way	TOTAL	Geographic Base
California State University Stanislaus	<i>The Bridge Community Based Services</i>	\$ 55,000	\$ 20,000	\$ 12,200	\$ 87,200	Modesto
Catholic Charities	<i>Samaritan House</i>	\$ 15,375	\$ -	\$ -	\$ 15,375	Turlock
Center for Human Services	<i>MJC Collaborative Counseling</i>	\$ 39,611	\$ -	\$ -	\$ 39,611	Modesto
Center for Human Services	<i>Family Mentoring Program</i>	\$ 62,808	\$ 35,000	\$ -	\$ 97,808	Modesto
Center for Human Services	<i>Youth & Family Resource Card</i>	\$ -	\$ -	\$ 2,500	\$ 2,500	Stanislaus Co.
Central Valley Opportunity Center	<i>Employment Resource Center</i>	\$ -	\$ 25,000	\$ -	\$ 25,000	Modesto
Community Housing & Shelter Service	<i>Home-Based Case Management</i>	\$ -	\$ 15,000	\$ -	\$ 15,000	Modesto
Community Housing & Shelter Service	<i>Renters Assistance Program</i>	\$ 44,617	\$ -	\$ 5,000	\$ 49,617	Stanislaus Co.
Modesto City Schools	<i>Healthy Start Case Management</i>	\$ -	\$ 30,000	\$ -	\$ 30,000	Modesto
Modesto City Schools	<i>Community Block House Program</i>	\$ 20,000	\$ 41,000	\$ 4,000	\$ 65,000	Modesto
Modesto Independent Living Center	<i>Durable Medical Equipment Program</i>	\$ -	\$ 15,000	\$ -	\$ 15,000	Modesto
Modesto Riverbank Stanislaus County Food Bank	<i>Job Training Program</i>	\$ 23,946	\$ 14,000	\$ -	\$ 37,946	Stanislaus Co.
Parent Resource Center	<i>Child Care Center</i>	\$ -	\$ 35,000	\$ -	\$ 35,000	West Modesto
Patterson Unified School District	<i>Westside Family Resource Center</i>	\$ 50,000	\$ -	\$ -	\$ 50,000	Patterson
Patterson Unified School District	<i>Grayson Family Resource Center</i>	\$ 41,643	\$ -	\$ -	\$ 41,643	Grayson
Stanislaus Literacy Center	<i>Reading Center & GED One Stop</i>	\$ 25,000	\$ 20,000	\$ -	\$ 45,000	Stanislaus Co.
West Modesto King Kennedy Collaborative	<i>Family Group Conference</i>	\$ 22,000	\$ -	\$ 1,300	\$ 23,300	West Modesto

TOTAL \$ 400,000 \$ 250,000 \$ 25,000 \$ 675,000

MODESTO CITY COUNCIL
RESOLUTION NO. 99-292

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR 1998/99 TRANSIT FUNDS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR PUBLIC OPERATING AND CAPITAL PURPOSES IN THE AMOUNT OF \$2,498,912.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT AND ALL NECESSARY GRANT-RELATED DOCUMENTS.

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

WHEREAS, funds are requested in this application that will be used to reimburse the City for projects undertaken and/or approved in the City's Capital Improvement Program in both FY1997/98 and FY 1998/99, and

WHEREAS, the FTA formula funds requested in the grant total \$2,392,676.00, in addition to \$106,236.00 in Congestion Mitigation and Air Quality (CMAQ) funds, and

WHEREAS, said funds will be used to partially offset the operating and capital expenses of the City's public transportation program, and

WHEREAS, the Transportation Policy Committee met and approved submittal of the grant application at its meeting on May 28, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is authorized to execute and file a grant application on behalf of the City of Modesto with the FTA in the total amount of

\$2,498,912.00, consisting of \$2,392,676.00 in formula apportioned funds and \$106,236.00 in Congestion Mitigation and Air Quality funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the grant agreement and any grant-related documents necessary to obtain said grant funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-293

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND MACIAS, GINI & COMPANY TO PROVIDE PROFESSIONAL
AUDIT SERVICE FOR UP TO THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Macias, Gini & Company to provide
professional audit services for up to three years 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 June, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-294

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO AMEND
THE MUNICIPAL CODE TO ADOPT THE 1997 UNIFORM FIRE CODE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that on July 6, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby set as the time and place for a hearing to amend the Modesto Municipal Code to adopted the 1997 Uniform Fire Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-295

A RESOLUTION ACCEPTING RECOMMENDATIONS
FROM THE FINANCIAL POLICY COMMITTEE FOR THE
1999-2000 OPERATING BUDGET AND THE 1999-2000
CAPITAL IMPROVEMENT PROGRAM, AND DIRECTING
CITY STAFF.

WHEREAS, Resolution No. 99-226 adopted by the Council on May 11, 1999,
set June 8, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto,
California, as the time and place for a hearing to consider the proposed 1999-2000 Operating
Budget and proposed 2000-2009 Capital Improvement Program, and

WHEREAS, the Financial Policy Committee held public hearings on May 18,
1999, and May 24, 1999, for the purpose of receiving public feedback relating to the Budget
matter, and

WHEREAS, on June 8, 1999, the Council public hearing was held as set by
Council Resolution No. 99-226, and

WHEREAS, on June 9, 1999, the Financial Policy Committee held an
additional meeting at which the Committee received additional input from members of the Blue
Ribbon Committee, and

WHEREAS, by an Agenda Report dated June 10, 1999, the Financial Policy
Committee submitted recommendations to the City Council pertaining to the Fiscal Year 1999-
2000 Budget Adoption and Phase I and Phase II Budget Strategies, a copy of said Report is
attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, on June 15, 1999, the Council considered the Financial Policy Committee recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Financial Policy Committee recommendations, as set forth in the attached Agenda Report marked Exhibit "A" and incorporated herein by reference, for the 1999-2000 Operating Budget and 1999-2000 Capital Improvement Program, and hereby directs City staff to incorporate said recommendations into the budget adoption report and return to Council for approval on June 22, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of June, 1999, 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: Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



**CITY OF MODESTO
AGENDA REPORT**

**AGENDA ITEM NO.
COUNCIL MEETING: 6/15/99**

Date: June 10, 1999

TO: Mayor and City Council

FROM: Financial Policy Committee

SUBJECT: Financial Policy Committee Recommendations on Fiscal Year 1999-2000 Budget Adoption, and Phase I and II Budget Strategies

Background

The City Manager presented the proposed budget for Fiscal year 2000 to the City Council on Tuesday, May 11, 1999. At that time, he indicated to the Council that the budget had been prepared prior to the Settlement of the Howard Jarvis Taxpayers Association lawsuit against the City. Under the terms of that settlement, the City agreed to reduce the transfer of monies into the General Fund from the utility funds by \$1.8 million in Fiscal Year 2000 and cease the remainder of the disputed \$3.5 million transfers in Fiscal Year 2002. A priority of the FPC then became to determine how best to adjust the proposed FY2000 for the effects of that settlement.

A total of three public hearings were held on the Proposed Budget for Fiscal Year 1999-2000. The Financial Policy Committee(FPC) held two public hearing: May 18, 1999, and May 24, 1999. After each hearing, the Financial Policy Committee met to review the proposed budget document and discussed budget strategies and timeframes. Public hearings were held prior to the Financial Policy Committee review meetings so the Committee could receive feedback from citizens before their budget deliberations. The full Council conducted a third public hearing on June 8, 1999. The Financial Policy Committee held an additional meeting on June 9, 1999, following the third public hearing. At the June 9th meeting, the committee received some additional input from members of the Blue Ribbon Committee.

At the May 24, 1999 Council meeting, the City Manager proposed a two-phase budget strategy. Phase I would deal with the immediate loss of \$1.8 million next year and Phase II would address the long-term General Fund loss of \$3.5 million annually. After the May 24th meeting, the Financial Policy Committee reviewed the two-phase strategy, and agreed with the basic approach. However, we asked that the City Manager develop additional budget proposals for consideration by the committee. These were identified as Phase IA. The Committee reviewed all budget reduction options and alternatives, as well as additional budget information. Our recommendations are shown below:

Adoption Recommendations

1. General Fund: The Financial Policy Committee fundamentally agrees with the overall budget strategy outlined in the Phase I and II memo from the City Manager, but we feel that Phase I budget reduction options warrant further review. Additionally, some significant information will

not be known or available until well after the July 1 requirement for budget adoption. These include the pending budget deliberations in Sacramento, the forthcoming year-end financial results, and several other emerging issues. Several of these have the potential to significantly improve our financial position and may make large budget cuts unnecessary. Instead, we are recommending lowering the General Fund Transfer-In estimate by \$1.8 million, but deferring any decision on cuts in appropriations until the results of the State budget process are known. The result will be to lower the projected June 30, 2000 reserve level from an estimated \$10.0 million to \$8.2 million at June 30, 2000. We are still well within our adopted financial policy of maintaining a 5% General Fund reserve level. We believe the phase I objective of \$1.8 million in budget reductions or revenue enhancements can be accomplished by the end of September 1999. However, we must also recognize that one quarter of Fiscal Year 1999-2000 will be gone, and this could make some decisions more difficult.

2. Water and Wastewater Enterprises: We are proposing no changes in the utility budgets, other than modifying the Water and Wastewater Enterprises budgets to reflect the decrease in transfers and the revenue needed to support the level of spending defined in the Phase I budget strategy. We are recommending that no action be taken on rates at this time (see Attachment C).

3. Phase II Process: The Committee agrees with the essential principles contained in the Phase II strategy and approach (Attachment A) and recommend that the Council adopt them. The Committee has provided additional guidance and suggestions, which are contained within this memorandum located under Phase II Strategy.

Phase I Strategy:

The Phase I strategy called for some combination of revenue increases, expenditure reductions or use of reserves totaling \$1.8 million to balance the impact of the loss of one-half of the Utility transfer in Fiscal Year 1999-2000. After discussion and input from the citizens, the Committee felt that there was not sufficient time available to adequately judge the merit of each of the dozens of Phase I proposals. By the end of September, 1999, we must identify \$1.8 million of budget reductions or revenue enhancements, which will minimize the impact on direct services and will provide a basis for moving forward on addressing the long-range structural issues in Phase II of the budget strategy. Several key factors have emerged that could impact Phase I; they are highlighted below:

Information from the State Capital and League of California Cities indicates that the State Budget may include provisions that provide additional funding for Cities. We must not be overly optimistic about this information, considering our past experience. Final decisions will not be known early enough to be included in our recommendations for adoption of the budget. If additional revenues or potential expenditure reductions materialize and are ongoing in nature, the reduction required for Phase I and II could be reduced.

By August, we will have better information on revenue performance in Fiscal Year 1998-1999. These results have significant implications on long-range revenue projections, and, moreover, the extent to which they could be utilized to offset Phase I reductions. We also recommend inviting members of the Blue Ribbon Committee to continue to participate in the citizen evaluation of budget options. The Financial Policy Committee felt that their input was relevant and helpful.

Phase II Strategy:

The Phase II strategy is a longer-range process to develop structural change in the General Fund to accommodate the on-going and permanent General Fund reductions of a minimum of \$3.5 million of annual resources. We believe this process must include a careful and deliberate

evaluation of the services and activities we perform. We strongly concur with the approach and strategy outlined in the May 11th phase II memo from the City Manager (Attachment A), however we have provided some general and specific guidance below.

The approach we want to take is not to simply “downsize” the organization by across-the-board cuts, but rather to “rightsize” the organization by carefully allocating resources to our core services. In order to make effective restructuring decisions we need to focus on the following:

1. What are the core services we should be providing
2. How should we be financing those services
3. How should the city’s resources be organized to deliver the service effectively
4. What is the most efficient method of delivering the service

For the process to work, we believe it must include formulation of strategies that include investment in technology and equipment that will produce efficiencies and reduce long-term labor intensive costs. This may include changes to the Accountability Budgeting System to pool departmental carryover resources and the formulation of a productivity fund, to advance money to Departments for investment in equipment and technology, which is then repaid with the resulting operational savings over a specified period of time.

Revenue enhancements should also be explored and considered, especially if they produce greater equity among user groups or more equitable fee structures. We suggest studying the City’s General Fund Fee structure compared to other similar California cities.

Another key aspect is working with employee associations, to develop recommendations on cost control measures in future labor contracts. The Committee endorses an approach that involves the community, employees and interested community groups.

The Financial Policy Committee recommends that the City Manager draw on the following recommendations for specific guidance in development of Phase II budget strategies:

Timeframe

- The Phase II process should develop thoughtful and effective recommendations in time for the January Council retreat in Fiscal Year 2000

Participants

- We should provide a citizen’s review of realistic Phase II alternatives. The Community Quality Forum and Blue Ribbon Committees could provide this
- The process should include meaningful participation by City employees at all levels of the organization
- The process should include meaningful participation by the employee associations

Explore new paradigms

- Study the financial and strategic implications of privatizing, leasing or selling the Water and Wastewater systems
- Regional or consolidated Fire Services
- Regional or consolidated Police Services
- Consolidating Police and Fire Services into a Public Safety Department

Accountability Budgeting System

- During the process, we should also evaluate and make recommendations on the continued usefulness of the Accountability Budgeting System (ABS). FPC believes the ABS concept provides healthy organization dynamics for managing resources and producing results, but given our existing situation it will require some modifications. This may require us to recalibrate the ABS appropriations allocation to include in the Phase I reductions.
- The City Manager should consider the merit of making changes to the ABS departmental carryover reserves, which will place all departmental reserves into one pooled reserve. This reserve would then be available for use by any Department. Use of the ABS carryover reserve would be under the authority of the Senior Executive Team (SET)

Productivity Fund

- Develop a strategy and implement a policy for the "Productivity Fund".

Entrepreneurial Activities

- We must continue to identify entrepreneurial activities that will generate additional revenue.
- We must also develop entrepreneurial partnerships with other jurisdictions and private organizations to efficiently utilize our resources
- Continue the managed competition candidates process

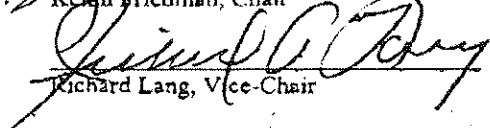
State Budget

- We should identify and make recommendations on any impacts related to adoption of the California State Budget

Next Steps

Staff is to return to Council next week, June 22, 1999, for adoption of the Fiscal Year 1999-2000 budget, including the above mentioned recommendations. Upon adoption, staff will begin taking the steps necessary to meet the Phase I objective by the end of September 1999, and the Phase II objective to deliver an initial report to Council at the January 2000 retreat.


Kenan Friedman, Chair


Richard Lang, Vice-Chair

Armour Smith, Member

Attachment A

Phase II Approach and Strategy

We have provided a series of budget adjustments needed to meet the reduction of \$1.8 million in the Utility Transfer to the General Fund in FY 00. We have called those recommendations "Phase I".

However, we must begin a longer "Phase II" process to develop structural changes in the General Fund budget to accommodate an ongoing and permanent reduction of at least \$3.5 million annually. The Phase II budget challenge is NOT how to respond to a "crisis" situation, but rather to a very predictable and permanent reduction in the level of General Fund spending.

We believe that Phase II should include careful review of services and activities with a view toward eliminating marginally important activities and concentrating on core functions. We should identify long range cost reduction strategies requiring investment in technology and equipment and cost control measures in future labor contracts with the employee associations.

We recognize that every service and activity of the city has a constituency. We also recognize that city services are provided by a dedicated organization of people whose jobs could be affected and who need to be involved in evaluating options.

At this time, we suggest that the process for developing Phase II budget recommendations include the following elements:

- it should be a deliberative process that develops thoughtful recommendations in time for the Council's annual planning retreat in January 2000.
- it should involve not just citizen "opinion" about vague concepts, but citizen evaluation of realistic alternatives. This could be provided through existing committee structures such as the Community Qualities Forum, or a continuing role for members of the Blue Ribbon Committee.
- it should have meaningful input from employees at all levels of the organization with structured involvement by the employee associations if they want to participate.
- it should be based on the most up-to-date financial results from the current fiscal year; and should reflect the changing State-local fiscal relationship as a result of legislative and budget policies at the State level.
- it should evaluate the continue usefulness of the current Accountability Budgeting System (ABS). After major structural changes in the budget, it would be necessary to "recalibrate" the ABS system, setting new base level budgets for operating departments.
- it should identify entrepreneurial activities which could generate new revenue as well as identify opportunities for annexation or partnerships with surrounding jurisdictions in order to improve efficiencies.

We will provide the Council with a more detailed Work Plan for Phase II based on these principles or any other guidelines adopted by the Council.

General Fund (010)

	Actual 97-98	Estimated 98-99	Proposed 99-00	Projected -			- Projected -				Total 99-00 to 08-09		
				00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	
Resources													
Revenue	65.8	68.3	73.6	68.5	70.5	72.4	74.7	77.0	79.4	81.9	84.5	87.0	769.5
\$ Growth			5.3	(5.1)	2.0	2.0	2.2	2.3	2.5	2.5	2.6	2.6	
Transfers In	12.4	8.5	6.5	6.5	4.8	4.9	5.1	5.2	5.3	5.4	5.4	5.4	54.6
\$ Growth			(2.0)	(0.1)	(1.6)	0.1	0.2	0.1	0.1	0.1	0.0	0.0	
Total Revenue	78.2	76.8	80.2	75.0	75.3	77.4	79.8	82.2	84.8	87.3	89.9	92.4	824.1
\$ Growth				(5.2)	0.3	2.1	2.4	2.4	2.6	2.5	2.6	2.6	
Requirements													
Appropriations	73.1	77.8	74.6	75.0	76.8	78.0	79.9	81.2	83.3	84.8	86.9	88.3	808.9
\$ Growth			(3.2)	0.5	1.8	1.2	1.9	1.3	2.1	1.5	2.0	1.4	
Transfers Out	2.9	3.4	2.9	4.6	5.3	5.2	5.0	5.2	6.1	6.2	6.3	6.3	53.2
\$ Growth			(0.4)	1.7	0.7	(0.1)	(0.2)	0.2	1.0	0.1	0.1	0.1	
Requirements	76.0	81.2	77.5	79.6	82.2	83.2	84.9	86.3	89.5	91.1	93.1	94.6	862.1
\$ Growth			(3.7)	2.1	2.6	1.1	1.7	1.4	3.1	1.6	2.1	1.5	
Net Annual Revenue	2.2	(4.3)	2.7	(4.6)	(6.9)	(5.9)	(5.1)	(4.2)	(4.7)	(3.8)	(3.3)	(2.2)	(38.0)
Working Capital													
Beginning Working Capita	6.4	8.9	4.8	8.3	4.4	(1.6)	(6.6)	(10.9)	(14.1)	(17.9)	(20.7)	(23.0)	(77.3)
ABS Appropriation Saving	1.7	2.1	1.6	1.6	1.7	1.7	1.8	1.8	1.9	1.9	2.0	2.1	18.0
Less: Reserves													
Department Carryover	0.9	1.0	0.8	0.8	0.8	0.9	0.9	0.9	0.9	1.0	1.0	1.0	9.0
Change in Reserves	0.5	-	-	-	-	-	-	-	-	-	-	-	-
Prior Year Carryover	0.0	0.8	-	-	-	-	-	-	-	-	-	-	0.0
Ending Working Capital	8.9	4.8	8.3	4.4	(1.6)	(6.6)	(10.9)	(14.1)	(17.9)	(20.7)	(23.0)	(24.1)	(106.3)
\$ Growth			3.5	(3.8)	(6.1)	(5.0)	(4.2)	(3.3)	(3.8)	(2.8)	(2.3)	(1.2)	-
Working Capital as % of Requireme		5.9%	10.7%	5.6%	-2.0%	-8.0%	-12.8%	-16.4%	-20.0%	-22.7%	-24.7%	-25.5%	-12.3%
10th Street Shortfall	(0.1)	(0.0)	(0.0)	1.2	1.7	1.7	1.7	1.7	1.7	1.7	1.7	1.7	
RDA Coverage	0.0	0.0	0.0	0.7	0.8	0.6	0.3	0.1	0.0	0.0	0.0	0.0	
Net after DS & RDA Cove	2.3	(4.3)	2.7	(6.5)	(9.4)	(8.1)	(7.1)	(6.0)	(6.4)	(5.4)	(5.0)	(3.8)	
Inflation		4.2%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	
ABS Increase		2.7%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.3%	2.3%	2.0%	2.0%	

Key Assumptions	% Increases	Notes:
Population Growth	1.0%	Includes impact of Golf advances and repayment.
ABS Growth after FY 98-99	2.0%	Includes PERS rate reductions.
Motor License Vehicle Fee	4.0%	Return of Contributed Capital continues
Sales Tax	3.5%	Appropriation savings is projected at 2%.
Utility Users Tax	3.0%	
Property Tax	2.0-2.2%	
Business License Tax	3.5%	
Transient Occupancy Tax	3.0%	
Licenses/Permits	2.5%	
Interest (Earnings rate)	6.0%	

MODESTO CITY COUNCIL
RESOLUTION NO. 99-296

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS INC. FOR THE
PROJECT TITLED "TULLY ROAD LIFT STATION REPLACEMENT"

WHEREAS, the bids received for Tully Road Lift Station Replacement were opened at 11:00 a.m. on June 1, 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 \$218,500 from Howk Systems 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 Howk Systems 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 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-297

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$256,500 TO
FULLY FUND TULLY ROAD LIFT STATION REPLACEMENT

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

FROM:	621-440-K676 6040	\$218,500
TO:	621-440-K031 6040	\$218,500
FROM:	621-440-K676 6050	\$10,000
TO:	621-440-K031 6050	\$10,000
FROM:	621-440-K653 6050	\$10,000
TO:	621-440-K031 6050	\$10,000
FROM:	621-440-K676 6060	\$18,000
TO:	621-440-K031 6060	\$18,000

The source account for this transfer included funding for three different projects. This transfer will create a new account to track the third of the three proposed projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-298

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EMPIRE SANITARY DISTRICT TO CONTINUE TO ACCEPT AND TREAT SEWAGE FROM EMPIRE SANITARY DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Empire Sanitary District to continue to accept and treat sewage from the Empire Sanitary District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to an 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 June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-299

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GILTON SOLID WASTE MANAGEMENT INC. FOR THE CITY TO BILL AND ACCEPT PAYMENTS FOR MAXIMUM RESIDENTIAL SOLID WASTE SERVICE CHARGES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gilton Solid Waste Management Inc. for the City to bill and accept payments for maximum residential solid waste service charges 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 June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-299A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARBAGE COMPANY, DBA MODESTO DISPOSAL SERVICE, A USA WASTE CALIFORNIA CORPORATION, A WASTE MANAGEMENT COMPANY FOR THE CITY TO BILL AND ACCEPT PAYMENTS FOR MAXIMUM RESIDENTIAL SOLID WASTE SERVICE CHARGES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Garbage Company, dba Modesto Disposal Service, a USA Waste California Corporation, a Waste Management Company for the City to bill and accept payments for maximum residential solid waste service charges be, and it is hereby approved.

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

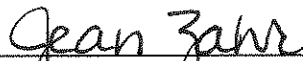
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-300**

**A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO
APPROPRIATE OPERATING SAVINGS TO FUND A NEW CIP PROJECT ENTITLED
REGISTRATION/RESERVATION SOFTWARE IN FUND 130**

WHEREAS, staff has been evaluating various software options and has identified several that will meet the department's present and future needs. Staff has reviewed several demonstration disks and the Information Services Division has assessed its compatibility with the City's equipment; and

WHEREAS, quotes from vendors indicate an additional \$15,000 will be needed to install the system and provide technical support during the transition.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

<u>Expense</u>	
#010-300-3001-5309	\$(65,000)
#130-310-L118-6070	\$ 65,000
#010-700-7000-7130	\$ 65,000
<u>Revenue</u>	
#130-700-7000-9010	\$ 65,000

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 June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-301

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING
CORPORATION (STANCO) FOR USE OF A CITY-OWNED HOME AT 308
LOCUST

BE IT HEREBY 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 use of a City-owned home at 308 Locust 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 June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:

Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-302

A RESOLUTION REQUIRING THAT CANDIDATES FOR
THE NOVEMBER 2, 1999, REGULAR MUNICIPAL
ELECTION SHALL PAY THE COST OF THEIR
STATEMENTS.

WHEREAS, according to a Fair Political Practices Commission ruling,
Proposition 73, of November, 1988, cities are prohibited from bearing any expense of
candidates' statements, and

WHEREAS, State Elections Code Section 13307 provides that before the
opening of the nomination period, the Council must determine whether the candidates shall
pay for their statements, consequently, this matter was set for June 22, 1999, for consideration
by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby declares that candidates for election in the Regular Municipal Election to be
held on November 2, 1999, shall be required to pay the cost of their statements since the
statement is not required but may be submitted at the option of candidates for election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-303

A RESOLUTION APPROVING THE SALE OF A
HALF ACRE OF EXCESS LAND TO LING
INVESTMENTS AND AUTHORIZING THE CITY
MANAGER TO EXECUTE ALL DOCUMENTS
NECESSARY TO COMPLETE SAID SALE.

WHEREAS, in 1993, the City acquired a half acre ranchette from Dorothy
Kilgore for the sum of \$142,000.00, based on an appraisal, and

WHEREAS, said half acre was intended to be included in a future school/park site
in Village One, and

WHEREAS, in 1996, the half acre was leased to Stewart W. Bradley and Betty J.
Bradley for the purpose of connecting their residence to a well located on the site, since their
property had been sold for a subdivision and their well was no longer accessible, and

WHEREAS, by the terms of said lease, the lease may be terminated by City upon
giving 90 days' notice to the lessees, and

WHEREAS, the property adjoining the half acre is being developed into the
Sierra View Subdivision, and

WHEREAS, Ling Investments has offered to buy the half acre of land for
\$25,000.00, and

WHEREAS, City staff recommends selling the land to Ling Investments because
it is the best use for the land, is too small for anything other than two single family residential
lots, and \$25,000.00 is a fair price in the current market, and

WHEREAS, it is not feasible for the City to develop the half acre because of the

cost of onsite improvements for two residential lots and,

WHEREAS, the half acre is excess land to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of a half acre of excess land to Ling Investments for the sum of \$25,000.00, and authorizes the City Manager, or his designee, to execute all documents necessary to complete said sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-304

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO GIVE 90 DAYS' NOTICE OF TERMINATION TO STEWART W. BRADLEY AND BETTY J. BRADLEY RELATING TO LEASE OF A HALF ACRE RANCHETTE.

WHEREAS, the City has been leasing a half acre ranchette to Stewart W. Bradley and Betty J. Bradley and finds it necessary to terminate the lease, and

WHEREAS, by the terms of said lease, the lease may be terminated by City upon giving 90 days' notice to the lessees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City Manager, that the City Manager, or his designee, is hereby authorized to give 90 days' notice of termination of the lease with Stewart W. Bradley and Betty J. Bradley.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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 Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-305

A RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENTS BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY, A CALIFORNIA CORPORATION FOR EXTENSION OF THE LEASE TERM BY TEN YEARS FOR WELL #77 (N. CADONI), WELL #79 (FARRAR), AND WELL #25 (BUDGET PACK)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to lease agreements between the City of Modesto and Beard Land Improvement Company, a California Corporation for extension of the lease term by ten years for Well #77 (N. Cadoni), Well #79 (Farrar) and Well #25 (Budget Pack) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to lease agreements by the designated city officials be authorized.

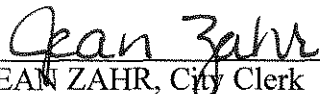
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-306

A RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENTS BETWEEN THE CITY OF MODESTO AND MODESTO AND EMPIRE TRACTION COMPANY, A CALIFORNIA CORPORATION FOR EXTENSION OF THE LEASE TERM BY TEN YEARS FOR WELL #s 1, 2 & 3 (VALLEY LIFT) AND WELL #1 (SOUTH MCCLURE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to lease agreements between the City of Modesto Modesto and Empire Traction Company, a California Corporation for extension of the lease term by ten years for Well #s 1, 2 & 3 (Valley Lift), and Well #1 (South McClure) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to lease agreements by the designated city officials be authorized.

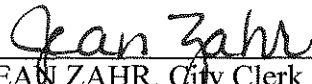
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-307

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND ISAAC ESHO FOR CONCESSION SERVICES AT BEYER PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Isaac Esho for concession services at Beyer 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 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-308

A RESOLUTION AUTHORIZING STAFF TO PROCEED
WITH A REQUEST FOR PROPOSALS FOR A FOOD AND
BEVERAGE VENDOR AT BEYER PARK NEAR THE SKATE
PARK.

WHEREAS, City staff has recommended that authorization be given to staff to proceed with a Request for Proposals for a food and beverage vendor to be located at the south side of Beyer Park near the skate park, and

WHEREAS, this vendor would be a second vendor, as currently, the City has a contract with a concessionaire located in the north section of Beyer Park, and

WHEREAS, at its meeting of April 6, 1999, the Financial Policy Committee considered this proposal as presented by staff and recommended to the Council that a Request for Proposals for a food and beverage vendor at Beyer Park be approved, and

WHEREAS, at its meeting of June 22, 1999, 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 a food and beverage vendor to be located at the south side of Beyer Park near the skate park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Sepra, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-309

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER AMENDMENTS TO THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING, MECHANICAL, AND PLUMBING CODES, AND THE CODE FOR THE ABATEMENT OF DANGEROUS BUILDING AND THE NATIONAL ELECTRICAL CODE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 6, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby set as the time and place for a hearing to consider amendments to the Modesto Municipal Code relating to the Building, Mechanical, and Plumbing Codes, and the Code for the Abatement of Dangerous Building and the National Electrical Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-310

A RESOLUTION APPROVING THE FINAL MAP OF THE
ENTERPRISE BUSINESS PARK SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, MARVIN L. OATES, an Unmarried Man, and JESUS O.

GARCIA, a Married Man, as His Sole and Separate Property, are possessed of a tract of land
situated in the City of Modesto, County of Stanislaus, consisting of 83.10 acres, known as
ENTERPRISE BUSINESS PARK SUBDIVISION ("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 April, 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 ENTERPRISE BUSINESS PARK 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 June, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-311

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$50,000 TO FULLY FUND A NEW CIP PROJECT, WATER QUALITY CONTROL LABORATORY ADDITION

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

FROM: 621 480 5214 0312; \$50,000

TO: 621 480 K038 6040; \$50,000

Project was approved by Council. Transfer of funds from operational savings from FY 98/99 to the laboratory remodeling was approved by Council. The project itself will create work spaces for the existing laboratory staff. The project's objective is higher work efficiency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-312

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR LIQUID SULPHUR
DIOXIDE (SO₂)

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 purchase of Liquid Sulphur Dioxide (SO₂) with two one-year extensions to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 27, 1999 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.

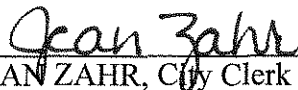
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-313

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING
THE PURCHASE OF ONE 2000 GMC TRUCK FROM F.B. HART COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one 2000 GMC truck from F. B. Hart Compañh are hereby waived.

BE IT FURTHER RESOLVED that purchase of one 2000 GMC truck from F. B. Hart Company for a not to exceed price of \$83,116.84 is hereby approved.

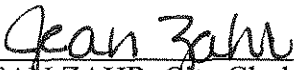
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-314**

**A RESOLUTION AMENDING COUNCIL RESOLUTION
NO. 98-650 RELATING TO THE MORGAN/WHITMORE
REORGANIZATION TO THE CITY OF MODESTO,
LOCATED AT THE NORTHWEST CORNER OF
MORGAN ROAD AND WEST WHITMORE AVENUE.**

WHEREAS, at the City Council meeting of December 8, 1998, the City Council adopted Resolution No. 98-650 entitled, "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 Morgan/Whitmore Reorganization To The City Of Modesto, Located At The Northwest Corner Of Morgan Road And West Of Whitmore Avenue. (Council Initiated - Uninhabited)", a copy of which is marked Exhibit "A" and attached hereto, and

WHEREAS, sometime following the December 8, 1998, Council meeting, the City forwarded a copy of said Resolution of Application, (Resolution No. 98-650) and an Application to the Local Action Formation Commission (LAFCO); however, the Resolution of Application (Resolution No. 98-650) initiating the Morgan/Whitmore Reorganization and the Application to LAFCO were incorrect, as they specified detachment from the *Industrial* Fire Protection District, rather than detachment from the *Ceres* Fire Protection District, and

WHEREAS, by an Agenda Report dated June 16, 1999, City staff recommended to the Council an amendment to Council Resolution No. 98-650 for the purpose of correcting the name of the Fire Protection District, and

WHEREAS, said recommendation was considered by the Council at its meeting of June 22, 1999, at which time the Council found it pertinent to amend said Resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that subparagraph (b) on page 2 of Resolution No. 98-650, adopted by the Council on December 8, 1998, entitled, "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 Morgan/Whitmore Reorganization To The City Of Modesto, Located At The Northwest Corner Of Morgan Road And West Of Whitmore Avenue. (Council Initiated - Uninhabited)", a copy of which is marked Exhibit "A" and attached hereto, is hereby amended to read as follows:

"(b) The detachment of said territory from the *Ceres* Fire Protection District.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 98-650 not in conflict with this resolution shall remain in full force and effect.

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 MORGAN/WHITMORE 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 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-650

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 MORGAN/WHITMORE REORGANIZATION TO THE CITY OF MODESTO, LOCATED AT THE NORTHWEST CORNER OF MORGAN ROAD AND WEST WHITMORE AVENUE. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the City has received a written request from the sole property owner, Mr. Paul Sasaki, to annex his parcel to the City of Modesto, said parcel is approximately 40-acres of agricultural land, located in the southeast corner of the Modesto General Plan area, surrounded on the east and south by the City of Ceres Sphere of Influence, and north and west by developed industrial uses, General Foods and Kraft Products, said property would be rezoned Industrial, and

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 Morgan/Whitmore Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, this resolution of application by the Council is proposed pursuant to Cortese-Knox Section 56800 which allows the legislative body to adopt such resolution with or without mailed notice to the subject agencies; and in this instance, the sole property owner has requested annexation of the subject property, and

EXHIBIT "A"

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

WHEREAS, the territory proposed to be annexed is uninhabited, and a
description of the boundaries of the territory is set forth in Exhibit "A", attached hereto and
by this reference incorporated herein, and

WHEREAS, said territory consists of 40 acres, as set forth on Exhibit "B",
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, prior to an annexation application being allowed to be heard by
LAFCO, there must first be an agreement with the County providing for the sharing of
property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property
Tax Sharing Agreement entered into between the City and the County, which was approved by
Council Resolution No. 97-185, on April 8, 1997, 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 Exhibit "A" attached
hereto, to the City of Modesto.
- (b) The detachment of said territory from the Industrial Fire Protection
District.

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

WHEREAS, the reasons for this proposed Morgan/Whitmore Reorganization to the City of Modesto are as follows:

Staff has received a written request from the sole property owner, Mr. Paul Sasaki, to annex his parcel to the City of Modesto, 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 future development of this site shall be consistent with the Modesto Urban Area General Plan adopted by the Council of the City of Modesto on August 15, 1995.
2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", 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.
3. That the proposed Reorganization is covered by the City's General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an

Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the Initial Study in LAFCO's deliberations on this reorganization application.

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 MORGAN/WHITMORE 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

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

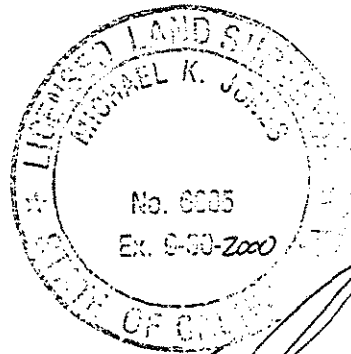
EXHIBIT "A"
WRITTEN DESCRIPTION

MORGAN-WHITMORE REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the Southeast Quarter of the Southeast Quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the Southeast corner of said Section 9; thence North $89^{\circ}50'55''$ West, along the South line of said Section 9, a distance of 1331.91 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 9; thence North $00^{\circ}29'35''$ West, along the west line of said Southeast Quarter, and along the East City Limits line and southerly projection, as described in the Modesto Industrial Park Addition to the City of Modesto filed for record on March 10, 1959 at Instrument No. 6807, Stanislaus County Records, a distance of 1318.23 feet to the Northwest corner of said Southeast Quarter, and an angle point in the City Limits line as described in said Modesto Industrial Park Addition; thence South $89^{\circ}54'01''$ East, along the North line of said Southeast Quarter, and along said City limits line, a distance of 1327.93 feet to the Northeast corner of said Southeast Quarter; thence South $00^{\circ}39'55''$ East, along the East line of said Section 9, a distance of 1319.48 feet to the Point of Beginning and containing 40.26 acres, more or less.

END DESCRIPTION



A handwritten signature in black ink, appearing to be "Michael K. Jones", written over the bottom right portion of the notary seal.

EXHIBIT "B"

ANNEXATION PROPOSAL MAP

MODESTO INDUSTRIAL PARK ADDITION
I.N. 59-6807
S.C.R.

AREA = 40.26± ACRES

A.P.N. 56-52-11

CITY OF MODESTO LIMITS LINE

CITY OF CERES LIMITS LINE

20'

20'

EXISTING CITY LIMITS LINE

ROAD

SECTION LINE AND CENTERLINE OF MORGAN ROAD.

SCALE 1"=300'

EXISTING CITY LIMITS LINE S 89°54'01" E 1327.93'

A.P.N. 56-52-04

N 00°29'35" W 1318.23'

A.P.N. 56-52-08
S.E. 1/4 OF SECTION 9
T.4 S., R.9 E.
M.D.B. & M.

A.P.N. 40-89-03
CERES BUSINESS AND INDUSTRIAL PARK

S 00°39'55" E 1319.48'

CITY OF CERES LIMITS LINE

MORGAN

EXISTING CITY LIMITS LINE

SEC. 9

SEC. 10

N 89°50'55" W (B.O.B.) 1331.91'

WHITMORE

SECTION LINE AND CENTERLINE OF WHITMORE AVE.

AVENUE SEC. 16

CITY OF CERES LIMITS LINE

A.P.N. 56-53-47

A.P.N. 56-53-48

A.P.N. 56-53-46

WEST CERES REORGANIZATION TO THE CITY OF CERES
A.P.N. 56-53-45

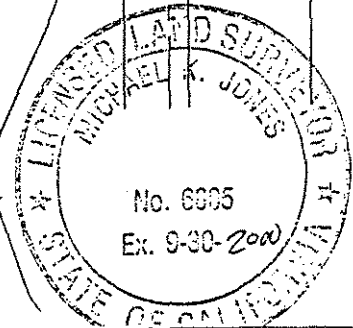
53-16-01	53-16-02	53-16-15
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A.P.N. 53-16-03

A.P.N. 53-16-04

BASIS OF BEARINGS

A BEARING OF NORTH 89°50'55" WEST FOR THE SOUTH LINE OF SECTION 9, AS SHOWN ON THE SURVEY FILED FOR RECORD ON MAY 5, 1975 IN BOOK 13 OF SURVEYS, AT PAGE 77, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN HEREON.



SCALE :	1"=300'
DRAWN BY :	M. JONES
FILE :	4961ANX1.DWG
DATE :	DEC. 17, 1998



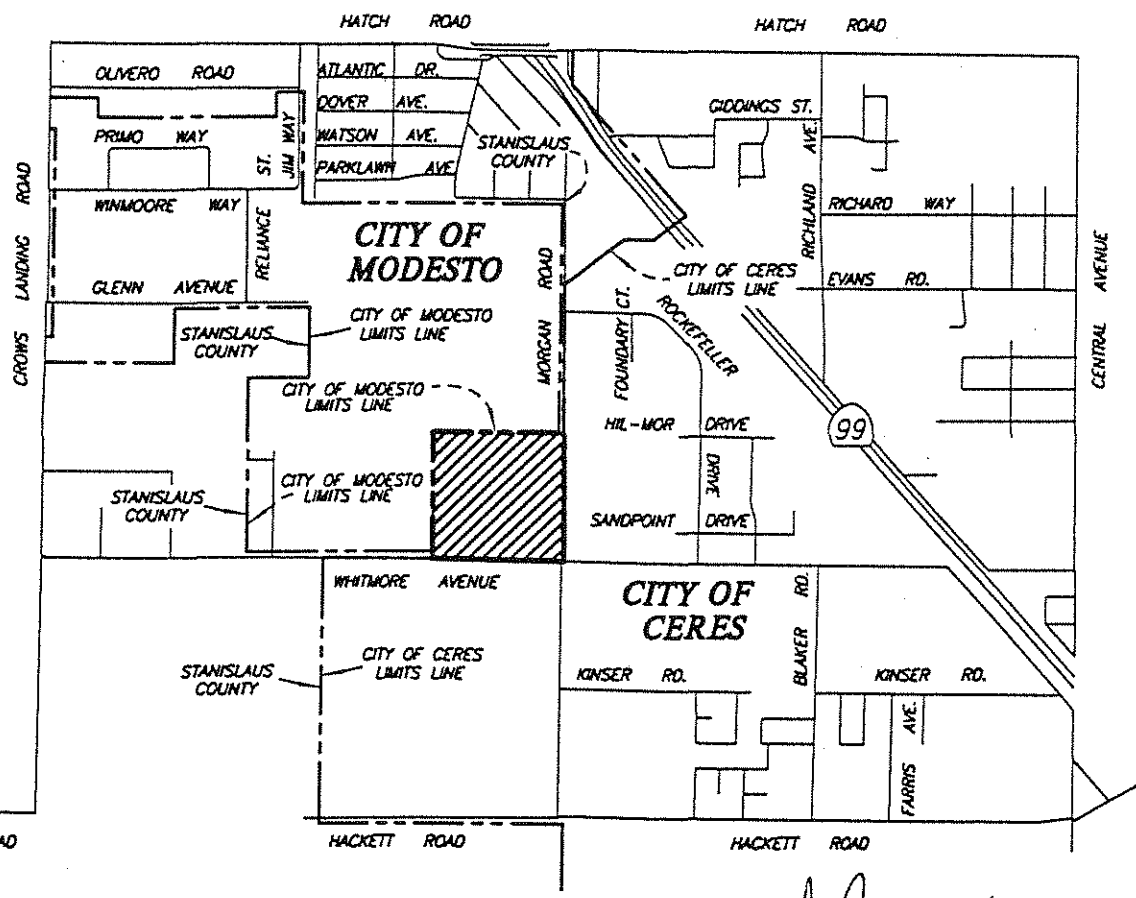
O'Dell Engineering

1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

MORGAN-WHITMORE REORGANIZATION TO THE CITY OF MODESTO

Exhibit "B"

NOT TO SCALE



[Handwritten Signature]

LICENSED LAND SURVEYOR
 MICHAEL K. JONES
 No. 6005
 Ex. 9-30-2000
 STATE OF CALIFORNIA

SCALE :	N.T.S.
DRAWN BY :	E. SCHMITZ
FILE :	4961VIC1.DWG
DATE :	DEC. 17, 1998

O'Dell Engineering
 1101 M St. Suite 1 Modesto, CA 95354
 (209) 571-1765 FAX: (209) 571-2466

**MORGAN-WHITMORE
 REORGANIZATION
 TO THE
 CITY OF MODESTO**

Exhibit "B"

EXHIBIT "C"

MORGAN/WHITMORE REORGANIZATION PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the MORGAN/WHITMORE Reorganization:

- A. The City of Modesto is a full-service municipal city and would provide the following services:
1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Industrial Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 10.
 2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.
 3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.
 4. **Sanitary Sewer Service** - Service would be extended upon development of the area at no cost to the City, as existing City fees and property owner financing will be sufficient to cover the cost.
 5. **Water Service** - Service would be provided by the City of Modesto upon annexation.
 6. **Streets** - Streets maintenance will be provided by the City of Modesto.
- B. The Level and range of services:
- The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.
- 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 be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of City fees and Enterprise Fund.

18

MODESTO CITY COUNCIL
RESOLUTION NO. 99-315

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(535). (MID-
VALLEY ENGINEERING/OCAT)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Mid-Valley Engineering/Ocat on March 22, 1999, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(535), to allow a fast food restaurant and parking area, property located on the east side of Coffee Road south of East Coolidge Avenue, described as follows:

R-1 to P-D(535)

ALL that certain real property situate in the City of Modesto, County of Stanislaus, State of California, and lying within a portion of the Northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

LOTS 2, 3, and 4 in Block 1179 of GARDEN ACRES TRACT, as per the Map thereof recorded November 18, 1940 in Volume 14 of Maps at Page 9, Stanislaus County Records.

EXCEPTING THEREFROM said Lot 4, the South 55 feet of the west half and South 55 feet of the East 95 feet thereof,

Including also the East half of Coffee Road and the West half of Water Street all being immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on May 17, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-35, that rezoning of the property as

requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D zone for a fast food restaurant amounts to an expected expansion of existing neighborhood commercial development that is oriented to the intersection of Coffee Road and East Orangeburg Avenue, two minor arterial streets.
2. The proposed P-D Zone, by virtue of its location, site design, and conditions of approval fits within a transition between the neighborhood commercial uses to the south and west and the business/professional offices to the north and is well buffered from the residential area to the east.
3. The proposed P-D Zone conforms to the Modesto Urban Area General Plan.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 22, 1999, in the City Council Chambers, City Hall, 801 11th 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 Mid-Valley Engineering/Ocat 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. 99-35 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3149-C.S. on the 22nd day of June, 1999, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(535).

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(535), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan, floor plans and elevations titled "New Taco Bell at Coffee Road" as amended in red, stamped approved by the City Council on June 22, 1999, ("approved plans.")
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. The 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. Interim six-foot-high double-sided wood fence along the entire south property line to within ten feet of Water Street and ten feet of the new Coffee Road right-of-way line.
 - b. Eight-foot-high decorative masonry wall 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. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. A minimum 10-foot-wide sidewalk shall be provided on Coffee Road.

7. Prior issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements and planting easements as required by the utility companies and the Engineering and Transportation Director, and the Community Service and Neighborhood Connections Director, respectively.
9. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
10. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
11. Trash bins shall be kept in enclosures in accordance with approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
12. 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 properties to the north and south substantially as shown in red on the plot plan.
13. 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.
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 proceeding 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 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.

15. All signs shall comply with the sign requirements of the C-1 Zone and that the Taco Bell logo is permitted above the average roofline as shown on the approved plans.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(535):

The entire construction program be accomplished in one phase, construction to begin on or before May 17, 2001, and completion to be not later than May 17, 2002.

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(535), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By George Owen
Community Development Department
Development Services

Book

MODESTO CITY COUNCIL
RESOLUTION NO. 99-316

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(535), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD SOUTH OF EAST COOLIDGE AVENUE. (MID-VALLEY ENGINEERING/OCAT)

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, Mid-Valley Engineering/Ocat has proposed that the zoning designation for the property located on the east side of Coffee Road south of East Coolidge Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(535), in the City of Modesto ("the project"), to allow a fast food restaurand and parking area, 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 99-38 reviewed the proposed amendment to the Zoning Map and rezone to P-D(535) 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(535) 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 June, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Initial Study

EA/CDD 99-38

City of Modesto
Initial Study

EA NO. CDD 99-38

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from R-1 to P-D, property located on the east side of Coffee Road south of 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:
Public Hearing - Application of Mid-Valley Engineering to Rezone From R-1 to P-D, for a Fast Food Restaurant, Property Located on the East Side of Coffee Road South of 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:
Dennis Wilson
Mid-Valley Engineering
900 "H" Street, Suite G
Modesto, CA 95354
phone (209) 526-4214
- D. Project Location:
Stanislaus County
City of Modesto
east side Coffee Road South of East Coolidge Avenue
- E. Project Sponsor:
Dennis Wilson
- F. General Plan Designation:
Mixed Use (MU)
- G. Zoning:
R-1

- H. Description of Proposed Project:
The applicant proposes a P-D zone for a Taco Bell restaurant on the north portion of a double-front site on the east side of Coffee road, just south of East Coolidge Avenue. The site is the result of combining three residential properties and extends through to Water Street. There will be no access to Water Street and the typical eight (8) feet high block wall along the entire Water Street frontage will provide a buffer from the low and medium density residential area to the east. The nineteen (19) space parking requirement is more than fulfilled by thirty-six (36) stalls laid out along the south and east sides of the site. One main ingress/egress driveway serves the parking area and leads to the drive-up window service on the north side of the building. An exit-only driveway also opens onto Coffee Road.
- I. Surrounding land uses:
This proposal is surrounded by a mixture of professional office, retail commercial, and residential uses.
- J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

- A. **Traffic and Circulation**
Approval of the rezoning resulting in a fast food restaurant and off-street parking area will contribute to additional traffic in the area. However, driveway access to the site will be limited. A site traffic mitigation study was not required for the proposed rezoning and eminent construction of the restaurant use. This property 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 rezoning and resulting development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.
- C. **Generation of Noise**
This proposed rezoning and resulting development is adjacent to and surrounded by urban development. The adjacent developed

neighborhood contains a mixture of commercial, professional office, and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this 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

This proposed rezoning and resulting 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 for R-1 uses. The requested rezoning will allow uses commensurate with the surrounding predominantly nonresidential area, 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

This proposed rezoning and resulting 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

This proposed rezoning and resulting 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

This proposed rezoning and resulting 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

This proposed rezoning and resulting 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.

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

This proposed rezoning and resulting development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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**

This proposed rezoning and resulting development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

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

This proposed rezoning and resulting development 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**

This proposed rezoning and resulting development will not impact the Modesto School system, as this nonresidential use will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. **Increased Demand for Police Services**

This proposed rezoning and resulting development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**

This proposed rezoning and resulting development 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 mile to

the west. 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 proposed rezoning and resulting 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

This proposed rezoning and resulting 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

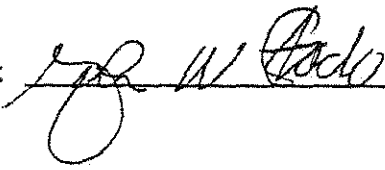
This proposed rezoning and resulting development will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for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

R. Energy

This proposed rezoning and resulting 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.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from R-1 to P-D for a fast food restaurant 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 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 no specific features unique to this rezoning that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. The Initial Study, Environmental Assessment No. EA/CDD 99-38, provides the substantial evidence to support finding numbers A, B, C, and D above.

Signature:  _____

EA RESOLUTION

- 1 Attorney
- 1 CDD - Construction Administration
- 1 CDD -- Attention: John Stack
- 3

MODESTO CITY COUNCIL
RESOLUTION NO. 99-317

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(536).
(ROBERT DEGRASSE, AIA)

WHEREAS, a verified application for an amendment to Section 29-3-9 of the Zoning Map was filed by Robert DeGrasse, AIA on March 22, 1999, to reclassify from General Commercial Zone, C-2, to Planned Development Zone, P-D(536), to allow a two-story building to house and maintain communications equipment and a parking area, property located on the northeast side of 13th Street south of Needham Street at 1222 13th Street, described as follows:

C-2 to P-D(536)

All that portion of Lots 4, 5, 6, 7, 27, and 28 in Block 109, as shown on that certain map filed in the office of the Recorder of Stanislaus County, State of California, on December 21, 1942 in Volume 15 of Maps, lying within a portion of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Beginning at the Northeastern corner of Lot 9 in Block 109 as shown on that certain map filed in the office of the Recorder of Stanislaus County, State of California, on December 21, 1942 in Volume 15 of Maps; thence along the Northern line of Lot 9, North 88° 47' 30" West, 61.46 feet; thence South 46° 30' 30" West, 7.11 feet, to a point on the Southerly line of Needham Street, being the True Point of Beginning; thence South 46° 11' 26" West, 89.56 feet, to a point on the Northeasterly line of the alley running through said Block 109, distant Northwesterly 237.52 feet from the point of intersection of said alley and the Northeasterly line of L Street; thence along said Northeasterly line of said alley, North 43° 29' 49" West, 64.70 feet; thence North 1° 11' 18" East, 17.33 feet, to a point on the Southerly line of Needham Street; thence along said Southerly line of Needham Street, South 88° 48' 42" East, 108.82, to the True Point of Beginning;

including also Lots 27 and 28 of Block 109;

including also the Southerly half of Needham Street and the Northeasterly half and Southwesterly half of the alley in Block 109 and the Northeasterly half of 13th Street, all being immediately adjacent to the above described properties.

and

WHEREAS, after a public hearing held on May 17, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-37, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D zone for commercial building will house communication facilities that will serve the City and region.
2. The proposed P-D zone will allow a two-story building in the vicinity of other two-story buildings, which, together with the conditions of approval will assure a degree of compatibility with the surrounding developments.
3. The three off-street parking spaces are sufficient for this communications facility due to the very low occupancy load.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 22, 1999, in the City Council Chambers, City Hall, 801 11th 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 Robert DeGrasse, AIA 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. 99-37 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3150 -C.S. on the 22nd day of June, 1999, reclassifying the above-described property from General Commercial Zone, C-2, to Planned Development Zone, P-D(536).

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(536), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed New Point of Presence: Williams Communications" as amended in red, stamped approved by the City Council on June 22, 1999.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. Some tree screening shall be installed along both street frontages. 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. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
5. Prior to issuance of a building permit, the developer shall dedicate public utility easements and planting easements as required by the utility companies and the Directors of Engineering and Transportation and Community Services and Neighborhood Connections.
6. Trash cans shall be screened from view from any public street.

7. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director. The operation of the premises shall cause no offsite radio, television, or telephone interference.
8. All signs shall comply with the sign requirements of the C-2 Zone.
9. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(536):

The entire construction program be accomplished in one phase, construction to begin on or before May 17, 2001, and completion to be not later than May 17, 2002.

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(536), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By George Owen RSC
Community Development Department
Development Services

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-318

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 29-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(536), PROPERTY LOCATED ON THE NORTHEAST SIDE OF 13TH STREET SOUTH OF NEEDHAM STREET AT 1222 13TH STREET. (ROBERT DEGRASSE, AIA)

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, Robert DeGrasse, AIA has proposed that the zoning designation for the property located on the northeast side of 13th Street south of Needham Street at 1222 13th Street, be amended to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(536), in the City of Modesto ("the project"), to allow a two-story building to house and maintain communications equipment and a parking area, 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 99-37 reviewed the proposed amendment to the Zoning Map and rezone to P-D(536) 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(536) 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 June, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT “A”

Initial Study

EA/CDD 99-37

City of Modesto
Initial Study

EA NO. CDD 99-37

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from C-2 to P-D, property located at 1222 Thirteenth Street. 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 Robert DeGrasse, Architect to Rezone From C-2 to P-D, Property Located at 1222 Thirteenth Street

- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

- C. Contact person, address and phone number:
Robert DeGrasse, AIA
1414 L Street
Modesto, CA 95354
phone (209) 575-1415

- D. Project Location:
Stanislaus County
City of Modesto
1222 Thirteenth Street

- E. Project Sponsor:
Robert DeGrasse

- F. General Plan Designation:
Redevelopment Planning District (RPD)

- G. Zoning:
C-2, General Commercial

- H. Description of Proposed Project:
The applicant is proposing a planned development zone pursuant to a two-story building to house communication equipment. The application covers three parcels, the building site at 1222 Thirteenth Street and two smaller irregular-shaped parcels across the alley fronting on Needham Street. The building will contain 9600 square feet total and there are four parking spaces proposed, two adjacent to the building and two across the alley.
- I. Surrounding land uses:
general commercial
- 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**
Approval of the rezoning resulting in a communication equipment building and four parking spaces will not contribute to additional traffic in the area.. A site traffic mitigation study was not required for the proposed rezoning and eminent construction of the equipment building. This property 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 rezoning and resulting development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.
- C. **Generation of Noise**
This proposed rezoning and resulting development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and professional office uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this 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

This proposed rezoning and resulting 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 for C-2 uses. The requested rezoning will allow uses commensurate with the surrounding nonresidential area, subject to conditions of approval. This property is also within a (RPD) Redevelopment Planning District with a land use designation of CRP Commercial/Residential/Public 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

This proposed rezoning and resulting 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

This proposed rezoning and resulting 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

This proposed rezoning and resulting 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

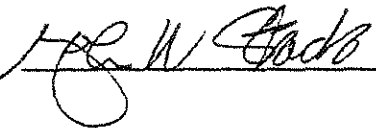
This proposed rezoning and resulting development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows 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.

- I. **Drainage, Flooding and Water Quality**
This proposed rezoning and resulting development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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**
This proposed rezoning and resulting development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.
- K. **Increased Demand for Parks and Open Space**
This proposed rezoning and resulting development 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**
This proposed rezoning and resulting development will not impact the Modesto School system, as this nonresidential use will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.
- M. **Increased Demand for Police Services**
This proposed rezoning and resulting development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.
- N. **Increased Demand for Fire Services**
This proposed rezoning and resulting development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is located approximately one-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 proposed rezoning and resulting 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**
This proposed rezoning and resulting 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**
This proposed rezoning and resulting 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**
This proposed rezoning and resulting 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.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from C-2 to P-D for a communications building 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 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 no specific features unique to this rezoning that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. The Initial Study, Environmental Assessment No. EA/CDD 99-37, provides the substantial evidence to support finding numbers A, B, C, and D above.

Signature: 

EA RESOLUTION

- 1 Attorney
- 1 CDD - Construction Administration
- 1 CDD -- Attention: John Stack
- 3

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99-319

A RESOLUTION ADOPTING A REVISED SCHEDULE OF
MAXIMUM RATES AND CHARGES FOR THE
COLLECTION OF GARBAGE IN THE CITY OF MODESTO,
AND SUPERSEDING RESOLUTION NO. 98-385.

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto. Instead, the City has an outside auditor perform a comprehensive review of cost information submitted by the contract garbage haulers. The City then sets a cap on the rate that the haulers may charge for the various types of services provided under the contracts. The maximum rates that may be charged are based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f(2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates. Service charges and operations costs are reviewed annually, and adjustments become effective on July 1 of a year. In December, 1998, the City's garbage collection companies submitted formal written requests for rate adjustments. Macias, Gini & Company conducted the annual rate review analysis using the audited financial statements provided by the garbage haulers, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a proposal to provide twice-a-year bulky item pickup for residential customers and a revised schedule of maximum rates and charges for garbage

service in the City of Modesto as shown on Exhibit "A" attached hereto, commencing July 1, 1999, and

WHEREAS, a report dated June 11, 1999, 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, June 22, 1999, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommendations, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

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

1. That it hereby approves the Maximum Charges for Garbage Service as attached hereto, marked Exhibit "A" and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective on July 1, 1999, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 98-385 is hereby superseded, effective July 1, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates
(Once a Week Pickup Service)

The following maximum rates are for existing customers prior to July 1, 1996:

One 60 gallon container	\$15.02
One 90 gallon container	\$17.75
Each additional container	\$13.28

The maximum rate for new sign ups for service or change in service which occurs after July 1, 1996, shall be charged \$17.75 per month regardless of size of container. The maximum rate for each additional garbage container shall be \$13.28 per month.

The above maximum standard container rate shall apply for service when containers are placed in a location set forth in Section 5-5.11 of the Municipal Code.

DETACHABLE CONTAINERS

Number of Collections Per Week

Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$32.37	\$54.24	\$76.10	\$97.97	\$119.84	\$141.71
1½ CY	\$43.31	\$76.11	\$108.92	\$141.71	\$174.52	\$207.33
2 CY	\$54.24	\$97.97	\$141.71	\$185.44	\$229.16	\$272.89
3 CY	\$76.10	\$141.71	\$207.30	\$272.89	\$338.50	\$404.09
4 CY	\$97.97	\$185.44	\$272.89	\$360.36	\$447.82	\$535.29
5 CY	\$119.84	\$229.16	\$338.50	\$447.82	\$557.16	\$666.48
6 CY	\$141.71	\$272.89	\$404.09	\$535.29	\$666.48	\$797.68

**DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE**

Detachable container size	1 CY to 6 CY
Monthly rental rate	\$10.00

DROP BOX CONTAINERS

Pick up charge	\$135.81 per pick up
Rental	\$2.42 per day with \$60.50 maximum for each 30-day rental period
Disposal charge	Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS*

Front Loader Type:

Compactor Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$134.53	\$269.06	\$403.59	\$538.12	\$672.65	\$807.18
4 CY	\$177.16	\$354.32	\$531.48	\$708.64	\$885.80	\$1,062.96

*The maximum rate is the second in a series of 4 annual adjustments approved in July, 1998.

Roll-Off Type:

6 CY to 40 CY	\$135.81 per pickup
Washing of compactor at the request of customer	\$30.00
Disposal Charge:	Actual charge to be paid by customer

EXTRA PICKUPS

Standard containers or equivalent	\$3.50 plus \$1.38/container
Detachable containers	\$12.00 plus \$2.75/cubic yard

SPECIAL SERVICE CONDITIONS

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

DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

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

NOTATIONS

- The above maximum residential rates include the \$0.10 per month per household recycling fee payable to the City by the garbage company. Maximum residential rates also include twice-a-year bulky item pickup, blue bag recycling, and a separate container for green waste collection.
- Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service.

MODESTO CITY COUNCIL
RESOLUTION NO. 319A

CHANGING THE 4TH OF JULY PARADE FROM THE 3RD
OF JULY, 1999, TO THE 4TH OF JULY, 1999

WHEREAS, it has come to the attention of Council that several concerned citizens and religious groups in the community have expressed the view that fairness requires the annual 4th of July parade to actually occur on the 4th of July, and

WHEREAS, the Fourth of July Celebration Committee of the Modesto Jacees ("the Committee") has advised the Council that the primary difficulties concerned with changing the 4th of July celebration, including the picnic, fireworks and parade, reside with the changing of the picnic and the fireworks, and

WHEREAS, the Committee has stated to this Council that if it is the Council's wish to change a portion of the celebration to a different date, that the committee could accommodate the changing of the parade date,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the parade portion of the annual 4th of July celebration administered by the Committee shall take place on the 4th of July.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of June, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

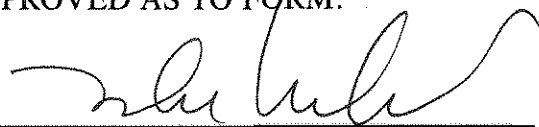
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 99 - 320**

**A RESOLUTION ESTABLISHING THE 1999-00 FISCAL YEAR
APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS
TO BE USED IN THE CALCULATION**

WHEREAS, adoption of the Fiscal Year 1999-00 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 XIII B 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 1999-00 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 22nd day of June, 1999, 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 votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Smith, and Mayor Lang

NOES: Councilmembers: Conrad and Serpa

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHER, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 

STAN FEATHERS, Budget Officer

ATTACHMENT

APPROPRIATION LIMIT CALCULATION

FISCAL YEAR 1999-2000

FY 1998-1999 Appropriation Limit \$172,325,401

Adjustment Factors

Population:

Modesto: 1.0091

County: 1.0110

Price:

Per Capita Income
(State) 1.0453

Local non-residential
new construction Unavailable

Total Adjustment
Percentage 5.68%

Annual Adjustment \$9,788,082

FY 1999-2000 Appropriation Limit \$182,113,483

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-321**

**A RESOLUTION AMENDING THE 1998-99 BUDGET ADJUSTING
APPROPRIATIONS AND RE-ESTIMATING REVENUE AND ADOPTING THE
BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2000**

WHEREAS, after financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1998-99; and

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1998-99 Fiscal Year has been submitted to the City Council by the City Manager and the City Council has made such revisions as it has deemed advisable; and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget; and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjusted appropriations and re-estimating as indicated in the 1999-00 City of Modesto Proposed Budget is hereby adopted as the budget for fiscal year ending June 30, 2000; and that several amounts stated therein as proposed expenditures and revenues are hereby appropriated for the various objects therein described.

NOW, THEREFORE, BE IT RESOLVED that the capital projects carried over from Fiscal Year 1998-99 are hereby reappropriated as a part of the budget for the Fiscal Year 1999-2000;

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 June, 1999, 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: Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad and Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Fiscal Year 1998-1999
Fourth Quarter Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
1 Appropriation	Mitchell/Finch Traffic Signal	070	160	F665	6040	95,000	12,000	107,000
Revenue	Federal Funds - CMAQ	070	510	9510	3504	7,836,467	10,200	7,846,667
Appropriation	Special Gas Tax Fund Contingency Reserve	070	800	8000	8003		(1,800)	

This project is federally funded with Congestion Management Air Quality (CMAQ) monies up to \$150,000; however, the budget was established at \$95,000. The project is now under construction, approximate expenditures/encumbrances to date include \$15,000 for engineering design; \$30,000 for MID line relocation; and a \$50,000 construction contract. The additional \$12,000 is required to provide funding for project contingencies and Construction Administration charges.

2 Appropriation	Annual Sewer Rehabilitation	621	440	K679	6040	500,000	(80,000)	420,000
Appropriation	Subtrunk Extensions	621	440	K011	6040	465,000	80,000	545,000

In the Third Quarter Financial Report, \$200,000 was transferred from the Subtrunk extension project to fund the purchase of some generators. Although this project is close to be completed, it is not yet finished so \$80,000 needs to be transferred back into this project, the \$80,000 will be transferred from the Annual Sewer Rehabilitation Project.

Fiscal Year 1999-2000

Adoption
Adjustments

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Proposed Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
1 Revenue	Transfer in from Water Fund	010	700	7000	9610		1,550,818	(775,409)	775,409
Revenue	Transfer in from Wastewater Fund	010	700	7000	9621		1,931,768	(965,884)	965,884
Appropriation	General Fund Contingency Reserve	010	800	8000	8003			(1,741,293)	
Appropriation	Transfer out to the General Fund	610	700	7000	7010		1,550,818	(775,409)	775,409
Revenue	Water Sales	610	510	9510	4201		10,368,823	(206,329)	10,162,494
Revenue	Water Sales - Metered	610	510	9510	4202		5,741,691	(114,254)	5,627,437
Revenue	Seniro/Disabled Discount	610	510	9510	4203		(24,485)	487	(23,998)
Revenue	Delinquent Service Fees	610	510	9510	4204		404,040	(8,040)	396,000
Revenue	Interest Earnings	610	510	9510	6101		372,517	(13)	372,504
Appropriation	Water Fund Contingency Reserve	610	800	8000	8003			447,260	
Appropriation	Transfer out to the General Fund	621	700	7000	7010		1,931,768	(965,884)	965,884
Revenue	Delinquent Service Fees	621	510	9510	4204		13,275	(470)	12,805
Revenue	Residential Sewer Service	621	510	9510	4301		8,644,138	(305,806)	8,338,332
Revenue	Commercial Sewer Service	621	510	9510	4304		3,225,732	(114,118)	3,111,614
Revenue	Empire Sanitary District	621	510	9510	4307		118,884	(4,206)	114,678
Appropriation	Wastewater Fund Contingency Reserve	621	800	8000	8003			541,284	

This adjustment is the impact of the settlement of the Howard Jarvis Taxpayers Association lawsuit.

2 Appropriation	Briggsmore Corridor Beautification	070	440				150,000	(150,000)	0
Revenue	Federal TEA	070	510	9510	3504		132,000	(132,000)	0
Appropriation	Special Gas Tax Fund Contingency Reserve	070	800	8000	8003			18,000	

This project was not funded.

Appropriation	Tuolumne Boulevard Extension Beautification	070	440				300,000	(300,000)	0
Revenue	Federal TEA	070	510	9510	3504		300,000	(300,000)	0

This project was proposed for funding in FY2001-02, and was not funded.

Appropriation	Community Gateways	070	440				550,000	(550,000)	0
Revenue	Federal TEA	070	510	9510	3504		484,000	(484,000)	0
Appropriation	Special Gas Tax Fund Contingency Reserve	070	800	8000	8003			66,000	

This project was postponed until FY2001-02 & FY2002-03.

Appropriation	Save the Train	052	310				335,000	(305,000)	30,000
Revenue	LTF Streets Allocation	052	510	9510	1213		40,000	(10,000)	30,000
Revenue	Federal TEA	052	510	9510	3504		295,000	(295,000)	0

TEA funding for this project was reduced and postponed until FY2000-01. The revised plan assumes that Stanislaus County and citizen contributions will fund \$128,000 of the project. A small amount of LTF funds remains in the budget for a relocation plan.

Appropriation	LaLoma/James & Scenic/19th Roundabouts	070	160				275,000	1,375	276,375
Revenue	Federal TEA	070	510	9510	3504		242,000	1,375	243,375

TEA funding for this project was approved. This is one of two approved projects.

Appropriation	Scenic Avenue Corridor	070					0	590,760	590,760
Revenue	Federal TEA	070	510	9510	3504		0	523,000	523,000
Appropriation	Special Gas Tax Fund Contingency Reserve	070	800	8000	8003			(67,760)	

This is a new project, and the second of two projects approved by the SAAG for TEA funds

The Scenic Avenue Corridor Project provides visual enhancement and the potential for bikeway linkages on Scenic Avenue between Scenic General Hospital and Coffee Road. The proposed project includes acquisition of a scenic easement for the purpose of opening the viewshed to the Dry Creek Open Space Corridor and provides for a bikeway easement to create a trail juncture between Class II Bike Lanes on Coffee Road and the Class I Path within the Dry Creek Open Space Corridor.

The above projects were proposed to be funded with Federal Transportation Enhancement Activities (TEA) funds, at the time the budget was prepared the project selection process was still underway. Allocation of TEA funds has now been complete, and the above adjustment reflects the results of the TEA selection process.

**Adoption
Adjustments**

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Appr Unit	Proposed Budget (\$)	Adjustment Amount (\$)	Revised Budget (\$)
3	Appropriation Brinks Ave - North to Beckwith Interim	113	430				687,000	(687,000)	0
	Appropriation CDBG Fund Contingency Reserve	113	800	8000	8003			687,000	
<p>Funding for this project is available in the Economic Development organization in Fund 116. When the amount required for this project is known, council action will be proposed to appropriate funding for the project. In the proposed document, funds were allocated in the economic development organization, and should not have been budgeted in the CIP. No impact on the fund 113 proforma, only a reduction in the Capital Improvement Program.</p>									
4	Appropriation Service Credit	010	190	1924	9990		(89,556)	3,236	(86,320)
	Appropriation Salary	010	190	1961	0111		(1,350,665)	(3,236)	(1,353,901)
	Appropriation Services, Other City Forces	885	190	1970	0255		103,451	(3,236)	100,215
	Appropriation SDEU Fund Contingency Reserve	885	800	8000	8003			3,236	
<p>Due to the PERS adjustment it is necessary to make the above changes to complete the transactions between General Fund and Stanislaus Drug Enforcement Fund.</p>									
5	Appropriation IS Infrastructure-Inside	751	030	0351	0252		1,994	(50)	1,944
	Appropriation EBF Fund Contingency Reserve	751	800	8000	8003			50	
<p>Adjustment required to correct an error in Employee Benefits Organization.</p>									
6	Appropriation Salary & Benefits	610	480	5012	0110		1,993,416	82,048	2,075,464
	Appropriation Various Equipment	610	480	5012	0218		439,985	17,952	457,937
	Appropriation Service Credit	610	480	5012	9990		(1,205,270)	(100,000)	(1,305,270)
	Appropriation Svc City forces	615	480	5051	0255		698,635	100,000	798,635
	Appropriation Water Zone 2 Contingency Reserve	615	800	8000	8003			(100,000)	
<p>This adjustment is to appropriate funding for two new Water System Operator Positions in zone 2.</p>									
7	Appropriation Miscellaneous Services	010	020	0201	0235		0	48,000	48,000
	Appropriation General Fund Contingency Reserve	010	800	8000	8003			(48,000)	
<p>This adjustment is to increase the budget for the 10th Street Place relocation plan.</p>									

CITY OF MODESTO
BUDGET REDUCTION STRATEGIES
Phase 1 and 1A

<u>OPTION</u>	<u>SECTION</u>	<u>REDUCTION OPTION</u>	<u>EXPENDITURE</u>	<u>REVENUE</u>	<u>ONE-TIME</u>
1	City Manager	Eliminate Communications Mgr. (vacant)	75,000		
3	Finance	Reduce Budget Analyst (vacant)	61,500		
4		New Revenue for Garbage Billing		130,000	
6	CDD	Reduce New Admin. Analyst (vacant)	32,500		
8		Under-fill Secretary position	10,000		
9		Use Community Dev. appropriation to to fund GF transfer to the Strategic			50,000
10		Reduce handheld computers for Bldg. Insp.			70,000
14		Pay off Fire Training Center debt	87,000		
21	CSNC	Eliminate Graphics Tech (vacant)	37,800		
24		Eliminate CSNC Assist Dir. position	100,000		
26		Reduce subsidy of Centre Plaza (no service impact)			15,000
28		Reduction in General Fund Loan to Golf Fund* (no service impact)		150,000	
30	E&T	Transfer Deputy Dir. position to enterprises (vacant)	100,000		
38		Lease Cell Towers		40,000	
39	City Mgr.	Cable TV Franchise Revenue*		345,000	
42	CDD	Eliminate Secretary position (vacant)	39,300		
51		Joint Apprentice Program		5,000	
56	CSNC	Eliminate New Project Coord. (vacant)	62,200		
57		Eliminate Rec. Super. II (vacant)	71,800		
63	E&T	Replace Street Lighting with energy efficient lamps	60,000		
65		Rent GPS Equipment		15,000	
TOTAL			\$ 737,100	\$685,000	\$135,000

MODESTO CITY COUNCIL
RESOLUTION NO. 99-322

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PERSONAL COMPUTERS
AND RELATED HARDWARE

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 Personal Computers and Related Hardware for the Information Services Division of the Finance Department, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 27, 1999 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.

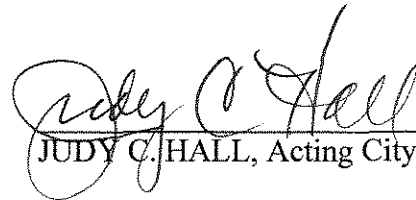
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-323

A RESOLUTION REJECTING BIDS FOR PUBLIC TURF AND LANDSCAPE MAINTENANCE SERVICES, OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 27, 1999, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for public turf and landscape maintenance services were opened at 11:00 a.m. on April 27, 1999, and;

WHEREAS, during the bid evaluation process, staff saw that only one bid was received and in an attempt to draw a greater response 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 public turf and landscape maintenance services, opened in the office of the City Clerk on April 27, 1999, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for public turf and landscape maintenance services to be held at 11:00 a.m., July 27, 1999, 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 July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-324

A RESOLUTION ACCEPTING THE BID OF UNLIMITED ACTUATOR REPAIR FOR THE
PURCHASE OF ACTUATOR REPAIR AND RELATED INSTALLATION

WHEREAS, the bids received for actuator repair and related installation for the Wastewater collection division of the Operations & Maintenance Department, were opened at 11:00 a.m. on June 22, 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 Unlimited Actuator Repair for a total amount of \$54,194.79 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Unlimited Actuator Repair be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

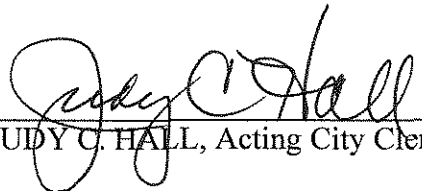
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AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-325

A RESOLUTION ACCEPTING THE BID OF HARLEY ENTERPRISES FOR THE PURCHASE OF REPLACING AND REPAIRING CURB, DRIVE APRONS, SIDEWALKS AND ASPHALT FOR FISCAL YEAR 1999-2000

WHEREAS, the bids received for Replacing and Repairing Curb, Drive Aprons, Sidewalks and Asphalt for Fiscal Year 1999-2000, were opened at 11:00 a.m. on June 7, 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 Harley Enterprises for a total amount of \$177,975 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Harley Enterprises 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-326

A RESOLUTION ACCEPTING THE BID OF EMERGENCY ONE FOR FURNISHING AN
AIRPORT RESCUE FIRE FIGHTING VEHICLE

WHEREAS, the bids received for an Airport rescue fire fighting vehicle, were opened at 11:00 a.m. on June 15, 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 Emergency One for a total amount of \$315,813.50 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Emergency One be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

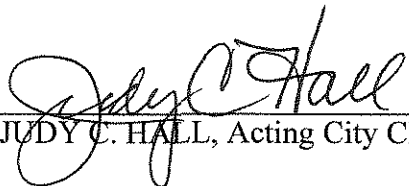
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-327

A RESOLUTION ACCEPTING THE BID OF UNIVERSAL SPECIALTY VEHICLES INC.
FOR FURNISHING A MOBILE COMMAND POST TRAILER

WHEREAS, the bids received for a Mobile Command Post Trailer, were opened at 11:00 a.m. on June 15, 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 Universal Specialty Vehicles Inc. for a total amount of \$82,041.21 be accepted.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Universal Specialty Vehicles 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-328

A RESOLUTION ACCEPTING THE BID OF BRANNON TIRE FOR FURNISHING TIRE RECAPPING AND SERVICE REQUIREMENTS FOR FISCAL YEAR 1999-2000, AND AUTHORIZING THE PURCHASE FOR AN ADDITIONAL TWO YEARS UP TO AND INCLUDING JUNE 30, 2002

WHEREAS, the bids received for tire recapping and service requirements for Fiscal Year 1999-2000, were opened at 11:00 a.m. on June 7, 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 Brannon Tire for a total amount of \$25,000 for Fiscal Year 1999-2000 and an additional two years up to and including June 30, 2002 for a total estimated three-year cost of \$75,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Brannon Tire 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-329

A RESOLUTION ACCEPTING THE BID OF HENNINGS BROTHERS DRILLING COMPANY INC. FOR FURNISHING WATER WELL CONSTRUCTION, INSPECTION AND TESTING SERVICES FOR FISCAL YEAR 1999-2000

WHEREAS, the bids received for Water Well Construction, Inspection and Testing Services for Fiscal Year 1999-2000, were opened at 11:00 a.m. on June 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 Hennings Brothers Drilling Company for a total amount of \$200,000.00, an authorize the purchase of water well construction, inspection and testing services for an additional two years up to and including June 30, 2002 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hennings Brothers Drilling Company 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-330

A RESOLUTION REJECTING BIDS FOR DRAIN ROCK DUMP SITE RECYCLING,
OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 27, 1999

WHEREAS, the bids received for Drain Rock Dump Site Recycling were opened at 11:00 a.m. on April 27, 1999, and;

WHEREAS, during the bid evaluation process, staff saw that the low bid was 69.36% over the engineer's estimate 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 Drain Rock Dump Site Recycling, opened in the office of the City Clerk on April 27, 1999, are hereby rejected.

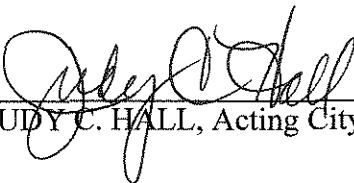
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-331

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "BRIGGSMORE AVENUE ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS"

WHEREAS, the bids received for Briggsmore Avenue Road Construction and Drainage Improvements were opened at 11:00 a.m. on June 22, 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 \$1,637,437.55 from George Reed Inc. be accepted as the lowest responsible bid.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST:



JUDY C. HALL, Acting City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 99-332

A RESOLUTION FINDING THAT THE FOLLOWING
PROJECT IS WITHIN THE SCOPE OF THE PROJECT
COVERED BY A MASTER ENVIRONMENTAL IMPACT
REPORT (SCH NO. 92052017): PELANDALE/MCHENRY
INTERSECTION IMPROVEMENTS

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 Engineering and Transportation Department, by Initial Study, EA/ET 99-16, reviewed the proposed Pelandale/McHenry Intersection Improvements, 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

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

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 Pelandale/McHenry Intersection Improvements, 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.
6. The attached Initial Study provides substantial evidence to support findings 1, 2, 3, 4 and 5 above.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, 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*
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

EA/ET 99-16

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 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. 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 features 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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-333

A RESOLUTION APPROVING THE NONPROFIT
HOUSING ACQUISITION PROGRAM AND
ALLOCATION OF \$75,000 OF COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS
IN FY 1999-2000.

WHEREAS, the City of Modesto Office of Housing and Neighborhoods has been working with local nonprofit organizations to address neighborhood revitalization issues, and

WHEREAS, home ownership is a necessary component in the effort to revitalize distressed neighborhoods, and

WHEREAS, under the Nonprofit Housing Acquisition Program, nonprofit organizations would use CDBG funds to purchase housing units, and

WHEREAS, the nonprofit organizations would work with low-income families, first moving them into neighborhoods as tenants, and

WHEREAS, within ten years of acquisition, the nonprofit organizations would assist families in purchasing the housing units as their permanent residences by providing Down Payment Assistance Loans, and

WHEREAS, at that time the nonprofit organizations would repay the City for the previous acquisition loan, and

WHEREAS, loan terms would be 15-year, deferred payment loans, secured by a promissory note and deed of trust, with an annual interest rate of 5%, and a maximum loan amount of \$7,500 per unit, and

WHEREAS, the FY 1999-2000 Annual Action Plan will include this program as part of its community development program for the next fiscal year, and

WHEREAS, the FY 1999-2000 operating budget will be amended to identify this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Nonprofit Housing Acquisition Program and allocation of \$75,000 of Community Development Block Grant funds in the FY 1999-2000 to promote home ownership for the purpose of stabilizing and revitalizing distressed neighborhoods in 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 July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-334

A RESOLUTION APPROVING REVISED CABLE
TELEVISION PUBLIC ACCESS GUIDELINES AND
APPLICATION.

WHEREAS, in 1988, the City Council authorized a cable grant program to stimulate production of local programming on the cable television system, and

WHEREAS, on January 3, 1989, by Resolution No. 89-6, the City Council approved grant guidelines and a grant application, and

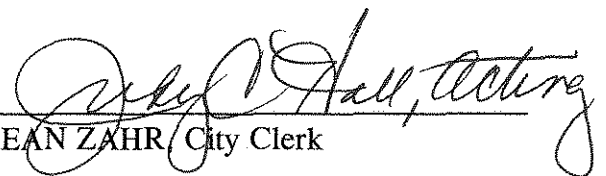
WHEREAS, on May 20, 1999, the Local Cable Programming Committee met and approved revised guidelines and a revised application for Cable Television Public Access, which are attached to this resolution as Exhibits "A" and "B", respectively, and made a part hereof as though set forth in full herein, and

WHEREAS, the Local Cable Programming Committee recommends that the City Council approve the revised guidelines and application,

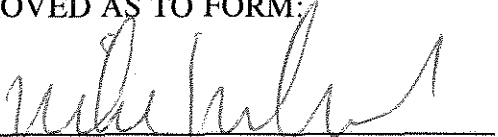
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby approves the revised guidelines and application for Cable Television Public Access as set forth in Exhibits "A" and "B", which are attached to this resolution and made a part hereof as though set forth in full herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of, July 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

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

CITY OF MODESTO
CABLE TELEVISION PUBLIC ACCESS
GRANT GUIDELINES

The City of Modesto solicits proposals from individuals and organizations to produce original programs for the public access channel on cable television. The goal of this grant program is to encourage the development of both local programming and local innovative uses of the cable television system. All grant monies are to be used for the sole purpose of production of the video. Exceptions may be made, on a case-by-case basis, for using funds to promote video.

INDIVIDUALS

1. Preferably should reside or work within the City and County Cable One franchise areas.

ORGANIZATIONS

1. Must be a nonprofit corporation or unincorporated association and must provide proof of nonprofit status (unless applying under the General Benefit Grants category); or
2. Public education entities
3. Must service the greater Modesto area.

GRANT CATEGORIES

All grants must fall into one of the following grant categories:

1. Mini-grants: Eligible for up to \$150. This category is for projects that cannot be planned out very far in advance and/or do not fit into the other grant categories.
2. Single Access Programs: Eligible for up to \$1,500. First-time grant applicants are encouraged to apply for grants in this category.
3. Access Series (two to eight programs): Eligible for up to \$750 for the first program of the series and for up to \$500 for each of the subsequent programs in the series.
4. Cable Demonstration Projects: Only organizations are eligible in this category, and any one grant can use no more than one quarter of that year's funds. This category is for projects that utilize the cable television system in innovative ways (not necessarily resulting in edited programs). Examples of projects in this category might include two-way closed-circuit projects, computer uses of cable projects, etc.
5. General Benefit Grants: To purchase items of use to all access users. However, no items shall be purchased that Cable One is already required to provide under the terms of its franchise with the City.

GRANT EVALUATION CRITERIA

The following criteria will be used in evaluating grant applications.

1. Benefit to the community as a whole.
2. Represent a community need not currently met.
3. Potential to attract viewing audience.
4. Level of creativity and interest.
5. Demonstration of the need for a grant.

GRANT APPLICATION PROCESS

1. The applicant must submit nine (9) copies of the attached grant application.
2. Proposals must be received in the City Manager's office no later than 4:00 p.m. three weeks prior to each regularly scheduled meeting. Proposals are accepted year round.
3. All grant proposals must be typed.
4. Upon receipt of grant applications, the City of Modesto Local Cable Programming Committee shall review applications and make recommendations to the City Council.
5. Once the City Council approves a grant application, applicant will receive written notice along with a contract which must be signed and returned within 15 days. No grant monies will be awarded until signed contracts have been returned to the City.
6. Based upon acceptance by the Committee, grant recipients will receive funds as follows:
 - a. Single Access Program
 - One-third upon completion of scripting
 - One-third upon completion of shooting
 - One-third upon delivery of final, edited master to Cable One
 - b. Access Series (two to eight programs)
 - One-half upon completion of scripting for each program
 - One-half upon delivery of final edited master of each program to Cable One
(Funds will be released for only one program at a time)
7. If after payment of the first third of the grant for scripting, the recipient withdraws from the project or fails to complete shooting within the project timetable, the script and all raw tape shall become the property of the City.

If after receipt of the second payment for completion of shooting, the recipient withdraws from the project or fails to deliver a final edited master to Cable One, the script and all raw and edited tape shall become the property of the City.

8. If a grant project is going to extend beyond the original completion date projected in the timeline, the applicant must receive permission to extend the grant from the Local Cable Programming Committee.
9. The City Manager or designee may terminate grants at any time upon providing the grantee with written notice.

EQUIPMENT AND VIDEOTAPE

1. All grant recipients planning to use Cable One's production, post-production or studio equipment must go through the appropriate training workshop(s) and/or be certified by Cable One.
2. Grant recipients will not be permitted to purchase equipment with grant funds; however, the rental of equipment (with sufficient justification--see Budget Form) will be allowed.

COMPLETION OF PROJECT

In order to receive final payment, grant recipients must:

1. Provide Cable One with one copy of the final edited master(s) of all tape(s) produced with grant funds. EDITED MASTERS MUST BE OF CABLECAST QUALITY (to be determined by Cable One), OR RECIPIENT FORFEITS FINAL PAYMENT. Recipients of those Cable Demonstration Project grants that produce no edited masters must provide a representative sample of raw project tapes.

COPYRIGHT AND USE OF FINISHED TAPES

1. All finished programs must carry the following words, at beginning or end: **This project was made possible by a City of Modesto Local Cable Programming Committee grant.**
2. Use of copyrighted material in any program(s) produced shall be only with all necessary authorization/permission.
3. The grant recipient will retain copyright of all finished programs.
4. Notwithstanding the above, if recipient generates income from subsequent sale, lease or other use of the tape(s), recipient shall pay City twenty-five percent (25%) of all such income until the City grant is reimbursed.
5. All Single Access Program and Access Series grant recipients must furnish one copy of all edited master tape(s) to Cable One for unlimited showings. The Local Cable Programming Committee reserves the right to copy tape(s) for non-income generating use without the payment of royalties.



CITY OF MODESTO
LOCAL PROGRAMMING GRANT APPLICATION

I. COVER PAGE

INSTRUCTIONS: Complete all sections after carefully reading guidelines. PLEASE TYPE---HANDWRITTEN COPIES CANNOT BE ACCEPTED. Application will not be considered if all sections are not completed.
Please submit nine copies of grant application to: City Manager's Office
City Hall
P.O. Box 642
801 11TH Street
Modesto CA 95353

Date: _____

APPLICANT (Check one)

Individual

Organization

(NOTE: If organizational applicant, checks will be made payable to the organization unless otherwise specified by applicant).

Project Director/Producer Name:

Organization (if applicable):

Address:

City:

Zip:

Daytime Phone:

Evening Phone:

Proposed Project Title:

Grant Category (Check one):

Mini-Grant

Single Access Program

Series (two or more programs)

Cable Demonstration Project

General Benefit Grant

Total Amount Requested: \$

Applicant Signature: _____

II. PROJECT NARRATIVE

A. Need

Indicate why there is a need for your project. The following criteria will be used by the Local Cable Programming Committee to evaluate your project. Please consider these criteria preparing your application.

1. Describe the need for a grant.
2. Is this a community need not currently being met?
3. What is the project's benefit to the community as a whole?
4. Why is the project valuable specifically for the Modesto area?
5. Who is the project's intended audience or beneficiaries?

B. Project Description

Provide a full narrative description of your project. Be sure to include the following:

1. A thorough outline of the program(s) proposed.
2. How and where project will be done (e.g., in the studio, in the field, whose studio, whose field, etc.).
3. Any plans for publicity, distribution or viewing by a smaller target audience, as applicable.

C. Timetable

Please give a detailed, realistic project timetable from planning through completion of project. Include project start and completion dates. Please indicate anticipated date of completion for each of the following:

<u>Activity</u>	<u>Anticipated Date of Completion</u>
1. Scripting	
2. Shooting	
3. Final Edited Master	

III. ADDITIONAL INFORMATION

A. Programming Experience/Qualification

Please describe your programming experience. If you have no previous experience producing for video/cable, identify the production expertise that will be brought to the project. Be as specific as you can, and attach resume(s) and/or sample tape if available.

B. Proof of Nonprofit Status (applicable for organizations only)

For organizational applicants, attach proof of nonprofit status.

C. Letters of Support (Preferable)

Please attach any appropriate letters of support from participating or benefiting organizations or groups.

D. Other Sources of Funding

If you have received or are applying for other sources of funding in addition to this grant, please indicate the sources and amounts below. Please indicate whether the funds have been received or just applied for.

<u>Source</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____

IV. BUDGET

A. Personnel (artists/announcer/technical consultants/ etc.)

Please note: Grants are for the support of public access programming. Public access productions are traditionally done on a non-salaried basis. However, the City recognizes that producers without technical backgrounds may need to hire technical help. The City maintains a list of local individuals who have indicated a willingness to provide technical assistance.

<u>Name</u>	<u>Title</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total Personnel \$ _____

Justification

B. Supplies and Materials

1. Production Supplies (Graphics, photography, set construction materials, etc.)

<u>Description</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Video Tapes

<u>Number Needed</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Supplies and Materials \$ _____

C. Advertising/Promotion (if applicable)

	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____

Total Advertising \$ _____

D. Rental

A justification of each item MUST BE ATTACHED (why you need equipment, length of rental, etc.). NOTE: Equipment purchase is not permitted with grant monies.

<u>Description of Item</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Rental \$ _____

Are you planning to use Cable One's public access equipment/facilities? Yes No

If "yes", and you have not gone through a public access production workshop, please contact Cable One. If Cable One is providing production staff, please attach letter of support from the company.

E. Other Production Expenses

<u>Description of Item</u>	<u>Amount</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total Other \$ _____

BUDGET SUMMARY
(Add totals from Items 1-5)

	<u>Amount</u>
1. Personnel	\$ _____
2. Supplies and Materials	\$ _____
3. Advertising/Promotion	\$ _____
4. Rental	\$ _____
5. Other Production Expenses	\$ _____
 TOTAL AMOUNT REQUESTED FROM CITY:	 \$ _____

I hereby certify that the information submitted in this grant application is true and correct.

Applicant's Signature

Date

MODESTO CITY COUNCIL
RESOLUTION NO. 99-335

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND BALL JANIK LLP FOR FEDERAL LEGISLATIVE ADVOCACY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball Janik LLP for federal legislative advocacy for an estimated cost of \$31,299.92 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 July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-336

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EDAW INC. FOR PREPARATION OF LAND USE PLAN UPDATE AND GATEWAY MASTER PLAN AND RELATED DOCUMENTS FOR TUOLUMNE RIVER REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EDAW Inc. for preparation of Land Use Plan Update and Gateway Master Plan and related documents for Tuolumne River Regional 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-337

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 1999-2000, and

WHEREAS, the Council has adopted Resolution No. 99-247 on May 25, 1999, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1999-2000 and to set a public hearing to be held on July 6, 1999, in the meeting place of the City Council located in the City Hall, 801 Eleventh 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 1999-2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, Acting
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-338

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS 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, 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, 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 1999-2000, and

WHEREAS, the Council has adopted Resolution No. 99-248 on May 25, 1999, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1999-2000 and to set a public hearing to be held on July 6, 1999, in the meeting place of the City Council located in the City Hall, 801 Eleventh 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. 2 and hereby levies the assessment set forth therein for fiscal year 1999-2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, Acting
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Cluck

MODESTO CITY COUNCIL
RESOLUTION NO. 99-339

A RESOLUTION APPROVING A DEVELOPMENT
PLAN FOR PLANNED DEVELOPMENT ZONE,
P-D(537). (COSTA LIMITED PARTNERS)

WHEREAS, on September 22, 1998, by Ordinance No. 3099-C.S., the City Council approved an application by Costa Limited Partners to rezone property located on the north side of Pelandale Avenue east of Sisk Road from Specific Plan-Overlay (SP-O) Zone to Planned Development Zone, P-D(532), and by Resolution No. 98-511 adopted a development plan, conditions of approval and development schedule for P-D(532), and

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on May 14, 1999, to reclassify a portion of Planned Development Zone, P-D(532), to a new Planned Development Zone, P-D(537), to allow a retail commercial center, property located on the north side of Pelandale Avenue east of Sisk Road, described as follows:

P-D(532) to P-D(537)

ALL that certain real property being a portion of the Northwest quarter of the Southwest quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the West quarter corner of said Section 2; thence South 00° 14 '29" East along the West line of said section, a distance of 90.10 feet to a point on the South line of the 100-foot-wide right-of-way for Modesto Irrigation District's Lateral No. 6, and the TRUE POINT OF BEGINNING; thence North 89° 38' 18" East along last said line, a distance of 1321.46 feet; thence leaving last said line and proceeding South 00° 13' 01" East, a distance of 1223.89 feet to a point on the North right-of-way line of a county road know as Pelandale Avenue; thence along last said right-of-way line, South 89° 29' 39" West, a distance of 1320.94 feet to a point on the above

mentioned West line of said Section 2; thence North 00° 14' 29" West along last said line, a distance of 1227.22 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

COMMENCING for reference at the West quarter corner of said Section 2; thence South 00° 14' 29" East along the West line of said section, a distance of 90.01 feet to a point on the South line of the 100-foot-wide right-of-way for Modesto Irrigation District's Lateral No. 6; thence North 89° 38' 18" East along last said right-of-way line, a distance of 641.49 feet to the TRUE POINT OF BEGINNING of this exception description; thence continuing along last said right-of-way line, North 89° 38' 18" East, a distance of 626.97 feet; thence leaving last said line and proceeding South 00° 13' 01" East, a distance of 563.99 feet; thence South 00° 55' 43" West, a distance of 142.95 feet to a point of curvature, concave Northwesterly, having a radius of 30.00 feet of which radius bears North 89° 04' 17" West; thence along the arc of said curve, through a central angle of 88° 42' 34", an arc distance of 28.88 feet; thence South 89° 38' 18" West, a distance of 95.96 feet to a point of curvature, concave to the South, having a radius of 100.00 feet, of which radius bears South 00° 21' 42" East; thence along the arc of said curve, through a central angle of 6° 50' 34", an arc distance of 11.94 feet; thence South 82° 47' 44" West, a distance of 145.10 feet; thence South 89° 38' 18" West, a distance of 315.74 feet to a point of curvature, concave Northeasterly, having a radius of 30.00 feet of which radius bears North 00° 21' 42" West; thence along the arc of said curve, through a central angle of 90° 00' 00", an arc distance of 47.12 feet; thence North 00° 21' 42" West, a distance of 709.00 feet to the Point of Beginning of this exception description.

Including, also, that portion of Pelandale Avenue north of the centerline of original 40-foot Pelandale Avenue, all immediately adjacent to the above-described land.

and

WHEREAS, after a public hearing held on June 28, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-46, 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 in accordance with the community's objectives as set forth in the General Plan because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers General Plan Economic Development Goal I-D(2) to provide more employment opportunities.
2. The conditions of approval will ensure that the project will be compatible with the surrounding area and that adequate infrastructure will be available to serve the project.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 6, 1999, in the City Council Chambers, City Hall, 801 11th 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 Costa Limited Partners 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. 99-46 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3153 -C.S. on the 6th day of July, 1999, reclassifying the above-described property from a portion of Planned Development Zone, P-D(532), to a new Planned Development Zone, P-D(537).

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(537), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations titled "The Northgate Village Shopping Center" as amended in red, stamped approved by the City Council on July 6, 1999.
2. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.
3. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.
4. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan, or an alternate solution for sewer service may be provided if approved by the Engineering and Transportation Director. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.
5. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area of the Kiernan Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of the Fleur de Ville subdivision and the adjacent sections of Pelandale Avenue and Chapman Road to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drain basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.
6. Prior to the issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with the Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

7. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan 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.
8. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
9. 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.
10. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
11. Fences or walls shall be constructed prior to occupancy and shall be as follows:

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.
12. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
13. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Community Services and Neighborhood Connections Director, be dedicated along all street frontages.
14. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

15. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
16. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
17. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
18. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
19. 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.
20. The plan shall provide safe bike paths and secure bicycle parking to encourage non-motorized forms of transportation to and from the facility.
21. 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.
22. All signs shall comply with the sign requirements of the C-3 Zone.
23. 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(537):

The entire construction program be accomplished in one phase, construction to begin on or before June 28, 2001, and completion to be not later than June 28, 2002.

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(537), 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 July, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 99-340

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): A PROPOSAL TO AMEND SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(532), TO PLANNED DEVELOPMENT ZONE, P-D(537), AND APPROVAL OF A DEVELOPMENT AGREEMENT RELATING TO PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD TO ALLOW A RETAIL COMMERCIAL CENTER. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from a portion of Planned Development Zone, P-D(532), to a new Planned Development Zone, in the City of Modesto ("the project"), to allow a retail commercial center, and

WHEREAS, Costa Limited Partners has also proposed entering into a new development agreement with the City of Modesto which contains the same terms and conditions as the first development agreement, except that the provisions relating to the theaters have been deleted because there are no proposed theaters in the application, and the

original development agreement will remain in full force and effect as to the portion of the original site plan which was not included in this project, and

WHEREAS, on June 17, 1999, the City's Community Development Department, by Environmental Assessment Initial Study 99-45, reviewed the proposed amendment to the Zoning Map to rezone from a portion of Planned Development Zone, P-D(532), to a new Planned Development and reviewed the proposed Development Agreement to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR under Section 21166 of the Public Resources Code, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR; and, further, that no new or additional mitigation measures or alternatives are required, and, therefore, the proposed project is within the scope of the project covered by the EIR, and

WHEREAS, this matter was considered by the City Council on July 6, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(537) and proposed development agreement, a copy of which 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. There are no substantial changes proposed in the rezoning that will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR (SCH No. 94082005).

2. There are no substantial changes occurring with respect to circumstances under which the rezoning is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.
3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.
4. The Initial Study, Environmental Assessment No. EA/CDD 99-45, provides the substantial evidence to support findings 1-3 noted above.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

EA/CDD 99-45

City of Modesto
Initial Study

**Rezone Portion of P-D(532) to New P-D Zone
and Development Agreement with Costa Limited Partners**

EA/CDD 99-45

June 17, 1999

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Kiernan Business Park Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Kiernan Business Park Focused 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:
Rezone Portion of P-D(532) to New P-D Zone, and Development Agreement With Costa Limited Partners
- 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 Pelandale Avenue, east of Sisk Road.
- E. Project Sponsor:
Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353
- F. General Plan Designation:
Regional Commercial (RC)

- G. Current Zoning:
Planned Development Zone P-D(532)
- H. Description of Proposed Project:
This is a rezoning for a retail commercial center on 23.95 acres, including a 156,575-square-foot retail store, two retail stores totaling 63,500 square feet, and five restaurants totaling 26,700 square feet.
- I. Surrounding land uses:
The project area is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future retail commercial and office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.
- 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 the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park Focused EIR. A Traffic Access Analysis dated March 20, 1998, and updated on September 11, 1998, was prepared by Dowling Associates for the previous project. This traffic analysis indicated that the project would generate 996 peak-hour trips. Dowling Associates has prepared an update of this traffic analysis for the new project. The update indicates that the project will now generate 1,381 peak-hour trips. This is approximately 5% greater than was assumed in the EIR. However, the Dowling Associates update indicates that this increase in traffic will not degrade service levels on any of the intersections analyzed in the EIR. Therefore, the impacts of this project are no greater than was analyzed in the EIR, and no changes are needed to the Traffic and Circulation Section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. The San Joaquin Valley Unified Air Pollution Control District has commented that the air quality impacts of this project are significant. However, they acknowledge that these impacts, while slightly greater

than those analyzed in the EIR, are not significantly greater, and that the conclusions and mitigation measures of the EIR would not be changed by the project. Therefore, no changes are needed to the Air Quality Section of the EIR.

3. Generation of Noise

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. On page IV-C-4 of the EIR, it states that the proposed uses in the Kiernan Business Park would be compatible with the future noise environment, without the need for additional mitigation measures beyond those prescribed in the General Plan. The uses proposed in this project are all consistent with the Specific Plan in land use, intensity and location, which were analyzed in the EIR. Therefore, the conclusions of the EIR regarding noise impacts remain valid.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park Focused EIR. It concluded that demand for water supplies would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide water service in accordance with the Specific Plan, this conclusion would not change.

5. Increased Demand for Sanitary Sewer Services

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the Kiernan Business Park Focused EIR. The EIR concluded that the uses in the Kiernan Business Park would not generate more sewage than anticipated in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, and will provide sewer service in accordance with the City's standards, there would be no increased demand for sewer services over that analyzed in the EIR.

6. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park Focused EIR. The EIR concluded that there would be no significant effects to sensitive wildlife and plant habitat beyond those analyzed in the General Plan Master EIR. Because this project proposes uses of a type, intensity and location consistent with those analyzed in the EIR, the analysis for the loss of sensitive wildlife and plant habitat in the EIR is adequate for this project.

7. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

8. Increased Demand for Storm Drainage

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park Focused EIR. It concluded that demand for storm drainage would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide storm drainage in accordance with the Specific Plan, this conclusion would not change.

9. Generation of Hazardous Materials

Generation of hazardous materials is analyzed on pages IV-I-1 through IV-I-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

10. Increased Demand for Schools

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the Kiernan Business Park Focused EIR. It 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, this conclusion remains valid.

11. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park Focused EIR. It 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, this conclusion remains valid.

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 Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans was certified by the Modesto City Council on April 1, 1997. In the period since then, the City has approved several subdivisions in the Pelandale-Snyder and Carver-Bangs Specific Plans to the east of this project. However, this development is consistent with the adopted Specific Plans for these areas, and this development was accounted for in the analysis of the Kiernan Business Park Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the intervening period, there has been no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, and the traffic generated by this project is consistent with what was predicted in the 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.
- C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused 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,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 99-341

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 200 OF THE CHARTER RELATING TO GENERAL POWERS.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 200 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 200 of the Charter of the City of Modesto as follows:

MEASURE H.

SECTION 200. GENERAL POWERS.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

~~The City shall have the power to expend such sum as the Council shall deem proper not to exceed five percent (5%) of the property tax levy in any one (1) fiscal year for music, publicity and promotion.~~

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>H</u> Shall the Modesto City Charter be amended to eliminate the restriction on spending more than 5% of the City's property tax revenue in any one year for music, publicity and promotion?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang


NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-342

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 300 OF THE CHARTER RELATING TO REGULAR MUNICIPAL ELECTIONS AND SECTION 700 RELATING TO COUNCILMEMBERS TERM OF OFFICE.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 300 of the Charter of the City of Modesto relating to Regular Municipal Elections and Section 700 relating to Councilmembers Term of Office as set forth below, and hereby designates and refers to said proposal to be set forth in the form of ballot measures as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 300 and Section 700 of the Charter of the City of Modesto as follows:

MEASURE I.

SECTION 300. REGULAR MUNICIPAL ELECTIONS.

Regular Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in March of each odd-numbered year until the year 1983. Thereafter they shall be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year commencing with the year 1985.

If, at a regular municipal election held on the first Tuesday after the first Monday in November of each odd-numbered year, no candidate for one of the elective offices of the City of Modesto receives a majority of the votes cast at said regular municipal election, a second regular municipal election shall be held for said office on the ~~second~~ third Tuesday in December of each odd-numbered year commencing with the year ~~1987~~ 2001. At said second regular municipal election, the two (2) candidates receiving the highest number of votes at the first regular municipal election shall have their names placed on the ballot for election to said office.

SECTION 700. COUNCILMEMBERS. TERM OF OFFICE.

Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election ~~unless the election is a run-off election, in which case the Councilmember shall hold~~

office from and after the first Tuesday in January following the canvass of votes. The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmembers shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

If a tie vote makes it impossible to determine which two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which the member holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. After election, the designation shall have no further significance except for the purpose of designating incumbency.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendments to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>I</u> Shall the Modesto City Charter be amended to change the date of any run-off election from the second to the third Tuesday in December and to further provide that, in the case of a run-off election a Councilmember so elected would hold office from the first Tuesday of the following January?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-343

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 603 OF THE CHARTER RELATING TO VICE MAYOR.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 603 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 603 of the Charter of the City of Modesto as follows:

MEASURE J.

SECTION 603. VICE MAYOR.

~~In odd-numbered years, at the second meeting of the Council following the election of a member to the Council, except members elected at special elections, and in even-numbered years at the regular Council meeting held most closely one (1) year thereafter, the Council shall designate as Vice Mayor the member of the Council who has the greatest seniority and who has not previously served as Vice Mayor or for whom the longest period of time has lapsed since previously being eligible to be designated as Vice Mayor. The member of the Council so designated shall serve as Vice Mayor until a successor is designated as provided above. The Vice Mayor shall act as Mayor during the absence or inability of the Mayor to act. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall designate one of its members to act as Mayor Pro Tempore. If a vacancy shall occur during the term of a Vice Mayor, the Council shall designate the next eligible member of the Council to fill the remainder of the term. A member of the Council so designated to fill a vacancy shall remain eligible to be designated as Vice Mayor for the succeeding full term. Seniority shall be determined on the basis of continuous service as a member of the Council. If members of the Council have the same amount of service, the order in which such members shall be designated as Vice Mayor shall be determined by lot. A member of the Council may decline to be designated as Vice Mayor for a specific term. For purposes of determining future~~

~~eligibility for designation as Vice Mayor, a member of the Council who so declines a term as Vice Mayor shall be considered as having served said term.~~

At the first Council meeting in January of each year, or sooner if required, the City Council shall elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year. The member of the Council so elected shall serve as Vice Mayor until a successor is elected as provided above.

The Vice Mayor shall act as Mayor during the absence or inability of the Mayor to act. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall designate one of its members to act as Mayor Pro Tempore.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>J</u> Shall the Modesto City Charter be amended to change the current Charter provisions for the selection of Vice Mayor which typically results in the selection of the most recently elected Councilmember and, instead, provide that the City Council would annually elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this

resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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. 99-344

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 703 OF THE CHARTER RELATING TO COMPENSATION.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 703 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 703 of the Charter of the City of Modesto as follows:

MEASURE K .

SECTION 703. COMPENSATION.

~~Except as hereinafter set forth the Mayor and members of the Council shall each receive monthly compensation in accordance with the schedule of compensation set forth in Section 36516 of the Government Code of the State of California, as the same now exists or may hereafter be amended, and without adoption of an ordinance. The Mayor and Vice Mayor, however, shall receive an additional \$400.00 and \$150.00, respectively, in monthly compensation. Said ; provided, however, that said monthly compensation shall be reduced by one-sixth for each regular meeting of the Council, other than adjourned regular and special meetings, not attended each month, unless absent on official duty with the consent of the Council. Said monthly compensation, and the medical, dental and vision insurance coverage hereafter provided for, shall be paid commencing at the time this amendment to the Charter takes effect.; thereafter, changes in said monthly compensation shall be governed by Section 36516.5 of the Government Code of the State of California. The Mayor and members of the Council may each elect to receive medical, dental, and vision insurance coverage for themselves, as individuals, on the same terms and conditions as may be provided to nonsafety, unrepresented management employees of the City or they may elect not to receive such benefits in which case the City shall contribute a portion of the premium to a deferred compensation plan in the same manner that such contributions are made on behalf of nonsafety, unrepresented management~~

employees of the City. The Mayor and members of the Council shall also receive reimbursement for expenses incurred while performing official duties of their office.

~~(As amended April 29, 1971, and November 4, 1980.)~~

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>K</u> Shall the Modesto City Charter be amended to provide that the monthly compensation for the Mayor be \$400.00 in addition to the monthly compensation received by Councilmembers and that the compensation for the Vice Mayor be \$150.00 in addition to the monthly compensation received by Councilmembers; and in addition, provide for medical, dental and vision insurance coverage for each member of the Council in an amount no greater in value than that provided for nonsafety, unrepresented management employees?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Lang was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: Dobbs, Smith

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-345

A RESOLUTION NOT ACCEPTING THE CHARTER REVIEW COMMITTEE'S RECOMMENDATION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO ADD SECTION 1112 OF THE CHARTER RELATING TO AN ECONOMIC DEVELOPMENT COMMISSION.

BE IT RESOLVED by the Council of the City of Modesto that it does not accept the Charter Review Committee's recommendation proposing a charter amendment to add Section 1112 to the Charter of the City of Modesto as follows:

SECTION 1112. ECONOMIC DEVELOPMENT COMMISSION.

There shall be an Economic Development Commission consisting of seven (7) members, all of whom shall be registered electors, and at least four (4) of whom shall be registered electors of the City. The Commission shall have the power and duty to:

- (a) Act in advisory capacity to the City Council in matters pertaining to economic development;
- (b) To formulate and recommend annually to the Council a program for furthering economic development;
- (c) Perform such other duties with respect to economic development as the City Council may prescribe by ordinance or resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

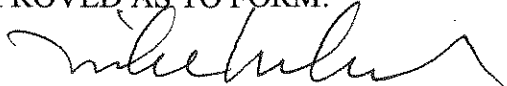
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
(JEAN ZAHR, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-346

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 1201 OF THE CHARTER RELATING TO UNCLASSIFIED AND CLASSIFIED SERVICE.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 1201 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1201 of the Charter of the City of Modesto as follows:

MEASURE L .

SECTION 1201. UNCLASSIFIED AND CLASSIFIED SERVICE.

The administrative service of the City shall be divided into Unclassified and Classified Service.

- (a) The Unclassified Service shall comprise the following officers and positions:
 - (1) All elected officers.
 - (2) City Manager, Deputy City Manager, City Attorney, City Clerk, City Auditor, and all heads of departments.
 - (3) All members of boards and commissions.
 - (4) Persons employed as unskilled laborers.
 - ~~(5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than ninety (90) days in any one (1) fiscal year.~~
 - (65) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
 - (76) Temporary and part-time employees paid on an hourly or per diem basis.

(7) ~~Positions designated by the City Council by resolution as at-will positions.~~

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>L</u> Shall the Modesto City Charter be amended to allow the City Council to establish by resolution more at-will positions and clarify that all hourly employees are in the unclassified service?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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: Judy C. Hall, Attorney
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-347

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTIONS 1302 AND 1304 OF THE CHARTER RELATING TO PROPOSAL AND ADOPTION OF ANNUAL BUDGET.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Sections 1302 and 1304 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Sections 1302 and 1304 of the Charter of the City of Modesto as follows:

MEASURE M .

SECTION 1302. ~~ANNUAL BUDGET.~~

On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which the City Manager has control during the next ensuing years. Said estimate shall be in such detail as the Council shall specify. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation. As set forth in Section 1304, alternatively, the City Manager may propose a multi-year budget.

SECTION 1304. ADOPTION OF THE BUDGET.

After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein

described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered unless they shall have been designated in the budget as continuing appropriations.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by resolution.

Notwithstanding any other provision of this Charter to the contrary, the City Manager may propose and the City Council may adopt a multi-year budget. In the event a multi-year budget is adopted, the appropriation set forth in such a budget shall not lapse until the end of the last fiscal year.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>M</u> Shall the Modesto City Charter be amended to specifically authorize the City Manager to propose, and the City Council to adopt, a multi-year budget?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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: Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Serpa

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Ch. 6

MODESTO CITY COUNCIL
RESOLUTION NO. 99-348

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 1307 OF THE CHARTER RELATING TO PUBLIC WORK TO BE DONE BY CONTRACT.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 1307 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1307 of the Charter of the City of Modesto as follows:

MEASURE N .

SECTION 1307. PUBLIC WORK TO BE DONE BY CONTRACT.

Every project involving an expenditure of City moneys of more than the amount which the City Council shall establish by ordinance, for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets, or any park or parks playground project otherwise subject to the public bidding requirements of this section that involves any donated labor and/or material) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten (10) percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount the person's bidder's security shall be declared forfeited to the City

and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u> N </u> Shall the Modesto City Charter be amended to provide that any park or park playground project otherwise subject to public bidding be exempt from the public bidding requirement in the event it involved any donated labor and/or material?	YES	
	NO	

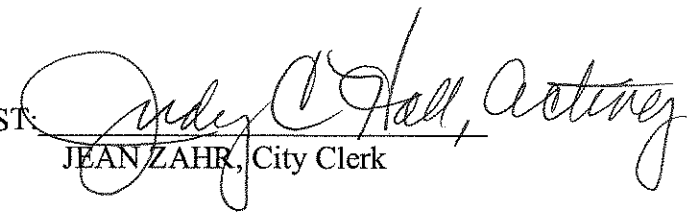
SECTION 4. That the county election department is authorized to canvass the returns of the Regular Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

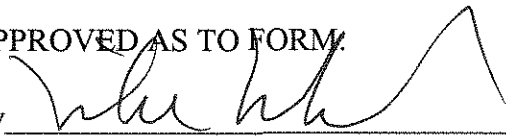
SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, 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, Serpa,
Smith, Mayor Lang
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. 99-349

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTIONS 1108, 1109 AND 1205 OF THE CHARTER RELATING TO THE BOARD OF PERSONNEL APPEALS.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Sections 1108, 1109 and 1205 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Sections 1108, 1109 and 1205 of the Charter of the City of Modesto as follows:

MEASURE 0 .

~~SECTION 1108. BOARD OF PERSONNEL APPEALS.~~

~~There shall be a Board of Personnel Appeals consisting of three (3) members.~~

~~SECTION 1109. BOARD OF PERSONNEL APPEALS, POWERS AND DUTIES.~~

~~The Board of Personnel Appeals shall have the power and duty to:~~

~~(a) Select a hearing officer to hear the appeals of any person in the classified service relative to any suspension, demotion or dismissal, so long as a separate and distinct procedure has not been delineated by a valid and existing Memorandum of Understanding.~~

~~(b) Act in an advisory capacity to the City Manager on such personnel matters as may be referred to it by the City Manager.~~

SECTION 1205. HEARING OFFICERS.

An appeal of any person in the Classified Service relative to any suspension, demotion or dismissal, where the right of appeal is granted by the Personnel System of the City of Modesto, shall be heard by a hearing officer, who shall be selected by the Board of

~~Personnel Appeals jointly selected by the City and the employee.~~
The findings and recommendations of a hearing officer shall be made to the City Manager, who shall make the final determination relative to any suspension, demotion or dismissal. An alternative procedure for hearing and final determination of appeals may be delineated by a valid and binding Memorandum of Understanding or other instrument for nonrepresented employees.

Hearing officers shall have the power to administer oaths and affirmations in any appeals pending before them. Hearing officers shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before them. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this State.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u> 0 </u>	YES	
Shall the Modesto City Charter be amended to eliminate any reference to the Board of Personnel Appeals?	NO	

SECTION 4. 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.

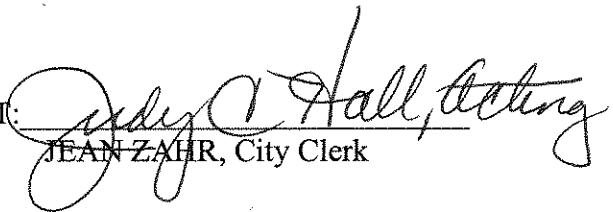
SECTION 5. That the City Clerk shall certify to the passage and adoption of this

resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-350

A RESOLUTION TRANSMITTING A COPY OF VARIOUS
BALLOT MEASURES TO PROPOSED CHARTER
AMENDMENTS FOR THE REGULAR MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2,
1999, TO THE CITY ATTORNEY FOR IMPARTIAL
ANALYSIS.

WHEREAS, Section 9280 of the State Elections Code provides that whenever any
City measure qualifies for a place on the ballot, the governing body may direct the City Clerk to
transmit a copy of the measure to the City Attorney for preparation of an impartial analysis, and

WHEREAS, a copy of the ballot measures relating to proposed Charter
amendments are included in Resolution Nos. 99-341, 99-342, 99-343, 99-344, 99-346, 99-347,
99-348, and 99-349, copies of which are attached.

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 above-described measures to the
City Attorney for preparation of an impartial analysis explaining the effect of the measures.

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 of each of the above-described measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Dobbs, who moved its adoption, 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, and Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST. 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Chick

MODESTO CITY COUNCIL
RESOLUTION NO. 99-341

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 200 OF THE CHARTER RELATING TO GENERAL POWERS.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 200 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 200 of the Charter of the City of Modesto as follows:

MEASURE H.

SECTION 200. GENERAL POWERS.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

~~The City shall have the power to expend such sum as the Council shall deem proper not to exceed five percent (5%) of the property tax levy in any one (1) fiscal year for music, publicity and promotion.~~

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>H</u> Shall the Modesto City Charter be amended to eliminate the restriction on spending more than 5% of the City's property tax revenue in any one year for music, publicity and promotion?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang


NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

King

MODESTO CITY COUNCIL
RESOLUTION NO. 99-342

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 300 OF THE CHARTER RELATING TO REGULAR MUNICIPAL ELECTIONS AND SECTION 700 RELATING TO COUNCILMEMBERS TERM OF OFFICE.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 300 of the Charter of the City of Modesto relating to Regular Municipal Elections and Section 700 relating to Councilmembers Term of Office as set forth below, and hereby designates and refers to said proposal to be set forth in the form of ballot measures as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 300 and Section 700 of the Charter of the City of Modesto as follows:

MEASURE I .

SECTION 300. REGULAR MUNICIPAL ELECTIONS.

Regular Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in March of each odd-numbered year until the year 1983. Thereafter they shall be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year commencing with the year 1985.

If, at a regular municipal election held on the first Tuesday after the first Monday in November of each odd-numbered year, no candidate for one of the elective offices of the City of Modesto receives a majority of the votes cast at said regular municipal election, a second regular municipal election shall be held for said office on the ~~second~~ third Tuesday in December of each odd-numbered year commencing with the year ~~1987~~ 2001. At said second regular municipal election, the two (2) candidates receiving the highest number of votes at the first regular municipal election shall have their names placed on the ballot for election to said office.

SECTION 700. COUNCILMEMBERS. TERM OF OFFICE.

Except as otherwise provided in this Charter, the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election unless the election is a run-off election, in which case the Councilmember shall hold

~~office from and after the first Tuesday in January following the canvass of votes.~~ The members of the Council in office at the time this Charter takes effect shall continue in office until the expiration of their terms or until their successors are elected and qualified.

Three (3) Councilmembers shall be elected at the regular municipal election in 1963 and at each regular municipal election thereafter.

A Mayor shall be elected at the regular municipal election in 1963 and at each alternate regular municipal election thereafter.

If a tie vote makes it impossible to determine which two (2) or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. Each member of the Council shall have the right to vote on all matters coming before the Council.

Each elective office shall be deemed a separate office to be filled at any election. The City Clerk shall designate each such elective office by an appropriate descriptive designation. No candidate shall file for more than one (1) elective office; and no incumbent member of the Council shall run for a seat other than that which the member holds, except that any incumbent member of the Council may run for the seat of Mayor, and an incumbent Mayor may run for the seat of Mayor or for any other seat on the Council. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. After election, the designation shall have no further significance except for the purpose of designating incumbency.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendments to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

<u>MEASURE 1</u> Shall the Modesto City Charter be amended to change the date of any run-off election from the second to the third Tuesday in December and to further provide that, in the case of a run-off election a Councilmember so elected would hold office from the first Tuesday of the following January?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Dobbs, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

Beck

MODESTO CITY COUNCIL
RESOLUTION NO. 99-343

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 603 OF THE CHARTER RELATING TO VICE MAYOR.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 603 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 603 of the Charter of the City of Modesto as follows:

MEASURE J.

SECTION 603. VICE MAYOR.

~~In odd-numbered years, at the second meeting of the Council following the election of a member to the Council, except members elected at special elections, and in even-numbered years at the regular Council meeting held most closely one (1) year thereafter, the Council shall designate as Vice Mayor the member of the Council who has the greatest seniority and who has not previously served as Vice Mayor or for whom the longest period of time has lapsed since previously being eligible to be designated as Vice Mayor. The member of the Council so designated shall serve as Vice Mayor until a successor is designated as provided above. The Vice Mayor shall act as Mayor during the absence or inability of the Mayor to act. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall designate one of its members to act as Mayor Pro Tempore. If a vacancy shall occur during the term of a Vice Mayor, the Council shall designate the next eligible member of the Council to fill the remainder of the term. A member of the Council so designated to fill a vacancy shall remain eligible to be designated as Vice Mayor for the succeeding full term. Seniority shall be determined on the basis of continuous service as a member of the Council. If members of the Council have the same amount of service, the order in which such members shall be designated as Vice Mayor shall be determined by lot. A member of the Council may decline to be designated as Vice Mayor for a specific term. For purposes of determining future~~

~~eligibility for designation as Vice Mayor, a member of the Council who so declines a term as Vice Mayor shall be considered as having served said term.~~

~~At the first Council meeting in January of each year, or sooner if required, the City Council shall elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year. The member of the Council so elected shall serve as Vice Mayor until a successor is elected as provided above.~~

~~The Vice Mayor shall act as Mayor during the absence or inability of the Mayor to act. In the case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall designate one of its members to act as Mayor Pro Tempore.~~

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>J</u> Shall the Modesto City Charter be amended to change the current Charter provisions for the selection of Vice Mayor which typically results in the selection of the most recently elected Councilmember and, instead, provide that the City Council would annually elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this

resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
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. 99-344

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 703 OF THE CHARTER RELATING TO COMPENSATION.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 703 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 703 of the Charter of the City of Modesto as follows:

MEASURE K .

SECTION 703. COMPENSATION.

~~Except as hereinafter set forth the Mayor and members of the Council shall each receive monthly compensation in accordance with the schedule of compensation set forth in Section 36516 of the Government Code of the State of California, as the same now exists or may hereafter be amended, and without adoption of an ordinance. The Mayor and Vice Mayor, however, shall receive an additional \$400.00 and \$150.00, respectively, in monthly compensation. Said ; provided, however, that said monthly compensation shall be reduced by one-sixth for each regular meeting of the Council, other than adjourned regular and special meetings, not attended each month, unless absent on official duty with the consent of the Council. Said monthly compensation, and the medical, dental and vision insurance coverage hereafter provided for, shall be paid commencing at the time this amendment to the Charter takes effect.; thereafter, changes in said monthly compensation shall be governed by Section 36516.5 of the Government Code of the State of California.~~ The Mayor and members of the Council may each elect to receive medical, dental, and vision insurance coverage for themselves, as individuals, on the same terms and conditions as may be provided to nonsafety, unrepresented management employees of the City or they may elect not to receive such benefits in which case the City shall contribute a portion of the premium to a deferred compensation plan in the same manner that such contributions are made on behalf of nonsafety, unrepresented management

~~employees of the City. The Mayor and members of the Council shall also receive reimbursement for expenses incurred while performing official duties of their office.~~

~~(As amended April 29, 1971, and November 4, 1980.)~~

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>K</u> Shall the Modesto City Charter be amended to provide that the monthly compensation for the Mayor be \$400.00 in addition to the monthly compensation received by Councilmembers and that the compensation for the Vice Mayor be \$150.00 in addition to the monthly compensation received by Councilmembers; and in addition, provide for medical, dental and vision insurance coverage for each member of the Council in an amount no greater in value than that provided for nonsafety, unrepresented management employees?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Lang was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Mayor Lang
NOES: Councilmembers: Dobbs, Smith
ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-346

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 1201 OF THE CHARTER RELATING TO UNCLASSIFIED AND CLASSIFIED SERVICE.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 1201 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election
November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1201 of the Charter of the City of Modesto as follows:

MEASURE L .

SECTION 1201. UNCLASSIFIED AND CLASSIFIED SERVICE.

The administrative service of the City shall be divided into Unclassified and Classified Service.

- (a) The Unclassified Service shall comprise the following officers and positions:
 - (1) All elected officers.
 - (2) City Manager, Deputy City Manager, City Attorney, City Clerk, City Auditor, and all heads of departments.
 - (3) All members of boards and commissions.
 - (4) Persons employed as unskilled laborers.
 - ~~(5) Positions in any class or grade created for a special or temporary purpose for a period of not longer than ninety (90) days in any one (1) fiscal year.~~
 - (65) Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.
 - (76) Temporary and part-time employees paid on an hourly or per diem basis.

(7) ~~Positions designated by the City Council by resolution as at-will positions.~~

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>L</u> Shall the Modesto City Charter be amended to allow the City Council to establish by resolution more at-will positions and clarify that all hourly employees are in the unclassified service?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

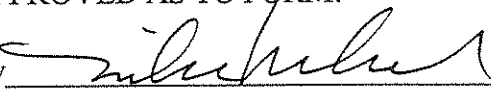
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-347

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTIONS 1302 AND 1304 OF THE CHARTER RELATING TO PROPOSAL AND ADOPTION OF ANNUAL BUDGET.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Sections 1302 and 1304 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Sections 1302 and 1304 of the Charter of the City of Modesto as follows:

MEASURE M .

SECTION 1302. ~~ANNUAL BUDGET.~~

On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts of expenditures required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which the City Manager has control during the next ensuing years. Said estimate shall be in such detail as the Council shall specify. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation. As set forth in Section 1304, alternatively, the City Manager may propose a multi-year budget.

SECTION 1304. ADOPTION OF THE BUDGET.

After the conclusion of the public hearing, the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable; and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein

described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered unless they shall have been designated in the budget as continuing appropriations.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by resolution.

~~Notwithstanding any other provision of this Charter to the contrary, the City Manager may propose and the City Council may adopt a multi-year budget. In the event a multi-year budget is adopted, the appropriation set forth in such a budget shall not lapse until the end of the last fiscal year.~~

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>M</u> Shall the Modesto City Charter be amended to specifically authorize the City Manager to propose, and the City Council to adopt, a multi-year budget?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.


SECTION 6. 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 6th day of July, 1999, 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: Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES: Councilmembers: Conrad, Serpa
ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-348

A RESOLUTION PROPOSING A CHARTER AMENDMENT
BE PLACED ON THE BALLOT FOR THE REGULAR
MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE
PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID
CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO
AMEND SECTION 1307 OF THE CHARTER RELATING TO
PUBLIC WORK TO BE DONE BY CONTRACT.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Section 1307 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1307 of the Charter of the City of Modesto as follows:

MEASURE N.

SECTION 1307. PUBLIC WORK TO BE DONE BY CONTRACT.

Every project involving an expenditure of City moneys of more than the amount which the City Council shall establish by ordinance, for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets, or any park or parks playground project otherwise subject to the public bidding requirements of this section that involves any donated labor and/or material) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time for opening bids.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten (10) percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount the person's bidder's security shall be declared forfeited to the City

and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five (5) affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u>N</u> Shall the Modesto City Charter be amended to provide that any park or park playground project otherwise subject to public bidding be exempt from the public bidding requirement in the event it involved any donated labor and/or material?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Serpa, Smith, Mayor Lang

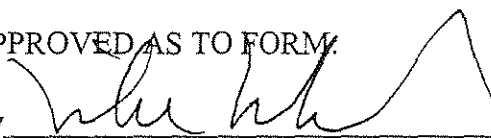
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  _____
MICHAEL D. MILICH, City Attorney

2-1-

MODESTO CITY COUNCIL
RESOLUTION NO. 99-349

A RESOLUTION PROPOSING A CHARTER AMENDMENT BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 1999, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTIONS 1108, 1109 AND 1205 OF THE CHARTER RELATING TO THE BOARD OF PERSONNEL APPEALS.

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 1999, a proposal to amend Sections 1108, 1109 and 1205 of the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election

November 2, 1999

The Council of the City of Modesto hereby proposes, on its own motion, to amend Sections 1108, 1109 and 1205 of the Charter of the City of Modesto as follows:

MEASURE 0 .

~~SECTION 1108. BOARD OF PERSONNEL APPEALS.~~

~~There shall be a Board of Personnel Appeals consisting of three (3) members.~~

~~SECTION 1109. BOARD OF PERSONNEL APPEALS,
POWERS AND DUTIES.~~

~~The Board of Personnel Appeals shall have the power and duty to:~~

~~(a) Select a hearing officer to hear the appeals of any person in the classified service relative to any suspension, demotion or dismissal, so long as a separate and distinct procedure has not been delineated by a valid and existing Memorandum of Understanding.~~

~~(b) Act in an advisory capacity to the City Manager on such personnel matters as may be referred to it by the City Manager.~~

SECTION 1205. HEARING OFFICERS.

An appeal of any person in the Classified Service relative to any suspension, demotion or dismissal, where the right of appeal is granted by the Personnel System of the City of Modesto, shall be heard by a hearing officer, who shall be selected by the Board of

~~Personnel Appeals jointly selected by the City and the employee.~~
The findings and recommendations of a hearing officer shall be made to the City Manager, who shall make the final determination relative to any suspension, demotion or dismissal. An alternative procedure for hearing and final determination of appeals may be delineated by a valid and binding Memorandum of Understanding or other instrument for nonrepresented employees.

Hearing officers shall have the power to administer oaths and affirmations in any appeals pending before them. Hearing officers shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before them. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this State.

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

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a regular election on November 2, 1999.

SECTION 3. That the measure to appear on the ballot is as follows:

MEASURE <u> 0 </u> Shall the Modesto City Charter be amended to eliminate any reference to the Board of Personnel Appeals?	YES	
	NO	

SECTION 4. 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 5. That the City Clerk shall certify to the passage and adoption of this

resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 6. 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 6th day of July, 1999, 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, Serpa, Smith, Mayor Lang
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. 99-351

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE
BALLOT ARGUMENTS RELATING TO MEASURES H
THROUGH Q TO BE PROPOSED TO THE VOTERS AT THE
REGULAR MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 2, 1999.

WHEREAS, Section 9282 of the Elections Code provides that any authorized member of
the legislative body of the City may file a written argument in favor of a Proposed Measure, and

WHEREAS, such an argument shall not exceed 300 words in length, and the City
elections official shall cause such an argument to be printed with the following statement on the
heading of the first page of the printed arguments: "ARGUMENTS IN SUPPORT OR
OPPOSITION OF THE PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS", and

WHEREAS, the City Clerk shall enclose a printed copy of such arguments with each
sample ballot and such a printed argument is "Official Matter" within the meaning of Election
Code Section 13303, and

WHEREAS, Measures H through Q propose to the voters various amendments to the
Modesto Charter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
Mayor of the City is hereby authorized to write arguments and rebuttal arguments in favor of
Measures H through Q which are proposed for the Tuesday, November 2, 1999, regular
municipal election.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized to

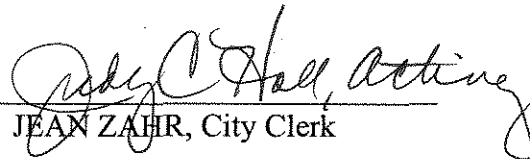
handle the printing and distribution of the arguments relative to Measures H through O.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Dobbs, who moved its adoption, 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, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

10-6-88

MODESTO CITY COUNCIL
RESOLUTION NO. 99-352

A RESOLUTION PROVIDING FOR THE FILING OF
REBUTTAL ARGUMENTS FOR CITY MEASURES
SUBMITTED AT MUNICIPAL ELECTIONS.

WHEREAS, Section 9220 and 9285 of the Elections Code of the State of California authorize the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections,

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

SECTION 1. That pursuant to Sections 9220 and 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments For and Against the measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the measure to the authors of the argument Against, and copies of the argument Against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceed 250 words. The rebuttal arguments shall be filed with the City Clerk not more than ten (10) days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That the provisions of Section 1 shall apply at the next ensuing municipal election and in each municipal election after that time.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this

resolution and enter it into the original book of resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Dobbs, who moved its adoption, 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: Judy L. Hall, Acting
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-353

A RESOLUTION SUPPORTING THE FORMATION OF A SERVICE AUTHORITY FOR
FREEWAYS AND EXPRESSWAYS (SAFE)

WHEREAS, Chapter 14 of Division 3 of the Streets and Highway Code was added by Chapter 1350 of the Statutes of 1985 providing for the establishment of a Service Authority for Freeways and Expressways (SAFE), if the Board of Supervisors of the County of Stanislaus and a majority of the incorporated cities within the County of Stanislaus having a majority of the population adopt resolutions providing for the establishment of the authority; and

WHEREAS, the City Council finds that providing call boxes along the State Highways in the County will improve safety and enable timely roadside assistance to the public; and

WHEREAS, the City Council recognizes that an additional one dollar (\$1.00) per year will be collected by the Department of Motor Vehicles for each registered vehicle in Stanislaus County; and

WHEREAS, a SAFE will have responsibility for implementing a State Route motorist aide system within Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formation of a Service Authority for Freeways and Expressways, established in Stanislaus County pursuant to Section 2550 of the Street and Highway Code, is hereby supported.

BE IT FURTHER RESOLVED that the Council of the City of Modesto supports members of the Stanislaus Area Association of Governments Policy Board serving as the Service Authority for Freeways and Expressways in Stanislaus County.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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:



JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-354

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 fifty-one (51) 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 fifty-one (51)

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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-355

A RESOLUTION ACCEPTING THE PROJECT TITLED "BRIGGSMORE AVENUE
AND COFFEE ROAD STORM LIFT STATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Briggsmore Avenue and Coffee Road Storm Lift Station, has been completed by Amerine Systems Inc., in accordance with the contract agreement dated March 10, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore Avenue and Coffee Road Storm Lift Station 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 \$168,336.35 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-356

A RESOLUTION APPROVING A SITE LEASE AGREEMENT BETWEEN THE
CITY OF MODESTO AND CENTRAL WIRELESS PARTNERSHIP FOR LEASE OF
LIGHT POLE AT DOWNEY PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the site lease agreement between the City of Modesto and Central Wireless Partnership for lease of a light pole at Downey Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said site 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-357

A RESOLUTION APPROVING A SITE LEASE AGREEMENT BETWEEN THE
CITY OF MODESTO AND CENTRAL WIRELESS PARTNERSHIP FOR LEASE OF
LIGHT POLE AT BEYER PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the site lease agreement between the City of Modesto and Central Wireless Partnership for lease of a light pole at Beyer Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said site 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-358

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE TO PARTICIPATE IN THE SUBSIDIZED CALWORKS WORK STUDY PROGRAM FOR THE 1999-2000 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 to participate in the subsidized CalWORKS Work Study Program for the 1999-2000 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-359

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE TO PARTICIPATE IN THE SUBSIDIZED FEDERAL WORK STUDY PROGRAM FOR THE 1999-2000 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 to participate in the subsidized Federal Work-Study Program for the 1999-2000 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-360

A RESOLUTION APPROVING THE FINAL MAP OF THE
ROSE HOLLOW NO. 2 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, FLORSHEIM BROS., A California General Partnership by
FLORSHEIM BROS., A California Corporation, is possessed of a tract of land situated in the
City of Modesto, County of Stanislaus, consisting of 26.22 acres, known as ROSE HOLLOW
NO. 2 SUBDIVISION ("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 ROSE HOLLOW 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-361

A RESOLUTION APPROVING THE FINAL MAP OF THE
ADRIANNA THREE SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Max Norton Enterprises, Inc., a California corporation and
Adrianna Properties, a California Limited Partnership, by its General Partner, Lily
Development, a California Corporation, are possessed of a tract of land situated in the City of
Modesto, County of Stanislaus, consisting of 9.11 acres, known as ADRIANNA THREE
SUBDIVISION ("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 April, 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 ADRIANNA THREE 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-362

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALDEN MICHAEL LOPEZ AND WANDA R. LOPEZ, AND THE SALIDA WATER BOARD FOR AN OPTION TO PURCHASE A SALIDA WELL SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alden Michael Lopez and Wanda R. Lopez, and the Salida Water Board for an option to purchase a Salida well 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 13th day of July, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

Chad

MODESTO CITY COUNCIL
RESOLUTION NO. 99-363

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

WHEREAS, on April 21, 1999, the Stanislaus Area Association of Governments (SAAG) Policy Board made available \$19,382,094.00 of Congestion Mitigation and Air Quality (CMAQ) program funds to eligible proposers for the Federal fiscal year 2002/03, and

WHEREAS, pursuant to SAAG guidelines for distribution to local governments in Stanislaus County, including an estimate of funds available to each, the City of Modesto anticipates \$2.37 million in funds for eligible projects of its own choosing, and can also compete for as much as \$4.03 million available for projects that do the most to reduce air pollution in the county, and

WHEREAS, City staff has identified 17 projects for funding which will contribute to the attainment of national ambient air standards, and

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

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

WHEREAS, the match required for many of the projects may be funded out of the Local Transportation Funds or fare revenues, and

WHEREAS, applications for each project will be submitted to the Stanislaus

Council of Governments by July 19, 1999, and

WHEREAS, the Stanislaus Council of Governments will make a recommendation to the SAAG Policy Board for project funding at its September, 1999, meeting,

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-364

A RESOLUTION DENYING THE ALLOCATION OF
\$955,400 IN FUNDING FROM THE HOME GRANT
FOR PROPOSED AFFORDABLE HOUSING
PROJECTS FOR FY 1999/2000.

WHEREAS, there is currently available \$1,255,400 in funding from the HOME grant (\$797,900 Regular HOME and \$157,500 set-aside for CHDO) and RDA Housing Set-Aside funds (\$300,000) for FY 99-2000, and

WHEREAS, the City received five applications for affordable housing projects in this year's Request for Proposals from: K and B Multifamily/Joint Venture Group, Sunrise Partners/Nova Housing Group, the Housing Authority of Stanislaus County, STANCO and Desarrollo Latino Americano, and

WHEREAS, three of the affordable housing proposals involve properties in Village One relating to multi-family projects, and

WHEREAS, there is substantial opposition from the residents in Village One to the multi-family projects proposed for that area, and

WHEREAS, the City Council desires that all of the project proposals be referred back to staff for further study and recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the allocation of \$955,400 in HOME funds requested by K and B Multifamily/Joint Venture Group, Sunrise Partners/Nova Housing Group, the Housing Authority

of Stanislaus County, STANCO and Desarrollo Latino Americano for proposed affordable housing projects for FY 99-2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clarke

MODESTO CITY COUNCIL
RESOLUTION NO. 99-365

A RESOLUTION APPROVING THE FY 1999/2000 WASTE-
TO-ENERGY PROJECT BUDGET.

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company for supply and acceptance of solid waste, and

WHEREAS, the Agreement established an Executive Committee consisting of two members of the City Council and two members of the County Board of Supervisors to oversee staff that carry out day-to-day project functions, and

WHEREAS, Section 3 of said Agreement requires the Executive Committee to prepare an annual budget for each fiscal year, which Waste-to-Energy annual budget is to be submitted to the City Council and Board of Supervisors for approval, and

WHEREAS, at its July 1, 1999, meeting, the Solid Waste-to-Energy Executive Committee considered the 1999/2000 budget as shown in the attached Exhibit "A", and the Executive Committee unanimously approved forwarding the 1999/2000 Waste-to-Energy budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 1999/2000 Waste-To-Energy Project Budget, a copy of which is attached as Exhibit "A", as recommended by the City/County Solid Waste-to-Energy Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1999, by Councilmember Dobbs, 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: Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

WTE BUDGET FY 99-2000

EXPENDITURES			REVENUES		
60400	communications	\$500	17000	interest	\$1,378,509
	Provision for personal comm. equipment			Interest on pooled cash	
61600	maintenance-equip	500	17	rev from use money	\$1,378,509
	Provision for equip. maintenance contracts				
62200	memberships	8,000	34400	sanitation serv	11,753,000
	Membership: Independent Energy Producers Assn.			Estimated disposal fee revenues	
62600	office supplies	650	36470	other-serv chrg	0
	WTE letterhead, envelopes, etc.				
62780	books/periodicals	500	30	chrgs for services	\$11,753,000
	Provision for WTE related publications				
63000	profess & spec serv	100,000	40590	donat & contrb	0
	Provision for post-refinance advisors, OHS rebate analysis, legislative lobbyist, & auditing		40860	misc reimburse	150,000
63280	contracts	0		Supplemental waste revenue, & service fee credits	
63400	engin services	75,000			
	Eng. analysis of mercury control retrofit proposal				
63410	admin serv	123,000	41450	prior per rev	0
	City of Modesto admin. charges				
63640	legal services	150,000	40	misc rev	\$150,000
	PGE litigation & general outside counsel				
65000	public/legl not	200			
	Provision for required legal notices				
65100	rent/equip	1,000			
	Provision for office equipment rental				
65300	rent/struct	8,000			
	Provision for admin. space rental				
65780	educ & train	1,000			
	Provision for staff training				
66710	service charges	11,817,848			
	Estimated aggregate service fees				
67040	travel expenses	15,000			
	Provision for travel re: bond re-finance				
60	serv & supp	\$12,301,198			
74080	central serv printing	0			
	Internal copy services				
74250	county counsel	21,660			
	Internal legal services				
74301	serv dept bill-auditor	6,020			
	Internal billing services; disposal fees				
74302	serv dept bill-purch	500			
	Internal services by Purch. Dept.				
74370	stores	200			
	Internal supplies				
74520	admin serv	77,000			
	Stanislaus County admin. charges (DER)				
74881	A-87 charges	(1,069)			
	Credit against Co. admin. charges				
70	other charges	\$104,311			
82130	office equipment	0			
84420	pers comp/equip	0			
80	fixed assets	\$0			
85850	transfers out	876,000			
	\$./ton for HHW & A8939				
85	other finan uses	\$876,000			
	Total Project	\$13,281,509			

EXHIBIT A

MODESTO CITY COUNCIL
RESOLUTION NO. 99-366

A RESOLUTION DENYING THE USE OF
AMPLIFIED MUSIC FOR A YOUTH ALIVE
CONCERT SCHEDULED FOR AUGUST 14, 1999,
IN GRACEADA PARK.

WHEREAS, a Youth Alive Concert is scheduled for August 14, 1999, at
Graceada Park, located on the corners of Needham and Sycamore Avenues, and

WHEREAS, the Christ In You The Hope of Glory International Ministry has
requested that the City allow amplified music at the park on August 14, 1999, and

WHEREAS, the use of amplified live music has been restricted to those nonprofit
organizations holding annual events prior to the passage of Ordinance 12-4.103, and

WHEREAS, based upon an agreement between the neighbors of Graceada Park
and the City Council, live music amplification can only be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby denies the request of the Christ In You The Hope of Glory International Ministry
for the use of amplified music for a Youth Alive Concert to be held at Graceada Park on August
14, 1999.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 13th day of July, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-367

A RESOLUTION APPOINTING DEPUTY CITY
MANAGER, PAUL BAXTER, ACTING CITY
MANAGER EFFECTIVE JULY 13, 1999, AND
AUTHORIZING AN INCREASE IN SALARY.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Paul
Baxter, Deputy City Manager, is hereby appointed Acting City Manager effective July 13, 1999.

BE IT FURTHER RESOLVED that during the period of said appointment, Paul
Baxter shall receive as compensation as Acting City Manager a salary increase consistent with
that of the City Manager as follows:

<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
\$58.3213	\$4,665.71	\$10,147.91

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-368

A RESOLUTION APPROVING THE FINAL MAP OF THE LEGENDS VILLAGE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, JKB HOMES CORP., a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.7 acres, known as LEGENDS VILLAGE UNIT NO. 2 SUBDIVISION ("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 October, 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 LEGENDS VILLAGE 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 20th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

Res. 99-369
Number Not Used

MODESTO CITY COUNCIL
RESOLUTION NO. 99-370

A RESOLUTION AUTHORIZING THE PURCHASE OF
RETIRED CITY OF MODESTO POLICE CANINES BY THE
ASSIGNED MODESTO POLICE DEPARTMENT CANINE
HANDLER.

WHEREAS, the Police Chief for the City of Modesto, from time to time,
officially retires police canines from departmental service, and

WHEREAS, City of Modesto police canine handlers wish to purchase and
assume possession of their assigned canine upon the dog's official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of
City of Modesto police canines by their assigned department handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that officially retired City of Modesto police canines may be purchased by the
assigned Modesto Police Department handler in accordance with the terms and conditions set
forth in the Modesto Police Department Canine Transfer Contract attached hereto as Exhibit
"A" and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Police Chief for the City of Modesto
shall provide Council with an annual report of all retired canine purchases made by department
canine handlers for the preceding year, commencing in January 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of July, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO POLICE DEPARTMENT CANINE TRANSFER CONTRACT

This AGREEMENT, made and entered into in the City of Modesto, State of California, this _____ day of _____, _____, by and between the City of Modesto, a municipal corporation of the State of California, hereinafter referred to as "CITY", and _____, canine handler for the Modesto Police Department, hereinafter referred to as "HANDLER".

This AGREEMENT is made with regard to the following recitals:

A. _____ wishes to assume ownership and take possession of that certain retired City of Modesto police canine named _____. _____ was previously the assigned canine HANDLER for _____.

B. _____ wishes to maintain ownership of the above-referenced dog, and the CITY wishes to divest itself of both ownership and vicarious or direct liability for the subject dog.

C. CITY does hereby agree to relinquish all of its right, title and ownership interest in said dog whatsoever, effective upon _____ execution and return of this document and payment of the sum of one and no/100ths dollars (\$1.00) to the City of Modesto.

NOW, THEREFORE, in consideration of this AGREEMENT, the parties hereto agree as follows:

1. _____ does agree to assume ownership of the Modesto police canine named _____, and to assume any and all risks, including, but not limited to, risk of injury or death to third persons, and to hold CITY, its

police department, and its employees and/or agents or volunteers harmless from any and all liability, claims, administrative proceedings or other responsibility whatsoever arising from any injuries or damages that may occur on or after the date ownership of the dog is transferred pursuant to this AGREEMENT. That date is hereby fixed by agreement by and among the parties hereto as being _____, _____.

2. _____ further agrees to assume all liability for risks and dangers relating to his/her ownership of the subject police dog on and after the aforementioned date, and to indemnify and hold CITY harmless in the event that any legal or administrative action, whether by claim, demand or otherwise, is made by any person or entity as a consequence of or arising out of any event, act or disturbance involving the subject police dog on or after the date ownership is transferred. These hold harmless provisions shall extend to any direct or vicarious liability arising from any and all losses, liabilities, charges (including reasonable attorney fees and court costs), and any other expenses whatsoever which may arise in any manner after the new owners assumption of ownership on the date identified herein.

3. _____ must retain ownership of _____ for at least eighteen (18) months prior to any sale of the aforementioned retired police canine.

4. The retired police canine _____ shall revert to CITY should the purchaser _____ determine he/she can no longer care for the aforementioned dog within the period of time commencing on the date of this AGREEMENT and ending eighteen (18) months from the date fixed by this AGREEMENT.

5. _____ acknowledges that he/she has read the foregoing AGREEMENT and understands that it is contractual in nature and understands each of its provisions.

NEW OWNER

CITY OF MODESTO

PAUL BAXTER, City Manager

ATTEST:

By _____
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-371

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR LIQUID CHLORINE,
WITH TWO ONE-YEAR EXTENSIONS

BE IT HEARBY 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 for Fiscal Year 1999-2000, with two one-year extensions, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 31, 1999, 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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-372

A RESOLUTION ACCEPTING THE BID OF KEMIRON PACIFIC, INC. FOR LIQUID FERROUS CHLORIDE AND AUTHORIZING THE PURCHASE FOR THE TOTAL COST OF \$184,541.38

WHEREAS, the bids received for liquid ferrous chloride were opened at 11:00 a.m. on June 29, 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 Kemiron Pacific, 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 \$184,541.38 for Fiscal Year 1999-2000, with two one-year extensions, from Kemiron Pacific, Inc. be accepted 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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-373

A RESOLUTION ACCEPTING THE BID OF HI-WAY SAFETY, INC. FOR LIGHT EMITTING DIODES (LED) CHANGEABLE MESSAGE SIGNS AND AUTHORIZING THE PURCHASE FOR THE TOTAL COST OF \$69,176.25

WHEREAS, the bids received for light emitting diodes (LED) changeable message signs were opened at 11:00 a.m. on June 22, 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 Hi-Way Safety, 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 \$69,176.25 from Hi-Way Safety, Inc. be accepted 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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-374

A RESOLUTION ACCEPTING THE CARPENTER ROAD FROM KANSAS TO SISK IMPROVEMENTS/OVERLAY 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 Carpenter Road from Kansas to Sisk improvements/overlay project, has been completed by George Reed, Inc. in accordance with the contract agreement dated July 21, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road from Kansas to Sisk improvements/overlay project, be accepted from said contractor George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$1,765,475.98, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-375

A RESOLUTION ACCEPTING THE FIXED FILM REACTOR SIDING INSTALLATION 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 fixed film reactor siding installation project, has been completed by Ross F. Carroll, Inc. in accordance with the contract agreement dated May 4, 1999.

NOW, THEREFORE, BE IT RESOLVED that the fixed film reactor siding installation project, be accepted from said contractor George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$77,550.00, 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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-376

A RESOLUTION APPROVING A JOINT POWERS AGREEMENT WITH STANISLAUS COUNTY, ON BEHALF OF THE COUNTY FIRE WARDEN, ALL THE CITIES WITHIN THE COUNTY OF STANISLAUS, ALL FIRE DISTRICTS WITHIN THE COUNTY AND THE TUOLUMNE-CALAVERAS RANGER UNIT OF THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION TO PARTICIPATE IN THE ARSON TASK FORCE

WHEREAS, the Council of the City of Modesto first authorized participation in a countywide Arson Task Force Joint Powers Agreement in September, 1980; and

WHEREAS, the primary purpose of the Joint Powers Agreement is to assist each other with fire investigation, arson awareness efforts and arson prosecution; and

WHEREAS, the Council of the City of Modesto supports the continued participation in the countywide Arson Task Force Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County, on behalf of the County Fire Warden, all of the cities within Stanislaus County, all fire districts within the County and the Tuolumne-Calaveras Ranger Unit of the California Department of Forestry and Fire Protection to provide an Arson Task Force be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the joint powers 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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-377

A RESOLUTION APPROVING AN AGREEMENT WITH PACIFIC DESIGN ASSOCIATES FOR ARCHITECTURAL ADMINISTRATION SERVICES DURING CONSTRUCTION OF NEW POLICE HEADQUARTERS BUILDING (BID PACKAGE NO. 2) AND AUTHORIZING CITY MANAGER TO EXECUTE AGREEMENT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Design Associates for architectural administration services during the construction of the new Police headquarters building (Bid Package No. 2) be, and it is hereby accepted.

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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-378

A RESOLUTION OF THE CITY OF MODESTO
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 and the Improvement Bond Act of 1915, 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 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 that 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 assessments within the District for the 1999-00 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1999-00 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-379

A RESOLUTION OF THE CITY OF MODESTO
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 and the Improvement Bond Act of 1915, 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 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 that 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 assessments within the District for the 1999-00 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1999-00 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-380

A RESOLUTION OF THE CITY OF MODESTO
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 and the Improvement Bond Act of 1915, 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 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 that 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 assessments within the District for the 1999-00 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1999-00 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-381

A RESOLUTION OF THE CITY OF MODESTO
ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS WITHIN PUBLIC
IMPROVEMENT 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 Improvement 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 and the Improvement Bond Act of 1915, 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 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 that 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 assessments within the District for the 1999-00 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1999-00 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-382

A RESOLUTION APPROVING CLOSURE OF THE ALLEY
IN BLOCK 71 OF THE CITY OF MODESTO, LOCATED
PARALLEL WITH 10TH AND 11TH STREETS AND
EXTENDING FROM "F" STREET TO "G" STREET
(ADJACENT TO NEW POLICE DEPARTMENT FACILITY).

WHEREAS, Section 21102.1 of the Vehicle Code of the State of California provides that local authorities may adopt rules and regulations by resolution restricting vehicular or pedestrian traffic through any alley by means of gates, barriers, or other control devices, when, in the opinion of the local authority having jurisdiction over the alley, the restriction is necessary for the protection or preservation of the public peace, safety, health, or welfare, and

WHEREAS, the Modesto Engineering and Transportation Department has requested closure of the alley in Block 71 of the City of Modesto, located parallel with 10th and 11th Streets and extending from "F" Street to "G" Street, adjacent to the new Police Department Facility, and

WHEREAS, the Community Development Department of the City of Modesto has recommended closing said alley in Block 71, as the Modesto Police Department proposes to make police operations more secure by controlling access to the entire city block on which the new police building headquarters will be constructed, and

WHEREAS, this proposal has been referred to City of Modesto departments and service divisions, along with public agencies and utility companies, and no issues with the proposed closure were expressed by those contacted, and

WHEREAS, said proposal was considered by the City Council at its meeting held on July 27, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the closure of the alley in Block 71 of the City of Modesto, located parallel with 10th and 11th Streets and extending from "F" to "G" Streets, as set forth on the attached map, to allow the Modesto Police Department operations to be more secure by controlling access to the entire city block on which the new police building headquarters will be constructed. Said access shall be controlled by actuated security gates controlled by the City of Modesto Police Department.

BE IT FURTHER RESOLVED that this resolution shall not be enforceable until appropriate signs giving notice of the restriction are posted at every entrance to the alley, as required by Vehicle Code Section 21102.1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

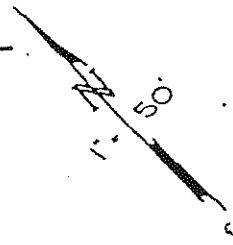
PORTION NE 1/4 SECTION 32 T.3S. R.7E. M. D. B. & M.
CITY OF MODESTO - BLK. 11

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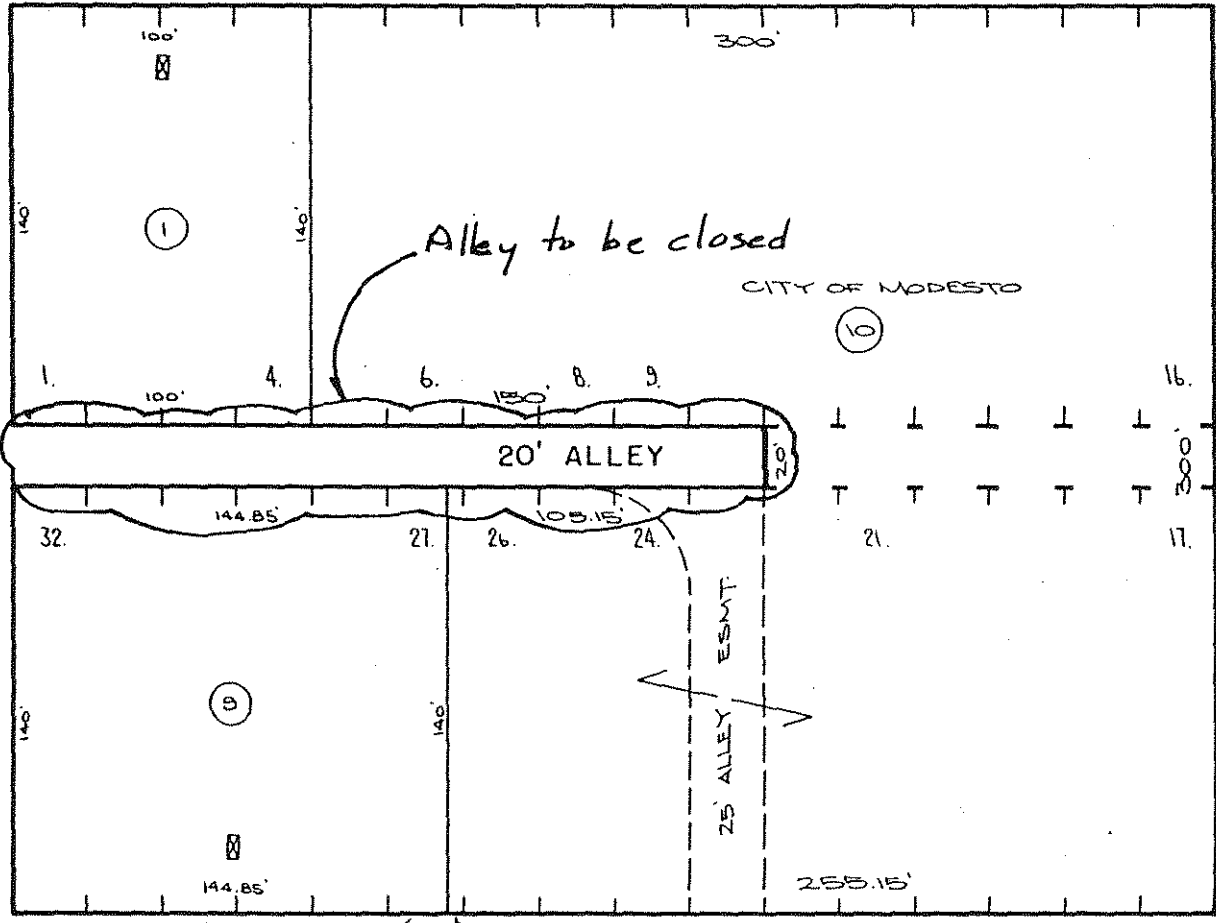
29

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



80' 11th ST.

80' ST. G



80' ST. F

39

80' 10th ST.



70

MODESTO CITY COUNCIL
RESOLUTION NO. 98-383

A RESOLUTION DESIGNATING THE PROPERTY AT 201
HINTZE AVENUE AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNER: JOHN CADRETT)

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 June 21, 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. 99-4, that the property at 201 Hintze 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 July 27, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the property at 201 Hintze 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 201 Hintze Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 201 Hintze Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Historic and architectural significance as a well-maintained mission-style, single-story residence with a red tile roof built in 1931 in the Hugh High Tract.

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 27th day of July, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

All that certain real property situate in a portion of the southwest 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:

all of Lots 8 and 9 of Block 624 as shown on the Amended Map Of Lesliehugh Tract, filed in the office of the Recorder of Stanislaus County, California, on June 11, 1931, in Volume 11 of Maps at Page 20;

excluding the easterly 7 feet of said Lot 8.

Clarke

MODESTO CITY COUNCIL
RESOLUTION NO. 99-384

A RESOLUTION DESIGNATING THE PROPERTY AT 1001
MAGNOLIA AVENUE AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNERS: SUZANNE MONTRIE
AND DAVID ROBINSON)

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 June 21, 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. 99-5, that the
property at 1001 Magnolia 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 July 27, 1999, in the City Council
Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the property at 1001 Magnolia 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 1001 Magnolia Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 1001 Magnolia Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

Historic and architectural significance as a fine example of a two-story, California/Spanish Eclectic style with a multi-level red tile roof with two large 8-panel windows with elaborate wrought iron grills built in 1929-1930.

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 27th day of July, 1999, 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 Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

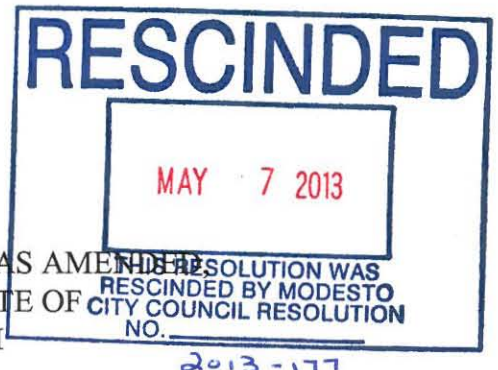
All that certain real property situate in a portion of the southeast quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

the southerly 125 feet of Lots 29 and 30 as shown on that Map of the First Addition To The Bonnie Brae Tract, filed in the office of the Recorder of Stanislaus County, California, on May 18, 1920, in Volume 9 of Maps at Page 36;

excluding the westerly 7.5 feet of said Lot 29 and the easterly 85.5 feet of said Lot 30.

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99- 385



A RESOLUTION RESCINDING RESOLUTION 88-649, AS AMENDED, AND APPROVING COMPREHENSIVE UPDATE OF CAPITAL FACILITIES FEES PROGRAM

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the current CFF are set forth in City Council Resolution 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, 98-654, 99-237 and

WHEREAS, the above-referenced resolutions previously adopted the current fees for City facilities based on capital programs associated with each category of facilities, including police, fire, parks, transit, streets, air quality, and governmental facilities and, in addition, included fees necessary to pay for the administration of the CFF program and the Update Report has developed and documented revised capital programs for these categories, and

WHEREAS, the City Council on May 18, 1999 adopted Resolution 99-237 to enact a comprehensive CFF Update based on the Final CFF Update Report, revised April 26, 1999, from Townhall Associates, and on the recommendations from City contract employee Charles Long in memoranda dated April 26, 1999 and May 18, 1999 which present documentation and recommendations necessary to update the above-referenced capital programs and fees levied on future development necessary to serve development that occurs consistent with the City's 1995 General Plan, and

WHEREAS, the City Council on May 18, 1999 delayed final consideration of industrial and warehouse fees to July 20, 1999, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on July 20, 1999 in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, and such hearing was continued to July 27, 1999, at which date and time

said duly noticed public hearing of the Council was held, and

WHEREAS, the Council received a memorandum dated July 9, 1999 from Charles A. Long recommending industrial and warehouse fees and Motel/Hotel fees and such report was made available for public inspection in the City Clerks Office beginning on July 9, 1999, and

WHEREAS, after considering the above-referenced memorandum, and the testimony received at a public hearing held on July 20, 1999, continued to July 27, 1999, the City Council hereby approves and adopts the recommendations in the July 9, 1999 memorandum, and incorporates the same herein,

WHEREAS, the City Council finds that fees collected pursuant to this resolution shall be used to finance the municipal facilities identified in the above-referenced reports and memoranda, which are incorporated herein by this reference, and further finds that future development in the City of Modesto as set forth in the reports and memoranda will generate additional demands on municipal services, and

WHEREAS, Initial Study CDD 98-62 has been prepared on the CFF Update and has concluded, in essence, that the CFF Update is within the scope of the Master Environmental Impact Report prepared on the City's General Plan in 1995 and that there are no new impacts not previously identified and no new environmental documentation is required, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, 98-654, and 99-237 is hereby rescinded upon the effective date of this resolution, as provided herein, and that this resolution shall incorporate the actions of the City Council on July 27, 1999, to restate all of the City's CFF in one resolution as follows:

A. Overview of Fee Determination: The Capital Facilities Fees levied by the City shall be the result of three factors described in this paragraph:

1. The Full Recovery Fees reflect the full cost allocation to each category of new

development of capital facilities necessary to serve growth.

2. The Phase-In Program describes how fees will increase from the fee level existing in 1998 to the Full Recovery level.
3. Automatic annual inflation adjustment will escalate fees by the amount of inflation.

The remaining sections authorize and direct the implementation of these three factors.

B. Full recovery fees: The Full Recovery Capital Facilities Fees levied on each category of development in the City of Modesto shall be the sum of two components:

1. Fees for Community Facilities as set forth in Table 1 show the Full Recovery Fees for Community Facilities for each of the categories of development shown in the table, and
2. Fees for Transportation Facilities as set forth in the Table 2 show the Full Recovery Fees for Transportation Facilities for each of the categories of development shown in the table.

Categories of land use type shown in Tables 1 and 2 are described in the Land Use Categories Definitions (Paragraph 2 (F)) of this resolution. Uses not specifically described in the Land Use Categories Definitions shall be charged at rates to be determined by the Director of Community Development, using trip generation estimates acceptable to the Director.

Table 1
CFF Full Recovery Fee Schedule
Community Facilities

Land Use	Facility						
	Fire	Parks	Police	City Hall and Other Facilities	Subtotal	Admin- istration*	Total
RESIDENTIAL (fee/dwelling unit)							
Single family detached	\$139	\$2,022	\$346	\$416	\$2,923	\$93	\$3,016
Medium-density	111	1,618	277	333	2,339	74	2,413
Multi-family	83	1,213	208	250	1,754	56	1,810
NON-RESIDENTIAL (fee per 1,000 square feet, except where noted)							
Office	54	0	133	160	347	83	430
Commercial	32	0	80	96	208	75	283
Lodging (Motel/Hotel)							
Charge per room	2	NA	5	5	12	5	17
Charge per 1000 square feet	45	NA	113	136	294	106	400
Industrial (fee/1,000 square feet) ¹	19	NA	47	56	122	33	155
Warehouse (fee/1,000 square feet)	2	NA	6	7	15	7	22

* The total fee for administrative purposes; no additional administration fee is included in Transportation CFF.

¹ The Industrial fee at full phase in is set at less than full recovery.

**TABLE 2
CFF FULL RECOVERY FEE SCHEDULE
TRANSPORTATION FACILITIES**

Land Use Category	Peak Hour Trip Ends ²	Adjustment Factor ³	Adjusted Peak Hour Trips ⁴	Streets	Public Transit	Air Quality	Total
RESIDENTIAL Per Dwelling Unit							
Single Family	1.00 / du	1.0	1.00	\$ 2,726	\$ 96	\$ 56	\$ 2,878
All non-Single Family	0.62 / du	1.0	.62	\$ 1,690	\$ 60	\$ 35	\$ 1,785
Senior Housing	0.27 / du	1.0	.27	\$ 736	\$ 26	\$ 15	\$ 777
NON-RESIDENTIAL Per 1,000 square feet of development except where noted							
Office							
General Office	2.00	0.75	1.5	\$ 4,089	\$ 144	\$ 84	\$ 4,317
Medical Office	3.66	0.75	2.745	\$ 7,483	\$ 264	\$ 154	\$ 7,901
Commercial							
Small Retail (<50,000 sf)	10.06	0.15	1.51	\$ 4,114	\$ 145	\$ 85	\$ 4,344
Medium Retail (50-100,000 sf)	6.92	0.20	1.38	\$ 3,948	\$ 139	\$ 81	\$ 4,168 ⁵
Shopping Center (100-300,000 sf)	5.47	0.30	1.64				
Shopping Mall (>300,000 sf)	3.77	0.35	1.32				
Lodging(Motel/Hotel)							
Charge per room	.55	1.0	.55	\$ 889	\$ 31	\$ 18	\$ 938
Charge per 1000 square feet	.55	1.0	.55	\$ 928	\$ 33	\$ 19	\$ 980
Industrial							
Warehouse	0.20	0.75	.15	\$ 409	\$ 14	\$ 9	\$ 432
Other⁶							
Church (Industrial/Warehouse)	0.66	0.15	.10	\$ 270	\$ 10	\$ 6	\$ 286
Day Care Center (Commercial)	13.20	0.05	.66	\$ 1,799	\$ 63	\$ 37	\$ 1,899
Hospital (Office)	0.92	0.75	.69	\$ 1,881	\$ 66	\$ 39	\$ 1,986
Mini-Warehouse (Industrial/Warehouse)	0.26	0.30	.078	\$ 213	\$ 8	\$ 4	\$ 225

2 Peak Hour Trip Rate is expressed in trip ends per unit of development (i.e., per DU, per 1000 sf, etc.)

3 Adjustment Factor includes adjustment for trip length, pass-by trips, and linkage to residential uses as estimated by the Engineering & Transportation Department.

4 The Adjusted Peak Hour Trip Rate is calculated by multiplying the adjustment factor by the Peak Hour Trip Rate.

5 The CFF Update report combines the three larger retail categories into one.

6 Uses in the Other category are assigned to the category shown in parentheses for the Community Facilities component of the fee. For instance, fees for a Church are \$286 for Transportation plus \$106 (the rate for Industrial/Warehouse) for Community Facilities for a total of \$392 per 1000 square feet.

09/17/99

Nursing Home (Commercial)	0.36	0.15	.054	\$ 147	\$ 5	\$ 3	\$ 155
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C. Phase-in of Full Recovery: To mitigate the negative impacts of a sudden increase in CFF for job producing development the Council hereby enacts a Phase-In Program to increase fees from the levels existing in 1998 to the Full Recovery levels calculated in the Update Report. The Program will work as follows.

1. Information will be prepared each April (except for 1999, when it will be prepared in June) regarding the amount of development for which building permits were issued in the prior 12 months ending March 31 (except in 1999, when the 12 month period will end May 31). The development activity for each of these markets will be compared with thresholds as shown in Table 3. If activity exceeds the thresholds in Table 3 then the next step of the phase in for that market segment shown in Table 4 will occur on July 1 of that year (except in 1999 when the phase-in will occur on September 1 of 1999). If the activity is below the threshold for that market segment, then the phase-in scheduled for July 1 will be deferred and the entire schedule of phase-in for that market segment will be extended to reflect the year of deferral. The City's Director of Community Development is hereby authorized and directed to administer the Phase-In Program and to administratively determine whether the next step of phase-in for each market segment will go into effect.

Table 3
DEVELOPMENT ACTIVITY THRESHOLDS
over prior 12 months to March 31

Market Segment	Phase in period	Threshold
Single Family Residential	Immediate, except for vested maps	None
Multi-Family Residential	5 years beginning September 1, 1999	80 units in previous 12 months
Office	5 years beginning September 1, 1999	40,000 square feet in previous 12 months
Retail	5 years beginning September 1, 1999	100,000 square feet in previous 12 months
Industrial and other	5 years beginning September 1, 1999	75,000 square feet in previous 12 months

2. The Phase-In Program phases in fees to Full Recovery over 5 years as shown in Table 4 below. This table shows the phase-in of the total fee, i.e. the fee that is the sum of the two components, Community Facilities and Transportation Facilities.

Table 4
Phase-in of CFF assuming Market Strength Thresholds are met
(All Fees will be automatically adjusted by annual inflation)

	Unit	To 8/31/99	9/1/99 to 6/30/00	7/1/00 to 6/30/01	7/1/01 to 6/30/02	7/1/02 to 6/30/03	After 7/1/03
Single Family-vested tentative map as of Dec 8 1998	Dwelling Unit (DU)	Adjust old fee of \$3,819 by inflation on March 1, 99 and each March 1 thereafter.					
Single Family-non-vested tentative map as of Dec 8, 1998	DU	No phase-in. Fee of \$5,894 for all units not in a vested tentative map on Dec 8, 1998. Adjust for inflation on July 1, 1999 and each July 1 thereafter.					
Medium Density	DU	\$2,924	\$3,179	\$3,434	\$3,688	\$3,943	\$4,198
Multiple	DU	2,415	2,651	2,887	3,123	3,359	3,595
Senior Housing	DU/Room	1,920	2,053	2,187	2,320	2,454	2,587
Office							
Medical Office	1,000 sf	\$5,341	\$5,939	\$6,537	\$7,135	\$7,733	\$8,331
General Office	1,000 sf	3,142	3,463	3,784	4,105	4,426	4,747
Lodging							
Motel/Hotel-Room	Room	\$1228	\$1,173	\$1,119	\$1,064	\$1,010	\$955
Motel/Hotel-Area	1000 sf	\$246	\$473	\$700	\$927	\$1,154	\$1,380
Retail							
<50,000 sf	1,000 sf	\$3,944	\$4,081	\$4,218	\$4,354	\$4,490	\$4,627
50-99,000 sf	1,000 sf	2,998	3,289	3,579	3,870	4,160	\$4,451 ⁷
100-300,000 sf	1,000 sf	2,538	2,921	3,303	3,686	4,068	\$4,451
>300,000 sf	1,000 sf	2,452	2,852	3,252	3,651	4,051	\$4,451
Industrial	1,000 sf	1,203	1,341	1,479	1,618	1,756	\$1,894
Warehouse	1,000 sf	293	325	357	390	422	\$454
Other							
Church	1,000 sf	\$348	\$357	\$366	\$374	\$383	\$392
Daycare	1,000 sf	1,373	1,535	1,697	1,858	2,020	2,182
Hospital	1,000 sf	2,565	2,535	2,505	2,476	2,446	2,416
Mini-Warehouse	1,000 sf	315	318	321	325	328	331
Nursing Home	1,000 sf	320	344	367	391	414	438

Note: costs shown in this table are in constant dollars, and do not reflect the effects of inflation. Actual fees would be adjusted for inflation to the time at which the phase-in steps take effect.

⁷ The CFF Update combines the last three categories of retail into one fee category with a full recovery fee of \$4,451. Phase in to full recovery is from the respective starting points of the old categories.

Automatic Annual Inflation Adjustment: All fees shall be automatically adjusted annually for inflation by the City's Director of Engineering and Transportation. The annual adjustment for single family residential development in vested tentative maps that existed as of December 8, 1998 began under Resolution 98-654 on March 1, 1999 and continues for each March 1 thereafter based on the change in the San Francisco Bay Area Engineering News Record (ENR) Construction Cost Index through the preceding December. The Director is hereby directed and authorized to continue making annual adjustments on March 1 of each year for lots in vested tentative maps that existed as of December 8, 1998 based on the change in the San Francisco Bay Area ENR Construction Cost Index through the preceding December.

The adjustment for all other categories of development will begin on September 1, 1999 and continue each July 1 thereafter based on the change in the San Francisco Bay Area Construction Cost ENR Index through the preceding April. The year 1999 is the only year in which the adjustment for all other categories takes place on September 1; in all subsequent years the adjustment is made effective July 1. The Director is hereby directed and authorized to continue making annual adjustments on July 1 of each year for all categories of development, except unexpired vested tentative maps that existed on December 8, 1998, based on the change in the San Francisco Bay Area ENR Construction Cost Index through the preceding April.

The City's Director of Engineering and Transportation is hereby authorized and directed to make the adjustments described in this paragraph administratively.

D. Administration of the Distribution of Fee Revenue among capital programs: The City's Director of Community Development is hereby authorized and directed to administratively determine the adjustment of fee components each year as the phase-in of fees to Full Recovery occurs and as inflation adjustments occur. As the total fee is adjusted for phase-in and inflation, each component of the fee shall be automatically adjusted to reflect its proportionate share of the

Full Recovery Fee in accordance with Table 5 which shows the percentage distribution of fee components for each category of development based on each component's share of the Full Recovery Fee.

Table 5

Distribution of CFF Components as a percent of Full Recovery											
Land use category	Fire	Parks	Police	Govt	Admin	Total Community Facilities	Streets	Public Transit	Air Quality	Total Transportation Facilities	Total
RESIDENTIAL											
Single Family--Vested as of December 8, 1998	\$143	\$1,342	\$242	\$211	\$93	\$2,031	\$1,702	\$30	\$56	\$1,788	\$3,819
	3.74%	35.14%	6.34%	5.53%	2.44%	53.18%	44.57%	0.79%	1.47%	46.82%	100.00%
Single Family--no vesting	\$139	\$2,022	\$346	\$416	\$93	\$3,016	\$2,726	\$96	\$56	\$2,878	\$5,894
	2.36%	34.31%	5.87%	7.06%	1.58%	51.17%	46.25%	1.63%	0.95%	48.83%	100.00%
Medium Density	\$111	\$1,618	\$277	\$333	\$74	\$2,413	\$1,690	\$60	\$35	\$1,785	\$4,198
	2.64%	38.54%	6.60%	7.93%	1.76%	57.48%	40.26%	1.43%	0.83%	42.52%	100.00%
Multi-Family	\$83	\$1,213	\$208	\$250	\$56	\$1,810	\$1,690	\$60	\$35	\$1,785	\$3,595
	2.31%	33.74%	5.79%	6.95%	1.56%	50.35%	47.01%	1.67%	0.97%	49.65%	100.00%
Senior Housing	\$83	\$1,213	\$208	\$250	\$56	\$1,810	\$736	\$26	\$15	\$777	\$2,587
	3.21%	46.89%	8.04%	9.66%	2.16%	69.97%	28.45%	1.01%	0.58%	30.03%	100.00%
NON-RESIDENTIAL											
Office											
General Office	\$54	\$0	\$133	\$160	\$83	\$430	\$4,089	\$144	\$84	\$4,317	\$4,747
	1.14%	0.00%	2.80%	3.37%	1.75%	9.06%	86.14%	3.03%	1.77%	90.94%	100.00%
Medical Office	\$54	\$0	\$133	\$160	\$83	\$430	\$7,483	\$264	\$154	\$7,901	\$8,331
	0.65%	0.00%	1.60%	1.92%	1.00%	5.16%	89.82%	3.17%	1.85%	94.84%	100.00%
Commercial											
Small Retail (<50,000 sf)	\$32	\$0	\$80	\$96	\$75	\$283	\$4,114	\$145	\$85	\$4,344	\$4,627
	0.69%	0.00%	1.73%	2.07%	1.62%	6.12%	88.91%	3.13%	1.84%	93.88%	100.00%
Medium Retail (50-100,000 sf)	\$32	\$0	\$80	\$96	\$75	\$283	\$3,948	\$139	\$81	\$4,168	\$4,451
	0.72%	0.00%	1.80%	2.16%	1.69%	6.36%	88.70%	3.12%	1.82%	93.64%	100.00%
Shopping Center (100-300,000 sf)	\$32	\$0	\$80	\$96	\$75	\$283	\$3,948	\$139	\$81	\$4,168	\$4,451
	0.72%	0.00%	1.80%	2.16%	1.69%	6.36%	88.70%	3.12%	1.82%	93.64%	100.00%
Shopping Mall (>300,000 sf)	\$32	\$0	\$80	\$96	\$75	\$283	\$3,948	\$139	\$81	\$4,168	\$4,451
	0.72%	0.00%	1.80%	2.16%	1.69%	6.36%	88.70%	3.12%	1.82%	93.64%	100.00%
Lodging(Motel/Hotel)											
Charge per room	\$2	\$0	\$5	\$5	\$5	\$17	\$889	\$31	\$18	\$938	\$955
	0.21%	0.00%	0.52%	0.52%	0.52%	1.78%	93.09%	3.25%	1.88%	98.22%	100.00%
Charge per 1000 square feet	\$45	\$0	\$113	\$136	\$106	\$400	\$928	\$33	\$19	\$980	\$1,380
	3.26%	0.00%	8.19%	9.86%	7.68%	28.99%	67.25%	2.39%	1.38%	71.01%	100.00%
Industrial											
Warehouse	\$19	\$0	\$47	\$56	\$33	\$155	\$1,647	\$58	\$34	\$1,739	\$1,894
	1.00%	0.00%	2.48%	2.96%	1.74%	8.18%	86.96%	3.06%	1.80%	91.82%	100.00%
	\$2	\$0	\$6	\$7	\$7	\$22	\$409	\$14	\$9	\$432	\$454
	0.44%	0.00%	1.32%	1.54%	1.54%	4.85%	90.09%	3.08%	1.98%	95.15%	100.00%
Other											
Church	\$12	\$0	\$32	\$38	\$24	\$106	\$270	\$10	\$6	\$286	\$392
	3.06%	0.00%	8.16%	9.69%	6.12%	27.04%	68.88%	2.55%	1.53%	72.96%	100.00%
Day Care Center	\$32	\$0	\$80	\$96	\$75	\$283	\$1,799	\$63	\$37	\$1,899	\$2,182
	1.47%	0.00%	3.67%	4.40%	3.44%	12.97%	82.45%	2.89%	1.70%	87.03%	100.00%
Hospital	\$54	\$0	\$133	\$160	\$83	\$430	\$1,881	\$66	\$39	\$1,986	\$2,416
	2.24%	0.00%	5.50%	6.62%	3.44%	17.80%	77.86%	2.73%	1.61%	82.20%	100.00%
Mini-Warehouse	\$12	\$0	\$32	\$38	\$24	\$106	\$213	\$8	\$4	\$225	\$331
	3.63%	0.00%	9.67%	11.48%	7.25%	32.02%	64.35%	2.42%	1.21%	67.98%	100.00%
Nursing Home	\$32	\$0	\$80	\$96	\$75	\$283	\$147	\$5	\$3	\$155	\$438
	7.31%	0.00%	18.26%	21.92%	17.12%	64.61%	33.56%	1.14%	0.68%	35.39%	100.00%

F. Land Categories Definitions: For purposes of the fees set forth in subparagraphs 2(A) through 2(E), the following definitions of development categories shall apply. Uses not shown in these definitions shall be charged at rates to be determined by the Director of Community Development, using trip generation estimates acceptable to the Director.

RESIDENTIAL

Single Family

Typically single family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically 10 dwellings per acre or less.

Medium Density

Shall mean duplex or triplex buildings located on a single lot designed for occupancy by two or three families.

Multiple Family

Includes multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments greater than a density of 10 units per acre. This category also applies to mobile homes and hotel/motel uses.

Senior Housing

Includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

OFFICE

Medical

Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes, which are treated separately.

General

All other types of general and professional offices, including but not limited to office parks, business parks, corporate headquarters, insurance offices and US Post Offices.

COMMERCIAL

Small Retail (less than 50,000 square feet)

Convenience markets, often with on-site gasoline pumps, usually open 24-hours or extended hours.

Restaurants with or without sit-down facilities and with or without drive-up windows.

This category also includes all drinking establishments--bars and cocktail lounges.

Banks: Full service banking institutions with or without drive-up windows including saving & loan institutions, including thrift and credit unions, with or without drive-up windows.

COMMERCIAL (continued)

Other Retail

(Fee category at full recovery has been collapsed into one. Phase-in fees will be based on size of facility as noted in Tables 2 and 4)

Includes a wide range of retail and service uses, both free-standing and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, garden centers or nurseries, wholesale markets, apparel stores, furniture stores, video arcades, and new car sales. May include uses in small retail category if in a shopping center.

LODGING

Motel and Hotel

Facilities for temporary lodging of paying customers by room. These facilities may or may not have conference and meeting rooms ancillary to the primary business of renting rooms by the night, week or month. Any restaurant ancillary to a motel/hotel will be charged separately as a retail establishment.

INDUSTRIAL

Manufacturing/Light Industrial/
Industrial Park

Manufacturing/Light Industrial/Industrial Park - facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered to be in this category include uses such as those listed below:

- 1) Electronics assembly, paper products
- 2) Metal fabricator
- 3) Bottling plant
- 4) Cabinet shop
- 5) Machine shop
- 6) Sheetmetal shop
- 7) Welding shop
- 8) Wholesale business
- 9) Printing plant
- 10) Material testing labs manufacturer

- 11) Food processor, brewery, bakery
- 12) Recycling facility
- 13) Burning operations for lumber and wood products
- 14) Junk handling, processing, storage
- 15) Landfill, waste products disposal or transfer station
- 16) Manufacture, fabrication, processing, packaging and treatment of:
 - a) Explosives
 - b) Oil and grease products
 - c) Chemicals and chemical products
- 17) Rock crushing
- 18) Pulp and paper mill
- 19) Reduction, processing and storage of offal, dead animals, bones or similar materials
- 20) Septic tank, cesspool servicing
- 21) Stockyard
- 22) Tannery
- 23) Vehicle salvage, wrecking

INDUSTRIAL (continued)

Mixed Industrial Uses - When a development proposal contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purpose of calculating development fees.

WAREHOUSE/DISTRIBUTION/
HEAVY

Warehouse/Distribution - facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping materials. Uses which are considered to be in this category include uses such as those listed below:

- 1) Freight forwarding
 - 2) Warehousing
 - 3) Corporation yard, freight yard
 - 4) Equipment rental yard
 - 5) Moving and storage service
 - 6) Bulk feed storage
 - 7) Lumberyard
 - 8) Sand, gravel, building materials dealer
- (NOTE: This category does not include mini-warehousing)

OTHER

Church

Structures primarily designed as a place for public worship.

Day care and school

An educational, vocational or day care facility involving educational services to those age 5 and over.

Hospital

A structure designed for health services, both in-patient and out-patient; that includes surgical care of the sick or injured of the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D Zone for hospital uses. A separate set of offices on the same site for physicians is considered "professional offices."

Mini-Warehouse

A personal storage facility not associated with industrial use.

Nursing Home

Structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family.

For purposes of interpreting these definitions the term "Commercial Use" shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title 10 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the City Council that only projects shown in the Update Report are eligible for receipt of CFF funds. Individual projects shall be flexibly budgeted within total dollar limits of the capital programs of the two principal fee components as follows:

1. Fees for Community Facilities, which include Police, Fire, Parks, Government and Administration.
2. Fees for Transportation, which includes Streets, Transit and Air Quality.

As long as the overall dollar amounts of the capital programs for these two components are not exceeded individual eligible projects may vary from the estimates shown in the Update Report.

BE IT FURTHER RESOLVED by the City Council that the times when CFF are due and payable, the time of actual incidence of the CFF, and the earliest time at which they may be paid shall be determined from time to time in writing by the Chief Building Official pursuant to the authority granted to that Official by Modesto Municipal Code Section 8-1.904.

BE IT FURTHER RESOLVED by the City Council that Director of Community Development is authorized and directed to modify the current CFF deferral program to eliminate the letter of credit as security for loans, simplify the interest rate (1/2 point above the City's investment rate for idle funds) and expand the categories to include Office, Retail and Industrial/Warehouse uses. In addition, loans under the deferral program shall be secured by a

deed of trust recorded against the property subordinated to financing for the project.

BE IT FURTHER RESOLVED by the City Council that the Director of Community Development is authorized to present proposals to the City Council for transfer of CFF fee credits from existing buildings to other locations based on the following criteria:

1. The projects involves commercial/industrial job retention of at lease 25 jobs or redevelopment of blighted area.
2. The beneficiary of the transfer is the owner of the existing building or the existing building is demolished and does not have credits when rebuilt.

BE IT FURTHER RESOLVED that it is the policy of the City Council to annually review one or more components of the capital program that form the basis of calculating the Capital Facilities Fees. These reviews shall not result in upward revision of the non-residential phase-in amounts set forth in Table 4 of this resolution. This policy in no way prevents the upward adjustment of fees due to annual inflation adjustments nor does it prevent the Council from adopting higher Full Recovery Fees that may result from a more costly capital program.

BE IT FURTHER RESOLVED by the City Council that the findings of Initial Study CDD 98-62 are hereby acknowledged, namely,

- A. The CFF Update is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017), and
- B. The proposed CFF Update 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, and
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section

21157.1), and

- D. There are no specific features unique to this CFF Update that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

BE IT FURTHER RESOLVED by the City Council that in addition to the other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Sections 10561 and 15273 of the State CEQA Guidelines because:

- (1) The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, wastewater treatment facilities, other City facilities, air quality facilities, public transportation facilities and street facilities, as well as the purchase of certain items of capital equipment.
- (2) However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either established or increased Capital Facilities Fees to fund the Capital Facilities Fees that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

BE IT FURTHER RESOLVED by the City Council that the Townhall Associates Final CFF Update Report of April 26, 1999 and the Long memoranda of April 26, 1999, May 18, 1999 and July 9, 1999 and the testimony received at the public hearings of May 18 and July 27, 1999 have established:

1. That there is a reasonable relationship between the need for the public facilities designated in the reports and analyses, and in the City's General Plan and Specific Plans generated in accordance with that plan, and the City's Capital Improvement Plan, and the impacts of the types of development for which the corresponding fees are charged,
2. That there is a reasonable relationship between the fees, uses, and the type of development for which the fee is charged,
3. That there is a reasonable relationship between the amount of the various fees and the cost of the public facilities or portions of the public facilities attributable to the development and types of development upon which the various fees are imposed,
4. That the cost estimates set forth in the reports and analyses are reasonable cost estimates for constructing these facilities, and that the fees expected to be generated by future development will not exceed the total costs of constructing the public facilities just referenced,
5. The Long reports and the Townhall Associates analysis establish a linkage or nexus between development in the City's Urban Reserve (unincorporated area of the City's General Plan Area) and the need for additional public facilities or improvements to existing public facilities within the City of Modesto as well as within the Urban Reserve. Therefore, the term "development" as used in the preceding four subparagraphs shall include but not be limited to development in the City's Urban Reserve that may be approved or allowed by Stanislaus County prior to the annexation of said Urban Reserve or portions thereof to the City of Modesto. Because of this clearly established nexus, it is the intention of the City Council of the City of Modesto that the fees created by this resolution for streets facilities, air quality facilities, and public transportation facilities be imposed by the County of Stanislaus on development approved of or allowed by the County of Stanislaus in the City's Urban

Reserve area and collected by the City of Modesto,

6. The City Council further finds that the methods of allocation of the fee components proposed in the Long reports and the Townhall Associates analysis and enacted herein, do bear a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the respective fees.

BE IT FURTHER RESOLVED that the City will not unreasonably withhold the granting of an initial one year extension to the holder of a vesting tentative subdivision map for the sole purpose of making such maps subject to the increased CFF fees contained in this resolution.

BE IT FURTHER RESOLVED by the City Council that improved vacant lots existing on December 8, 1998, where the initial two-year vesting period had expired and where all subdivision improvements had been installed, will be permitted to pay the current (old) fee for building permits pulled through March 1, 2001. Any building permits pulled for these lots after March 1, 2001, shall be subject to the new higher fees contained herein.

BE IT FURTHER RESOLVED by the City Council that should any fee provision, clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

BE IT FURTHER RESOLVED by the City Council that the provisions of this resolution enacted by the City Council on July 27 shall take effect in accordance with law on September 27, 1999, recognizing that most of this resolution was enacted in Resolution 99-237

on May 18, 1999 and those provisions took effect on July 17, 1999.

BE IT FURTHER RESOLVED by the City Council that to the extent any portion of any of the resolutions set forth above conflicts with any of the provisions of this resolution, the language of this resolution shall prevail, and the language in the previous resolution to the contrary is hereby superseded and revoked

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-386

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM RICKEY DAN MOORE AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (HILLSIDE FLOOD PROTECTION PROJECT)

APN 35-52-07 (Rickey Dan Moore)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to remove residences from this flood prone area and prevent a reoccurrence of the property damage which occurred in 1997 when the property flooded (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to

appear and be heard before the Modesto City Council on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary for the Project; and
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;
2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. The taking of the fee simple title in and to the real property more particularly described in said Exhibit "A" is necessary for the Project;
4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.
5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and
6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of July, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

Michael D. Milich
MICHAEL D. MILICH, City Attorney



EXHIBIT "A"

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

LOT 8 IN BLOCK 2145 OF LEGION PARK TRACT, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON JANUARY 4, 1941 IN VOLUME 14 OF MAPS, AT PAGE 10.

APN: 2-103/035-52-07-101

Description Proof-read by: MF

MODESTO CITY COUNCIL
RESOLUTION NO. 99-387

A RESOLUTION ACCEPTING THE BID OF MOZINGO CONSTRUCTION FOR
THE RIVER ROAD WATERLINE PROJECT

WHEREAS, the bids received for the River Road waterline project were opened at 11:00 a.m. on June 15, 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 Mozingo 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 \$332,146.00 from Mozingo Construction for the River Road waterline project 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 special meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-388

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE AND FULLY FUND THE RIVER ROAD WATERLINE PROJECT

WHEREAS, Stanislaus County received a grant in the amount of \$300,000 from the California State Community Development Block Grant Program for the purpose of funding waterline improvements; and

WHEREAS, Stanislaus County will provide an additional \$30,000 with the remaining portion funded from the City's Water Fund; and

WHEREAS, a new CIP account needs to be created to combine funds necessary to fund the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Expenditures

#616-480-L061-6040	Replace Water Mains	\$(38,682)
#616-800-8000-8003	Contingency Reserve	(300,000)
#616-480-L119-6040	River Road Waterline	332,146
#616-480-L119-6050	River Road Waterline	18,268
#616-480-L119-6060	River Road Waterline	18,268

Revenues

#616-510-9510-3310	County Share of Project	30,000
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-389

A RESOLUTION REJECTING BID RECEIVED FOR THE CAPE SEAL AND RESTRIPE BUS YARD PROJECT OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 15, 1999

WHEREAS, the bids received for the cape seal and restripe bus yard project were opened at 11:00 on June 15, 1999, in the office of the City Clerk, and

WHEREAS, only one bid was received and opened, and the bid was 39.37% 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 cape seal and restripe bus yard project, opened in the office of the City Clerk on June 15, 1999, are hereby rejected.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-390

A RESOLUTION ACCEPTING THE CO-COMPOST EXIT ROAD 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 co-compost exit road project, has been completed by Teichert Construction in accordance with the contract agreement dated October 20, 1998.

NOW, THEREFORE, BE IT RESOLVED that the co-compost exit road project, 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 \$125,645.25, as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-391

A RESOLUTION APPROVING AGREEMENT WITH DR. PHILIP TROMPETTER TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES TO SWORN POLICE OFFICERS, PARTICIPATE IN MODESTO POLICE SWAT ACTIVATIONS AND HOSTAGE NEGOTIATIONS, 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 police officers, participate in Modesto SWAT activations and hostage negotiations, and provide crisis debriefing 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 special meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: 
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-392

A RESOLUTION APPROVING THE FINAL MAP OF THE
NOTTINGHAM 4 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, STEWART W. BRADLEY AND BETTY J. BRADLEY,
("Subdivider"), possess a tract of land situated in the City of Modesto, County of Stanislaus,
consisting of 7.8 acres, known as NOTTINGHAM 4 SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 27th day of November, 1995, 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 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

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 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-393

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:

Deputy Director - Engineering and Transportation; Deputy Director - Utilities

The job specifications for the classification of Deputy Director - Engineering and Transportation; Deputy Director - Utilities, 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 August 3, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DEPUTY DIRECTOR - ENGINEERING SERVICES
DEPUTY DIRECTOR - UTILITIES SERVICES & FRANCHISES

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 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.

Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the planning, design, and maintenance 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.

Serve as Director of Engineering and Transportation, as required.

In addition, when assigned to Engineering Services:

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

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.

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.

In addition, when assigned to Engineering Services:

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:

When Assigned to Engineering Services:

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.

When Assigned to Utilities Services and Franchises:

Experience:

Five years of increasingly responsible experience in professional utilities, transportation or urban planning, 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 coursework in utility planning, transportation planning, 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; 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.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-394

A RESOLUTION APPOINTING COUNCILMEMBER MIKE SERPA AND
COUNCILMEMBER TIM FISHER TO THE JPA GOVERNING BOARD
FOR THE EMERGENCY DISPATCH CENTER

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

SECTION 1. Councilmember Mike Serpa, Chair of the Public Safety Committee,
is hereby appointed as the Modesto City Council representative on the JPA Governing
Board for the Emergency Dispatch Center.

SECTION 2. Councilmember Tim Fisher, Vice Chair of the Public Safety
Committee, is hereby appointed as the Modesto City Council alternate representative on
the JPA Governing Board for the Emergency Dispatch Center.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this
resolution to the appointed member of the JPA Governing Board for the Emergency
Dispatch Center and the Secretary thereof.

The foregoing resolution was introduced at a special meeting of the Council of the
City of Modesto held on the 3rd day of August, 1999, by Councilmember Friedman, who
moved its adoption, which motion being duly seconded by Councilmember Dobbs, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-395

A RESOLUTION APPOINTING CHESTER GRAHAM 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Chester Graham is hereby appointed to the Citizens Advisory Committee on Recycling, term to expire December 30, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Advisory Committee on Recycling and the Secretary thereof.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-396

RESOLUTION APPOINTING JANE FENTON AND TOM STONE
TO THE CULTURE COMMISSION

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

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

SECTION 1. Jane Fenton and Tom Stone are hereby appointed to the Culture Commission, term to expire December 30, 2002.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-397

A RESOLUTION ACCEPTING THE BID OF CRUTCHFIELD CONSTRUCTION COMPANY FOR THE PROJECT TITLED "CARVER/STANDIFORD LIFT STATION REPLACEMENT"

WHEREAS, the bids received for Carver/Standiford Lift Station Replacement were opened at 11:00 a.m. on July 27, 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 \$290,930 from Crutchfield 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 Crutchfield 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 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-398

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY
FUND THE CARVER/STANDIFORD LIFT STATION REPLACEMENT PROJECT

WHEREAS, the low bidder for this project was 16% over the engineer's estimate. The low number of bidders and relatively high bid amount are reflective of the high levels of construction activity in the Modesto area; and

WHEREAS, additional funds will be needed to fully fund this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Expenditures

#621-440-K653-6040	Scenic Lift Station Rehab-Construction	\$(162,000)
#621-440-K653-6050	Scenic Lift Station Rehab-Contingency	(24,000)
#621-440-K653-6060	Scenic Lift Station Rehab-Administration	(20,000)
#621-440-K661-6040	Carver/Standiford-Construction	206,000

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 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-399

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON INC. FOR THE
PROJECT TITLED "1998/1999 BIKE ROUTE IMPROVEMENT"

WHEREAS, the bids received for 1998/1999 Bike Route Improvement Project were opened at 11:00 a.m. on July 27, 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 \$49,272.50 from Fagundes & Son Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fagundes & 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 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-400

A RESOLUTION ACCEPTING THE PROJECT TITLED "ELM AVENUE WATERLINE – BROADWAY AVENUE TO BUSH AVENUE – SALIDA, CALIFORNIA" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Elm Avenue Waterline – Broadway Avenue to Bush Avenue – Salida, California, has been completed by Fagundes & Son Inc., in accordance with the contract agreement dated November 10, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Elm Avenue Waterline – Broadway Avenue to Bush Avenue – Salida, California 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 \$88,799 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 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-401

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND HDR ENGINEERING INC. FOR EVALUATION OF OGDEN
MARTIN'S MERCURY VAPOR RETROFIT PROPOSAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and HDR Engineering Inc. for evaluation of
Ogden Martin's Mercury Vapor Retrofit Proposal that will enable the Waste-to-Energy
facility to meeting Federal Clean Air Act requirements 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 August, 1999, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Dobbs,
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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-402

A RESOLUTION ORDERING THE MORGAN/WHITMORE
REORGANIZATION TO THE CITY OF MODESTO.
(UNINHABITED)

WHEREAS, at the request of the sole property owner, on December 8, 1998, the City Council adopted Resolution No. 98-650, a Resolution of Application to the Stanislaus County Local Agency Formation Commission (LAFCO), initiating the Morgan/Whitmore Reorganization, and

WHEREAS, (LAFCO) held a public hearing, and by Resolution No. 99-09, dated June 23, 1999, approved the proposed Morgan/Whitmore Reorganization to the City of Modesto (CITY) upon condition that it be processed as an uninhabited reorganization, and designated said reorganization the Morgan/Whitmore Reorganization to the City of Modesto, territory described on Exhibit A attached hereto and by this reference incorporated herein, and pursuant to Government Code Section 56837(a), LAFCO approved and authorized the conducting authority (CITY) to conduct proceedings for the reorganization without notice or hearing, and

WHEREAS, LAFCO designated the proposed annexation area being acted on as an uninhabited annexation consisting of 40 acres of land to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and the detachment of 40 acres from the Ceres Fire Protection District, and

WHEREAS, said proposed Reorganization is located in an industrial area of the City's General Plan at the northwest corner of Morgan Road and Whitmore Avenue that is

Prezoned M-2, Heavy Industrial, and these roads are the boundary between the City of Ceres and the City of Modesto, and

WHEREAS, LAFCO Resolution No. 98-09 indicated the following:

(a) The subject territory is within the primary area of the Modesto Sphere of Influence, and

(b) The boundaries, with the inclusion of the additional Morgan Road and Whitmore Avenue half-width rights-of-way, are consistent with adopted Commission policy and the adjacent annexation boundaries, and

WHEREAS, there are no Williamson Act contracts located within the territory, and

WHEREAS, information satisfactory to LAFCO was presented that all the owners of land within the affected territory had given their written 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, by Resolution No. 99-09, LAFCO approved the proposal, subject to the following terms and conditions:

(a) That the boundaries are to be amended to include the additional Morgan Road and Whitmore Avenue half-width rights-of-way adjacent to the Modesto Industrial Park Addition annexation as approved and set forth in Exhibit "A", attached and made a part hereof.

- (b) That it be processed as a reorganization consisting of annexation of the subject territory to the City of Modesto and Modesto Municipal Sewer District No. 1 and detachment from the Ceres Fire Protection District.
- (c) That the subject territory shall be liable for any existing bonded indebtedness of the City of Modesto.
- (d) That the subject territory shall be liable for any authorized or existing City taxes, comparable to properties within the City.
- (e) That the affected territory shall be exempt from payment of existing bonded indebtedness and/or direct assessments of the Ceres Fire Protection District.
- (f) All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachment and any terms and conditions specified in LAFCO Resolution No. 99-09, and

WHEREAS, said proposal was considered by the Council on August 10, 1999, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California,

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 Morgan/Whitmore 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 Morgan/Whitmore Reorganization to the City of Modesto 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 Ceres 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 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM

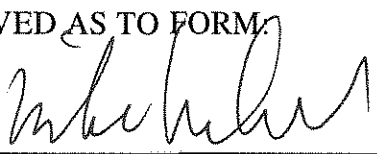
By 
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

MORGAN-WHITMORE REORGANIZATION TO THE CITY OF MODESTO

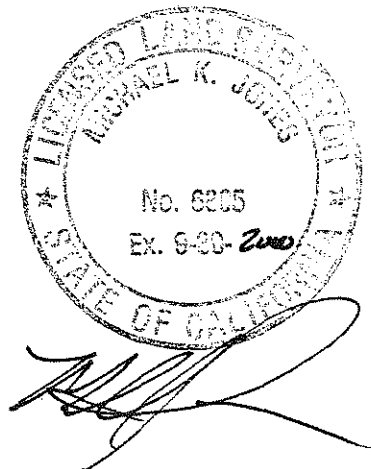
All that certain real property being a portion of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the Southeast corner of said Section 9; thence North 89°50'55" West, along the South line of said Section 9, a distance of 2668.81 feet to a point in the West right of way line of the Union Pacific Railroad (formerly Tidewater Southern Railroad) said point being 25.00 feet westerly of the North-South Quarter Section line of said Section 9; thence North 00°19'16" West, along said west right of way line, 25.00 feet westerly of and parallel with said North-South line, a distance of 20.00 feet to a point on the South line of the City of Modesto limits line as described in the Modesto Industrial Park Addition to the City of Modesto filed for record on March 10, 1959 at Instrument No. 6807, Stanislaus County Records; thence South 89°50'55" East, along the South line of said City Limits line, a distance of 1356.68 to an angle point in the City Limits line as described in said Modesto Industrial Park Addition; thence North 00°29'35" West, along the East City Limits line as described in said Modesto Industrial Park Addition, a distance of 1298.23 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 9, and an angle point in the City Limits line as described in said Modesto Industrial Park Addition; thence South 89°54'01" East, along the North line of the Southeast Quarter of the Southeast Quarter of said Section 9, and along said City limits line, a distance of 1307.93 feet to a point on the West right of way line of Morgan Road (20.00 foot half-width), said point being an angle point in the City Limits line as described in said Modesto Industrial Park Addition; thence North 00°39'55" West, along the West right of way line of said Morgan Road and the East City Limits line, a distance of 2397.0 feet to the Northeast Corner of said Modesto Industrial Park Addition; thence South 89°51'55" East, along the Easterly projection of the North City Limits line of said Modesto Industrial Park Addition, a distance of 20.00 feet to a point on the centerline of said Morgan Road, and being a point on the East line of said Section 9; thence South 00°39'55" East, along the centerline of said Morgan Road and the East line of said Section 9, a distance of 3716.66 feet to the Point of Beginning and containing 41.98 acres, more or less.

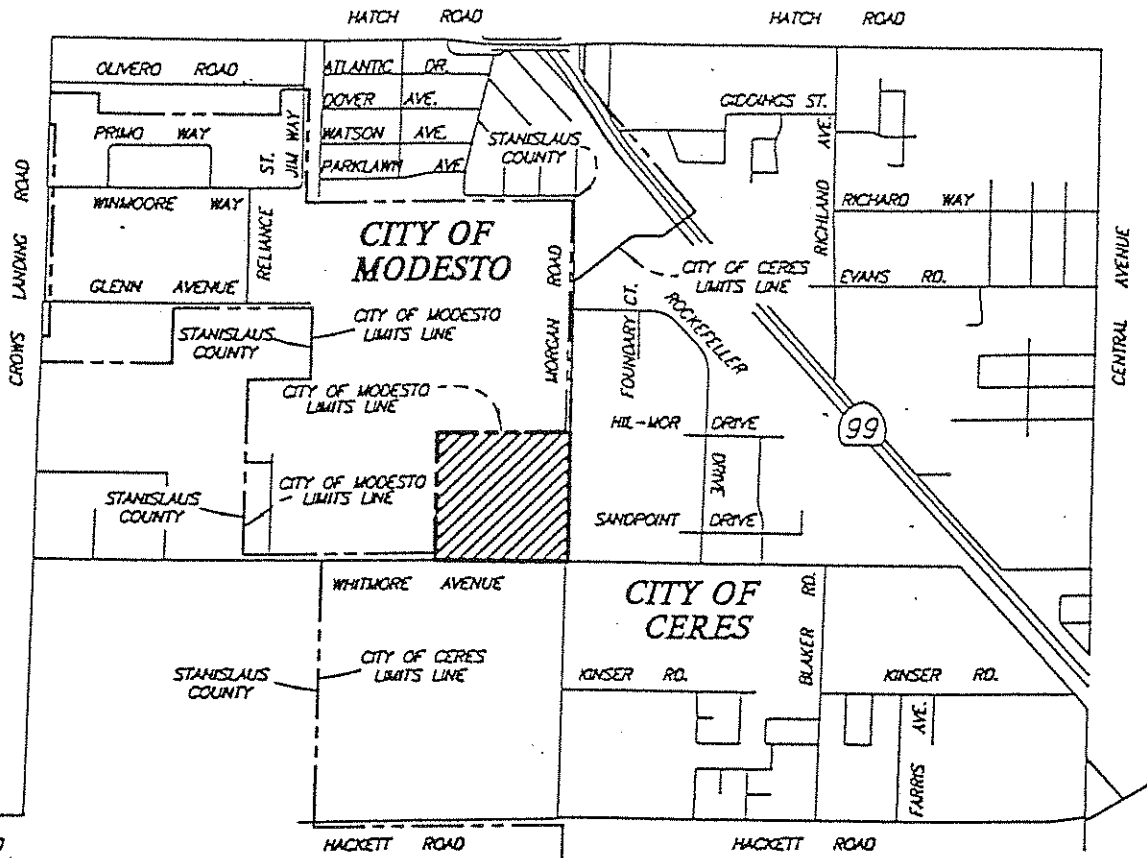
END DESCRIPTION

Approved as to description

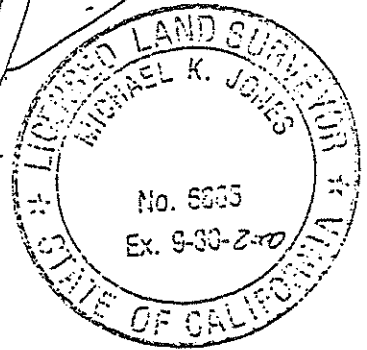
ON 7-19-99
BY S. CO



NOT TO SCALE



[Handwritten Signature]



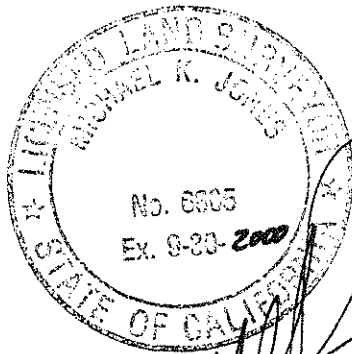
SCALE : N.T.S.
 DRAWN BY : E. SCHMITZ
 FILE : 4961VIC1.DWG
 DATE : DEC. 17, 1998



O'Dell Engineering

1101 M St. Suite 1 Modesto, CA 95354
 (209) 571-1765 FAX: (209) 571-2466

**MORGAN-WHITMORE
 REORGANIZATION
 TO THE
 CITY OF MODESTO**



SCALE 1"=400'

MODESTO INDUSTRIAL PARK ADDITION
I.N. 59-6807
S.C.R.

AREA = 41.98± ACRES

A.P.N. 56-52-11

NELSON WAY

S 89°51'35" E
20.00'

N.E. CORNER OF THE
MODESTO INDUSTRIAL PARK ADDITION

COUNTY OF STANISLAUS

CITY OF MODESTO
LIMITS LINE

CITY OF CERES
LIMITS LINE

EXISTING CITY
LIMITS LINE

EXISTING CITY
LIMITS LINE S 89°54'01" E 1307.93'

ROAD

SECTION LINE AND
CENTERLINE OF
MORGAN ROAD.

UNION PACIFIC R.R.

A.P.N. 56-52-04

A.P.N. 56-52-08
S.E. 1/4 OF SECTION 9
T 4 S., R 9 E.
M.D.B. & M.

A.P.N. 40-89-03
CERES BUSINESS AND
INDUSTRIAL PARK

CITY OF CERES
LIMITS LINE

MORGAN

1/4 SECTION LINE

EXISTING CITY
LIMITS LINE

SEC. 9

SEC. 10

N 00°19'16" W
20.00'

WHITMORE

SECTION LINE AND
CENTERLINE OF
WHITMORE AVE.

AVENUE SEC. 16

CITY OF CERES
LIMITS LINE

P.O.B. SEC. 15

A.P.N. 56-53-47

A.P.N. 56-53-48

WEST CERES REORGANIZATION
TO THE CITY OF CERES
A.P.N. 56-53-45

53-16-01	53-16-02	53-16-03	53-16-04
A.P.N. 53-16-03			
A.P.N. 53-16-04			

A.P.N. 56-53-46

BASIS OF BEARINGS

A BEARING OF NORTH 89°50'55" WEST FOR THE SOUTH LINE OF SECTION 9, AS SHOWN ON THE SURVEY FILED FOR RECORD ON MAY 5, 1975 IN BOOK 13 OF SURVEYS, AT PAGE 77, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

Approved as to description

ON 7-19-99
BY S O O

LE : 1"=400'

DRAWN BY : M. JONES

FILE : 4961ANX1.DWG

DATE : JULY 16, 1999



O'Dell Engineering

1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

**MORGAN-WHITMORE
REORGANIZATION
TO THE
CITY OF MODESTO**

MODESTO CITY COUNCIL
RESOLUTION NO. 99-403

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
ESTIMATE AND APPROPRIATE CONGESTION MANAGEMENT AND AIR QUALITY
GRANT REVENUE FUNDS**

WHEREAS, staff successfully applied for the Federal Congestion Management and San Joaquin Valley Unified Air Pollution Control District (REMOVE) grants funds; and

WHEREAS, funds need to be appropriated into the appropriate accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 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 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

ATTACHMENT A

				Gas Tax Fund	
					Increase (Decrease)
Expenditures					
070	140	L925	6040	City Rideshare Program	40,664
Revenues					
070	510	9510	3504	Federal CMAQ Funds	36,000
070	510	9510	3144	SJVUAPCD - REMOVE Grant	4,664
				Local Transportation Fund-non Motorized	
					Increase (Decrease)
Expenditures					
052	140	L924	6040	Family Cycling Festival/Bike to Work	20,000
Revenues					
052	510	9510	3504	Federal CMAQ Funds	17,694
052	510	9510	3144	SJVUAPCD - REMOVE Grant	2,306

MODESTO CITY COUNCIL
RESOLUTION NO. 99-404

A RESOLUTION APPROVING AN AMENDMENT TO A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND PRESCOTT ESTATES HOMEOWNERS ASSOCIATION TO PERMIT THE USE OF LEFT OVER FUNDS OF THE PRESCOTT ESTATES ROOFING PROJECTS ON BUILDING PERMIT APPLICATION FEES ON OTHER UNITS WITHIN PRESCOTT ESTATES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to a loan agreement between the City of Modesto and Prescott Estates Homeowners Association to permit the use of left over funds of the Prescott Estates roofing project on building permit application fees on other units within Prescott Estates 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 August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-405

A RESOLUTION AMENDING POLICIES AND PROCEDURES
FOR THE USE OF MELLO-ROOS COMMUNITY FACILITIES
DISTRICTS

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council adopted "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, the creation of Mello-Roos Community Facilities Districts, pursuant to the Act of 1982, Chapter 2.5 commencing with Section 53311 of Part 1 of Division 2 of Title 5

of the California Government Code, for the financing and completion of public works improvements has become an increasingly integral part of City planning for the creation of such improvements, and

WHEREAS, a cost analysis of the formation and administration of the City of Modesto's Community Facilities Districts was performed by a consultant, and

WHEREAS, based on the data provided, the consultant concluded that the staff time and costs expended on an average formation is \$49,845.00 with an additional \$15,000.00 expended on outside consultants, experts, etc., and

WHEREAS, upon review of the data associated with the three annexations completed to date, the CFD Formation Team determined that a "simple" annexation may be performed for less than the original annexation fee of \$20,500.00,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the implementation of its Specific Plans, and relating to Mello-Roos Community Facilities Districts be revised or amended as set forth below.

BE IT FURTHER RESOLVED that the fee for formation of a Community Facilities District shall be \$64,500.00.

BE IT FURTHER RESOLVED that the fee for a "simple" annexation to an existing CFD, which does not require the preparation of a new public report, or the alteration of an existing Public Report or modification of any other CFD-related document for the existing CFD, and the annexation does not involve the sale of bonds, shall be \$9,500.00.

BE IT FURTHER RESOLVED that the fee for a "complex" annexation to an existing CFD, which requires an amendment to or modification of a Public Report or other CFD-

related document, and the annexation does not require the sale of bonds, shall be \$20,500.00.

BE IT FURTHER RESOLVED that the "Policies and Procedures" relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That a new Paragraph 3. u. (4) be added as follows:
 - (4) In the case of the creation of a "complex" annexation to an existing CFD, which requires an amendment to or modification of a Public Report or other CFD-related document, and the annexation does not require the sale of bonds - \$20,500.00.

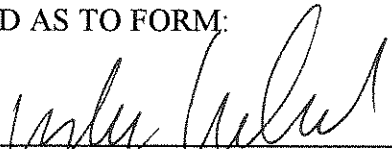
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by 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

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney

Clerk

10

MODESTO CITY COUNCIL
RESOLUTION NO. 99-406

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(538). (JAMES
J. LOBELLO)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by James J. LoBello on May 18, 1999, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(538), to allow an office/warehouse development, property located on the southeast corner of Sierra Drive and Calaveras Avenue, described as follows:

R-3 to P-D(538)

All that certain real property situate in a portion of the southeast quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lots 7, 8, 9, 10, and 11 of Block 305 of the City of Modesto as shown on the map filed in Volume 15 of Maps in the office of the Recorder of Stanislaus County, California;

Including the westerly and northerly half of the 20 foot alley, the easterly half of 70 foot Calaveras Avenue, and the southerly half of 100 foot Sierra Drive, all being immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on July 19, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-50, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed Planned Development Zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.
2. That the requested Planned Development Zone for an office/warehouse use 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 August 10, 1999, in the City Council Chambers, City Hall, 801 11th 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 James J. LoBello 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. 99-50 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3154-C.S. on the 10th day of August, 1999, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(538).

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(538), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Jim LoBello, Sierra Drive and Calaveras Avenue" as amended in red, stamped approved by the City Council on August 10, 1999.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department. 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:

Eight-foot-high solid decorative masonry wall along that portion of the south property line not occupied by solid building structure walls. Said eight-foot wall shall be constructed in conjunction with the adjacent phase of development.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
6. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.
7. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
8. No signs shall be permitted above eight-feet in height on the west or south face of the buildings.
9. All signs shall comply with the sign requirements of the C-3 Zone.
10. 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(538):

The entire construction program be accomplished in two phases as follows:

Phase I - Construction to begin on or before July 19, 2001, and completion to be not later than July 19, 2002.

Phase II - Construction to begin on or before July 19, 2002, and completion to be not later than July 19, 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(538), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Cleek

MODESTO CITY COUNCIL
RESOLUTION NO. 99-407

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 32-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(538), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SIERRA DRIVE AND CALAVERAS AVENUE. (JAMES J. LOBELLO)

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, James L. LoBello has proposed that the zoning designation for the property located on the southeast corner of Sierra Drive and Calaveras Avenue, be amended to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(538), in the City of Modesto ("the project"), to allow an office/warehouse 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 99-49 reviewed the proposed amendment to the Zoning Map and rezone to P-D(538) 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(538) 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 10th day of August, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

EXHIBIT “A”

Initial Study

EA/CDD 99-49

City of Modesto
Initial Study

EA NO. CDD 99-49

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from R-3 to P-D, planned development zone. 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 James J. LoBello to Rezone From R-3 to P-D to Allow A Office/Warehouse Development, Property Located on the Southeast Corner of Sierra Drive and Calaveras 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:
Southeast corner Sierra Drive and Calaveras Avenue
- E. Project Sponsor:
James LoBello
- F. General Plan Designation:
Mixed Use (MU)
- G. Zoning:
existing R-3, Medium High Density Residential
- H. Description of Proposed Project:
This is an application to rezone two parcels, containing 18,225 square feet located at the southeast corner of Sierra Drive and Calaveras Avenue, from R-3,

Medium High Density Residential to a planned development zone. This corner property is separated from the adjacent R-3 zone and residential development to the south by a 20 foot wide alley. The fronting streets also separate this proposed P-D from R-3 properties to the north and west. Additionally, a 20 foot wide alley also separates this proposed development from the C-M, Commercial-Industrial Zone to the east. The applicant is requesting this P-D Zone for the propose of developing a combination office and warehouse on the eastern half of the P-D. This portion of the development has frontage on Sierra Drive and will take access from the adjacent alley on the east side of the development. No access is proposed from the alley located along the south side of the property. The initial phase of development will achieve this compatibility separation from the adjacent neighborhood by the construction of a solid building wall and solid eight foot (8') high masonry fence along this first phase adjacent to the alley on the south. The applicant's P-D plot plan indicates that an additional office area and a off-street parking area will be developed at the corner of Sierra Drive and Calaveras Avenue. This western portion of the P-D is proposed for a second phase. Access to this second phase is proposed to come from the adjacent street frontages. Development of the western or Phase II portion of the P-D will also accomplish a solid building or wall separation along the remaining portion of the southern alley.

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

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR 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**

Development of the proposed planned development zone and resulting commercial/industrial uses may tend to contribute to the traffic in the area. A site traffic mitigation study was not required for the proposed change in use of this property. Development of the proposed 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 zone change and development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the

MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise

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

D. Loss of Productive Agricultural Land

The zone change and 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 for R-3 uses. The requested P-D Zone will allow C-M Zone uses including a warehouse and office facility, subject to conditions of approval. This property is also within a mixed use (MU) 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 zone change and 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 proposed zone change and 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 proposed zone change and 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**

This zone change and 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.

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

The proposed zone change and development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not 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 zone change and development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

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

This proposed zone change and development 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.

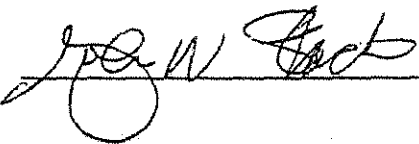
L. **Increased Demand for Schools**

The proposed zone change and development will not impact the Modesto School system, as these commercial/industrial facilities will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

- M. **Increased Demand for Police Services**
This proposed zone change and development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.
- N. **Increased Demand for Fire Services**
This proposed zone change and development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 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 zone change and 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 zone change and 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 zone change and 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**
This zone change and 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.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

- A. The proposed planned development zone is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.
- B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.
- D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.
- E. The Initial Study, Environmental Assessment No. EA/CDD 99-49, provides the substantial evidence to support finding numbers "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
- 3

MODESTO CITY COUNCIL
RESOLUTION NO. 99-408

A RESOLUTION ACCEPTING THE FINANCIAL POLICY
COMMITTEE RECOMMENDATION REGARDING WATER
METER READING SERVICES AND MANAGED
COMPETITION.

WHEREAS, In December, 1998, the City Council agreed to allow the meter reading operation to be studied by staff for one year, due to the Operations and Maintenance Department's reorganization and the implementation of a new software package in the Finance Department, and

WHEREAS, in November, 1998, the meter reading operation was shifted from the Operations & Maintenance Department to the Finance Department, and other significant changes in strategy were also implemented, which included the following:

1. Reducing the number of meter reading routes from eight routes to four routes.
2. Redirecting full-time meter reading staff to other activities requiring a higher level of technical competence and replacing them with temporary agency employees.

and

WHEREAS, the changes that were implemented allowed the meter reading function to be more efficient and responsive to customer needs and fulfilled the intent of the managed competition policy, that is to ensure that City services are provided at the highest quality for the lowest reasonable price, and

WHEREAS, the above actions allowed the Water Fund an annual savings of nearly \$164,000, which may be redirected toward other operational activities, and

WHEREAS, at a meeting held on July 20, 1999, the Financial Policy Committee reviewed and approved a recommendation that water meter reading services for the City continue to be performed by temporary agency personnel and managed by in-house staff and that the managed competition process for water meter reading be concluded, and

WHEREAS, by an agenda report dated July 23, 1999, said recommendation was presented to the City Council at its meeting of August 10, 1999, and the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts and approves the Financial Policy Committee recommendation that water meter reading services for the City continue to be performed by temporary agency personnel and managed by in-house staff and that the managed competition process for water meter reading be concluded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of August, 1999, 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, Dobbs, Fisher, Friedman, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-409

A RESOLUTION AUTHORIZING SUBMISSION OF A
RESPONSE TO THE STANISLAUS COUNTY 1998/99 CIVIL
GRAND JURY FINAL REPORT REGARDING THE
MODESTO POLICE DEPARTMENT FIREARMS SALE.

WHEREAS, the 1998/99 Stanislaus County Civil Grand Jury issued its final report on June 14, 1999, which included findings and recommendations regarding the Modesto Police Department Firearms Sale, and

WHEREAS, California Penal Code Sections 933(c) and 933.05 set forth the criteria by which Grand Jury responses must be made, and

WHEREAS, Acting Chief of Police Doug Hannink has prepared a response on behalf of the City of Modesto in accordance with appropriate California Penal Code criteria, and

WHEREAS, at its Council Meeting held on August 24, 1999, the City Council considered authorizing the Acting City Manager to convey the City's response to the 1998/99 Stanislaus County Civil Grand Jury's Final Report regarding the Modesto Police Department Firearms Sale, as recommended by City staff. A copy of the City's response to the Stanislaus County Civil Grand Jury, dated August 10, 1999, 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 hereby authorizes the Acting City Manager to convey the City's official response to the 1998/99 Stanislaus County Civil Grand Jury's Final Report regarding the Modesto Police Department Firearms Sale to the Presiding Judge of the Superior Court. A

copy of the City's response to the Stanislaus County Civil Grand Jury, dated August 10, 1999, 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 10th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-410

A RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS FOR MODESTO
AREA EXPRESS (MAX) RIDE GUIDES, 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 request for bids for Modesto Area Express (MAX) Ride Guides, with two one-year extensions, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 31, 1999 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 17th day of August, 1999, 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
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-411

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR
THE PROJECT TITLED "AIP AIRPORT PROJECT 3-06-0153—19 & 20"

WHEREAS, the bids received for AIP Airport Project 3-06-0153-19 & 20 were opened at 11:00 a.m. on July 13, 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 \$753,969 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 17th day of August, 1999, 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
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-412**

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET
TO FULLY FUND THE AIP AIRPORT PROJECT TO COMPLETE IMPROVEMENTS**

WHEREAS, the Modesto City-County Airport received federal grants to complete improvements to the airport; and

WHEREAS, the total cost of the project has increased \$61,458. Of this amount, \$47,704 is eligible for additional FAA grant revenue. The remaining difference will be funded with Passenger Facility revenue that has already been collected and is in the contingency reserve of the airport project's fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Expenditures

#632-480-F788-6040	Rewire Runway and Taxi Light Circuits	8,454
#632-480-J850-6010	Relocate Runway 10R/28L Lights	(5,941)
#632-480-J850-6040	Relocate Runway 10R/28L Lights	(20,897)
#632-480-J851-6010	Relocate Runway 10R/28L Lights	(14,914)
#632-480-J851-6040	Relocate Runway 10R/28L Lights	94,756
#632-800-8000-8003	Contingency Reserve-PFC Revenue	(13,754)

Revenues

#632-510-9510-3613	FAA Revenue	47,704
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of August, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: _____

Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____

Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-413

A RESOLUTION ACCEPTING THE BID OF WESTERN STATES SURFACING INC.
FOR THE PROJECT TITLED "1998-99 CAPE SEALS"

WHEREAS, the bids received for 1998-99 Cape Seals were opened at 11:00 a.m. on August 3, 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 \$298,354.83 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 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 17th day of August, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-414

A RESOLUTION ACCEPTING THE PROJECT TITLED "ANNUAL CATCH BASIN
AND VALLEY GUTTER REPAIR" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Catch Basin and Valley Gutter Repair, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated March 2, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 1998/99 Annual Catch Basin and Valley Gutter Repair 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 \$79,579.60 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 August, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-415

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FIBER INSTALLATION SERVICES FOR THE AUTOMATED TRAFFIC MANAGEMENT SYSTEM AND THE CITY NETWORK BACKBONE FROM ICG FIBER OPTIC TECHNOLOGIES INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Fiber Installation Services for the Automated Traffic Management System and the City Network Backbone from ICG Fiber Optic Technologies Inc. are hereby waived.

BE IT FURTHER RESOLVED that purchase of Fiber Installation Services for the Automated Traffic Management System and the City Network Backbone from ICG Fiber Optic Technologies Inc. for a not to exceed price of \$64,500 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 August, 1999, 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 Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


JEAN ZAHR, City Clerk

Clock

MODESTO CITY COUNCIL
RESOLUTION NO. 99-416

A RESOLUTION ADOPTING AMENDMENT NO. 14 TO
THE VILLAGE ONE SPECIFIC PLAN TO CHANGE THE
MIX OF LAND USES ALLOWED IN THE SOUTHEAST
QUADRANT OF PRECISE PLAN NO. 20. (BILL
ZOSLOCKI)

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
adopted thirteen (13) such amendments to the Village One Specific Plan by Resolutions
adopted by the Council from time to time, and

WHEREAS, Bill Zoslocki has filed an application to amend the Village One
Specific Plan to change the mix of land uses allowed in the southeast quadrant of Precise Plan
Area No. 20, to allow mixed uses in the office and multi-family areas, and

WHEREAS, a duly noticed public hearing was held by the Planning
Commission of the City of Modesto on June 21, 1999, in the City Council Chambers, City
Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was
received and considered regarding the proposed Specific Plan Amendment No. 14, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution No. 99-42, recommended to the City Council approval of an amendment to the Village One Specific Plan to change the mix of land uses allowed in the southeast quadrant of Precise Plan No. 20, and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on August 17, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, by a report to the Council dated July 30, 1999, 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 approval of Village One Specific Plan Amendment No. 14 to change the mix of land uses allowed in the southeast quadrant of Precise Plan No. 20, 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. 14 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby adopts said Amendment No. 14 to the Village One Specific Plan to change the mix of land uses allowed in the southeast quadrant of

Precise Plan No. 20, and said changes to the Village One Specific Plan, approved herein by the City Council, as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and 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 17th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith,
Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

VILLAGE ONE SPECIFIC PLAN

AMENDMENT NO. 14

VILLAGE ONE SPECIFIC PLAN AMENDMENT FOR PPA #20

Page II-24

4. Village Center – Land Use Policies

The following policies should be addressed in the overall design of the Village Center. The term “should” is advisory. However, attention should be paid to the concepts that follow:

...

- i) Higher density single-family residential uses are ~~provided~~ permitted within the Village Center where they can take advantage of transit connections along Roselle Avenue and the retail activities focused within the heart of the community. These higher density single-family residential uses ~~should achieve a minimum~~ may develop at a gross density of approximately ten dwelling units per net acre, and they could consist of either attached or detached housing units.

Page III-49

2. Land Use Intensity

There are three alternatives for development of this Precise Plan Area. These are detailed in Section 3, below. Following is a land use summary of the three alternatives.

Land Use	Alternative A	Alternative B	Alternative C
Village Commercial Center	10 ac.	10 ac.	10 <u>12</u> ac.
Office	6 ac.	8 ac.	8 <u>5_a</u> ac.
Multi-Family	20 ac.	20 ac.	20 <u>25_b</u> ac.
Senior Housing/Multi-Family	17 ac.	17 ac.	14 <u>6_c</u> ac.
Village Residential	47 ac.	45 ac.	48 <u>55</u> ac.
TOTAL	100 ac.	100 ac.	100 <u>103</u> ac.

^a – The 5 acres designated office are permitted to be developed as Village Commercial and/or Office and/or Senior Housing and/or Multi-Family.

^b – The 5 acres of the Multi-Family around the Village Commercial center may also be developed as Village Residential.

^c – The 6 acres of Senior Housing shall be exclusively for Senior Housing.

3. Special Considerations:

...

Alternative C:

- The Village Commercial Center (~~10~~ 12 acres) is located at the southeast corner of Floyd Avenue and Roselle Avenue.
- The remainder of the southeast quadrant of the Precise Plan Area is designated Office (which can also be developed as Village Commercial, Senior Housing or Multi-Family (8 5 acres)), ~~and~~ Senior Housing/Multi-Family Housing (14 6 acres) Multi-Family Housing (which can also be developed as Village Residential (5 acres), and Village Residential (7 acres).
- The northwest and northeast corners of Floyd Avenue and Roselle Avenue are designated Multi-Family Residential (10 acres each). The remainder of these quadrants is designated Village Residential.

SEE ATTACHED REVISED FIGURE III-21 (ALTERNATIVE C)

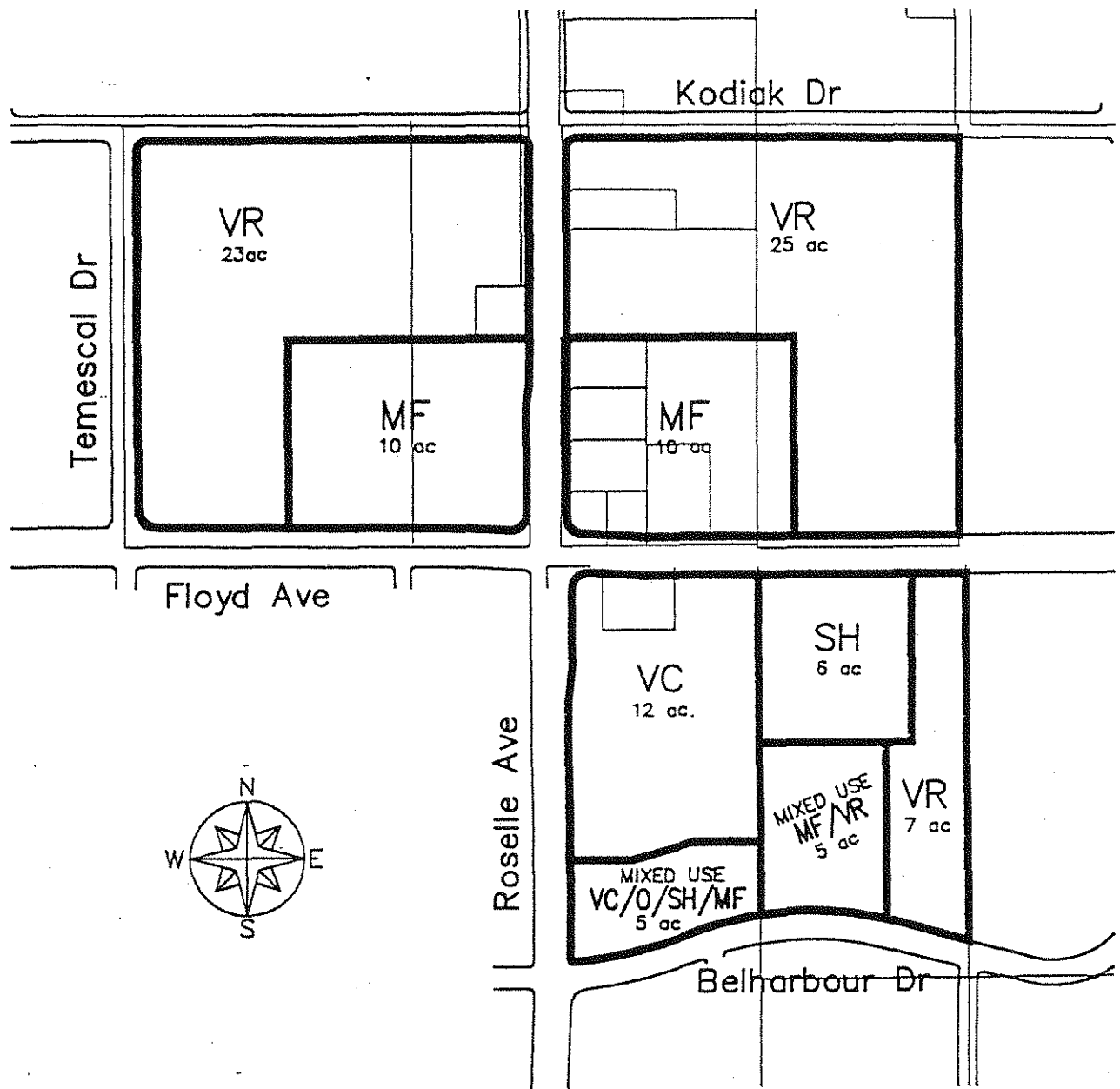


Figure III - 21
 Precise Plan Area #20
 Alternative C

- VR Village Residential
- MF Multi-Family
- SH/MF Senior Housing & Multi-Family
- O Office
- VC Village Commercial Center

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-417

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181) AS AMENDED BY THE SUPPLEMENTAL EIR: VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. 14 TO CHANGE THE MIX OF LAND USES ALLOWED IN THE SOUTHEAST QUADRANT OF PRECISE PLAN NO. 20. (BILL ZOSLOCKI)

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 Bill Zoslocki for an amendment to the Village One Specific Plan to change the mix of land uses allowed in the southeast quadrant of Precise Plan No. 20., 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 99-44, 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. 99-42 adopted on June 21, 1999, and City staff by report dated July 30, 1999, from the Community Development Department, recommended to the City Council approval of amendment to the Village One Specific Plan to change the mix of land uses allowed in the southeast quadrant of Precise Plan No. 20, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 17, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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 99-44, entitled "City of Modesto Initial Study Village One Specific Plan Amendment No. 14 and Precise Plan No. 20, Sub-Area C", for the proposed project, and the Council hereby makes the following findings:

1. 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.
2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

3. 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.
4. This initial study provides substantial evidence to support findings 1, 2 and 3 above.

A copy of said Environmental Assessment No. EA/CDD 99-44 entitled "City of Modesto Initial Study Village One Specific Plan Amendment No. 14 and Precise Plan No. 20, Sub-Area C", 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 17th day of August, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith,
Mayor Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

INITIAL STUDY

EA/CDD 99-44

EXHIBIT "A"

City of Modesto
Initial Study

**Village One Specific Plan Amendment No. 14
and Precise Plan No. 20, Sub-Area C**

EA/CDD 99-44

June 11, 1999

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 21166 of the Public Resources Code allows the Village One Specific Plan Program EIR to be used for subsequent projects, if the following findings can be made:

- A. No substantial changes are proposed in the project which will require major revisions of the 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 EIR.
- C. No new information, which was not known and could not have been known at the time the EIR 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:
Village One Specific Plan Amendment No. 14 and Precise Plan No. 20, Sub-Area C
- 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 south side of Floyd Avenue east of Roselle Avenue.

- E. Project Sponsors:
Marvene Hilkey, 2825 Merle Ave., Modesto, CA 95355
Bill Zoslocki, 515 13th St., Modesto, CA 95354
- F. General Plan Designation:
Village Residential (VR)
- G. Current Zoning:
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:
The specific plan amendment is to allow lower residential densities in this area than is specified in the Village One Specific Plan. The precise plan is for development of a mixed-use project with commercial, office, multi-family residential, senior housing and single-family residential development.
- I. Surrounding land uses:
The project is adjoined on the south by a single-family subdivision currently under construction, on the west by existing single-family subdivisions, and to the north and east by agricultural land and rural ranchettes designated for residential development in the Village One Specific Plan.
- 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 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 specific plan amendment would result in a decrease in density of the residential portion of this project, and the proposed commercial portion of this project is also of a lower intensity than was analyzed in the EIR. Consequently, traffic impacts resulting from this specific plan amendment and precise plan will be lower than was analyzed in the EIR, and there are no changes needed to this section of the 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 lower than those analyzed in the Village One EIR, air quality impacts are also less than analyzed in the Village One Specific Plan Program EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development proposed by this specific plan amendment and precise plan is of lower intensity than called for in the Village One Specific Plan. Therefore, the noise impacts of this project are lower than the analysis presented in the Village One Specific Plan Program EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. Since this specific plan amendment and precise plan proposes development in an area already analyzed by the EIR for loss of habitat due to development, there would be no change to the impacts resulting from loss of sensitive wildlife and plant habitat analyzed in this section of the EIR.

5. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. Since the project would result in development of equal or lesser intensity than was analyzed by the EIR, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program 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. Since the project would result in development of equal or lesser intensity than was analyzed by the EIR, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program 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 specific plan amendment and precise plan adhere to the urban design standards specified by the Village One 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.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. Since this specific plan amendment and precise plan

proposes development in an area already analyzed by the EIR for geologic and soils impacts due to development, there would be no change to the impacts resulting from geologic and soils impacts analyzed in this section of the EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. Since the development proposed by this specific plan amendment and precise plan is of lesser intensity than was analyzed by the Village One Program EIR, the impacts to hydrology would be less than analyzed in the EIR, and consequently no changes are needed to this section of the EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. Since the development proposed by this specific plan amendment and precise plan is of lesser intensity than was analyzed by the Village One Program EIR, the demands for public services would be less than analyzed in the EIR, and consequently no changes are needed to this section of the EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project would result in development of equal or lesser intensity than was analyzed by the EIR, but the difference in the resulting fees collected for the project is not significant in the context of the overall Village One plan. Therefore, there is no need for change in the fiscal impacts analysis presented in the Village One Specific Plan Program EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The development proposed by this specific plan amendment and precise plan is essentially consistent with the Village One Specific Plan in terms of land use and intensity for purposes of the cumulative impacts section of the EIR. Therefore, there is no need for change to the cumulative impacts analysis of the Village One Specific Plan Program EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development proposed by this specific plan amendment and precise plan is essentially consistent with the Village One Specific Plan in terms of land use and intensity for purposes of the growth inducing impacts section of the EIR. Therefore, there is no need for change to this section of the 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,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 99-418

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 20 SUB-AREA C AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE EAST OF ROSELLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (MARVENE HILKEY/BILL ZOSLOCKI)

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 Marvene Hilkey and Bill Zoslocki for a Precise Plan for Area No. 20 Sub-Area C, property located on the south side of Floyd Avenue east of Roselle Avenue, and

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

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 99-44, 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. 99-43, adopted on June 21, 1999, and City staff, by a report dated July 30, 1999, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 20 Sub-Area C of the Village One Specific Plan as set forth in said Resolution No. 99-43, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area 20 Sub-Area C, property located on the south side of Floyd Avenue east of Roselle Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 17, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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 99-44, entitled "City of Modesto Initial Study Village One Specific Plan Amendment

No. 14 and Precise Plan No. 20, Sub-Area C", for the proposed project, and the Council hereby makes the following findings:

1. 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.
2. 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.
3. 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.
4. The Initial Study, Environmental Assessment No. EA/CDD 99-44, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 99-44, entitled "City of Modesto Initial Study Village One Specific Plan Amendment No. 14 and Precise Plan No. 20 Sub-Area C", 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 17th day of August, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  _____
MICHAEL D. MILICH, City Attorney

INITIAL STUDY

EA/CDD 99-44

EXHIBIT "A"

City of Modesto
Initial Study

**Village One Specific Plan Amendment No. 14
and Precise Plan No. 20, Sub-Area C**

EA/CDD 99-44

June 11, 1999

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 21166 of the Public Resources Code allows the Village One Specific Plan Program EIR to be used for subsequent projects, if the following findings can be made:

- A. No substantial changes are proposed in the project which will require major revisions of the 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 EIR.
- C. No new information, which was not known and could not have been known at the time the EIR 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:
Village One Specific Plan Amendment No. 14 and Precise Plan No. 20, Sub-Area C
- 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 south side of Floyd Avenue east of Roselle Avenue.

- E. Project Sponsors:
Marvene Hilkey, 2825 Merle Ave., Modesto, CA 95355
Bill Zoslocki, 515 13th St., Modesto, CA 95354
- F. General Plan Designation:
Village Residential (VR)
- G. Current Zoning:
Specific Plan-Holding (SP-H) Zone
- H. Description of Proposed Project:
The specific plan amendment is to allow lower residential densities in this area than is specified in the Village One Specific Plan. The precise plan is for development of a mixed-use project with commercial, office, multi-family residential, senior housing and single-family residential development.
- I. Surrounding land uses:
The project is adjoined on the south by a single-family subdivision currently under construction, on the west by existing single-family subdivisions, and to the north and east by agricultural land and rural ranchettes designated for residential development in the Village One Specific Plan.
- 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 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 specific plan amendment would result in a decrease in density of the residential portion of this project, and the proposed commercial portion of this project is also of a lower intensity than was analyzed in the EIR. Consequently, traffic impacts resulting from this specific plan amendment and precise plan will be lower than was analyzed in the EIR, and there are no changes needed to this section of the 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 lower than those analyzed in the Village One EIR, air quality impacts are also less than analyzed in the Village One Specific Plan Program EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development proposed by this specific plan amendment and precise plan is of lower intensity than called for in the Village One Specific Plan. Therefore, the noise impacts of this project are lower than the analysis presented in the Village One Specific Plan Program EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. Since this specific plan amendment and precise plan proposes development in an area already analyzed by the EIR for loss of habitat due to development, there would be no change to the impacts resulting from loss of sensitive wildlife and plant habitat analyzed in this section of the EIR.

5. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. Since the project would result in development of equal or lesser intensity than was analyzed by the EIR, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program 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. Since the project would result in development of equal or lesser intensity than was analyzed by the EIR, the impacts to population, employment and housing of this project are consistent with the analysis presented in the Village One Specific Plan Program 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 specific plan amendment and precise plan adhere to the urban design standards specified by the Village One 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.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. Since this specific plan amendment and precise plan

proposes development in an area already analyzed by the EIR for geologic and soils impacts due to development, there would be no change to the impacts resulting from geologic and soils impacts analyzed in this section of the EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. Since the development proposed by this specific plan amendment and precise plan is of lesser intensity than was analyzed by the Village One Program EIR, the impacts to hydrology would be less than analyzed in the EIR, and consequently no changes are needed to this section of the EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. Since the development proposed by this specific plan amendment and precise plan is of lesser intensity than was analyzed by the Village One Program EIR, the demands for public services would be less than analyzed in the EIR, and consequently no changes are needed to this section of the EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project would result in development of equal or lesser intensity than was analyzed by the EIR, but the difference in the resulting fees collected for the project is not significant in the context of the overall Village One plan. Therefore, there is no need for change in the fiscal impacts analysis presented in the Village One Specific Plan Program EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The development proposed by this specific plan amendment and precise plan is essentially consistent with the Village One Specific Plan in terms of land use and intensity for purposes of the cumulative impacts section of the EIR. Therefore, there is no need for change to the cumulative impacts analysis of the Village One Specific Plan Program EIR.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The development proposed by this specific plan amendment and precise plan is essentially consistent with the Village One Specific Plan in terms of land use and intensity for purposes of the growth inducing impacts section of the EIR. Therefore, there is no need for change to this section of the 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,
Associate Planner

Cleek
11

MODESTO CITY COUNCIL
RESOLUTION NO. 99-419

A RESOLUTION APPROVING 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.
(MILL CREEK DEVELOPMENT)

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, Mill Creek Development has proposed 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, the Planning Commission held a duly noticed public hearing on July 19, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on July 19, 1999, the Planning Commission adopted Resolution No. 99-49, recommending to the City Council 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, said matter was set for a public hearing of the City Council to be held on August 17, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend 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, as recommended by the Planning Commission in its Resolution 99-49, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The location is consistent with General Plan policies for siting of neighborhood commercial centers in existing neighborhoods, which the Pelandale-Snyder area is an extension of.
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. 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, as recommended by the Planning

Commission, 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 17th day of August, 1999, 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, Smith,
Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"
AMENDMENT NO. 7

- B. Compatibility with any approved development which will be effected by the Specific Plan Amendment.

At this time no development plan exists within the subject property, therefore the proposed amendment will not affect existing development within the Plan Area.

- C. Consistency with the Comprehensive Policies presented in Chapter 2 of the PSSP.

The proposed amendment is consistent with the Village Residential designation which allows for commercial development. The addition of a commercial component will require the addition of a few new policies as identified below and on the attached amended Specific Plan pages:

1. Amend Table 2 entitled, "Specific Plan Land Use Designations", Page 2-3, as follows:

Add the following specific plan designation and the permitted City zoning within Table 2:

<u>Specific Plan Designation</u>	<u>Permitted City Zoning</u>
Commercial	C-1 and Mini Warehouse Facilities

2. Add the following Section to be Item d., following paragraph c. Professional Office (P-O), Page 2-3, as follows:

Commercial (C-1): The commercial designation accommodates uses consistent with the C-1 zone of City of Modesto Municipal Code. The area designated commercial shall be zoned C-1. The permitted uses shall also include mini warehouse facilities.

3. Add Policy A.2.e., following Policy A.2.d., on Page 2-5, as follows:

The area designated for commercial shall be zoned with a principal underlying zone of C-1. The permitted uses shall also include mini warehouse facilities.

4. Add Policy A.3.d, following Policy A.3.c., on Page 2-5, as follows:

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.

5. Add Item 5, following Item 4, Page 3-11, as follows:

Commercial Process - Future processing of an application within the area designated for commercial uses, shall be governed through a Conditional Use Permit with review and approvals through the Board of Zoning Adjustment. Processing procedures and submittal requirements shall be as required for a Conditional Use Permit Application.

- D. Compatibility with existing and planned land uses surrounding the proposed Specific Plan Amendment, as indicated by the adopted PSSP.

The proposed amendment is compatible with existing and planned land uses. The area to the north is designated Business Park (Kiernan Business Park), the northwest corner of Dale Road and Pelandale Avenue is designated for commercial uses, to the west are apartments (R-3) and Planned Development 188; and the south has the potential for commercial development. Any conflicts with the residential uses on the east will be mitigated through implementation of policies as outlined within this amendment and in accordance with City Standards.

- E. Visual Impacts On-Site and Off-Site.

All development within the commercial area will be subject to height restrictions and setbacks regulated through the City of Modesto Municipal Code. The location of the commercial property is typical of commercial centers as it is located on an expressway and arterial street. The requested designation will permit varied uses on the property that will enhance the major thoroughfares which are important intercity transportation links.

- F. Traffic Impacts

A traffic study is provided under separate cover to address traffic impacts.

- G. Public Utilities, documented in Chapter Two of the Specific Plan, as well as any adopted Public Facility Master Plans.

The Specific Plan Amendment as proposed does not effect public utilities or alter any adopted Public Facility Master Plans.

ADD THE FOLLOWING SECTION:

d. Commercial (C-1)

The commercial designation accommodates uses consistent with the C-1 zone of City of Modesto Municipal Code. The area designated commercial shall be zoned C-1. The permitted uses shall also include mini warehouse facilities.

ADD THE FOLLOWING POLICIES:

- A.2.e. The area designated for commercial shall be zoned with a principal underlying zone of C-1. The permitted uses shall also include mini warehouse facilities.

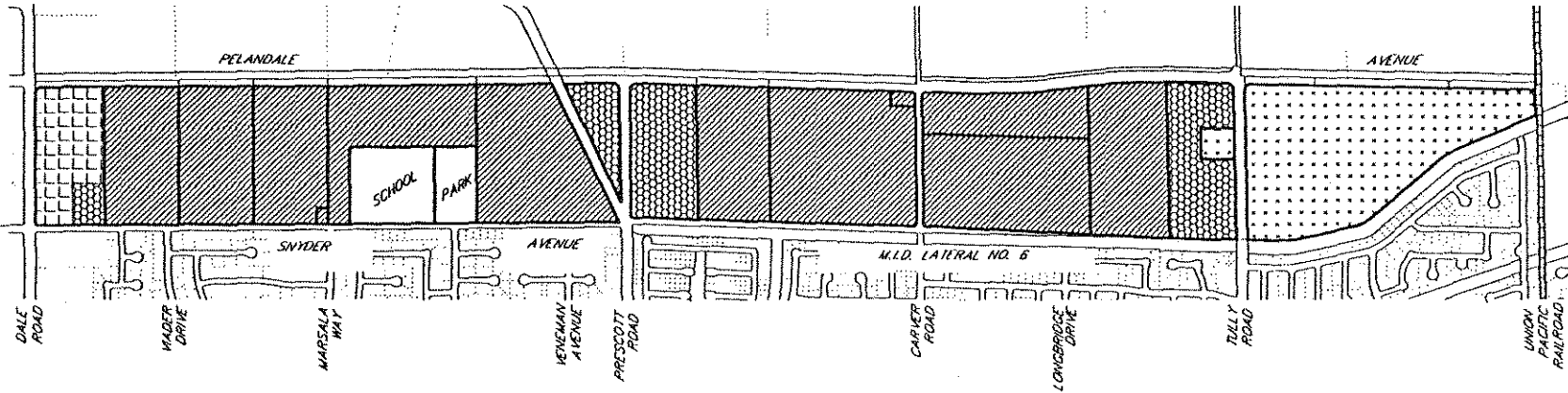
- A.3.d. An eight (8) foot sound wall and minimum ten (10) foot planting strip with screen landscaping shall be provided between the commercial area and adjacent residential uses.

ADD THE FOLLOWING SECTION:


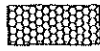

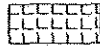
5. Commercial Process

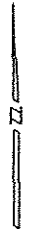
Future processing of an application within the area designated for commercial uses, shall be governed through a Conditional Use Permit with review and approvals through the Board of Zoning Adjustment. Processing procedures and submittal requirements shall be as required for a Conditional Use Permit Application.

LAND USE DIAGRAM
 PELANDALE-SNYDER
 SPECIFIC PLAN AREA



LEGEND:

-  SFR (SINGLE FAMILY RESIDENTIAL)
-  MFR (MULTI FAMILY RESIDENTIAL)
-  P-O (PROFESSIONAL OFFICES)
-  COMMERCIAL



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Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-420

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. 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. (MILL CREEK DEVELOPMENT)

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 99-52 reviewed the proposed 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 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 99-52, 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 17th day of August, 1999, 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, Smith,
Mayor Lang

NOES: Councilmembers: Sepra

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Initial Study

EA/CDD 99-52

City of Modesto
Initial Study

Pelandale-Snyder Specific Plan Amendment No. 7

EA/CDD 99-52
July 2, 1999

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. 7
- 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 east side Dale Road south of Pelandale Avenue.
- E. Project Sponsor:
Mill Creek Development, 16976 S. Harlan Rd., Lathrop, CA 95330
- 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 13.75 acres from Multi-Family Residential to Commercial.
- I. Surrounding land uses:
The project is bounded by multi-family development to the west, a church to the north, vacant land designated for single-family development to the east, and single-family homes to the south.
- 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 that this area will have some neighborhood commercial areas. 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. A traffic study, dated May 24, 1999, was prepared for this project by Fehr and Peers Associates. It concluded that the proposed amendment would result in an increase in traffic over what was

anticipated in the EIR. However, the traffic study concluded that the cumulative traffic conditions would result in no long-term degradation in the levels of service for the surrounding streets and intersections. Therefore, there would be no change 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 location of the commercial center at the intersection of an arterial street and expressway, combined with 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. The San Joaquin Valley Unified Air Pollution Control District has analyzed this project and concluded that it will result in greater air quality impacts than were predicted in the Pelandale-Snyder EIR. However, these impacts would still not be greater than predicted in the General Plan EIR. Further, the project would utilize Best Available Management Practices to minimize air quality impacts to the greatest extent feasible. Therefore, the conclusions of the Pelandale-Snyder EIR in this impact area would not change, and there would be no change needed in this section of 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 will result in a neighborhood commercial shopping center 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. 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 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. 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 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,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 99-421

A RESOLUTION ACCEPTING THE BID OF SIERRA CHEMICAL COMPANY FOR
FURNISHING LIQUID SULPHUR DIOXIDE

WHEREAS, the bids received for liquid sulphur dioxide, were opened at 11:00 a.m. on July 27, 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 Sierra Chemical Company for the first year of \$49,701.29 and a 3-year total amount of \$149,103.60 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sierra Chemical Company be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-422

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALI M. SAAD AND NAGI Y. ABDULLA FOR THE ACQUISITION OF PROPERTY LOCATED AT 1602 NINTH STREET, THE OLD MILL CAFÉ, IN THE AMOUNT OF \$136,000, 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 Ali M. Saad and Nagi Y. Abdulla for the acquisition of property located at 1602 Ninth Street, the Old Mill Café, in the amount of \$136,000 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 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-423

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND KAREN SALE FOR RELOCATION BENEFITS AND GOODWILL
AND LEASEHOLD INTERESTS IN THE AMOUNT OF \$22,500

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Karen Sale for relocation benefits and
goodwill and leasehold interests in the amount of \$22,500 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

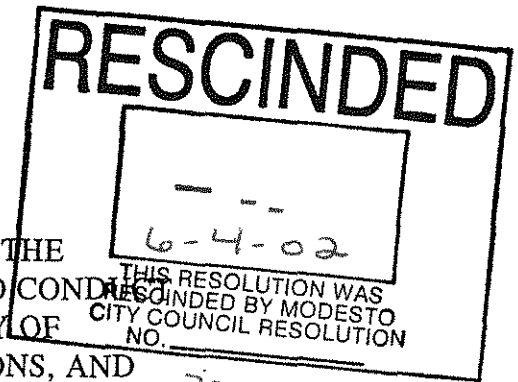
ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-424

A RESOLUTION GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT AN INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS, AND RESCINDING RESOLUTION NO. 98-507



WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has filed a request with the City Council for permission to conduct the International Festival in the City of Modesto, and

WHEREAS, the International Festival is an annual event, which celebrates the ethnic and cltural diversity in the community, and the City co-sponsors the International Festival held annually each October, and

WHEREAS, the the International Festival offers a variety of arts and crafts and food booths as well as entertainment, and the Committee has requested the use of Graceada Park for the International Festival, and

WHEREAS, the Committee has requested direct City assistance for the festival, and

WHEREAS, the Human Services Committee met on August 11, 1999, and recommended supporting the proposed festival changes, and

WHEREAS, the Council has considered the request for direct City assistance with the International Festival activities, and the Council deems it appropriate to grant approval of the changes and assistance to the Committee relating to said request, subject to certain conditions,

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

Modesto that it does hereby approve the following changes, subject to the conditions set forth, relating to the Committee's request for direct City assistance with the International Festival activities.

1. The Committee will conduct the International Festival on Saturday, the first weekend in October.
2. The event will be conducted from 9:00 a.m. to 10:00 p.m. on the designated day. Entertainment will be conducted from 10:00 a.m. to 9:30 p.m. on Saturday.
3. The committee will be allowed Festival setup on the day prior to the event from 9:00 a.m. to 9:00 p.m.
4. The City shall provide and set up the portable stage with awning at Graceada Park prior to 8:00 a.m. for entertainment and will remove said stage after 7:00 p.m. on the event day.
5. The City shall provide and set up the 30' x 40' awning at Graceada Park on Friday, and will remove said awning after 7:00 p.m. on the event day.
6. The City shall provide use of the portable PA system during the International Festival.
7. The City shall allow the Committee the use of amplified instrumentation at the event during designated event times at a volume not to disturb the adjoining neighborhoods.
8. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems. The City shall provide a technician to connect the Committee's sound system to the electrical power at Mancini Bowl.
9. The City shall allow the Committee the use of temporary signs and banners during the designated event time at Graceada Park.
10. The City shall provide garbage cans, liners and litter removal from the park site during the event.

11. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.
12. The City shall provide the cost of mailing up to 800 pieces of information, not to exceed \$300.00.
13. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer & wine garden" sales area.
14. The Committee shall be responsible for providing portable toilets at the park site.
15. The City shall waive all fire inspection and business license fees and shall exempt festival from the sign ordinance during festival hours; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.
16. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer & wine garden as well as nighttime security.
17. The City will provide police assistance during the International Festival activities as deemed necessary by the Police Chief.
18. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curbside parking for the Committee during the event.
19. All public improvements shall be left in the same condition as existed prior to the Festival.
20. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and non-hazardous condition. Any obstructions to public or private use shall be removed by the Committee not later than 9:00 p.m. on Sunday, after the event.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be

connected with the ordinary and customary condition of City property and facilities, or which may arise out the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's International Festival and the use of the City facilities for the Committee's International Festival.
3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than \$1,000,000 per occurrence; include the City of Modesto, it's agents, officers, employees, and volunteers, as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material change in coverage. The Committee shall also file acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verification shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 98-507 adopted September 22, 1998, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-425

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE HOLLOW NO. 1
SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION PAYMENT
BOND, AND SUBDIVISION FAITHFUL PERFORMANCE BOND

WHEREAS, Florsheim Bros., subdividers of Rose Hollow No. 1 subdivision have filed a Subdivision Payment Bond, and Subdivision Faithful Performance Bond, for labor and materials in the amount of \$761,600, and \$380,800, respectively to guarantee improvements in Rose Hollow Lane 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 Rose Hollow No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$761,600 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 \$380,800 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 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHRE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-426

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE HOLLOW NO. 2 AND
AUTHORIZING RELEASE OF SUBDIVISION PAYMENT AND SUBDIVISION
FAITHFUL PERFORMANCE BONDS

WHEREAS, Florsheim Bros., subdividers of Rose Hollow No. 2 have filed a Subdivision Faithful Performance bond and Subdivision Payment bond for labor and materials in the amount of \$964,600 and \$482,300 respectively to guarantee improvements in Rose Hollow No. 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 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. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$964,600 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 \$482,300 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 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-427

A RESOLUTION AUTHORIZING THE PURCHASING OFFICER TO PURCHASE VARIOUS VEHICLES THROUGHOUT FISCAL YEAR 1999-2000 BY AUCTION, NEGOTIATION, INFORMAL AND FORMAL BID PROCESSES AND FROM THE STATE OF CALIFORNIA COMPETITIVELY BID CONTRACTS WITHOUT RETURNING TO CITY COUNCIL FOR FINAL APPROVAL OF AWARD AND PURCHASE

WHEREAS, by Resolution 98-456, the Council of the City of Modesto authorized a change in procedures allowing the Purchasing Officer to purchase various vehicles throughout the Fiscal Year by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval or award and purchase; and

WHEREAS, the Finance Department is again requesting the Purchasing Officer to continue the practice for the Fiscal Year 1999-2000 for a total not to exceed the budgeted amount of \$2,409,300; and

WHEREAS, Section 8-3.203(d) of the Modesto Municipal Code provides that the Purchasing Officer, in his discretion, may determine that a process other than the formal bid procedure set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes the Purchasing Officer to purchase various vehicles throughout Fiscal Year 1999-2000 by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval of award and purchase for a total not to exceed the budgeted amount of \$2,409,300 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 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-428

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 12) AT 207 ELMWOOD COURT, LANDMARK SITE NO. 47, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: VIRGINIA AND WILLIAM BALMANNO)

WHEREAS, Virginia and William Balmano, owners of the property at 207 Elmwood Court applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on March 15, 1999, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 207 Elmwood Court, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on July 26, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 12, by Resolution No. 99-6, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 207 Elmwood Court, and

WHEREAS, after a public hearing held on August 24, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 207 Elmwood Court, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 12) for the property at 207 Elmwood Court is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

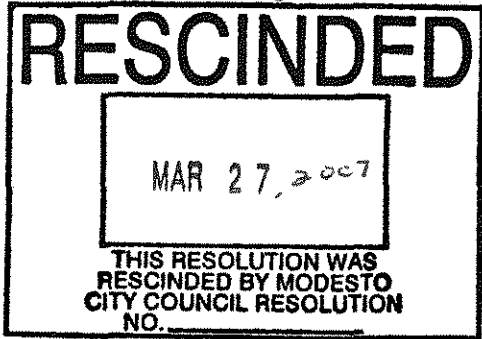
ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 99-429

A RESOLUTION DESIGNATING THE PROPERTY AT 501
MAGNOLIA AVENUE AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNER: EARL ANDERSON)

99-429

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 July 26, 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. 99-7, that the
property at 501 Magnolia 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 August 24, 1999, in the City
Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and
determined that the property at 501 Magnolia 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 501 Magnolia Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 501 Magnolia Avenue has 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, or building or architect. This house was built in 1922 by A.A. Jungerman. It is a bungalow-style structure with a cross-gabled roof with multiple planes, and features wood-framed double-hung windows, and brick and wood support posts.

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 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

All that certain real property situate in a portion of the Northeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

all of Lots 15 and 16 in Block 542 of the City Of Modesto.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-430

A RESOLUTION AUTHORIZING SUBMISSION OF A
RESPONSE TO THE STANISLAUS COUNTY 1998/99 CIVIL
GRAND JURY FINAL REPORT REGARDING THE
MODESTO POLICE DEPARTMENT FIREARMS SALE.

WHEREAS, the 1998/99 Stanislaus County Civil Grand Jury issued its final report on June 14, 1999, which included findings and recommendations regarding the Modesto Police Department Firearms Sale, and

WHEREAS, California Penal Code Sections 933(c) and 933.05 set forth the criteria by which Grand Jury responses must be made, and

WHEREAS, Acting Chief of Police Doug Hannink has prepared a response on behalf of the City of Modesto in accordance with appropriate California Penal Code criteria, and

WHEREAS, at its Council Meeting held on August 24, 1999, the City Council considered authorizing the Acting City Manager to convey the City's response to the 1998/99 Stanislaus County Civil Grand Jury's Final Report regarding the Modesto Police Department Firearms Sale, as recommended by City staff. A copy of the City's response to the Stanislaus County Civil Grand Jury, dated August 10, 1999, 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 hereby authorizes the Acting City Manager to convey the City's official response to the 1998/99 Stanislaus County Civil Grand Jury's Final Report regarding the Modesto Police Department Firearms Sale to the Presiding Judge of the Superior Court. A

copy of the City's response to the Stanislaus County Civil Grand Jury, dated August 10, 1999, 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 24th day of August, 1999, 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, Dobbs, Fisher, Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-431

A RESOLUTION APPROVING A SITE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTRAL WIRELESS PARTNERSHIP (CWP) FOR PLACEMENT OF A COMMUNICATION ANTENNA AT DAVIS PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the site lease agreement between the City of Modesto and Central Wireless Partnership (CWP) for placement of a communications antenna at Davis 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 7th day of September, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-432

A RESOLUTION APPROVING A SITE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CENTRAL WIRELESS PARTNERSHIP (CWP) FOR PLACEMENT OF A COMMUNICATION ANTENNA AT THE MAINTENANCE YARD AT CREEKSIDE GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the site lease agreement between the City of Modesto and Central Wireless Partnership (CWP) for placement of a communications antenna at the maintenance yard at Creekside Golf Course 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 7th day of September, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

WALKING
4

MODESTO CITY COUNCIL
RESOLUTION NO. 99-433

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:

Fire Fighter Trainee

Building Maintenance Superintendent

The revised specifications for the classifications of Fire Fighter Trainee, as shown on the attached Exhibit "A", and Building Maintenance Superintendent, 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 September 7, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

FIREFIGHTER
FIREFIGHTER TRAINEE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To respond to fire alarms, medical emergency and other calls to protect life and property; and to participate in fire prevention, training and station and equipment maintenance activities.

DISTINGUISHING CHARACTERISTICS

Firefighter Trainee - This is the entry level class in the Firefighter series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters related to established procedures and guidelines as are positions allocated to the journey level. Since this class is typically used as a training class, employees may have only limited or no directly related fire suppression work experience. Employees work under general supervision while learning job tasks and are expected to be performing at the journey level within prescribed time frames.

Firefighter - This is the full journey level class within the professional Firefighter series. Employees within this class are distinguished from the Firefighter Trainee by the performance of the full range of duties as assigned. Employees at this level receive instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the Firefighter Trainee level.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

August, 1999

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

Essential Functions:

Respond to fire alarms with assigned company; lay and connect hose; maintain pumping apparatus; hold nozzles and direct water streams; raise and climb ladders.

Operate all types of portable fire extinguishers, pike poles, hand lines, smoke ejectors, salvage covers, forcible entry tools, aerial ladder equipment, emergency medical equipment and other rescue equipment.

Provide basic life support while responding to emergency medical incidents, analyzing and initiating patient care until relieved by proper medical personnel.

Administer first aid; assist paramedics at medical emergencies; apply techniques for the control of bleeding; utilize immobilization techniques to stabilize patient.

Respond to hazardous materials incidents.

Participate in fire inspection activities and other fire prevention and public education activities as assigned; ensure that businesses are operating in compliance with the fire code; maintain appropriate records and files.

Monitor appropriate air traffic control frequencies and visually monitor the airfield during times that the FAA tower is closed but commercial flights are scheduled to either arrive or depart.

Inspect aircraft ramp and refueling operations at the airport.

Perform the airfield and runway inspections on weekends and holidays, as required.

Participate in the Fire Prevention Program providing various public relations services, including facility tours, High School Career Day, Neighborhood Watch programs and public education seminars.

Participate in fire drills; serve as drill instructor as assigned; attend training sessions which include fire fighting techniques, emergency medical care, and the proper use of all equipment and related tools.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Clean apparatus and equipment and perform general custodial duties as required.

Assist in maintaining prefire plans; update maps as required.

Respond to public complaints regarding weed abatement and fire and safety hazards.

Issue bicycle licenses.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

FIREFIGHTER TRAINEE

Ability to:

Learn to understand and act in accordance with departmental policies, rules, and instructions in the field of fire fighting.

Learn to apply fire fighting and medical techniques and procedures.

Demonstrate mechanical aptitude as required in the operation of fire fighting equipment.

Learn the layout of the City's water main system and street numbering system.

Retain presence of mind in emergency situations.

Think and act quickly and effectively in emergencies.

Understand and follow oral and written directions promptly and accurately.

Perform occasional heavy lifting up to 100 lbs. and physical maneuvering.

August, 1999

QUALIFICATIONS - (Continued)

Firefighter Trainee

Ability to:

Perform general office and clerical duties in support of assigned activities.

Communicate effectively, both orally and in writing.

Shall pass all required oral, manipulative and written exams for Firefighter Trainee.

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

Work in communal environment that includes common sleeping, eating, and restroom facilities.

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:

Firefighter Trainee

Experience:

None required.

Training:

Graduation from high school or possession of a G.E.D. certificate at the high school equivalency level.

License or Certificate

Possession of a current Cardiopulmonary Resuscitation (CPR) card.

Possession of a current State of California Emergency Medical Technician I (EMT) card is required at time of application. A course completion certificate is NOT adequate.

August, 1999

Experience and Training Guidelines - (Continued)

Possession of a California State Fire Marshal's Office Firefighter I Certificate OR graduation from a California State Fire Marshal's accredited Firefighter I academy OR the completion of 15 semester units of college coursework in Fire Science "major" courses.

Possession of an appropriate, valid California Driver's License.

Minimum of 21 years of age.

FIREFIGHTER

In addition to the qualifications for Firefighter Trainee:

Knowledge of:

Principles, practices, and procedures of modern firefighting.

Fire apparatus, equipment, tools, devices, facilities and their proper use.

Basic principles of hydraulics relating to fire equipment.

Safe driving practices.

Advanced first aid, CPR and other medical assistance techniques.

Ability to:

Analyze fire and emergency situations and adopt effective courses of action.

Maintain and test fire sprinkler systems and fire hydrants.

Operate and maintain voice radio equipment.

Safely remove victims from buildings and automobiles.

Shall pass all required oral, manipulative and written exams for Firefighter.

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:

Firefighter

Experience

Successful completion of the City of Modesto Firefighter Program.

Training:

Graduation from high school or possession of a G.E.D. Certificate at the high school equivalency level.

License or Certificate:

Possession of a current Cardiopulmonary Resuscitation (CPR) card.

Possession of a current State of California Emergency Medical Technician (EMT) card is required at time of application. A course completion certificate is NOT adequate.

Possession of a California State Fire Marshal's Office Firefighter I certificate OR graduation from a California State Fire Marshal's accredited Firefighter I academy OR completion of 15 semester units of college coursework in Fire Science "major" courses.

Possession of an appropriate, valid California Driver's License.

WORKING CONDITIONS:

Emergency response environment; exposure to hot and humid work environment making rapid transitions from rest to near maximal exertion without warm-up period.

AUGUST, 1999

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for bodily mobility to operate and crawl in restricted space; walk, stand, or sit for prolonged periods of time; operate motorized equipment and vehicles; and the ability to work in hot and humid environments while wearing firefighting equipment which may inhibit all necessary senses.

BUILDING MAINTENANCE SUPERINTENDENT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

The Building Maintenance Superintendent manages, directs, and coordinates the maintenance, repair, and alteration of all City facilities with the goal of protecting the City's investment in its facilities and providing an appropriate physical environment for serving the public.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Director of Operations and Maintenance. Exercises direct supervision over other supervisory and maintenance staff.

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

Essential Functions:

Directs, oversees, and participates in the development of the Division work plan; assigns work activities, projects, and programs; monitors work flow and productivity; implements policies and procedures; reviews and evaluates work products, methods, and procedures.

Develops the organization's budget and Capital Improvement Program; oversees its implementation; participates in the forecast of funds; administers the approved budget.

Implements and operates a maintenance management system for city facilities.

Participates in recommending the appointment of personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures; recommends employee disciplinary actions.

Recommends goals and objectives; assists in the development of policies and procedures.

Manages full range of building maintenance activities for all City buildings, including preventive maintenance of all building structures and stationary equipment on a scheduled basis.

EXHIBIT B

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (continued)

Reviews capital improvement plans related to the assigned services and provides input regarding future maintenance activities. Identifies and initiates needed capital improvement projects.

Receives, investigates, and responds to departmental and citizen requests, suggestions, and complaints.

Supervises division's safety program and ensures the adherence to safe work practices by division personnel.

Prepares various reports and directs special projects as required.

Assembles and analyzes cost and performance data.

Develops performance standards and work schedules for staff.

Develops plans and specifications for remodeling, renovation, and small construction projects.

Negotiates, oversees, and coordinates architectural, maintenance and service contracts, and maintains liaison between the architect and/or contractor and the appropriate operating department.

Coordinates and provides technical assistance and advice in the review of plans and specifications, and during construction.

Prepares and reviews cost estimates for proposed work, and recommends final acceptance of completed work.

Develops and executes performance standards, procedures, and methods to assure the physical safety and a clean and healthful environment of all buildings.

Manages building security including the issuance of keys; develops an emergency plan.

Manages energy usage within City facilities, including implementation of energy conservation measures.

Manages building and custodial services to ensure responsiveness to customers, including regular, ongoing communication with operating departments; assesses needs and determines opportunities for improvement in the level of service provided to the department.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

Marginal Functions -

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Building maintenance principles and practices as applied to public facilities;
building maintenance control.

Materials, supplies, methods, practices, and equipment used in heating,
ventilation, air conditioning, electrical, plumbing, and carpentry activities.

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

Commercial plan review procedures, including reading and interpreting
blueprints and/or drawings.

Estimating procedures for additions, remodeling and renovation projects.

Current trends and practices in privatizing services.

Principles of budget preparation and expenditure control.

Types and level of maintenance and repair activities generally performed in
custodial service maintenance and repair program.

Management of facilities security and detection devices.

Energy conservation measures.

Applicable Federal, State, and local building, safety and health codes; handicap
accessibility standards; asbestos abatement and requirements for working with
asbestos materials.

Ability to:

Organize, direct, and implement a comprehensive maintenance management
program.

Manage, supervise, train, and evaluate assigned staff.

QUALIFICATIONS (Continued)

Ability to:

Prepare and administer a budget.

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

Establish, maintain and promote a customer service focus and cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Manage resources to improve productivity.

Use computers and computer assisted design techniques.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in building maintenance management including renovation, remodeling, HVAC experience, plumbing, painting, electrical, construction; and architectural planning and design, including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in heating, ventilation, and air conditioning (HVAC); and building infrastructure maintenance such as plumbing, electrical, etc.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions

Field environment; travel from site to site; exposure to noise, dust, dirt, grease, smoke, fumes and gases.

Physical Condition

Essential and marginal functions may require physical condition necessary for walking, standing, or sitting for prolonged periods of time; operating motorized equipment and vehicles.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-434

A RESOLUTION ACCEPTING THE BID OF DULEY'S LANDSCAPE INC. FOR
THE PROJECT TITLED "STOCKARD-COFFEE NEIGHBORHOOD PARK"

WHEREAS, the bids received for Stockard-Coffee Neighborhood Park were opened at 11:00 a.m. on August 10, 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 \$326,893.72 from Duley's Landscape 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 Duley's Landscape 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 September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

Cork (5)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-435

A RESOLUTION APPROVING THE STOCKARD-COFFEE NEIGHBORHOOD PARK AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN 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, the Community Services & Neighborhood Connections Department, by Initial Study, EA/CS 9902 dated January 6, 1999 reviewed the proposed Stockard-Coffee Neighborhood Park, 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

WHEREAS, on September 7, 1999, the City Council considered awarding a contract for the project titled Stockard-Coffee Park which includes grading, sidewalks, basketball, half-court, picnic tables, benches, landscaping and an irrigation system, and the Council also reviewed the City of Modesto Initial Study for Stockard-Coffee Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/CS9902, dated January 6, 1999, prepared by the Community Services and Neighborhood Connections Department, for the proposed project, 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 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 City of Modesto Initial Study for the Stockard-Coffee Neighborhood Park is hereby approved.

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 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 September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto
Initial Study

Stockard Coffee Neighborhood Park

E.A. No. EA/CS 9902

January 6, 1999

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

- A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
- B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
- C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

- A. Project title:
Stockard Coffee Neighborhood Park
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353
- D. Project Location:
In the north area of Modesto on the south side of Mable Avenue, the west side of Palmwood Drive, adjacent to Stockard Coffee Elementary School.
- E. Project sponsor:
City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Stockard Coffee Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a five-acre neighborhood park within the Beyer Neighborhood. This project will develop the park, including grading, paving, underground utilities, landscaping, an irrigation system, game courts, family picnic units, a children's play area with play apparatus, a restroom building and lighting.

I. Surrounding land uses:

North: Single-family subdivisions, zoned Specific Plan Overlay.

South: Single-family subdivisions zoned R-1.

West: Stockard Coffee Elementary School, zoned R-1.

East: Mobile home park, zoned Planned Development.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. **Traffic and Circulation**

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, and will not be a destination that requires a vehicle trip. There will be no on-site parking and it is expected that most people will walk or bike to the park. The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. 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-1-37) are 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, 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 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 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 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. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. 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 project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. 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 project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand 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 still valid.

K. Increased Demand for Parks and Open Space

This project will provide neighborhood park facilities in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Stockard Coffee Neighborhood. The demand for parks and open space will be met with the development of this park. 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

This commercial development 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. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.


V. RECOMMENDED FINDINGS

- A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.
- B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR,

because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

- C. The Stockard Coffee Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.
- D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- E. This initial study provides the substantial evidence to support the above findings.

Signature:


Fred Allen, Parks Planning and Development Manager

Date: 1.6.99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-436

A RESOLUTION ACCEPTING THE PROJECT TITLED "PRIMARY PLANT
HEADWORKS AND CANNERY SEGREGATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Primary Plant Headworks and Cannery Segregation project, has been completed by Gateway Pacific Contractors Inc., in accordance with the contract agreement dated June 2 1997.

NOW, THEREFORE, BE IT RESOLVED that the Primary Plant Headworks and Cannery Segregation project be accepted from said contractor, Gateway Pacific Contractors Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$13,254,021 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 September, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-437

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$423,000 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:	623 480 H869	\$423,000
TO:	623 480 H868	\$423,000

An appropriation transfer in the amount of \$423,000 will be transferred from an existing project entitled "Ranch Improvements". This transfer restores the contingency budget to 8%, which is 2% under the original contingency for this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, 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, Serpa, Smith, Mayor Lang

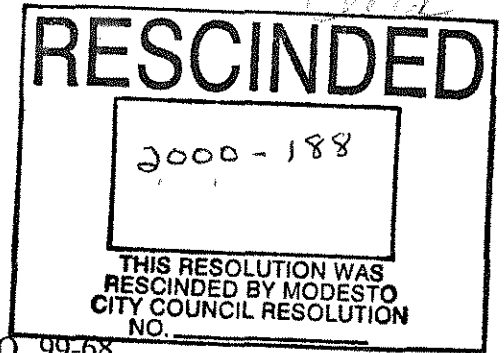
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 99-438

A RESOLUTION AMENDING RESOLUTION NO. 99-68
ENTITLED "A RESOLUTION ESTABLISHING RATES AND
CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE
MUNICIPAL GOLF COURSE, THE DRYDEN PARK
MUNICIPAL GOLF COURSE, AND THE CREEKSIDE
MUNICIPAL GOLF COURSE" TO ADD A POLICY FOR
PLAY AT MUNICIPAL GOLF COURSES BY NON-
AFFILIATED GROUPS.

WHEREAS, there are several groups of golfers that travel the valley playing on various golf courses, and this is a new market segment that the City is interested in attracting, and

WHEREAS, in order for fees to be consistent and competitive with other courses in the market, City staff is recommending the adoption of a Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups, and

WHEREAS, the Human Services Committee met on August 11, 1999, and supported the recommendations of City staff to adopt a Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on September 7, 1999, in the City Council Chambers, City Hall, 801 11th 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 golf policy, and

WHEREAS, the Council of the City of Modesto finds that it would be appropriate to adopt the recommended policy for play at the City's municipal golf courses by non-affiliated groups,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 99-68 entitled "A Resolution Establishing Rates and Conditions for Play on the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course" is hereby amended to add the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups as set forth on Exhibit "C" attached hereto.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on and after September 7, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZARR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

PLAY DAY POLICY
FOR PLAY AT THE CITY'S
MUNICIPAL GOLF COURSES
BY NON-AFFILIATED GROUPS

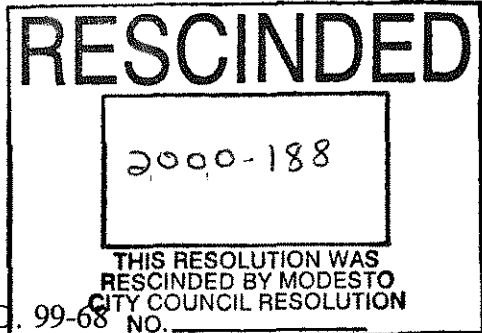
The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

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.

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 99-439

A RESOLUTION AMENDING RESOLUTION NO. 99-68 ENTITLED "A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE" TO ESTABLISH GREEN FEES FOR HIGH SCHOOL AND MODESTO JUNIOR COLLEGE GOLF PROGRAMS.

WHEREAS, for many years, players on local high school and junior college golf teams have been able to play at no cost on Modesto's municipal golf courses, and

WHEREAS, at its May 20, 1998 meeting the Human Services Committee recommended that the City of Modesto Golf Courses Committee review the existing green fee rates and policies for junior golf programs, and

WHEREAS, as part of this review, the Golf Courses Committee is recommending that green fees for high school and Modesto Junior College golf programs be implemented at 50% of the Muni weekday after 12:00 noon junior rate. The current rate is \$4.50, and the proposed rate is \$2.25 per round, and

WHEREAS, the Human Services Committee met on August 11, 1999, and supported the recommendations of City staff to implement the proposed golf fees, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on September 7, 1999, in the City Council Chambers, City Hall, 801 11th 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 golf fees, and

WHEREAS, the Council of the City of Modesto finds that it would be appropriate to adopt the recommended green fees for high school and Modesto Junior College golf programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 99-68 entitled "A Resolution Establishing Rates and Conditions for Play on the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course" is hereby amended to establish green fees in the amount of \$2.25 per round for high school and Modesto Junior College golf programs at 50% of the Muni weekday after 12:00 noon junior rate.

BE IT FURTHER RESOLVED that this resolution shall be effective the 1999-2000 school year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-440

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET
TO ESTIMATE ADDITIONAL REVENUE

WHEREAS, the Human Services Committee recommended that the Golf Courses Committee review the existing green fee rates and policies for junior golf programs; and

WHEREAS, the recommended green fee to be assessed per round is 50% of the weekday junior rate (after noontime). This would make the current proposed rate for school golf teams \$2.25 per round; and

WHEREAS, as the junior rate increases; the school golf team fees will increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 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 7th day of September, 1999, 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, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

ATTACHMENT A

Revenue

#6600-330-3311-4601	4,000
#6600-330-3311-4602	4,500
#6600-330-3311-4603	4,000
#6600-330-3311-4620	(4,101)
#6600-330-3311-4621	(14,000)
#6600-330-3311-4622	(20,000)

Expense

#6600-330-3315-0235	(56,703)
#6600-330-3311-0205	(3,025)
#6600-330-3311-0206	90
#6600-330-3311-0235	(4,576)
#6600-330-3311-0255-C	1,500
#6600-330-3311-0301	(400)
#6600-330-3311-0308	(700)
#6600-330-3316-0223-3300C	(1,450)
#6600-330-3316-0226-C	(2,450)
#6600-330-3316-0250-B	(32,478)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-441

A RESOLUTION VACATING AND ABANDONING A PORTION OF 10TH STREET, SOUTH OF K STREET, IMMEDIATELY ADJACENT TO THE PLANNED RETAIL PAD ADJACENT TO THE NEW PARKING GARAGE OF THE TENTH STREET PLACE REDEVELOPMENT PROJECT.

WHEREAS, Streets and Highways Code Section et seq. prescribes the procedures to vacate and abandon public streets, and

WHEREAS, Government Code Section 65402 requires that prior to abandoning a public street, the Planning Commission shall make a determination as to whether the abandonment is consistent with the General Plan, and

WHEREAS, the Modesto Redevelopment Agency has filed an application to abandon an 8.61 foot portion of 10th Street adjacent to City of Modesto Block 67 and south of K Street, to enable the retail pad adjacent to the new parking garage of the Tenth Street Place project to be constructed as designed, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to this portion of 10th Street in the adjacent land owner wh is the proponent of the abandonment, and

WHEREAS, the proposed partial street abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, there is an existing underground electrical line in the area to be abandoned, but this will be relocated in conjunction with construction of the retail building, and

WHEREAS, a public hearing was held by the Planning Commission on August 30, 1999, in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed abandonment, and

WHEREAS, by Planning Commission Resolution No. 99-54, the Planning Commission recommended approval of the proposed vacation and abandonment, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, September 7, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code, Section 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate and abandon the proposed area of 10th Street have been done and accomplished,

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

1. That the portion of 10th Street, south of K Street, immediately adjacent to the planned retail pad adjacent to the new parking garage of the Tenth Street Place Redevelopment area project is unnecessary for present or prospective pedestrian or vehicular use, because the abandonment is for only a portion of 10th Street, and full pedestrian and vehicular use will continue to be provided on 10th Street.
2. That the area to be abandoned is not required to be retained as a public utility easement.
3. That the abandonment and vacation of a portion of 10th Street is in conformance with the City of Modesto General Plan.
4. That the Community Development Department staff determined that the proposed abandonment is exempt from CEQA under Section 15301(c) of the CEQA Guidelines, which provides an exemption for minor alterations in public facilities, including streets.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of an 8.61 foot portion of 10th Street, south of K Street, immediately adjacent to the planned retail pad adjacent to the new parking garage of the Tenth Street Place Redevelopment Project, to enable the retail pad adjacent to the new parking garage of the Tenth Street Place project to be constructed as designed. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHB, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

July 22, 1999
Job No. 70-738D

**LEGAL DESCRIPTION
FOR
10TH STREET RIGHT-OF-WAY ABANDONMENT**

ALL that certain real property being a portion of the Southeast Quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the most Westerly corner of BLOCK 67 of the City of Modesto, as per the Official Map thereof, filed for record on December 21, 1942 in Book 15 of Maps, Stanislaus County Records, with said point lying on the Southeasterly right-of-way line of "K" Street - State Highway No. 108; thence South $46^{\circ}27'30''$ West along last said right-of-way line, a distance of 5.00 feet to a point on the Northeasterly right-of-way line of 10th Street and the TRUE POINT OF BEGINNING; thence South $43^{\circ}31'28''$ East along last said right-of-way line, a distance of 132.49 feet; thence leaving last said right-of-way line and proceeding North $88^{\circ}32'30''$ West, a distance of 12.17 feet; thence North $43^{\circ}31'28''$ West along a line 8.61 feet Southwesterly of and parallel with said Northeasterly right-of-way line of 10th Street, a distance of 123.88 feet to a point on the Southwesterly extension of the above mentioned Southeasterly right-of-way line of "K" Street - State Highway No. 108; thence North $46^{\circ}27'30''$ East along last said line, a distance of 8.61 feet to the TRUE POINT OF BEGINNING.

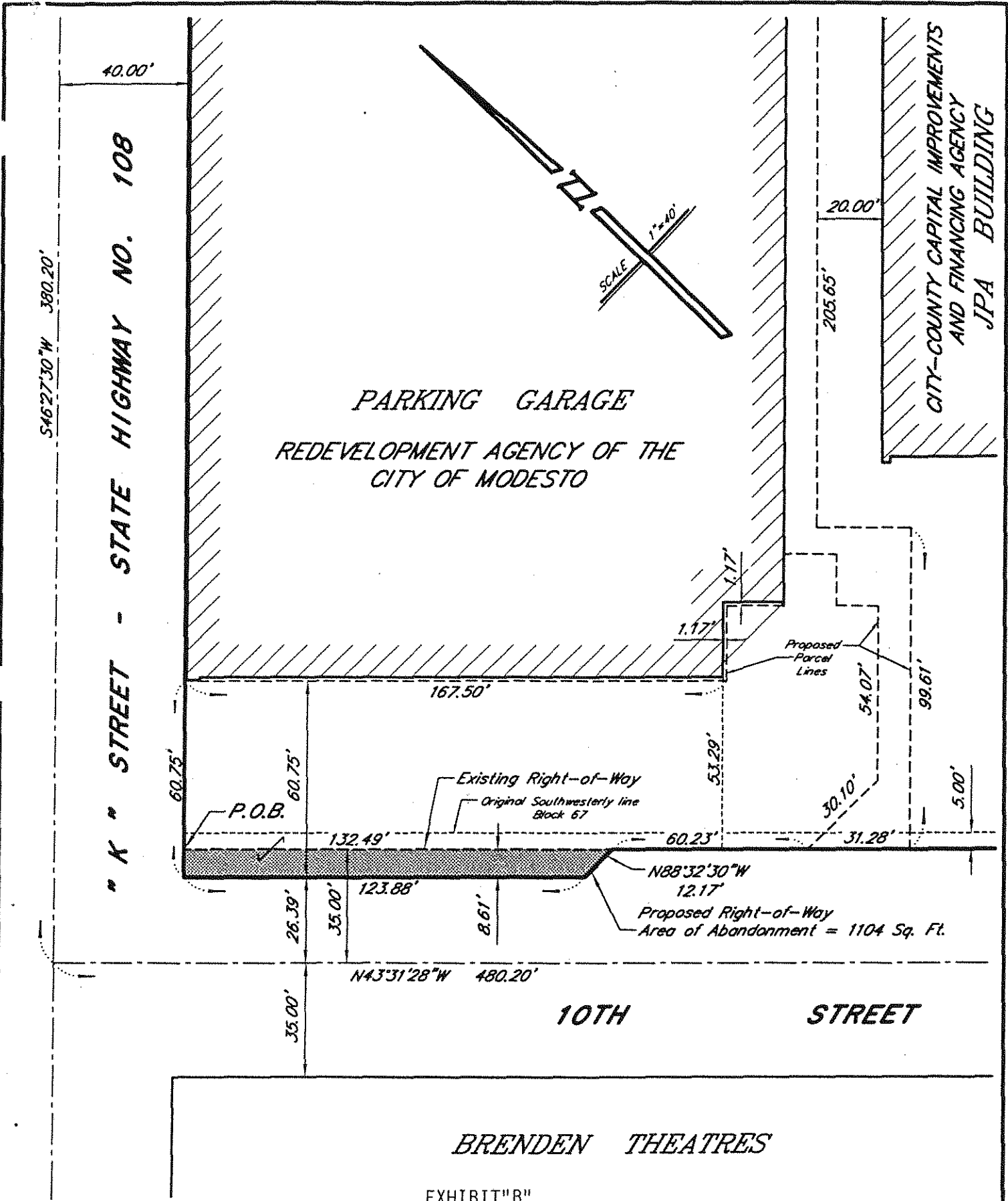
SUBJECT TO all easements and/or rights-of-way of record.

Containing 1104 square feet, more or less.



Roy A. Galli

Roy A. Galli, R.C.E. 16024
License Expires 6/30/01



Drawn	E.T.
Date	7-22-99
Scale	1" = 40'
Job No.	70-738D
Dwg.	ABANDON

**PLAT TO ACCOMPANY
LEGAL DESCRIPTION**

Abandonment of Ptn. 10th St. R/W
Ptn. SE 1/4 Sec. 29, T.3S., R.9E., MDB&M
City of Modesto, California

**mid-valley
engineering**

900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
(209) 526-4214

FAX (209)
526-0803

SHEET
1.
OF 1.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-442

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE CARVER-BANGS SPECIFIC PLAN TO ALLOW MULTI-FAMILY DEVELOPMENT AT THE NORTHWEST CORNER OF PELANDALE AVENUE AND PRESCOTT ROAD AND TO SHIFT THE STORM DRAIN BASIN AT THIS LOCATION TO THE SOUTH. (REDEV INC.)

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 April 1, 1997, the City Council by Resolution No. 97-161 adopted the Carver-Bangs Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and the Council has adopted one (1) such amendment to the Carver-Bangs Specific Plan by Resolution adopted by the Council from time to time, and

WHEREAS, Redev Inc. has filed an application to amend the Carver-Bangs Specific Plan to allow multi-family development at the northwest corner of Pelandale Avenue and Prescott Road and to shift the storm drain basin at this location to the south, and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 21, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on June 21, 1999, the Planning Commission adopted Resolution No. 99-44, recommending to the City Council Amendment No. 2 to the Carver-Bangs Specific Plan to allow multi-family development at the northwest corner of Pelandale Avenue and Prescott Road and to shift the storm drain basin at this location to the south, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 7, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Carver-Bangs Specific Plan to allow multi-family development at the northwest corner of Pelandale Avenue and Prescott Road and to shift the storm drain basin at this location to the south, as recommended by the Planning

Commission in its Resolution 99-44, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The proposed specific plan amendment is consistent with the General Plan because storm drainage for the Carver-Bangs Specific Plan will still be provided via a storm drain basin.
2. Allowing single-family residential development to occur on this site will not result in an increase in traffic and other environmental impacts beyond what was anticipated in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Carver-Bangs Specific Plan to allow multi-family development at the northwest corner of Pelandale Avenue and Prescott Road and to shift the storm drain basin at this location to the south, as recommended by the Planning Commission, 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 7th day of September, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

AMENDMENT NO. 2

**CARVER-BANGS SPECIFIC PLAN AMENDMENT
FOR
REDEV, INC.**

Intent:

The intent of the Specific Plan Amendment is to permit the development of approximately 9.7 acres at the northwest corner of Prescott Road and the Pelandale Expressway as a multi-family development consistent with the City's existing R-3 Zoning standards. This will also involve the modification of the Storm Drainage Plan contained in the Carver-Bangs Specific Plan.

Text Changes

Page 1-1;

I. INTRODUCTION:

Change "approximately 800 units" to "approximately 1000 units."

Page 2-3;

C. LAND USE PLAN SUMMARY:

Change "maximum of 800 dwelling units" to "maximum of 1000 dwelling units."

Page 3-3;

A. IMPLEMENTATION OF LAND USE AND DEVELOPMENT STANDARDS;

3. Effect of the SP-O Overlay Zone/Relationship to the Principal Underlying Zoning:

The second paragraph of the referenced section shall be changed as shown below:

"Development regulations within the Carver-Bangs Specific Plan shall correspond exactly to those regulations specified in Title X of the Modesto Municipal Code for the Low-Density Residential Zone (R-1), Article 5, and Medium High Density Residential Zone (R-3), Article 7. These development regulations include permitted uses, plot plan uses, conditional uses, home businesses, garage sales, animals and fowl, height, front side and rear yards, street frontage, area, and lot width and lot coverage requirements."

Page 3-4;
IV. Noise:

The first sentence of the paragraph should be revised to read:

"The Carver-Bangs Specific Plan hereby adopts an outdoor noise performance standard of 60 L_{dn} for new ~~single family~~ residential development."

Page 4-5;
E. STORM/WATER DRAINAGE:

Specific Plan Stormwater Drainage Policy 1 will be replaced with the following:

"The Specific Plan Area will be served by storm drainage lines and facilities consistent with the City of Modesto Storm Water Master Plan. Stormwater runoff will be directed to the existing storm drainage basin at the southwest corner of Prescott Road and the Pelandale Expressway."

Page 5-1;
A. PLAN IMPLEMENTATION;
1. Action Required for Implementation of the Carver-Bangs Specific Plan:

Add :

"(d) Plot Plan, Conditional Use Permit, or other development entitlement consistent with the underlying zoning designation."

Page 5-1;
A. PLAN IMPLEMENTATION;
3. Implementation of Land Use and Development Standards:

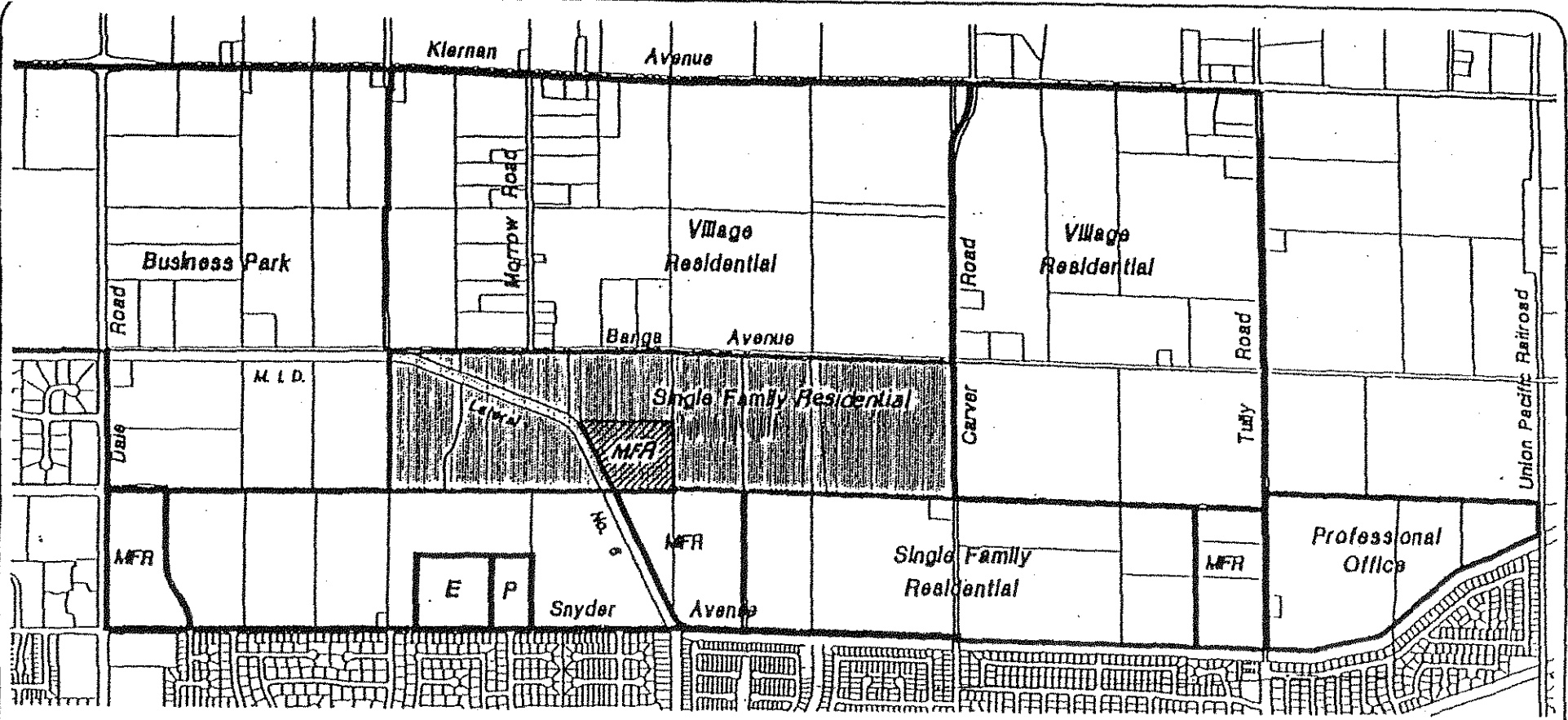
Modify the paragraph as shown below:

"Residential land use and development standards for the Carver-Bangs Specific will be regulated through the City Planning and Zoning Ordinance R-1 and R-3 classifications, as modified by the SP-O Zone. R-1 will be the Principal Underlying Zone for designated single family residential areas, in accordance with Article 19, Sections 10-2.1901-05 of the City Planning and Zoning Ordinance. R-3 will be the Principal Underlying Zone for designated multi-family residential areas. The SP-O Zone is applied concurrently, to supplement principal underlying zone regulations with certain uses and standards adopted through the specific plan process (Section 10-2.1902, City Planning and Zoning Ordinance)."

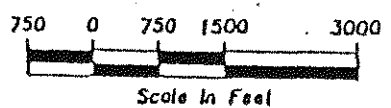
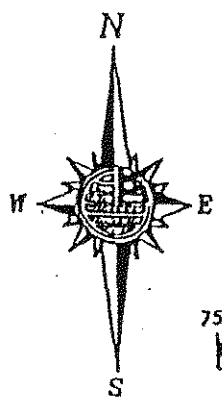
Map Changes

The following revised maps are attached:

1. *Exhibit 1-4: Proposed Area Land Use;*
2. *Exhibit 2-1: Land Use Plan; and*
3. *Exhibit 4-10: Storm Drainage Master Plan.*



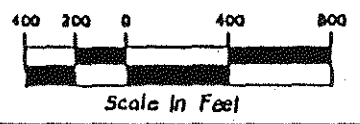
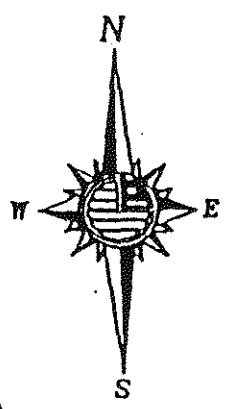
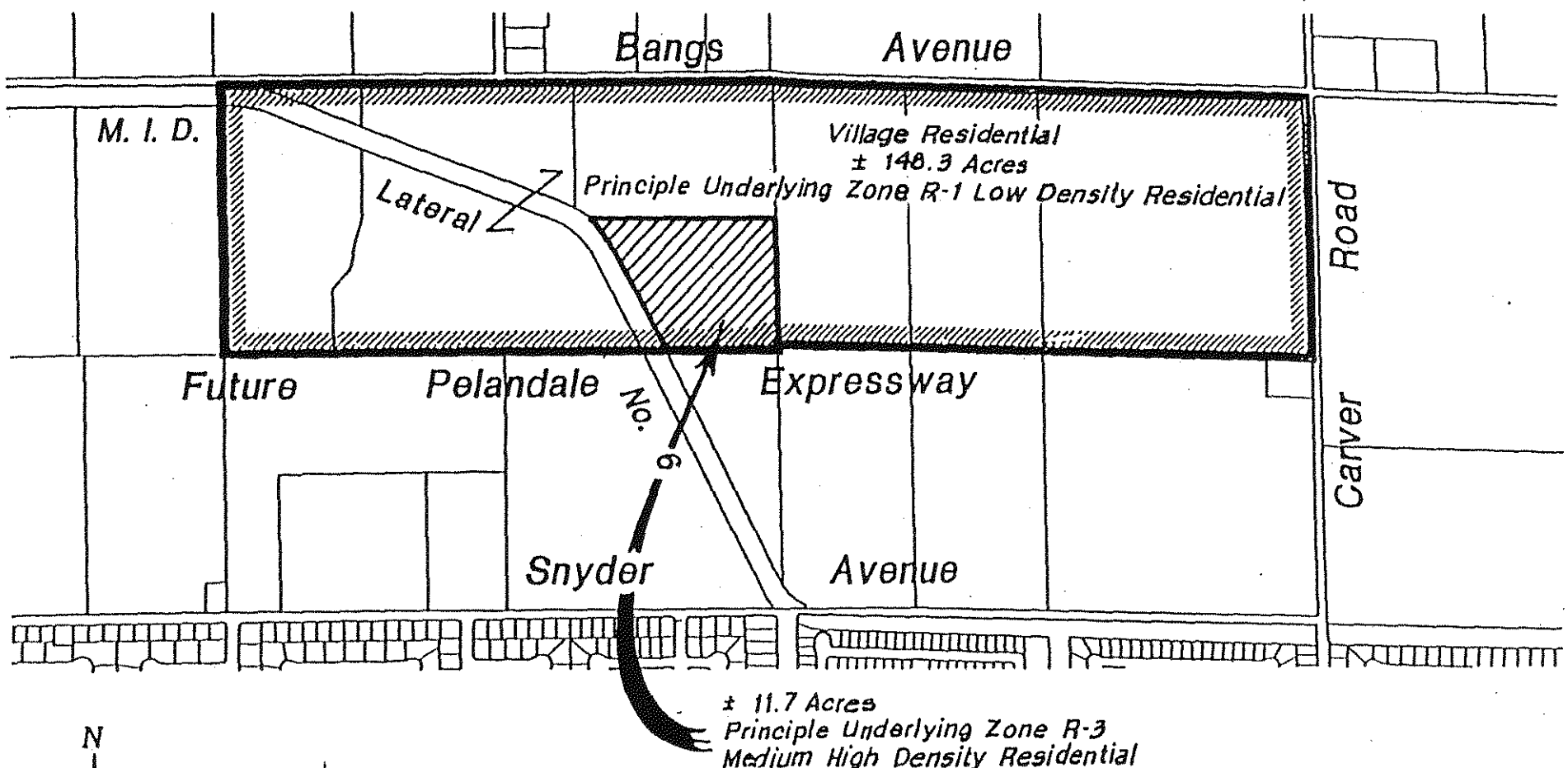
- E - Elementary School
- P - Neighborhood Park
- MFR - Multi Family Residential
- SFR - Single Family Residential




NOTE:
 PROPOSED LAND USES BASED UPON EXISTING DRAFT AND
 APPROVED SPECIFIC PLAN DOCUMENTS AND THE GENERAL PLAN.

**CARVER-BANGS
 SPECIFIC PLAN**
 Proposed Area Land Use

Exhibit 1 - 4

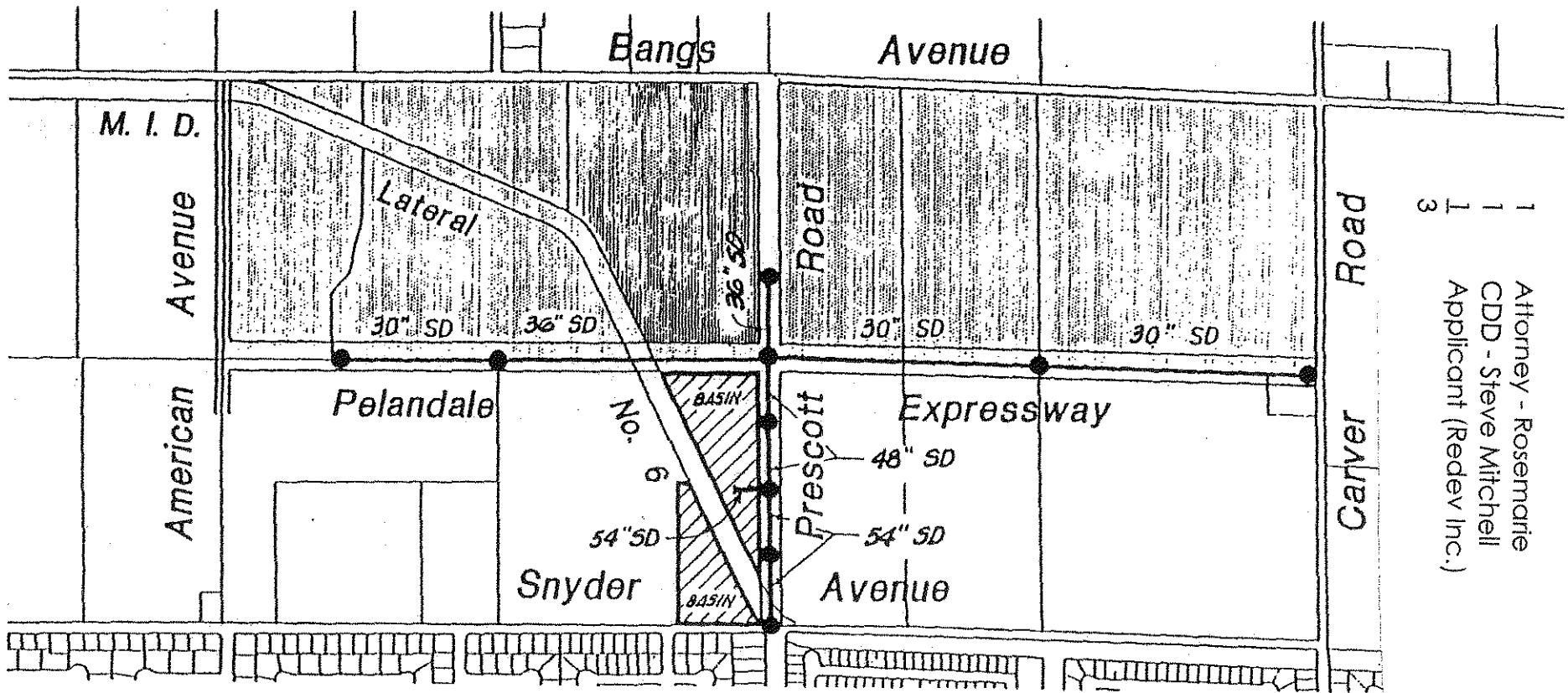


 Specific Plan Boundary

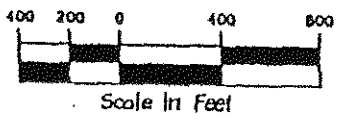
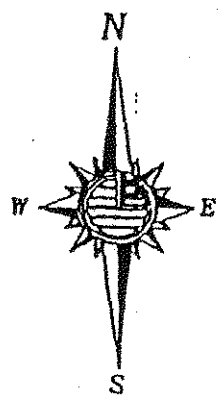
**CARVER-BANGS
SPECIFIC PLAN**

Land Use Plan

Exhibit 2 - 1



- 1 Attorney - Rosemarie
- 1 CDD - Steve Mitchell
- 1 Applicant (Redev Inc.)
- 3



**CARVER-BANGS
SPECIFIC PLAN**
Storm Drainage Master Plan

Cleek

MODESTO CITY COUNCIL
RESOLUTION NO. 99-443

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005) RELATING TO THE APPROVAL OF THE CARVER-BANGS SPECIFIC PLAN: APPROVING AMENDMENT NO. 2 TO THE CARVER-BANGS SPECIFIC PLAN TO ALLOW MULTI-FAMILY DEVELOPMENT AT THE NORTHWEST CORNER OF PELANDALE AVENUE AND PRESCOTT ROAD. (REDEV INC.)

WHEREAS, on April 1, 1997, by Resolution No. 97-162, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, 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 99-42 reviewed the proposed Amendment No. 2 to the Carver-Bangs Specific Plan to allow multi-family development at the northwest corner of Pelandale Avenue and Prescott

Road, and made the determination that there are no substantial changes proposed in the project which will require major revisions in the Final Focused 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 Focused 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 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. There are no substantial changes proposed in the specific plan amendment that will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR (SCH No. 94082005).
2. There are no substantial changes occurring with respect to circumstances under which the specific plan amendment is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.
3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.
4. The Initial Study, Environmental Assessment No. EA/CDD 99-42, provides the substantial evidence to support findings 1-3 noted above.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

EA/CDD 99-42

City of Modesto
Initial Study

Carver-Bangs Specific Plan Amendment No. 2

EA/CDD 99-42

June 10, 1999

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Carver-Bangs Specific Plan, which includes the area in which this project is proposed.

Section 21166 of the Public Resources Code allows the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR to be used for subsequent projects, 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:
Carver-Bangs Specific Plan Amendment No. 2
- 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 northwest corner of Pelandale Avenue and Prescott Road.
- E. Project Sponsor:
Redev Inc., 2020 Standiford Av., D-5, 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 Carver-Bangs Specific Plan to allow multi-family residential development consistent with the City's R-3 Zone on 9.7 acres, and relocate a storm drainage basin to south of the project site.
- I. Surrounding land uses:
The project is adjoined on the north and west by agricultural land designated for residential development in the Carver-Bangs Specific Plan, to the east by a currently-developing single-family subdivision, and to the south a future expressway and a storm-drainage basin south of that.
- 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 the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. A traffic analysis done for this project showed that there would be an increase of peak-hour trips generated by development in the Carver-Bangs Specific Plan from 808 peak-hour trips to 828 peak-hour trips. However, the City's Transportation Planning Section has concluded that this increase is not significant, and would cause no degradation in the level of service for the surrounding streets and intersections. Therefore, there are no significant changes needed to the traffic and circulation impacts analyzed in this section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality in a residential development. Since the traffic impacts are not significantly greater than analyzed in the EIR, air quality

impacts are also not significantly greater than those analyzed in the EIR.

3. Generation of Noise

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. The proposed specific plan amendment will result in multi-family residential development of the site, which for purpose of the noise analysis, is similar to single-family residential development. Therefore, there would be no change to the noise impacts analyzed in this section of the EIR.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. The increase in demand for water supply created by the increased density of development proposed by the specific plan amendment is insignificant in comparison to overall water demand, and is easily accommodated by the planned water distribution system for that area. Therefore, there would be no change to the impacts from increased demand for water supplies analyzed in this section of the EIR.

5. Increased Demand for Sanitary Sewer Services

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. Similar to demand for increased water supply, this specific plan amendment would result in an insignificant increase in demand for sewer services that is easily accommodated by the planned sanitary sewer system for the area. Therefore, there would be no change to the impacts from increased demand for sanitary sewer services analyzed in this section of the EIR.

6. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. Since this specific plan amendment proposes development in an area already analyzed by the EIR for loss of habitat due to development, there would be no change to the impacts resulting from loss of sensitive wildlife and plant habitat analyzed in this section of the EIR.

7. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. Since this specific plan amendment proposes development in an area already analyzed by the EIR for drainage, flooding and water quality impacts due to development, there would be no change to the impacts to drainage, flooding and water quality analyzed in this section of the EIR.

8. Increased Demand for Storm Drainage

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. Although the specific plan amendment would shift the storm drain basin to the south, adequate storm drainage to meet City standards will still be provided. Therefore, there would be no change to the impacts from increased demand for storm drainage analyzed in this section of the EIR.

9. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. It 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, this conclusion remains valid.

10. Increased Demand for Schools

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR. It 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, this conclusion remains valid.

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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the period since then, there have been no significant changes to the surrounding area that were not already anticipated and analyzed by the 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR or General Plan Master 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. Since then, there is no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.
- C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused 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,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 99-444

A RESOLUTION APPROVING SELECTION OF OFFICES BY
CITY COUNCIL CHAIR DESIGNATION.

WHEREAS, the program for development of floorplans for the City/County Administration Building designates a specific office for the Mayor of the City of Modesto, however, the program did not designate specific office selections for City Councilmembers, and

WHEREAS, a copy of the floorplan for the City/County Administration Building is attached hereto as Exhibit "A", and

WHEREAS, City staff has requested direction on selecting office designations for Councilmembers' offices in order to provide appropriate signage and to allow for delivery of appropriate files and phone lines, and

WHEREAS, at its meeting held on September 7, 1999, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the selection of Councilmember's offices by City Council Chair designation, as follows:

1. Chair 1, Councilmember Dobbs, Room No. 6011.
2. Chair 2, Councilmember Smith, Room 6012.
3. Chair 3, Councilmember Conrad, Room 6013.
4. Chair 4, Councilmember Serpa, Room 6047.

5. Chair 5, Councilmember Friedman, Room 6048.
6. Chair 6, Councilmember Fisher, Room 6049.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Lang, 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

(SEAL)

APPROVED AS TO FORM:

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

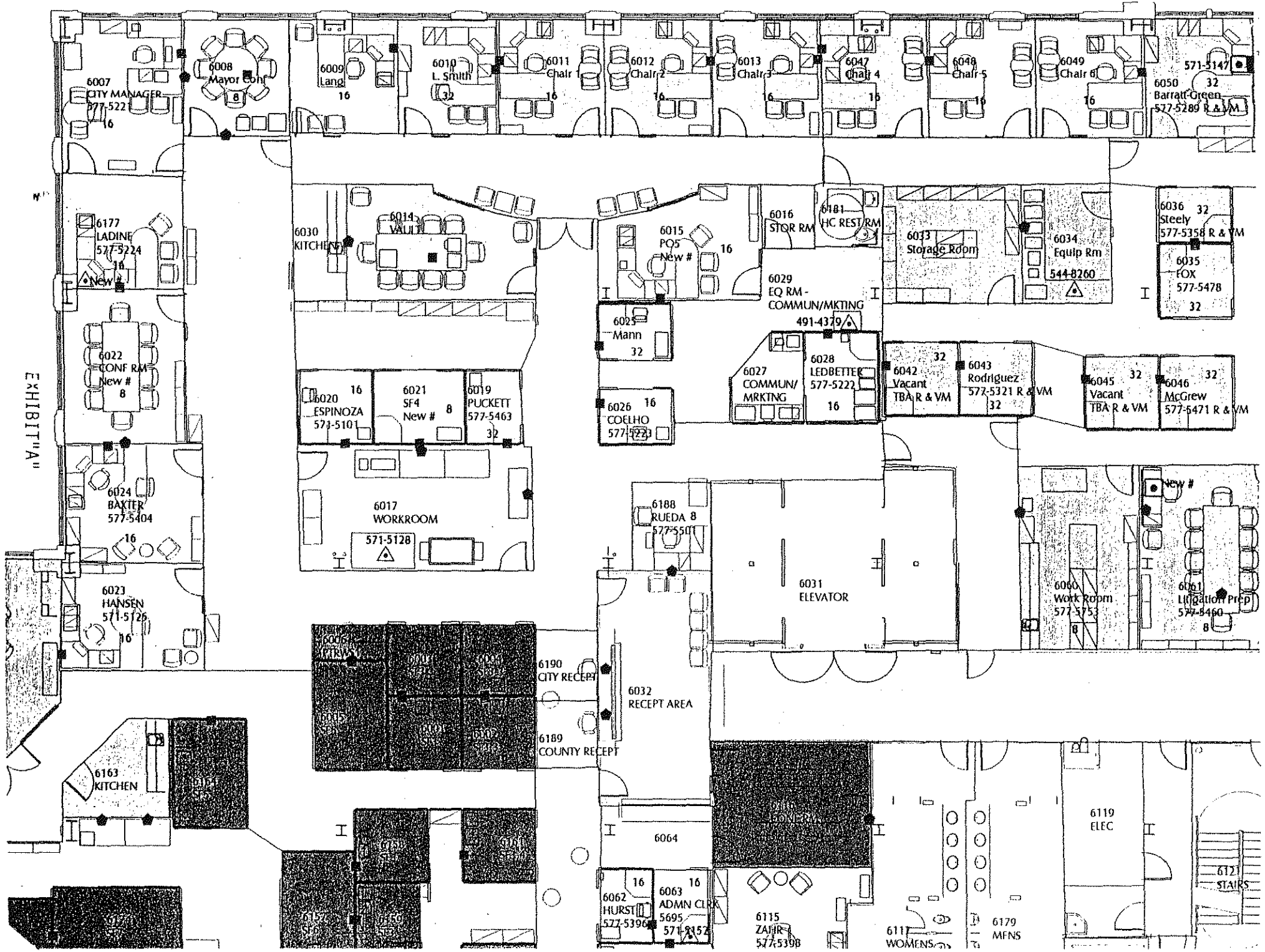


EXHIBIT "A"

6007 CITY MANAGER
577-5221
16

6008 Mayor Eohl
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6009 Lang
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6010 L. Smith
32

6011 Chair
16

6012 Chair 2
16

6013 Chair 3
16

6047 Chair 4
16

6048 Chair 5
16

6049 Chair 6
16

571-5147
6050 32
Barratt-Green
577-5289 R & VM

6177 LADINE
577-5224
16
NEW

6030 KITCHEN

6014 VALUET
16

6015 POS
New #
16

6016 STOR RM

6181 HC REST RM

6033 Storage Room

6034 Equip Rm
544-8260

6036 32
Steely
577-5358 R & VM

6035 FOX
577-5478
32

6022 CONF RM
New #
8

6020 16
ESPINOZA
571-5101

6021 SF4
New #
8

6019 PUCKETT
577-5463
32

6025 Mann
32

6029 EQ RM -
COMMUN/MKTING
491-4379

6028 LEDBETTER
577-5222
16

6042 Vacant
TBA R & VM

6043 Rodriguez
577-5321 R & VM
32

6045 32
Vacant
TBA R & VM

6046 32
McGrew
577-6471 R & VM

6024 BAXTER
577-5404
16

6017 WORKROOM
571-5128

6188 RUEDA 8
577-5501

6031 ELEVATOR

6060 Work Room
577-5753

6061 Litigation Prep
577-8460
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6023 HANSEN
571-5126
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6190 CITY RECEIPT

6032 RECEIPT AREA

6189 COUNTY RECEIPT

6163 KITCHEN

6062 HURST
527-5396
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6063 ADMN CLK
5695
16

6115 ZAJAR
577-5398

6111 WOMENS

6179 MFNS

6119 ELEC

6121 STAIRS

MODESTO CITY COUNCIL
RESOLUTION NO. 99-445

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND FM GOLF TO PROVIDE MANAGEMENT SERVICES AT THE
CITY'S THREE GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and FM Golf to provide management services and the City's three 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 7th day of September, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-446

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND ENVIRONMENTAL GOLF INC. TO PROVIDE MAINTENANCE
SERVICES AT THE CITY'S THREE GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Environmental Golf Inc. to provide maintenance services and the City's three 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 7th day of September, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-447

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
PROVIDE MANAGEMENT AND MAINTENANCE SERVICES AT THE CITY'S THREE
GOLF COURSES**

WHEREAS, over the past several years, the Golf Fund ended the fiscal year in a serious deficit, resulting in the need for a loan from the General Fund. A study was conducted by Environmental Research Associates concluding that the local golf market was highly competitive and structural changes were needed to make the fund solvent; and

WHEREAS, re-negotiation of the terms of the agreement with Environmental Golf, Inc. (EGI) was completed. All parties agreed that a proportional share of the financial risk between the City, EGI and FM Golf was in the best interest of the Golf Program and that a term of 3-5 years would be necessary to accomplish this objective; and

WHEREAS, a revised Golf Fund budget was approved with requested budget amendments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 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 7th day of September, 1999, 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 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

ATTACHMENT A

Revenue

#6600-330-3311-4601	4,000
#6600-330-3311-4602	4,500
#6600-330-3311-4603	4,000
#6600-330-3311-4620	(4,101)
#6600-330-3311-4621	(14,000)
#6600-330-3311-4622	(20,000)

Expense

#6600-330-3315-0235	(56,703)
#6600-330-3311-0205	(3,025)
#6600-330-3311-0206	90
#6600-330-3311-0235	(4,576)
#6600-330-3311-0255-C	1,500
#6600-330-3311-0301	(400)
#6600-330-3311-0308	(700)
#6600-330-3316-0223-3300C	(1,450)
#6600-330-3316-0226-C	(2,450)
#6600-330-3316-0250-B	(32,478)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-448

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND THE CITY OF MANTECA FOR USE OF THE CITY OF
MODESTO'S PROPERTY AGENT'S RIGHT-OF-WAY SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Manteca for the use of the City of Modesto's Property Agent's right-of-way 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 14th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Dobbs

ABSENT: Councilmembers: Serpa

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-449

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RICKEY DAN MOORE FOR THE ACQUISITION OF PROPERTY LOCATED AT 1720 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Rickey Dan Moore for the acquisition of property located at 1720 Hillside Drive for \$30,000 for the Flood Protection 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-450

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PHILIP CERRINO FOR THE ACQUISITION OF PROPERTY LOCATED AT 634 SOUTH CONEJO AVENUE AS PART OF THE AIRPORT NEIGHBORHOOD VACANT PROPERTY ACQUISITION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Philip Cerrino for the acquisition of property located at 634 South Conejo Avenue for \$28,700 as part of the Airport Neighborhood Vacant Property Acquisition 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-451

A RESOLUTION ACCEPTING THE PROJECT TITLED "1998 STORM DRAIN REPAIRS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 1998 Storm Drain Repairs, has been completed by Wickum Construction, in accordance with the contract agreement dated January 5, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 1998 Storm Drain Repairs be accepted from said contractor, Wickum Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$138,113 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 September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-452

A RESOLUTION ACCEPTING THE PROJECT TITLED "RENOVATE TENNIS
COURTS AT EAST LA LOMA PARK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Renovate Tennis Courts at East La Loma Park, has been completed by Southwest Recreational Industries Inc., in accordance with the contract agreement dated October 13, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Renovation of Tennis Courts at East La Loma Park be accepted from said contractor, Southwest Recreational Industries Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$65,013.05 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 September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-453

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON INC. FOR THE PROJECT TITLED "ENTERPRISE BUSINESS PARK WATERLINE"

WHEREAS, the bids received for Enterprise Business Park Waterline were opened at 11:00 a.m. on August 31, 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 \$251,997 from Fagundes & Son Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fagundes & 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-454

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$279,717 TO
FULLY FUND ENTERPRISE BUSINESS PARK WATERLINE

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

FROM: Extend Water Mains Unspecified, 610-480-L041 6040; \$279,717

TO: Enterprise Business Park Waterline 6040; \$279,717

Transfer needed to fully fund the project and for ease in project accounting.
No account number was previously identified for this project. Funds will be
transferred to a new account which has not been created.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-455

A RESOLUTION ACCEPTING THE BID OF ROSS CARROLL INC. FOR THE
PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 1999/2000"

WHEREAS, the bids received for Rockwell Replacement/Addition 1999/2000 were opened at 11:00 a.m. on August 24, 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 \$436,399 from Ross Carroll 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 Ross Carroll 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-456

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$50,000 TO FULLY FUND ROCKWELL REPLACEMENT/ADDITION 1999/2000

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

FROM: Storm Water Emergency Generator 6280-480-L095 6040; \$50,000

TO: Rockwell Replacement/Addition 1999/2000 6280-480-L096 6040;
\$50,000

Additional rockwells were added to the project to eliminate areas of poor storm water drainage. Funding became available from the Storm Water Emergency Generator project when it was found that bypass piping could be substituted for an emergency generator at one location.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-457

A RESOLUTION ACCEPTING THE PROJECT TITLED "BUS YARD FUEL
FACILITY REPLACEMENT" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Bus Yard Fuel Facility Replacement, has been completed by Rick Armstrong Engineering & Building Contractor Inc., in accordance with the contract agreement dated June 23, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Bus Yard Fuel Facility Replacement be accepted from said contractor, by Rick Armstrong Engineering & Building Contractor Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$296,590.87 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 September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-458

A RESOLUTION INCREASING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION'S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 15% TO 16% OF THE ORIGINAL CONTRACT PRICE WITH RICK ARMSTRONG ENGINEERING AND BUILDING CONTRACTOR, INC., ON THE BUS YARD FUEL FACILITY REPLACEMENT PROJECT.

WHEREAS, on June 23, 1998, the City Council awarded a \$257,500.00 contract to Rick Armstrong Engineering And Building Contractor Inc., to replace the Bus Yard underground fuel tanks and the fuel island with above ground tanks, and a new fuel island with a canopy, and

WHEREAS, the contractor started work on August 10, 1998, and the work was completed on March 31, 1999, and

WHEREAS, on May 4, 1999, by Resolution No. 99-205, the Council increased the Director of Engineering and Transportation's authority level to issue change orders from 10% to 15%, based on the estimated amount of change order work necessary as a result of the contaminated soil encountered during the tank removal process, and

WHEREAS, the final cost for all of the extra work is \$39,090.87, which is approximately 16% of the original contract amount, and

WHEREAS, the amount of extra work exceeds the Director's current authority of 15%, or \$38,625.00, and

WHEREAS, City staff has requested an increase in the Director's change order

authority from 15% to 16%, to allow execution of the final change order, and

WHEREAS, the total cost of the completed work is \$296,590.87,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the Director of Engineering and Transportation's authority level to issue change orders, from 15% to 16% of the original contract price with Rick Armstrong Engineering and Building Contractor, Inc., to pay for the cost of change order work necessary as a result of the contaminated soil encountered during the tank removal process in connection with the completion of the Bus Yard Fuel Facility Replacement Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-459

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR RECORDS
MANAGEMENT SYSTEM AT THE MODESTO POLICE DEPARTMENT

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 records management system at the Modesto Police Department, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 5, 1999 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-460

A RESOLUTION APPROVING THE VISIONING PROJECT 1999, AUTHORIZING CONTINUED PARTICIPATION IN THE PROJECT, AND DIRECTING STAFF TO PREPARE AN IMPLEMENTATION STRATEGY FOR THE PROJECT.

WHEREAS, the Visioning Project 1999, also referred to as the "Countywide Visioning Project", represents a two-year effort to develop a collaborative vision for the future of Stanislaus County and its nine incorporated cities, and

WHEREAS, the Visioning Project brought together business leaders, educators and government leaders from each of the county's jurisdictions to formulate vision statements representative of regional and community values, and

WHEREAS, community input was achieved through the Community Outreach component of the project by distribution of draft visions throughout the county, via surveys and other public forums, and

WHEREAS, said draft visions were revised based upon feedback obtained during the public outreach portion of the project, and

WHEREAS, the City's participation in the Visioning Project 1999 represents an important first step toward achieving collaborative planning for the future of Stanislaus County and supports several ongoing projects already endorsed by the City Council, and

WHEREAS, the City's continued participation and representation in the Visioning Team is critical to ensuring that our interests are addressed during the implementation phase of the project, and

WHEREAS, development of an implementation strategy for the Visioning Project 1999 will provide the City with a defined plan for effecting the action statements and a method for measuring progress toward the Vision Project goals, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee met on September 9, 1999, and reviewed the Visioning Project 1999, and recommended approval of said project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Visioning Project 1999.

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the Mayor and Acting City Manager to continue to participate in and represent the City of Modesto during the implementation phase of the Countywide Visioning project.

BE IT FURTHER RESOLVED that the City Council hereby directs City staff to develop a strategy for implementation of the adopted Visioning Project 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-461

A RESOLUTION ACCEPTING A REORGANIZATION PLAN
RELATING TO THE COMMUNITY SERVICES AND
NEIGHBORHOOD CONNECTIONS DEPARTMENT
CHANGING TO THE RECREATION AND
NEIGHBORHOODS DEPARTMENT.

WHEREAS, in order to provide for an organizational structure that will enable the City to initiate a new venture in neighborhoods, enhance and customize leisure delivery systems, and maximize the potential of our cultural and public enterprises within our existing Accountability Budgeting System, a reorganization plan has been suggested, and

WHEREAS, a reorganization plan was developed and shared with the Reorganization Design Team, and the plan has been approved by the Acting City Manager and has received the support of the Financial Policy Committee, and

WHEREAS, a report to the Council dated September 3, 1999, which set forth the proposed reorganization plan and proposal to change the name of the Community Services and Neighborhood Connections Department to the Recreation and Neighborhoods Department was considered by the City Council at its meeting held on September 14, 1999, and a copy of said report is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the reorganization plan and the proposal to change the name of the Community Services and Neighborhood Connections Department to the Recreation and Neighborhood Department, as set forth in the attached report, a copy of which report 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



CITY OF MODESTO

AGENDA REPORT

AGENDA ITEM NO.

COUNCIL MEETING:

09/14/99

September 3, 1999

TO: City Council

FROM: Community Services and Neighborhood Connections Department

SUBJECT: DEPARTMENT RE-ORGANIZATION AND NAME CHANGE

RECOMMENDED COUNCIL ACTION:

Consider adoption of a resolution accepting re-organization plan and consider introduction of an ordinance changing the name of the Community Services and Neighborhood Connections Department to Recreation and Neighborhoods Department.

BACKGROUND:

When the City-wide re-organization occurred approximately eighteen months ago, it was anticipated that further internal re-organization of the former Parks and Recreation (currently Community Services and Neighborhood Connections) Department would occur. Due to several changes in departmental leadership, up until now, a plan has not been prepared and approved by the City Manager.

The goal of the department's re-organization is to: provide for an organizational structure that will enable the City to initiate a new venture in the neighborhoods; enhance and customize leisure delivery systems; and, maximize the potential of our cultural and public enterprises within our existing Accountability Budgeting System (ABS) system. This goal is consistent with the department's mission to: create collaborative relationships and partnerships among individuals, groups and local governments; to strengthen neighborhood life; and, to provide opportunities for personal enrichment through leisure, cultural and educational activities and facilities.

A re-organization plan was developed and shared with the Re-organization Design Team (Personnel Director, Operations and Maintenance Director, Community Development Director, Police Chief and Acting City Manager); their suggestions were incorporated and the plan was further refined. The plan has been approved by the Acting City Manager and has received the support of the Financial Policy Committee.

Key organizational changes include:

- ◆ Move Office of Housing and Neighborhoods from the Community Development Department (CDD) to CSNC (except for Affordable Housing Production, RDA set-aside & HOME, workforce development and economic development).
- ◆ Move Citizens Housing & Community Development Commission, Housing Rehabilitation Loan Committee and Housing Maintenance and Counseling Committee from CDD to CSNC.
- ◆ Move Community Qualities Forum from City Manager's Office to CSNC and broaden function to include "Neighborhood Life" issues.

- ◆ Move Landscape Review from CSNC to CDD.
- ◆ Move Graffiti Abatement from CSNC (NPU) to O&M.
- ◆ Merge Leisure Services and Neighborhood Connections into four zones approximately aligned with PD Area Commands.
- ◆ Decentralize NPU into the same four zones.
- ◆ Decentralize Housing Rehabilitation into the three area offices that have low-income neighborhoods.
- ◆ Move the Landmark Preservation Commission from CDD to CSNC (previously implemented).
- ◆ Move Modesto Youth Conservation Corps from CSNC to O&M (previously implemented).
- ◆ Move the Golf Program to the Cultural and Enterprise Services Division of CSNC (previously implemented).

In addition to the Administration function, the re-organization plan proposes four Divisions as follows:

- ◆ Community Services, which would include marketing and communications, business services (payroll, accounts payable and other financial functions), Youth/Senior Financial Assistance Program, Guest Services (program registration and facility reservations), management of the Tuolumne River Regional Park, and some City-wide recreation services such as adult sports and aquatics;
- ◆ Planning and Development Services, which would include management of the parks and facilities portion of the Capital Improvement Program, Park Partner projects, CDBG and neighborhood improvement Capital Improvement projects, and water conservation;
- ◆ Recreation and Neighborhood Services, which would include four area offices, CDBG Administration, NPU Administration and Housing Rehabilitation Administration; and,
- ◆ Cultural and Enterprise Services, which would retain management and operation of the Modesto Centre Plaza, John Thurman Field, the Golf Program and Cultural Services (the McHenry Mansion, McHenry Museum, Landmark Preservation, and other cultural and historical activities and programs).

Four Area Offices would be created, with area boundaries approximating those of the Police Department Area Offices. Each office would be responsible for programming in its area, including recreation programming for all ages, facility management, neighborhood preservation and code enforcement, housing rehabilitation (except the Northeast Area Office), and the new venture of neighborhood connections, including neighborhood organizing, programs and services. Full-time staffing would include an Area Manager, a Neighborhood Organizer, a Code Enforcement Officer, a Housing Rehabilitation Specialist (except Northeast), and clerical support. Additional part time staff would be assigned, based on the programs and facilities located in each area.

Moving the Housing and Neighborhoods and Neighborhood Preservation functions and resources to the new Recreation and Neighborhoods Department (R&N) and out into the area offices will enhance communication and improve the City's ability to respond to neighborhood needs and issues. Likewise, locating the Community Development Block Grant staff and functions in R&N will provide greater coordination between funding allocations and other neighborhood initiatives.

Currently, the City is not including in the General Fund budget the full amount that CDBG allows the City to charge as administration fees (20% of CDBG grant allocations). Part of the re-organization plan provides for the full fees to be assessed and for this additional General Fund revenue to be used to enhance neighborhood programming. The balance of funding for the re-organized department will come from the existing operating budgets of the CSNC department and the portion of CDD that is being transferred. Any one-time expenses for establishing area offices, staff training, community information and events, etc., would be funded through the department's ABS carry-over from Fiscal Years 97-98 and 98-99. Several re-classifications of personnel are proposed; these would also be funded through existing budgets. No lay-offs are proposed. Detailed financial analyses have been completed which support the department's ability to re-organize according to the proposed plan without the need of new fiscal resources.

As a part of the City-wide re-organization, the name of the Parks and Recreation Department was changed to Community Services and Neighborhood Connections Department (CSNC). This name change was a method of emphasizing the vision of the department's future role in the community as well as a way of removing "Parks" from the name, since the park maintenance function had shifted to the Operations and Maintenance Department. After a year and a half of being known as the Community Services and Neighborhood Connections Department, the following conclusions have been reached:

- ◆ The department name is too long to easily "roll off the tongue";
- ◆ Our customers are not clear about what the department's functions are; and,
- ◆ The public confuses the department with Stanislaus County's Community Services Agency.

Staff is therefore proposing that the name of the department be changed to Recreation and Neighborhoods Department. This name provides the public with a clear and concise concept of the department's mission, purpose and function. It also moves us into the structure that will be the basis of the re-organization plan.

Although there are many steps left before the re-organization itself is complete and implemented, staff is recommending that the name change occur immediately. With our move to Tenth Street Place, this is a good opportunity to make the change. Operationally, changing the name now will remove the need to change signage in the new facility, and it will eliminate the expense of having to re-order items such as stationary and business cards. Philosophically, changing the name now will allow staff to begin to look toward the re-organization as an exciting opportunity to develop programming, services and facilities that will meet the individual needs of Modesto's diverse neighborhoods and will move us into the next century.

REASON FOR RECOMMENDED ACTION:

In order to more effectively meet the needs of the citizens of Modesto, re-organization and a change in the name of the department are desirable.

COUNCIL COMMITTEE RECOMMENDATION:

The Financial Policy Committee met on August 31, 1999 and supported staff's recommended re-organization plan and name change.

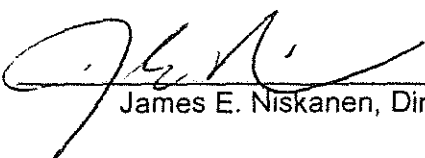
STEPS FOLLOWING APPROVAL:

The department will change its name to Recreation and Neighborhoods Department. Once the re-organization plan is approved, the following will occur:

- ◆ Staff will work with the Personnel Department to review all new classifications and staff impacts.
- ◆ Staff will work with the Finance Department to conduct the financial analysis to insure its conformance to ABS limitations.
- ◆ Portions of the Modesto Municipal Code that are impacted will be identified.
- ◆ Staff will return to the City Council for approval of the actual re-organization, including approval of the new personnel classifications, acceptance of budget modifications and introduction of an ordinance for final changes to the Municipal Code.

Once the City Council approves the re-organization, personnel will be recruited, interviewed and selected, area offices will be identified and secured, training will occur for department staff, and training will be given to other City staff involved in providing programs and services to neighborhoods.

Prepared by: 
Carolyn Eubank, Administrative Analyst II

Recommended by: 
James E. Niskanen, Director

Submitted by: _____
Paul Baxter, Acting City Manager

CC: Senior Executive Team

MODESTO CITY COUNCIL
RESOLUTION NO. 99-462

A RESOLUTION ACCEPTING THE UTILITY SERVICES &
FRANCHISES COMMITTEE RECOMMENDATIONS
REGARDING THE CONTINUED OPERATIONS OF THE
BIOSOLIDS/CO-COMPOSTING PROGRAM BY CITY
STAFF.

WHEREAS, on March 12, 1996, the City Council approved a pilot biosolids/co-compost program to include biosolids removal/dewatering and co-composting, and, in addition, the City Council directed staff to report back to the City Council within two years of initiating operations on issues and options for competitive bid of co-compost operations, and

WHEREAS, on October, 1997, the Regional Board approved co-composting at the City of Modesto Compost Facility, thus, the two years of operational activity will be completed in October, 1999, and

WHEREAS, the City contracted with HDR Engineering, Inc., of Folsom, California, to prepare a competitive assessment of the co-composting operations, which competitive assessment prepared by HDR indicates that the co-composting operation at Jennings Road is competitive in all areas of analysis, and

WHEREAS, the Utility Services & Franchises Committee met on August 25, 1999, to review staff's report and hear from a HDR representative, after which the Committee voted to recommend to the City Council the acceptance of the report findings and to change the status of six limited-term employees at the compost facility to permanent full-time positions, and

WHEREAS, on September 14, 1999, the City Council considered a report from the Operations & Maintenance Director relating to Competitive Assessment of Co-Compost Operations and those recommendations set forth in said report from the Utility Services & Franchises Committee, 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 it hereby accepts the Utility Services & Franchises Committee recommendations regarding the continued operation of the biosolids/co-composting program by City staff. 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 14th day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-463

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND DMG-MAXIMUS TO CONDUCT EXECUTIVE SEARCHES FOR
CITY MANAGER AND POLICE CHIEF

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and DMG-MAXIMUS to conduct executive
searches for City Manager and Police Chief 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 14th day of September, 1999, 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, Dobbs, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher & Serpa

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-464

A RESOLUTION APPOINTING RUTH CLAYBROOKS TO THE DOWNTOWN
IMPROVEMENT DISTRICT BOARD OF DIRECTORS

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. Ruth Claybrooks is hereby appointed to the Downtown Improvement District Board of Directors.

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 Board of Directors, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of September, 1999, 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, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher & Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-465

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS
PROPERTY BY SEALED BID OR PUBLIC AUCTION.

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 1977 Model APOT25E3 Air Compressor (SIN0977-6) and accessories 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, a description of the 1977 Model APOT25E3 Air Compressor (SIN0977-6) and accessories to be sold by sealed bid and/or public auction 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 1977 Model APOT25E3 Air Compressor (SIN09776) and accessories 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 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, and subject to 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 21st day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

SURPLUS

1	Attorney
1	Purchasing
2	

Clerk (4)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-466

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS
PROPERTY AS SCRAP MATERIALS.

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

WHEREAS, Resolution No. 83-160 authorizes the Purchasing Officer to
dispose of scrap materials at the best available market price on an on-going basis, and

WHEREAS, the City possesses a large amount of street signs and outdated fire
hydrants which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold
as scrap materials, and

WHEREAS, surplus City street signs and outdated fire hydrants will be added
to the scrap materials list and be sold by direct sales at City Hall at the Mall and Central
Stores,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the City Manager or his authorized representative are hereby authorized and
directed to add to the scrap materials list surplus City street signs and outdated fire hydrants,
said items to be sold by direct sales at City Hall at the Mall and Central Stores.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

SURPLUS

1	Attorney
1	Purchasing
2	

Clerk 5

MODESTO CITY COUNCIL
RESOLUTION NO. 99-467

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-two (22) 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 twenty-two (22)

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 21st day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

SURPLUS

1	Attorney
1	Purchasing
2	

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-468

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

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

WHEREAS, the City possesses IBM Mainframe computer equipment 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, a list of the IBM Mainframe computer equipment 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 IBM Mainframe
computer equipment, which is 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

SURPLUS

1	Attorney
1	Purchasing
2	

MODESTO CITY COUNCIL
RESOLUTION NO. 99-469

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND MODESTO CHAMBER OF COMMERCE TO PROVIDE 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 to provide
funding to the Convention and Visitors Bureau based on 13.33% of the Transient
Occupancy Tax accrued for Fiscal Year 1999-2000 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 21st day of September, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-470

A RESOLUTION APPROVING THE FINANCIAL POLICY COMMITTEE
RECOMMENDATIONS FOR THE FISCAL YEAR 1999-2000 BUDGET PACKAGE

WHEREAS, the Council of the City of Modesto, on April 28, 1998 by Res. 98-227 appointed a 17-member Blue Ribbon Committee on Budget Contingency Planning, and by order of this resolution shall be designated as a Citizens Advisory Committee and;

WHEREAS, due to a settlement with the Howard Jarvis Taxpayers' Association, the City of Modesto was to cease half the transfers to the General Fund from the utility funds required in fiscal year 2000, with the second half to cease in fiscal year 2001; and

WHEREAS, the Fiscal Year Budget was adopted by the City Council on June 22, 1999 conforming to the terms of that settlement, and;

WHEREAS, several members of the Council of the City of Modesto indicated an interest in determining whether the final portion of the transfer from the utility funds to the General Fund could be discontinued earlier than that stipulated in the settlement, and;

WHEREAS, Council held a budget workshop on August 10, 1999, receiving feedback from various citizens, after which the Financial Policy Committee held an additional public meeting on August 31, 1999 and developed a proposal, shown on Attachment A, attached hereto and made a part hereof, to cease the final portion of the transfer.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the recommendations of the Financial Policy Committee for cessation of the remaining half of the Utility Funds Transfers be, and are hereby approved.

BE IT FURTHER RESOLVED, that the execution of said cessation of the remaining half of the Utility Fund Transfers 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 September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Attachment A

Financial Policy Committee Recommendations for Cessation of Remaining Half of Utility Fund Transfer

1. Transfer In From Utility Fund \$1,305,972

The transfer from Water Fund is \$581,558 and Wastewater Fund is \$724,414, and the appropriate adjustments to the Transfer Out lines in the utility funds.

Revenue Enhancements:

2. Tree Trimming Revenue \$ 25,000

City crews will prune trees at the request of the Storm Drain Collections Superintendent for rockwell rejuvenation. This proposal has a minimal impact to citizens and can be implemented immediately. This proposal may extend four-year pruning cycle by three weeks.

3. Revised Property Tax Revenue Projection \$ 150,000

Based on information received from the Stanislaus County Assessor's office on 1999-2000 assessment role, we are increasing our property tax revenue estimate by \$150,000. The increase over 1999 is 4.33%.

4. Franchise Fee - City Towing \$ 30,000

A recommendation to initiate a Towing Franchise Fee, which would be paid by the towing companies for each City-requested tow. A portion of the revenue would be used to cover the costs of inspections and administration. This item would require an amendment to the Municipal Code and adoption of a resolution to establish the fee.

5. Insurance Stock Sale \$ 627,215

The City has contracted with Standard Mutual Insurance Company for many years for several of our employee benefits. Late last year, Standard decided to dissolve the mutual company and take it public. Because of our long historical relationship, the City had built-up equity in the mutual company. At the time of conversion, the City had amassed 21,880 shares that were valued at \$23.75 per share. This equity was a complicated formula based upon the type of coverage, length of service with Standard, and the premiums paid.

This is a one-time revenue source and is not estimated to be available in future years. This recommendation will put \$427,215 of the total \$519,650 rebate into General Fund. The Committee also recommends that the City withdraw an additional \$200,000 from the City's Premium Deposit Account with Standard Insurance and allocate that amount to the General Fund. The total impact is \$627,215. The balance of \$92,435 (the employee portion of the de-mutualization) is recommended to be transferred to the Employee Benefit Fund.

Expenditure Reductions

6. Eliminate non-grant portion of the Youth Conservation Corps \$ 121,000

The current Youth Conservation Program allows for the hiring of 30 youth in the summer months and weekends during the school year. This recommendation will allow for the hiring of only 10 youth from the General Fund. Seven additional youths will be used in the Water and Sewer Funds for projects. Thirteen fewer youths will be employed resulting in a reduction in General Fund funding. Park standards will be impacted at some level on special projects, resulting in less of an emphasis on youth training, development and employment through the MYCC program.

7. Reduce Consultant budget in City Manager's Office \$ 27,000

Reduce consultant costs in the City Manager's Office for media consulting and State to legislative analysis and services.

8. Reduce Council Travel Budget \$ 10,000

Reduce the City Council's travel budget by \$10,000.

Use of General Fund Reserves

9. Use General Fund Reserves as one-time measure \$ 315,757

The total impact of the above ten items represents \$1.0 million on the General Fund Fiscal Year 1999-2000 budget. However, note that only \$493,000 is ongoing. To achieve the \$1.3 million target reduction, FPC is recommending using \$315,757 of General Fund reserves, with the knowledge that the latest fund balance estimates show the potential for a much-improved ending position.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-471

A RESOLUTION ADOPTING NORTH MC HENRY
REVENUE SHARING ADMINISTRATIVE GUIDELINES.

WHEREAS, in December, 1998, the City Council approved an agreement between the City of Modesto and the County of Stanislaus for the sharing of tax revenues generated from a designated area along North McHenry Avenue, and

WHEREAS, the agreement is based on tax revenues received within the area during FY 1997-98, and during this base year, each jurisdiction received approximately \$1.5 million, and

WHEREAS, under the agreement the jurisdictions will benefit equally from future commercial development in the designated area, and

WHEREAS, proposed administrative guidelines have been prepared jointly by the City of Modesto Finance Director and the Stanislaus County Auditor-Controller to implement Paragraph 6 of the North McHenry Corridor Agreement dated December 8, 1998, between the City and County, and

WHEREAS, on August 31, 1999, the Financial Policy Committee reviewed the proposed guidelines and concurred with staff recommendation for approval, and

WHEREAS, key elements of the guidelines include the following:

- Compliance with the 1998 Revenue Sharing Agreement
- Revenue sharing database to be maintained jointly by the City's Director of Finance and the County's Auditor-Controller
- Database will be updated on a quarterly basis

- Revenue sharing to commence with Third Quarter of FY 1998-99.

WHEREAS, County staff reviewed and concurred with the proposed guidelines, and the County Board of Supervisors is scheduled to consider approval of the proposed guidelines on September 21 1999, and

WHEREAS, at its meeting held on September 21, 1999, the City Council considered adoption of the guidelines entitled "*Administrative Guidelines North McHenry Corridor Agreement March 10, 1999*", a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in order to implement Paragraph 6 of the North McHenry Corridor Agreement dated December 8, 1998, between the City and the County, the Council hereby adopts guidelines entitled "*Administrative Guidelines North McHenry Corridor Agreement March 10, 1999*", 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 21st day of September, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

(ATTACHMENT – A)

Administrative Guidelines
North McHenry Corridor Agreement
March 10, 1999

1. These Administrative Guidelines have been prepared jointly by the City of Modesto Finance Director and the Stanislaus County Auditor-Controller to implement Paragraph 6 of the North McHenry Corridor Agreement dated December 8, 1998 between the City and County.
2. Under Article 13, Section 29b of the California Constitution, sales and use taxes may be shared by jurisdictions by contract approved by a 2/3 vote of the governing body of each jurisdiction that is a party to the contract. These Guidelines upon receiving a 2/3 vote of the City Council and the Board of Supervisors shall constitute a contract for the sharing of sales and use taxes under the authority of Article 13, Section 29b.
3. The North McHenry Agreement provides that the City and County will share general fund revenues generated from the North McHenry Area (which is shown on Exhibit A of the North McHenry Corridor Agreement) without regard to jurisdictional boundaries. The following revenues received by the City and County from within the boundaries of the North McHenry area for the fiscal year 97/98 shall be totaled:
 - i. Bradley-Burns Sales Tax (both City and County)
 - ii. Property Tax (both City and County)
 - iii. City levied business and mill tax
 - iv. City levied utility tax
 - a. The percentage of the pooled revenues contributed by the City and the County in 97/98 shall be stated in these Administrative Guidelines.
 - b. For 98/99 (beginning in the 3rd and 4th quarters thereof) and thereafter the following distributions shall be made:
 - i. The City shall receive the percentage of the pool of revenues calculated for 97/98.
 - ii. The County shall receive the percentage of the pool of revenues calculated for 97/98.
 - iii. As property is annexed to the City, a percentage of the revenues determined to reflect reduced costs to the County and increased costs to the City shall shift from the County to the City.

- c. Distributions shall be made quarterly. Distributions for Property, Utility, Business and Mill taxes will be estimated on an annual basis and adjusted to actual in the fourth quarter (June 30) each year. Sales tax will be distributed on a cash basis.
 - d. The distributions above shall be administered jointly by the City's Finance Director and the County Auditor-Controller.
4. The Director and Auditor-Controller have developed a database of properties in the North McHenry Area showing by parcel and address sales tax generation, property value, estimated property taxes, business tax generation and utility tax generation.

The actual database is a confidential document because it gives revenue generation by individual business location. The database will be jointly maintained by the Director and Auditor-Controller and will be updated quarterly on September 1, December 1, March 1 and June 1.

5. For 97-98 percentage distribution of revenues is estimated as follows:

Revenue Source	City	County
Sales Tax	1,204,524.00	1,415,311.00
Property Tax	55,869.71	132,253.27
Business and Mill Tax	198,881.00	
Utility Tax	91,121.00	
Total	1,550,395.71	1,547,564.27
Percentage	50.05	49.95

The Finance Director and Auditor-Controller believe these figures to be as accurate as possible based on their joint analysis of the properties, businesses and taxpayers within the boundaries of the North McHenry Area. The governing boards authorize the Finance Director and Auditor-Controller to jointly restate this table if information comes to light at a later time that produces more accurate figures for the specified year of fiscal year 97-98.

6. As property is annexed to the City, the percentage distribution needs to be adjusted to reflect the transfer of municipal service (primarily sheriff) costs from the County to the City (primarily police). To estimate the dollar value of this transfer, the Finance Director and Auditor-Controller are encouraged to use the Fiscal Impact Model that has been jointly developed by the City and County. Each year prior to September 1 the Finance Director and County Auditor-Controller shall stipulate the percentage distributions for that year based on annexations in the previous year. This stipulation shall be by letter.
7. Beginning March 31, 1999 and for each quarter thereafter, the Finance Director and County Auditor-Controller shall compare actual receipts by each jurisdiction to distributions required under these guidelines. Based on this comparison, a settlement by one jurisdiction to another shall occur.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-472

A RESOLUTION ACCEPTING THE BID OF DULEY'S LANDSCAPE, INC. FOR
THE MARK TWAIN NEIGHBORHOOD PARK PROJECT

WHEREAS, the bids received for the Mark Twain Neighborhood Park project were opened at 11:00 a.m. on September 14, 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 Duley's Landscape, 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 \$449,904.60 from Duley's Landscape, Inc. for the Mark Twain Neighborhood Park project 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 September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-473

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: MARK TWAIN NEIGHBORHOOD PARK.

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 Engineering and Transportation Department, by Initial Study, EA/CS 9901, reviewed the proposed Mark Twain Neighborhood Park, 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, 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,

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 Mark Twain Neighborhood Park, 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.
6. The attached Initial Study provides substantial evidence to support findings 1, 2, 3, 4 and 5 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT “A”

Initial Study

EA/CS 9901

City of Modesto
Initial Study

Mark Twain Neighborhood Park

E.A. No. EA/CS 9901
January 6, 1999

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

- A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
- B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
- C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Mark Twain Neighborhood Park

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:

In the southwest area of Modesto on the north side of California Avenue, east of Carpenter Road, adjacent to Mark Twain Junior High School.

E. Project sponsor:

City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Mark Twain Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a 7.9-acre neighborhood park within the Mark Twain Neighborhood. This project will develop the park, including street improvements, grading, paving, underground utilities, landscaping, an irrigation system, a youth baseball field, game courts, family picnic units, a children's play area with play apparatus, a restroom building and lighting.

I. Surrounding land uses:

North: Zoned R-1, currently planted in vineyards.

South: Single-family subdivisions and high density residential, zoned Planned Development and R-3.

West: Zoned R-1, currently planted in vineyards.

East: Mark Twain Junior High School and single-family residences, zoned R-1.

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**

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, and will not be a destination that requires a vehicle trip. There will be minimal on-site parking and it is expected that most people will walk or bike to the park. The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. 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-1-37) are 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, 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 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 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 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. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. 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 project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. 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 project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand 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 still valid.

K. Increased Demand for Parks and Open Space

This project will provide neighborhood park facilities in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Mark Twain Neighborhood. The demand for parks and open space will be met with the development of this park. 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

This commercial development 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.

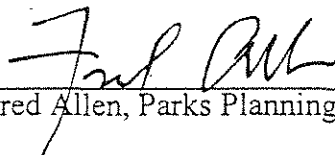
IV. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

- A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.
- B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).
- C. The Mark Twain Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.
- D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- E. This initial study provides the substantial evidence to support the above findings.

Signature:


Fred Allen, Parks Planning and Development Manager

Date: 9.16.99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-474

A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR FUNDING OF THE MAZE BOULEVARD SIDEWALK PROJECT

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 (Caltrans) for funding of the Maze Boulevard sidewalk 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-475

A RESOLUTION ACCEPTING THE BID OF 7/11 MATERIALS FOR THE MAZE
BOULEVARD SIDEWALK PROJECT

WHEREAS, the bids received for the Maze Boulevard sidewalk project were opened at 11:00 a.m. on September 7, 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 7/11 Materials, 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 \$26,932.95 from 7/11 Materials, Inc. for the Maze Boulevard sidewalk project 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 September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-476

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
ESTIMATE AND APPROPRIATE ADDITIONAL REVENUE FROM CALTRANS FOR THE
MAZE BOULEVARD SIDEWALK

WHEREAS, staff presented this project to CalTrans who agreed that the project was necessary and agreed to fund up to \$40,000 for construction of the sidewalk; and

WHEREAS, the City will be responsible for the design and construction administration costs which will be funded with Housing and Urban Development funds previously budgeted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<u>Revenue</u>	
#1130-510-9510-3138	\$26,933
<u>Expense</u>	
#1130-140-K028-6040	\$26,933

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 September, 1999, 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 votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-477

A RESOLUTION ACCEPTING THE BID OF DELL MARKETING L.P. FOR PERSONAL COMPUTERS, RELATED HARDWARE AND CALIFORNIA MULTIPLE AWARD SCHEDULES (CMAS) FEE AND AUTHORIZING THE PURCHASE FOR THE TOTAL COST OF \$107,220.25

WHEREAS, the bids received for personal computers, related hardware and California Multiple Award Schedules (CMAS) fee were opened at 11:00 a.m. on September 7, 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 Dell Marketing L.P. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$107,220.25 from Dell Marketing L.P. be accepted 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-478

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND
AUTHORIZING THE PURCHASE OF THREE 70K WATT TRAILER
MOUNTED GENERATORS FROM HOLCOMB & SON, INC. FOR THE
TOTAL COST OF \$93,195.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that formal bid procedures for three 70K watt trailer mounted generators are hereby
waived.

BE IT FURTHER RESOLVED that the purchase of three 70K watt trailer
mounted generators from Holcomb & Son, Inc. for \$93,195.00 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 28th day of September, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-479

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND
AUTHORIZING THE PURCHASE OF TWO CD150M AND ONE CD100M
GODWIN DRI-PRIMING TRASH PUMPS WITH ACCESSORIES FROM PAC
MACHINE COMPANY FOR THE TOTAL COST OF \$87,766.08

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that formal bid procedures for two CD150M and one CD100M Godwin dri-priming trash
pumps with accessories are hereby waived.

BE IT FURTHER RESOLVED that the purchase of two CD150M and one
CD100M Godwin dri-priming trash pumps with accessories for \$87,766.08 from Pac
Machine Company 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 28th day of September, 1999, by Councilmember Fisher,
who moved its adoption, which motion being duly seconded by Councilmember Dobbs,
was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-480

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND
AUTHORIZING THE PURCHASE OF ELECTRODIALYSIS FILTER
EQUIPMENT FROM AGA CHEMICALS, INC. FOR THE TOTAL COST OF
\$59,508.20

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that formal bid procedures for electro dialysis filter equipment are hereby waived.

BE IT FURTHER RESOLVED that the purchase of. electro dialysis filter
equipment for \$59,508.20 from AGA Chemicals, Inc. 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 28th day of September, 1999, by Councilmember Fisher,
who moved its adoption, which motion being duly seconded by Councilmember Dobbs,
was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-481

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH PACIFICARE BEHAVIORAL HEALTH, DESIGNATING THE AGENCY AS THE EMPLOYEE ASSISTANCE PROGRAM PROVIDER

BE IT RESOLVED by the Council of the City of Modesto that an amendment to the agreement between the City of Modesto and PacifiCare Behavioral Health, designating the agency as the Employee Assistance provider for all City of Modesto employees, except those represented by the Modesto Police Officers Association be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the amendment to 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-482

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
INCREASE REVENUES AND EXPENDITURES

WHEREAS, on June 30, 1999, without prior written notification to the City, Family Service Agency ceased operations and staff immediately made other arrangements on an interim basis; and

WHEREAS, staff issued a Request for Qualifications to all local Employee Assistance Program (EAP) providers. The annual cost of the proposal is \$20,748, which is \$14,248 over the budgeted amount for this fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<u>Expense</u>	
#7380-030-6617-0410	\$ 14,248
#7510-700-7000-7738	\$ 14,248
#7510-800-8000-8003	\$(14,248)
<u>Revenue</u>	
#7380-700-7000-9751	\$ 14,248

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 September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-483

A RESOLUTION APPROVING AN AGREEMENT WITH OLGA EDNA LUCHESSA FOR THE PURCHASE OF 1.77+ ACRES OF PROPERTY NEEDED FOR THE PELANDALE EXPRESSWAY PROJECT FOR \$60,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Olga Edna Luchessa for the purchase of 1.77+ acres of property needed for the Pelandale Expressway Project for \$60,000 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 28th day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-484

A RESOLUTION APPROVING AN AGREEMENT WITH THE EMILE LENGYEL INTER VIVOS TRUSTE DATED 4/7/93 FOR THE PURCHASE OF 1.00± ACRES OF PROPERTY NEEDED FOR THE PELANDALE EXPRESSWAY PROJECT FOR \$305,500

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Emile Lengyel Inter Vivos Trust dated 4/7/93 for the purchase of 1.00± acres of property needed for the Pelandale Expressway Project for \$305,000 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 28th day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Mayor Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-485

A RESOLUTION APPROVING AN AGREEMENT WITH THE COUNTY OF
STANISLAUS FOR THE LEASE OF BUS BAYS IN THE MODESTO
TRANSPORTATION CENTER

BE IT RESOLVED by the Council of the City of Modesto that an the agreement between the City of Modesto and Stanislaus County for the lease of bus bays in the Modesto Transportation Center be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the amendment to 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-486

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES 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 September 15, 1999, from the Engineering & Transportation Department, City staff recommended submitting a grant application to the FTA for \$2,267,369 in formula funds and \$106,236 in CMAQ funds to help offset the operation and capital costs 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 September 28, 1999, 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 \$2,267,369 in formula funds and \$106,236 in CMAQ funds to help offset the operation and capital costs 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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 28th day of September, 1999.

Dated: _____



JEAN ZAHR, City Clerk



DATE: September 15, 1999

To: City Council
From: Engineering & Transportation
Subject: Federal Transit Administration (FTA) Grant Application

RECOMMENDED COUNCIL ACTION:

Approve submittal of a grant application to the FTA to help offset the operation and capital costs of the City's public transit program.

BACKGROUND:

Each year the City submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized Area by the FTA. FY1997/98 and FY1998/99 have been unusual because funds for FY1997/98 were apportioned in two phases and the Circular describing how the funds for both years could be used was made available in late 1998. Consequently, we are requesting funds in this application that will be used to reimburse the City for projects undertaken and/or approved in the City's Operating and Capital programs in both FY1997/1998 and FY1998/99. Unlike many grant programs, the FTA will reimburse grantees for projects accomplished prior to approval of the grant.

For FY1997/98 the City was apportioned \$2,329,490 in formula funds. For FY1998/99 the apportionment is \$2,532,519. Total federal funds requested in this grant application are \$2,267,369. A grant application for \$1,506,590 of these funds had previously been approved. Funds not requested will be available for the City's use in future years. They do not revert back to the FTA.

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. FTA covers 80% of eligible expenses.
- Transit Center Operating costs (up to \$23,295 for FY1997/98 and \$25,581 for FY1998/99).
- Training Expenses – FTA covers 80% of these expenses.

Also included in the list of projects is the portion of the MAX BART Express bus that is to be covered with CMAQ funds.

COUNCIL COMMITTEE ACTION:

This was approved by the Transportation Policy Committee at their May 28, 1999 meeting.

REASON FOR RECOMMENDED ACTION:

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

STEPS FOLLOWING APPROVAL:

StanCOG approval	October/November 1999
FTA approval	December 1999 – March 2000

Prepared by: 

Fred Cavanaugh
Transit Manager

Recommended by: 

Glen K. Lewis
Director Engineering & Transportation

Submitted by: _____
Paul Baxter
Acting City Manager

1999 PROGRAM OF PROJECTS FOR FEDERAL TRANSIT ADMINISTRATION FUNDING

PROJECTS FUNDED WITH FORMULA FUNDS

PROJECT DESCRIPTION	TOTAL COST	FTA	LOCAL
Capital Projects:			
Parts Storage Unit for Bus Shop	\$ 7,000	\$ 5,600	\$ 1,400
Cape Seal and Restripe Bus Yard	\$ 35,000	\$ 28,000	\$ 7,000
Replace Shelter Maintenance Truck	\$ 22,000	\$ 17,600	\$ 4,400
Police Vehicle for use at Transit Center and for MAX security	\$ 47,000	\$ 37,600	\$ 9,400
Bus Stop Improvements (FY1997/98 & FY1998/99)	\$ 55,000	\$ 44,000	\$ 11,000
Operating Assistance Projects:			
Capital Cost of Contracting Dial-a-Ride (FY1997/98)	\$ 1,062,500	\$ 425,000	\$ 637,500
Paratransit Operating Cost not covered in previous item (FY1997/98)	\$ 52,500	\$ 42,000	\$ 10,500
Capital Cost of Contracting Dial-a-Ride (FY1998/99)	\$ 1,210,000	\$ 484,000	\$ 726,000
Paratransit Operating Cost not covered in previous item (FY1998/99)	\$ 80,000	\$ 64,000	\$ 16,000
Operate Transit Center (FY1997/98)	\$ 121,969	\$ 23,295	\$ 98,674
Operate Transit Center (FY1998/99)	\$ 136,613	\$ 25,581	\$ 111,032
Training Expenses (FY1998/99)	\$ 5,000	\$ 4,000	\$ 1,000
Preventative Maintenance (FY1998/99)	\$ 1,333,366	\$ 1,066,693	\$ 266,673
TOTAL	\$ 4,167,948	\$ 2,267,369	\$ 1,900,579

PROJECTS FUNDED WITH CMAQ FUNDS

PROJECT DESCRIPTION	TOTAL COST	FTA	LOCAL
BART EXPRESS Commuter Bus Purchase (CMAQ portion only)	\$ 120,000	\$ 106,236	\$ 13,764

MODESTO CITY COUNCIL
RESOLUTION NO. 99-487

A RESOLUTION APPROVING THE CONSOLIDATION OF PARKING FACILITIES
UNDER THE OPERATIONS AND MAINTENANCE DEPARTMENT

WHEREAS, in the past, the Operations & Maintenance Department, Community Services & Neighborhood Connections Department, and the Community Development Department as staff to the Redevelopment Agency have been involved in parking facility management; and

WHEREAS, consolidation of the management of all parking facilities under the Operations and Maintenance Department will facilitate the tracking of revenue and expenses for each parking facility; and

WHEREAS, the consolidation ensures consistent service levels at all facilities and better utilization of resources; and

WHEREAS, a recommendation by the Operations and Maintenance Director for the consolidation of parking facilities, dated September 16, 1999, marked Exhibit "A" is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the consolidation of City of Modesto parking facilities under the Operations and Maintenance Department 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 September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk



Date: Sept. 16, 1999

To: Mayor & City Council
From: Peter Cowles, Operations & Maintenance Director
Subject: Parking Facility Consolidation

Recommendation:

Consider motion accepting staff report on the consolidation of parking facilities and a resolution amending the FY 99-00 Operating Budget.

Background:

In the past, three departments have been involved in parking facility management: Operations & Maintenance, Community Services & Neighborhood Connections, and the Community Development Department as staff to the Redevelopment Agency. With the new Tenth Street Place parking garage now in use, the City Manager directed staff to develop a plan for consolidating the management of all City-owned garages and parking facilities.

The plan developed by staff recommends the following:

- 1) Consolidate the management of all parking facilities under the Operations & Maintenance Department and make structural adjustments to the operating budget, which provide for separate budget units for each garage. This will facilitate the tracking of revenue and expenses for each parking facility.
- 2) Hire a Parking Lot Maintenance Crewleader (new position) in the Parking Fund to handle day to day supervision of garage personnel, security, and coordination of maintenance activities.
- 3) Amend the FY 99-00 Operating Budget to:
 - a) Reallocate to the Parking Fund the expenditures and revenues related to the Centre Plaza parking (from Fund 6700/Org. 3413 to Fund 6000).
 - b) Reallocate to the Parking Fund a Maintenance Worker II position from the General Fund, Parks Maintenance Organization (from Fund 0100/Org. 4522 to Fund 6000/Org. 4682). There are no savings to the General Fund from this reallocation since the funding for this position has, for the last two years, been charged to the Parking Fund.
 - c) Reallocate to the Parking Fund the portion of the Centre Plaza's General Fund subsidy, which was intended to subsidize the Centre Plaza parking facilities. In FY 1999-2000, this is estimated at \$69,140 (expenses less revenue). Total General Fund subsidy to the Cultural & Events Services Fund in for FY 1999-2000 is \$632,000.
- 4) Authorize an additional subsidy from the General Fund to fully fund the operations of the Tenth Street garage. For FY 99-00, staff estimates expenditures at \$150,000 and revenues at \$50,000 for the Tenth Street Garage. Staff recommends a subsidy of \$76,000, approximately the same amount used to subsidize the Ninth Street garage in prior years.

The consolidation of parking facilities will not save money in either the General Fund or the Parking Fund. With recent decisions to allow free parking for theatre-goers, City employees, and County employees at the new Tenth Street Place, parking revenues are expected to substantially decrease. This is and has been exacerbated by the loss of surface parking lots as development occurs in the downtown area. In FY 1997-1998, three surface lots closed (21, 32, and 34). In October 1999, five more lots will close (4, 33, 35, 39, 40).

This revenue loss occurs at the same time that the demand for higher service levels (and the associated expenditures) is increasing. There is an increasing need for security and all three parking garages, particularly the new 10th Street Garage. Enhanced security alone is expected to cost the Parking Fund about \$65,000 in FY 1999-2000.

In the past, the General Fund subsidy to the Cultural & Event Services Fund has made up the difference between revenues and expenses allowing the fund to "break even." As revenues decline, and the Parking Fund reserves are diminished, Council can anticipate that larger General Fund subsidies may be necessary.

Reason for Recommendation:

This consolidation ensures consistent service levels at all facilities and better utilization of resources.

Council Committee Action:

This recommendation was reviewed and approved by the Financial Policy Committee at their meeting of August 31, 1999.

Steps Following Approval:

The Finance Department will completed the budget amendments discussed within this report.

Prepared by:



Judith Ray, Administrative Services Officer

Recommended by:



Peter Cowles, Operations & Maintenance Director

Submitted by:



Paul Baxter, Acting City Manager

cc: Jim Niskanen, Community Services & Neighborhood Connections Director
Rich Singer, Asst. Director, Community Services & Neighborhood Connections
Phil Testa, Community Development Director
Mike Herrero, Business Development Business Manager

Parking Fund (6000) FY 99/00 Consolidation

	Actual 97-98	Adopted 98-99	Estimate 98-99	Adopted 99-00	Consolidation										Total 99-00 to 08-09
					Estimate 99-00	--- Projected ---			--- Projected ---						
					99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	
1 Revenue															
2 Off-Street Parking	209	100	100	60	113	116	118	120	123	125	128	130	133	135	1,301
3 Metered Parking	78	50	50	40	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	40
4 Validated Lots	91	68	68	70	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	70
5 11th Street Garage	N/A	N/A	N/A	N/A	161	164	167	171	174	178	181	185	188	192	
6 10th Street Garage	N/A	N/A	N/A	N/A	50	51	52	53	54	55	56	57	58	59	
7 9th Street Garage	N/A	N/A	N/A	N/A	71	73	74	76	77	79	80	82	84	85	
8 Subsidy (0100)	N/A	N/A	N/A	N/A	76	77	79	80	82	84	85	87	89	91	
9 Subsidy (6700)	N/A	N/A	N/A	N/A	69	69	69	69	69	69	69	69	69	69	
10 Interest	1	-	10	12	12	12	12	13	13	13	14	14	14	14	143
11 Total Revenue	379	218	228	182	552	562	571	582	592	603	613	624	635	645	6,181
14 Appropriations															
15 Off Street Parking	181	222	222	203	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	203
16 Surface Parking Lots	N/A	N/A	N/A	N/A	100	102	104	106	108	110	113	115	117	120	
17 11th Street Garage	N/A	N/A	N/A	N/A	103	105	107	109	111	114	116	118	121	123	
18 10th Street Garage	N/A	N/A	N/A	N/A	150	153	156	159	162	166	169	172	176	179	
19 9th Street Garage	N/A	N/A	N/A	N/A	154	157	160	163	167	170	173	177	180	184	
20 Encumbrances	N/A	N/A	5	N/A	-	-	-	-	-	-	-	-	-	-	
21 Total Operations	181	222	227	203	507	517	527	538	549	560	571	582	594	606	203
22 Projected Savings	-	2	2	2	-	-	-	-	-	-	-	-	-	-	2
23 Projected Expense	181	220	225	201	507	517	527	538	549	560	571	582	594	606	201
26 Capital Improvement Program															
27 CIP (k016)	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-
28 CIP (Land Acquisition)	-	-	10	-	-	100	100	100	100	100	100	100	100	100	900
29 Capital Improvement Program Total	-	-	510	-	-	100	100	100	100	100	100	100	100	100	900
32 Interfund Transfer															
34 Transfer In															
35 Fr Tenth St. Place	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-
36 Total Transfer In	-	-	500	-	-	-	-	-	-	-	-	-	-	-	-
38 Transfer Out															
39 General Fund (010)	1,106	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 Crocker Lot Revenue (010)	-	6	6	-	-	-	-	-	-	-	-	-	-	-	-
41 Total Transfer Out	1,106	6	6	-	-	-	-	-	-	-	-	-	-	-	-
43 Total Net Transfer	(1,106)	(6)	494	-	-	-	-	-	-	-	-	-	-	-	-
46 Working Capital															
47 Beginning Working Capital	1,124	-	284	271	271	316	261	204	148	92	35	(23)	(82)	(141)	
48 Appropriation Savings	-	-	2	-	-	-	-	-	-	-	-	-	-	-	
49 Reconciliation	68	-	-	-	-	-	-	-	-	-	-	-	-	-	
50 Less: Reserves	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
51 Ending Working Capital	284	-	271	282	316	281	204	148	92	35	(23)	(82)	(141)	(202)	
52 \$ Growth	-	-	(13)	(19)	64	9	(56)	(56)	(57)	(57)	(58)	(58)	(59)	(61)	

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-488**

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
CONSOLIDATE PARKING FACILITY MANGEMENT**

WHEREAS, in the past, three departments have been involved in parking facility management. With the new Tenth Street Place parking garage now in use, staff was directed to develop a plan for consolidating management of all City-owned garages and parking facilities; and

WHEREAS, the plan recommends that the budget be amended to 1) reallocate to the Parking Fund the expenditures and revenues related to the Centre Plaza parking; 2) reallocate to the Parking Fund a Maintenance Worker II position from the General Fund; and 3) reallocate to the Parking Fund the portion of the Centre Plaza's General Fund subsidy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

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

Move from: current revised as of 11/1/99
 budgeted budgeted BT011
 fund agy org obj amount amount adj remarks
 Council Action 9/28/99

Move to: current revised
 budgeted budgeted
 fund agy org obj amount amount adj remarks

Centre Plaza Garage (org 3413)

Ninth Street Garage (org 4684)

6700	340	3413	4080	85,400	0	-85,400	revenue:	6000	480	4684	4080	0	85,400	85,400	revenue:
6700	700	7000	9010	0	-69,140	-69,140		6000	700	7000	9010	0	69,140	69,140	
6700	340	3413	0140	52,570	0	-52,570	expenses:	"	"	"	0140	0	52,570	52,570	expenses:
6700	340	3413	0155	762	0	-762		6000	480	4684	0155	0	762	762	
6700	340	3413	0161	1,971	0	-1,971		6000	480	4684	0161	0	1,971	1,971	
6700	340	3413	0164	1,998	0	-1,998		6000	480	4684	0164	0	1,998	1,998	
6700	340	3413	0228	162	0	-162		6000	480	4684	0228	0	162	162	
6700	340	3413	0250	17,340	0	-17,340		"	"	"	0250	0	17,340	17,340	
6700	340	3413	0413	6,081	0	-6,081		"	"	"	0413	0	6,081	6,081	
6700	340	3413	0210	27,012	0	-27,012		6000	480	4684	0210	0	27,012	27,012	
6700	340	3413	0218	0	0	0		"	"	"	0218	0	0	0	
6700	340	3413	0223	18,000	0	-18,000		"	"	"	0223	0	18,000	18,000	
6700	340	3413	0226	1,000	0	-1,000		"	"	"	0226	0	1,000	1,000	
6700	340	3413	0235	21,444	0	-21,444		"	"	"	0235	0	21,444	21,444	
6700	340	3413	0301	800	0	-800		"	"	"	0301	0	800	800	
6700	340	3413	0308	1,400	0	-1,400		"	"	"	0308	0	1,400	1,400	
6700	340	3413	0360	4,000	0	-4,000		"	"	"	0360	0	4,000	4,000	
				154,540	0	-154,540						0	154,540	154,540	

Parks - Maintenance (org 4522)

Surface Parking Lots (org 4682)

0100	480	4522	0110	1,675,473	1,632,211	-43,262		6000	480	4682	0188	-32,859	32,859	0	
0100	480	4522	0188	0	10,403	10,403									
	n/a	n/a	n/a	n/a	n/a	n/a	n/a								
	n/a	n/a	n/a	n/a	n/a	n/a	n/a								
0100	480	4522	9990	-93,523	-58,523	35,000									

Off Street Parking (org 4682)

11th Street Garage (org 4683)

6000	480	4682	0140	28,000	0	-28,000		6000	480	4683	0140	0	28,000	28,000	
6000	480	4682	0155	406	0	-406		"	"	"	0155	0	406	406	
6000	480	4682	0161	1,050	0	-1,050		"	"	"	0161	0	1,050	1,050	
6000	480	4682	0164	1,064	0	-1,064		"	"	"	0164	0	1,064	1,064	
6000	480	4682	0210	19,527	5000	-14,527		"	"	4683	0210	0	14,527	14,527	
6000	480	4682	0216	450	0	-450		"	"	4683	0216	0	450	450	
6000	480	4682	0223	6,300	1,800	-4,500		"	"	4683	0223	0	4,500	4,500	
6000	480	4682	0255	101,155	64,953	-36,202		"	"	4683	0255	0	36,202	36,202	
6000	480	4682	0301	700	300	-400		"	"	4683	0301	0	400	400	
6000	480	4682	0308	4,700	1,350	-3,350		"	"	4683	0308	0	3,350	3,350	
6000	480	4682	0365	8,100	4,100	-4,000		"	"	4683	0365	0	4,000	4,000	
6000	480	4682	0413	1,969	1,369	-600		"	"	4683	0413	0	600	600	

10th Street Garage (org 4685)

6000 800 8000 8003 -43,008 -273,258 -230,250

6000	480	4685	0140	0	64,000
"	"	4685	0188	0	6,000
"	"	4685	0210	0	41,000
"	"	4685	0216	0	450
"	"	4685	0217	0	100
"	"	4685	0218	0	10,000
"	"	4685	0223	0	4,600
"	"	4685	0228	0	200
"	"	4685	0235	0	36,300
"	"	4685	0251	0	5,000
"	"	4685	0255	0	52,800
"	"	4685	0301	0	300
"	"	4685	0302	0	200
"	"	4685	0308	0	4,300
"	"	4685	0365	0	4,000
"	"	4685	0413	0	1,000

230,250 total

file:\mydocument\Appropriation\bt011_parking_b.xls 7/18/00

MODESTO CITY COUNCIL
RESOLUTION NO. 99-489

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 4
SUBDIVISION, EXCEPT STORM DRAIN BASIN IMPROVEMENTS

WHEREAS, Florsheim Bros., a California General Partnership, subdivider of Rose Lane No.4 Subdivision, has filed a Faithful Performance Bond in the amount of \$583,200 and a Labor and Materials Payment Bond in the amount of \$291,600, and a Subdivision Warranty Bond in the amount of \$56,000, and;

WHEREAS, the Community Development Director in a memorandum dated September 17, 1999 to the City Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department except storm drain basin improvements, and;

WHEREAS, the Community Development Director has indicated it would be in order for the City Council to accept the improvements in said subdivision as complete, except storm drain basin improvements, and authorize the City Clerk to file a Notice of Partial Completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:
The improvements in Rose Lane No. 4 subdivision are hereby accepted, except storm drain basin improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-490

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE HOUSING AUTHORITY OF COUNTY OF STANISLAUS FOR THE ACQUISITION AND REHABILITATION OF CERTAIN PROPERTIES ALONG RANDAZZO AVENUE FOR THE PURPOSES OF PROVIDING AFFORDABLE RENTAL HOUSING

BE IT RESOLVED by the Council of the City of Modesto that a cooperative agreement between the City of Modesto and the Housing Authority of Stanislaus County for the acquisition and rehabilitation of certain properties along Randazzo Avenue for the purposes of providing affordable rental housing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the amendment to 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 28th day of September, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-491

A RESOLUTION APPROVING SUBMITTAL OF A REVISED AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) TO THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR AIRPORT PROJECTS.

WHEREAS, in January, 1998, the City of Modesto submitted an Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA) that periodically requires updating, and many of the projects recommended in the last ACIP have been funded, and

WHEREAS, an ACIP allows for funds to be tentatively programmed for future airport needs, and

WHEREAS, in August, 1999, City staff presented a proposed ACIP to the Transportation Policy Committee, after which the Committee recommended approval to the City Council for submission to the FAA, and

WHEREAS, by an agenda report dated September 17, 1999, the Engineering and Transportation Department, Airport Division, recommended the submittal of a revised ACIP to the FAA amounting to approximately \$13.4 million for airport projects, a copy of the proposed ACIP is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, at its meeting held on September 28, 1999, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA) amounting to approximately \$13.4 million for airport projects, as set forth in the proposed ACIP 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 28th day of September, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AIRPORT CAPITAL IMPROVEMENT PLAN

MODESTO CITY-COUNTY AIRPORT

CA

03-06-0153

MOD

PROJECT DESCRIPTION	FEDERAL FUNDING	STATE FUNDING	LOCAL FUNDING PFC/OTHER*	COST	ENVIR. IMPACT	START DATE	COMPLETION DATE
TAXIWAY A & B (FINAL PHASE)	98,600		11,355	109,955	N	8/99	12/00
AIRPORT MASTER PLAN AND EIR	270,000		30,000	300,000	N	7/00	12/01
SEAL GA/TERMINAL SERVICE ROAD	31,500		3,500	35,000	N	7/00	7/02
AIR CARRIER/TRANSIENT APRON EXPANSION	500,000		56,000	556,000	N	7/01	6/04
PROPERTY ACQUISITION FOR EXPANSION	5.85M		650,000	6.5M	Y	7/02	6/05
SIDA ACCESS	274,500		30,500	305,000	N	7/04	6/07
HANGAR TAXILANES	155,000	142,500	32,050	330,050	N	7/04	6/07
GENERAL AVIATION RW/TW REGULATORS	405,000		45,000	450,000	N	7/05	6/08
RW 10L/28R EXTENSION AND RECONSTRUCTION	2.7M		300,000	3.0M	Y	7/06	6/09
TAXIWAY A SHOULDERS	270,000		30,000	300,000	N	7/08	6/11
PERIMETER ACCESS ROAD	261,000		29,000	290,000	Y	7/08	6/11
GA APRON ADDITION	287,000		31,900	319,000	N	7/09	6/12
SLURRY SEAL TERMINAL AND GA PARKING LOTS	270,000		30,000	300,000	N	7/09	6/12
TERMINAL PARKING LOT EXPANSION	540,000		60,000	600,000	N	7/10	6/13
TOTAL ESTIMATED FUNDS NEEDED	11.913M	142,500	1.340M	13.396M			

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 99-492

A RESOLUTION ADOPTING THE 1995 URBAN WATER
MANAGEMENT PLAN.

WHEREAS, the California Water Code requires that all urban water suppliers providing water for municipal purposes, either directly or indirectly to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, must prepare an urban water management plan and update it at least every five years, and

WHEREAS, the City of Modesto, pursuant to the Water Code, filed Urban Water Management Plans in 1985 and 1990, and City staff has recommended adopting the 1995 Urban Water Management Plan in accordance with Section 10642 of the California Water Code, which proposed action will fulfill the 1995 reporting date which was delayed due to the purchase of the former Del Este Water Company, and

WHEREAS, as required by Section 6066 of the Government Code, the plan was made available for public review, and notices of a public hearing to be held by the City Council of the City of Modesto on September 28, 1999, were published in *The Modesto Bee* for two weeks prior to said public hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 1995 Urban Water Management Plan in accordance with Section 10642 of the California Water Code. A copy of said plan is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1999, 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, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-493

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPE SERVICES FOR
FURNISHING TURF AND LANDSCAPE MAINTENANCE

WHEREAS, the bids received for turf and landscape maintenance, were opened at 11:00 a.m. on April 27, 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 Grover Landscape for a total amount of \$62,400 per year or \$187,200 for a three-year period be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Grover Landscape 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 5th day of October, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-494

A RESOLUTION ACCEPTING THE PROJECT TITLED "WATER SYSTEM IMPROVEMENTS – C STREET, G STREET AND 2ND STREET IN EMPIRE, CALIFORNIA" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water System Improvements – C Street, G Street And 2nd Street in Empire, California has been completed by Rolfe Construction, in accordance with the contract agreement dated November 10, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Water system Improvements – C Street, G Street and 2nd Street in Empire, California be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$203,339.44 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 October, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-495

A RESOLUTION ACCEPTING THE BID OF BADGER METER INC., ABB WATER METERS INC., AND GOLDEN STATE FLOW MEASUREMENT LLC FOR FURNISHING VARIOUS SIZE WATER METERS DURING FISCAL YEAR 1999-2000

WHEREAS, the bids received for various sizes of water meters, were opened at 11:00 a.m. on June 29, 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 Badger Meter Inc., ABB Water Meters Inc. and Gold State Flow Measurement LLC for a not to exceed amount of \$50,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Badger Meter Inc., ABB Water Meters Inc. and Gold State Flow Measurement LLC be accepted and the preparation of formal purchase orders 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 October, 1999, 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, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-496

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS
PROPERTY BY SEALED BID OR PUBLIC AUCTION OR AS
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 obsolete traffic signal heads 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 the 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 obsolete traffic

head signals 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 5th day of October, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-497

A RESOLUTION AWARDING A COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) TO THE
HOMELESS VETERANS STAND DOWN EVENT.

WHEREAS, the Homeless Veterans Stand Down event was held at Thurman and Fairway Soccer Fields on September 25 and 26, 1999, which provided a variety of services, information and referrals to local veterans, and

WHEREAS, the Event Committee has requested that the facility and equipment fees be waived, that the City provide \$2,000 in funding toward expenses of the event and other services at no cost to the event, and

WHEREAS, the Community Services and Neighborhood Connections Department (CS&NC) submitted a recommendation to the City Council to award \$2,000 in Community Development Block Grant (CDBG) funding to the Homeless Veterans Stand Down Event, and

WHEREAS, on October 5, 1999, the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards \$2,000 in CDBG grant funding to the Homeless Veterans Stand Down Event as recommended by the Community Services and Neighborhood Connections Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-498

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHUTT MOEN ASSOCIATES FOR THE DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION FOR AIRPORT IMPROVEMENT PROJECTS INCLUDED IN AIP 3-06-0153-22/23

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shut Moen Associates for the design, engineering, and construction administration for airport improvement projects included in AIP 3-06-0153-22/23 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 October, 1999, 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, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-499

A RESOLUTION APPROVING THE FINAL MAP OF THE
SIERRA VIEW SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, LING INVESTMENTS, a Limited Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 18.0 acres, known as ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January 1999, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SIERRA VIEW 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 October, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-500

A RESOLUTION AMENDING POLICIES AND PROCEDURES
FOR THE USE OF MELLO-ROOS COMMUNITY FACILITIES
DISTRICTS

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council adopted "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-405, adopted August 10, 1999, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, the creation of Mello-Roos Community Facilities Districts, pursuant to the Act of 1982, Chapter 2.5 commencing with Section 53311 of Part 1 of Division 2 of Title 5 of the California Government Code, for the financing and completion of public works improvements has become an increasingly integral part of City planning for the creation of such improvements, and

WHEREAS, a standard "Facilities Acquisition Agreement" has been written which places requirements on a developer proposing to complete facilities for a CFD, and

WHEREAS, the standard "Facilities Acquisition Agreement" is necessary to ensure that CFD facilities are properly installed and that proper insurance and securities are posted,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That Section 2 of the Policies and Procedures read as follows:
2. Definitions.
 - a. Acquisition District. A CFD formed to finance the acquisition of infrastructure or public facilities where the applicant will be reimbursed for eligible construction related costs by means of tax credits or otherwise.

- b. Amendment. A change, in any manner, to an adopted Public Report.
- c. Annexation. The addition of real property into a CFD which has already been formed, and for which a Public Report has already been prepared and adopted.
“Annexation” in this context does not mean a change in organization as described in the Cortese-Knox Act of 1985 (Sections 56000 et seq., Division 3 of the Government Code).
- d. Applicant. Developer or landowner who initiates formation/annexation of a CFD.
- e. Bonds. Bonds authorized and issued under the Mello-Roos Community Facilities Act of 1982.
- f. Bond Counsel. Outside counsel retained by the City to assure compliance with applicable federal and State tax and other laws and regulations relating to public financing.
- g. Bond Underwriter. The investment banker(s) retained by the City to design, develop and execute the sale of bonds in the market place.
- h. Certificate of Completion: A written document provided to a facility provider by the District Engineer stating that the facility is complete and in good working order, and that the requirements of the facility acquisition agreement have been met.
- i. City. The City of Modesto.
- j. City Attorney. City Attorney of the City of Modesto.
- k. Community Facilities District (CFD). A special district formed pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 as amended, to finance specific public improvements or public services, and where properties within the CFD are levied a special tax in accordance with the rate and method of apportionment adopted as part of the district proceedings.

- l. Conclusion of Formation. The date a tax lien, for a specific CFD, is successfully recorded by the Stanislaus County Clerk Recorder.
- m. Credit: An offset against tax owed, or cash reimbursement for tax paid, as appropriate, calculated by subtracting from the Facility Cost Estimate any non-prepaid costs or incidental costs as defined in the Mello Roos Act, Section 53317(c) and (e), by means of a cash administrative cost offset. The administrative offset may be specified in the public report.
- n. CFD: A Community Facilities District created for the purpose of financing the costs of certain public facilities and services pursuant to the provisions of Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code.
- o. CFD Formation Group. An interdepartmental City working group consisting of the City Clerk, the Assistant City Attorney, and a designated member of the Community Development Department and such staff as they may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.
- p. District Administrator. A subgroup of the CFD Formation Group composed of the City Clerk and the Assistant City Attorney and such City staff as they may designate. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law.
- q. District Engineer: A California registered professional engineer employed by the City of Modesto, or a City of Modesto CFD, who is responsible for making final engineering determinations on behalf of that CFD.

- r. Facility: Any public works-type infrastructure for which tax is to be collected pursuant to the public report, which could be eligible for tax credit and is located within a CFD.
- s. Facility Cost Estimate: The facility (or facility segment) cost estimate, including contingency cost estimates relating to that facility (or segment) which are included in the tax stated directly, or by reference, in the public report, as that report may be amended or adjusted for inflation from time to time.
- t. Facility Provider: Any person or entity constructing a facility.
- u. Fair Market Value, or Value. The amount of cash or its equivalent which property would bring if exposed for sale on the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other and both have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon uses and purposes.
- v. Financial Advisor. Financial consultant retained by the City to review, comment and advise on financial matters relating to CFDs.
- w. Fiscal Feasibility Report. A study performed under the direction of the City to determine the financial viability of a proposed CFD.
- x. Infrastructure and Public Facilities. Those public improvements including but not limited to major streets and arterials, highway improvements and freeways, freeway interchanges, right of way acquisitions, bridges, street lights, water, flood, sewer and drainage improvements, fire and police stations, parks, wetlands, telephone ducts, electrical conduits, libraries, transit improvements (including public parking facilities), and the provision of certain services (if applicable), that may be eligible for financing pursuant to these Policies and Procedures, and which are authorized improvements pursuant to provisions of the Mello-Roos

Community Facilities Act of 1982 ("Act").

- y. In-tract Facilities. Infrastructure and public facilities which serve an individual CFD, such as local subdivision streets, local utilities and local drainage systems. Not all such infrastructure and public facilities may actually be located within the boundaries of the CFD. (Possible example: drainage system).
- z. Oversubscription: Oversubscription is the furnishing of land or facilities whose total value as set forth in the public report exceeds the total taxes attributable to a facility provider's entire development within a CFD.
- aa. Public Report. A report generally containing the following:
 - (1) A description of the public capital facilities and services proposed for the CFD.
 - (2) A general description of the area to be served by said facilities; said areas being the boundaries of the CFD.
 - (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 CFD and the costs of any incidental expenses to be paid by the CFD.
 - (4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed CFD to estimate the annual amount of payment;
 - (5) General Terms and conditions relating to the proceedings.
 - (6) All exhibits and attachments to the resolution of formation of a CFD, and documents included therein by reference.

- bb. Special Tax Consultant. A consultant retained by the City to develop the rate and method of apportionment and other special tax formulas and criteria for a Mello-Roos CFD.
- cc. Tax: Any facilities special tax specified in the public report for the CFD.
- dd. Value-to-Lien Ratio. The value of a parcel of land as determined by an MAI appraisal relative to the amount for which land secured bonds may be sold for the parcel.

3. That the following section be added:

6. e Tax Credit Procedure

- i. Facility providers may be permitted credits against taxes owed, or cash credits, as appropriate, and as set forth herein.
- ii. In the case of oversubscription, cash up to the amount of the oversubscription may be paid to a facility provider as cash becomes available to the CFD through tax collection.
- iii. Taxes shall be payable at the time specified in the public report. Until January 1, 2000, the tax payable shall at least equal the administrative offset specified in the public report or otherwise.
- iv. The district shall also be compensated from available tax monies for money and services advanced by it for the acquisition, construction, improvement or control of any or all of the facilities set forth in the public report, all in accordance with and subject to the Mello Roos Act (including, without limitation, Section 53314.9 of the Act), the resolution of formation of the CFD, the policies and procedures for administration of the CFD, the public report and other applicable law.
- v. In no event shall cash advances, dedications, or construction of facilities become either a debt of the City, or a debt in excess of actual tax receipts, of the CFD.

- vi. All tax credits shall be made by the District Administrator pursuant to a valid, executed facility acquisition agreement in a form approved by the District Administrator.
- vii. Prior to January 1, 2000, with the approval of the District Administrator, credits may be furnished to a facility provider to offset taxes otherwise due if the facility provider has furnished or is furnishing facilities which have not yet received a notice of completion. Notwithstanding the foregoing, such discretionary credit shall be fully reimbursable to the CFD in cash by the facility provider in the event that a facility acquisition agreement is not executed by the facility provider, or if that facility provider does not receive a notice of completion from the District Engineer.
- viii. On and after January 1, 2000:
 - (1) The District Administrator shall ensure that the full tax is collected as it becomes due from each provider of facilities or facility segments to the CFD until (a) a valid facility acquisition agreement exists between the CFD and the facility provider and, (b) the facility has been completed, and (c) a certificate of completion has been issued to the facility provider. The District Administrator shall then provide facility special tax credits or cash reimbursement, as appropriate, to that facility provider.
 - (2) All facility providers shall be denied tax credit for any portion of an otherwise credit-eligible facility constructed prior to execution by that provider of a facility acquisition agreement suitable to the District Administrator. Credit shall not be denied for planning or engineering costs included in a Facility Cost Estimate incurred prior to execution of that agreement.
 - (3) Credits shall be expended by the District Administrator in date order of the certificate of completion of the facility for which credits are requested, and each such facility shall be completely credited before the district administrator shall grant credits to a facility receiving a certificate of

completion later in time.

- ix. Where apportionment is required, as with respect to a total facilities cost stated in the public report including two or more sub-facilities, or where more than one person or entity participates in the construction or furnishing of a facility, the determination of such apportionment and credit by the District Administrator or their designee shall be conclusive evidence of the amount of the credit derived thereby.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, 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, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-501

A RESOLUTION APPROVING PARTICIPATION IN THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES STATE GRANT PROGRAM ENTITLED, "CITIZEN'S OPTION FOR PUBLIC SAFETY", AND ACCEPTING THE EXPENDITURE OF FUNDING ALLOCATED FOR 1999/2000.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of October 5, 1999, at 7:00 p.m., in City Hall, 801 11th Street, Modesto, to consider 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 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 anticipated by the City of Modesto for 1999/2000 is approximately \$412,000.00, 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,

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 State Grant Program and accepts the expenditure of funding in the anticipated amount of \$412,000.00 allocated to the City of Modesto for 1999/2000.

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 to accept said grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-502

A RESOLUTION APPROVING THE ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 1998/99 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SUBMISSION OF THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of October 5, 1999, at 7:00 p.m., in City Hall, 801 11th Street, Modesto, to consider submittal of the Consolidated Annual Performance and Evaluation Report (CAPER) to the United States Department of Housing and Urban Development, and

WHEREAS, said report relates to progress made towards goals and objectives identified in the FY 1998/99 Annual Action Plan funded under the Community Development Block Grant (CDBG), HOME, and Emergency Shelter Grant (ESG) programs, and

WHEREAS, said report reflects the activity of the City and its sub-recipients for the period from July 1, 1998 through June 30, 1999, and

WHEREAS, citizen input was solicited on the programs' performance by notice duly published in the Modesto Bee on September 7, 1999, and September 12, 1999, with copies of the CAPER being made available to the public on Friday, September 10, 1999, at the Office of Housing and Neighborhoods, the City Clerk's Office and the Stanislaus County Central Library, and

WHEREAS, as of September 30, 1999, City staff had not received any public comments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the FY 1998/99 Consolidated Annual Performance and Evaluation Report is hereby approved for submission to the United States Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute all necessary documents related to the submission of said FY 1998/99 Consolidated Annual Performance and Evaluation Report to the United States Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahre
JEAN ZAHRE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-503

A RESOLUTION ACCEPTING THE BID OF PAUL ANDERSON CONSTRUCTION FOR THE BOWEN LIFT STATION STORAGE BUILDING PROJECT FOR \$67,816

WHEREAS, the bids received for the Bowen lift station storage building project were opened at 11:00 a.m. on September 28, 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 Paul Anderson Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$67,816.00 from Paul Anderson Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the city of Modesto held on the 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-504

A RESOLUTION ACCEPTING THE BID OF 7/11 MATERIALS, INC. FOR THE ANNUAL SUNKEN SIDEWALK AT ROCKWELLS 99/00 PROJECT FOR \$97,269.26

WHEREAS, the bids received for the annual sunken sidewalk at rockwells 99/00 project were opened at 11:00 a.m. on September 28, 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 7/11 Materials, 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 \$97,269.26 from 7/11 Materials, 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 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-505

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE
AMOUNT OF \$6,000 TO FULLY FUND THE ANNUAL SUNKEN SIDEWALK AT
ROCKWELLS 99/00 PROJECT

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

FROM: Annual Catch Basin and Valley Gutter 628 440 K790; \$6,000

TO: Annual Sunken Sidewalk at Rockwells 628 480 L009; \$6,000

This project will repair sidewalks, catch basins, curbs and gutters damaged by
sunken rockwells and catch basins at various locations throughout the City.
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 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-506

A RESOLUTION ACCEPTING IMPROVEMENTS IN COFFEE ROAD PROFESSIONAL OFFICES SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIOD.

WHEREAS, Coffee Road 1, LLC, a California Limited Liability Company, subdivider of Coffee Road Professional Offices Subdivision has filed \$9,637.50 in lieu of faithful performance and labor and materials bonds, and;

WHEREAS, the Community Development Director in a memorandum to the City 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 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 the Notice of Completion and release the \$9,637.50 in lieu of faithful performance and labor and materials bonds upon expiration of the statutory period.

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

1. The improvements in Coffee Road Professional Offices Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release \$9,637.50 for faithful performance and labor and materials upon the expiration of the statutory period after filing the Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-507

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH TUOLUMNE RIVER REGIONAL PARK JOINT POWER AUTHORITY TO ALLOW THE USE OF MODESTO CITY-COUNTY AIRPORT PROPERTY FOR PARK

BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding with Tuolumne River Regional Park, a Joint Powers Authority consisting of the City of Ceres, the City of Modesto, and the County of Stanislaus to allow the use of Modesto City-County Airport property for park purposes, including the construction of a bike trail between Tioga Drive and Mitchell Road, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding 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 October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-508

A RESOLUTION APPROVING AN AGREEMENT WITH BERBERIAN TRUST PROPERTIES FOR THE PURCHASE OF PROPERTY NEEDED FOR THE PELANDALE EXPRESSWAY PROJECT FOR \$82,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Berberian Trust Properties for the purchase of property needed for the Pelandale Expressway Project for \$82,000 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 12th day of October, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-509

A RESOLUTION APPROVING AN AGREEMENT WITH EDENVALE INVESTMENT COMPANY FOR THE LEASE OF PROPERTY AT 940 11TH STREET FOR THE HOUSING AND NEIGHBORHOODS DIVISION

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Edenvale Investment Company for the lease of property at 940 11th Street for the Housing and Neighborhoods Division 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 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-510

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH
SKYTREK AVIATION FUELS, INC. FOR AN EXTENSION OF THE FUEL LEASE
AT THE MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Skytrek Aviation Fuels, Inc. for an extension of the fuel lease 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 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-511

A RESOLUTION APPROVING A LEASE AGREEMENT WITH NATIONAL
RAILROAD PASSENGER CORPORATION (AMTRAK) FOR THE LEASE OF A
PORTION OF THE MODESTO AMTRAK STATION

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Railroad Passenger Corporation (Amtrak) for the lease of a portion of the Modesto Amtrak Station, 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 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-512

A RESOLUTION APPROVING THE FINAL MAP OF THE
ROSE HOLLOW NO. 3 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 8.99 acres, known as ROSE
HOLLOW NO. 3 ("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 ROSE HOLLOW NO. 3 SUDIVISION 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 12th day of October, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-513

A RESOLUTION APPROVING THE SALE OF SAFE AND SANE FIREWORKS IN THE CITY OF MODESTO FOR THE MILLENNIUM CELEBRATION, SUBJECT TO CERTAIN REGULATIONS.

WHEREAS, the State of California has authorized a millennial celebration for the year 2000, and

WHEREAS, AB2090 (Chapter 363 of the Statutes of 1998) permits the sale of certified safe and sane fireworks from 9:00 a.m., December 26, 1999, until midnight of January 1, 2000, pursuant to a license issued by the State Fire Marshal, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks, and

WHEREAS, Section 3-1.126 of the Modesto Municipal Code regulates the sales, storage, use and handling of fireworks in Modesto, however, this special sales period, which is permitted pursuant to AB2090, will occur under conditions not anticipated at the time Section 3-1.126 of the Modesto Municipal Code was approved, and

WHEREAS, the Fire Chief is responsible for assuring that "safe and sane" fireworks within the City of Modesto are sold, stored, used and handled safely, and

WHEREAS, the revocation of any permit to sell fireworks will disqualify that individual or organization from receiving a permit for one year, and

WHEREAS, the authorized sales of safe and sane fireworks for the millennial celebration shall expire at 5:30 p.m. on December 31, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the selling of safe and sane fireworks for the millennial celebration as authorized by AB2090, is hereby approved; said sales shall be subject to the Regulations which are attached hereto as Exhibit "A" and incorporated herein by reference and which are hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 1999, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Mayor Lang, 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

(SEAL)

APPROVED AS TO FORM:

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

**REGULATIONS APPLICABLE FOR
SALE OF FIREWORKS
PURSUANT TO AB 2090**

SECTION 1. SALES OF FIREWORKS.

Sales. It shall be unlawful to engage in the sale of "Safe and Sane" fireworks in the City of Modesto without first having secured a permit to do so.

1. The total number of sales permits issued shall be limited to one (1) sales permit for each organization who had such a permit in July 1999.
2. Sales permits for the sale of "Safe and Sane" fireworks in the City of Modesto shall be issued only to local nonprofit organizations and existing local for-profit organizations as defined herein.
 - (A) A "nonprofit organization" shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes, or affiliated with a public school located within the city limits of Modesto. Except for organizations affiliated with a public school, each organization shall provide the City with a tax exempt certificate issued pursuant to the Revenue and Taxation Code of the State of California or written verification that they are an integral part of a recognized national organization having such a tax exempt status.
 - (B) A "local nonprofit organization" must have its principal and permanent meeting place in the City of Modesto and must have been organized and established in the City of Modesto for a minimum of one (1) continuous year preceding the filing of the application for permit, and must have a bona fide membership of at least ten (10) members who reside in the City of Modesto. In addition, organizations affiliated with a public school shall provide written verification of existence, acceptable to the Fire Chief, such as, but not limited to a current bank statement.
 - (C) An "existing local for-profit organization" must have a permitted fixed business location in the City of Modesto, have been issued a fireworks sales permit the previous year, have remained under the same management and/or ownership continuously since 1999, and have maintained a delinquent-free business license at all times during the previous year.
3. Sales permits for retail sales of "Safe and Sane" fireworks in the City of Modesto issued pursuant to provision of the Modesto Municipal Code are not transferable by the holder of the permit. The sales permits may be used only by the organization to which it is issued.

4. All applications for sales permits shall be in writing to the Fire Chief on forms supplied by the City. Applications may only be filed during normal business hours from October 25, 1999, up to and including November 12, 1999, at which time the filing period will close. A separate sales permit shall be required for each proposed location of a fireworks stand.
5. Applications shall set forth the proposed location of the fireworks stand including the seven (7) digit parcel number (APN) of the Stanislaus County Assessor and other information as may be required by the Fire Chief. Written permission from the property owner, or his/her designee, to sell fireworks at that location shall accompany the permit application.
6. Applicants for sales permits shall be notified by December 6, 1999, by the Fire Chief of approval or disapproval of such application. All approved applications shall be picked up from the Fire Chief by 4:00 p.m. on December 13, 1999. Sales permits will be issued on the day the applicant begins selling, and after inspection of the stand reveals compliance with all conditions of these regulations.
7. Every application shall be accompanied by proof of insurance as specified in Section 3-1.128 of the Modesto Municipal Code.
8. Every application shall be accompanied by a nonrefundable application fee as established by resolution of the City Council from time to time. This application fee shall be in addition to any fees or taxes imposed by Title 6 of the Modesto Municipal Code.

SECTION 2. SALES, STORAGE, USE, AND HANDLING OF FIREWORKS.

General. Sales, storage, use, and handling of fireworks shall be in accordance with this division.

1. **Sales.** Retail sale or display with the intent to sell fireworks is limited to State of California Fire Marshal approved and labeled "Safe and Sane" fireworks within the City of Modesto by State of California licensed retailers, provided a permit to sell those fireworks has been approved and obtained from the Chief. Fireworks may be sold or offered for sale from 12:00 noon to 5:30 p.m. on December 28, 1999, and 9:00 a.m. to 5:30 p.m. on December 29 through December 31, 1999.

The storage of fireworks within the City of Modesto is limited to State of California Fire Marshal-approved and labeled "Safe and Sane" fireworks by State of California licensed wholesalers and retailers.

- (A) **Wholesale Storage.** Wholesalers may store "Safe and Sane" fireworks within the City of Modesto solely during the period of December 6 through January 31

of each year. Storage facilities shall comply with H1 occupancy classification requirements as defined by the Uniform Building Code.

(B) **Retailers Storage.** Retailers may store "Safe and Sane" fireworks within the City of Modesto solely during the period of December 20, 1999 through January 9, 2000. "Safe and Sane" fireworks that are not being sold or displayed with the intent to sell, shall be stored solely in the following manner:

- (1) Within the permitted fireworks stand with a responsible adult on the premises at all times.
- (2) In a completely enclosed and locked utility type trailer constructed of one-fourth (1/4) inch plywood or other approved noncombustible material.
- (3) In a completely detached garage on residential property with a minimum ten (10) feet clearance from other structures or property lines. There shall be no open-flame or spark producing equipment, or Class 1 flammable liquids stored or used within in the garage.
- (4) Fireworks shall not be stored within forty (40) feet of any building classified or used as a public or private school, day care facility, residential care facility, hospital, place of detention, public oil/gas station, or public garage, or any place of public assembly that can accommodate fifty (50) or more persons.
- (5) In an approved and permitted fireworks warehouse.

2. **Operator Safety.** Each year, one (1) or more representatives from each organization, that is granted a permit to sell fireworks, shall attend a stand operator safety seminar conducted by the Fire Department and the fireworks industry. Failure to attend the seminar shall result in the revocation of the organization's permit to sell fireworks for that calendar year.

3. **Temporary Fireworks Stands.**

- (A) All retail sales of "Safe and Sane" fireworks shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is hereby prohibited.
- (B) City Business License, Fire Department Permit and State License shall be displayed in the fireworks stand during hours of operation.
- (C) Temporary fireworks stand shall not be set up before application for permit has been approved.

- (D) The fireworks stands shall be located at least twenty (20) feet from other structures.
- (E) Zoning of property, in which the fireworks stand will be located, shall be in accordance with Section 10-2.2330 of the Modesto Municipal Code.
- (F) Fireworks shall not be stored, sold, offered for sale, or discharged within one hundred (100) feet of a location where gasoline, LPG, other class 1 flammable liquids or flammable gasses are stored or dispensed.
- (G) All unsold stock and accompanying litter shall be removed from the location by 9:00 p.m. on December 31, 1999.
- (H) The fireworks stand shall be removed from the temporary location by 12:00 noon on January 6, 2000, and all accompanying litter shall be cleared from said location by said time and date.
- (I) A penalty of one hundred dollars (\$100.00) per day will be assessed to the permittee of any fireworks stand not removed by 12:00 noon on the 6th day of January.

4. **Safety Precautions.**

- (A) No person under the age of eighteen (18) shall sell, or handle for sale, any classification of fireworks or be permitted in the sales booth during the sales period.
- (B) No person under the age of eighteen (18) shall purchase or be allowed to purchase any classification of fireworks.
- (C) Smoking, open-flame, and spark-producing equipment shall be prohibited for a distance of twenty (20) feet around any fireworks stand. No electrically operated or portable fuel burning equipment or appliances shall be permitted in the booth.
- (D) Dry grass, weeds, trash, and other combustible material shall be removed for a distance of twenty (20) feet around any fireworks stand.
- (E) Fireworks shall not be discharged within fifty (50) feet of a fireworks stand.
- (F) Fireworks shall, at all times, be adequately protected against moisture damage while inside of original shipping cartons and after removal from the original shipping cartons. Wholesalers shall submit moisture protection methods to the Fire Chief for approval prior to distribution to retailers.

5. **Stand Construction.**

- (A) Merchandise may be displayed in approved glass enclosed counters or showcases, or
- (B) Merchandise may be displayed in stands constructed in the following manner:
 - (1) Walls and roof shall be of plywood at least one-fourth (1/4) inches thick or of an approved noncombustible material.
 - (2) The stand shall be provided with a roof. Approved weather resistant material, securely fastened to the roof, at all edges and at four (4) feet intervals, may be used for rain protection.
 - (3) Walls shall extend to a minimum height of six (6) feet eight (8) inches, on at least three (3) sides. These three (3) sides shall be without openings, except for an exit door.
 - (4) An exit door with a minimum size of twenty-four (24) inches in width and six (6) feet in height, shall be provided in each stand. Exits shall be maintained clear and unobstructed at all times.
 - (5) The front wall of the stand shall provide a physical barrier not less than eighteen (18) inches in height between the public and the merchandise on display.
 - (6) Approved "NO SMOKING" signs shall be prominently displayed in and on the stand.
 - (7) Approved "NO SALES TO PERSONS UNDER THE AGE OF 18" signs shall be prominently displayed in the stand.
 - (8) An approved fire extinguisher having a minimum U.L. classification of 2A shall be located in the stand, near the exit and readily accessible.
 - (9) Sellers of fireworks shall comply with all rules and regulations of Title 19 of the California Code of Regulations and with the rules and regulations of the Chief.

6. **Operation of Fireworks Stand Only by Permittee.**

- (A) It is unlawful for the permittee organization to permit any person other than the permittee organization to operate the fireworks stand for which the permit is issued or to otherwise participate in the profits of the operation of such fireworks stand.

- (B) It is unlawful for a non-profit organization to permit any person other than the individuals who are members of the permittee organization, their spouses or adult children, or volunteers to whom no compensation is paid, to sell or otherwise participate in the sale of fireworks at such fireworks stand.
- (C) It is unlawful for a non-profit organization to pay any consideration to any person for selling or otherwise participating in the sale of fireworks at such fireworks stand, except the hiring of a night watchman or security officer.

SECTION 3. REVOCATION OF PERMIT AND SEIZURE OF FIREWORKS.

1. The Fire Chief, or his/her designee, may revoke, immediately and without notice or hearing, the "Safe and Sane" fireworks sales permit of any location or organization when any of the provisions of Sections 3-1.124, 3-1.125, or 3-1.126 of the Modesto Municipal Code are violated. The Chief shall inform the permittee that permittee may seek review of the Chief's decision, by the City Manager, on the next business day. At the earliest opportunity on the next business day after revocation, the Chief shall provide the City Manager with written notice that a fireworks sales permit has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. If requested by the permittee, the City Manager, or his/her designee, shall meet with the permittee and the Chief, or his/her designee, that day to review the Chief's decision. The decision of the City Manager shall be final.
2. Any revocation, upheld by the City Manager, of any sales permit will be effective for one (1) year. The organization or business whose permit was revoked will also be removed from the pool of pre-approved organizations.
3. Each organization or business that applies for a sales permit under this resolution shall acknowledge in writing that they understand subsection 2 above and agree to abide with its conditions.

SECTION 4. FIREWORKS DISPLAYS INSURANCE REQUIRED.

Insurance.

1. The permittee shall furnish a certificate of insurance for each policy required, executed by the company issuing such policy, and approved as to form by the Risk Manager. Such policies shall contain a provision which holds the City as an additional insured and declaring said insurance to be primary and that no other insurance carried by an insured party shall be called upon for contribution. Notwithstanding any other provision of this section, the failure of the permittee to carry such insurance during the time covered by such permit shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of fifty dollars (\$50.00) shall be made to the City before any such revoked permit may be reinstated.

2. The permittee/licensee shall carry general liability insurance with a minimum limit of liability per occurrence of one million dollars (\$1,000,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) for property damage, or one million dollars (\$1,000,000.00) combined single limit. The certificate of insurance shall include the following coverages and indicate the policy aggregate limit applying to: premises and operations, broad form contractual, and, products and completed operation.
3. The permittee/licensee shall agree to hold the City of Modesto, its agents, officers, employees, and volunteers harmless from and save, defend, and indemnify them against any and all claims, losses, liabilities, and from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney fees and all costs and expenses arising directly or indirectly out of any act or omission of permittee arising out of any activity authorized by the permit.
4. The permittee/licensee shall provide at its own expense and maintain at all times the specified insurance policies with insurance companies approved by the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the City Clerk of the City by registered mail, return receipt requested.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-514

A RESOLUTION ACCEPTING THE BID OF T & S CONSTRUCTION COMPANY, INC. FOR THE CARPENTER ROAD WATER LINE BETWEEN MAZE BOULEVARD AND CHICAGO AVENUE PROJECT FOR \$426,190

WHEREAS, the bids received for the Carpenter Road Water Line between Maze Boulevard and Chicago Avenue project were opened at 11:00 a.m. on October 12, 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 T & S Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$426,190 from T & S Construction, 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-515**

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY
FUND THE WATER LINE PROJECT**

WHEREAS, this project will install a new 20" waterline between Maze Boulevard and Chicago Avenue; which is another element in the water transmission system grid on Modesto's west side; and

WHEREAS, funds were partially budgeted in the 1997-98 Capital Improvement Program. Additional funds will come from the accounts shown below, with savings available in the New Water Building Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

#612-480-J941-6040-941	20" Transmission Main	\$172,000
#612-480-C130-6060-130	New Water Building (Savings)	(35,000)
#612-800-8000-8003-6120R	Contingency Reserve	(137,000)

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 26th day of October, 1999, 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 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-516

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS, INC. FOR THE CARVER/SCOTT LIFT STATION REHABILITATION PROJECT FOR \$199,400

WHEREAS, the bids received for the Carver/Scott lift station rehabilitation project were opened at 11:00 a.m. on October 12, 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 Howk Systems, 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 \$199,400 from Howk Systems, 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-517

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$92,000 TO FULLY FUND THE CARVER/SCOTT LIFT STATION REHABILITATION PROJECT

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

FROM: Scenic Lift Station; 621 440 K653; \$92,000

TO: Carver/Scott Pump Upgrades; 621 440 K675; \$92,000

Funds for this project were originally budgeted when the cost of converting an existing station was normally \$140,00. 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-518

A RESOLUTION REJECTING BID RECEIVED FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT DALE ROAD AND PELANDALE AVENUE INTERSECTION PROJECT OPENED BY THE CITY CLERK ON SEPTEMBER 28, 1999

WHEREAS, the bids received for the installation of a traffic signal at Dale Road and Pelandale Avenue intersection project were opened at 11:00 on September 28, 1999, by the City Clerk, and

WHEREAS, lowest bid was 55.16% 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 traffic signal at Dale Road and Pelandale Avenue intersection project, opened by the City Clerk on September 28, 1999, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-519

A RESOLUTION REJECTING BID RECEIVED FOR LIQUID CHLORINE OPENED BY THE CITY CLERK ON AUGUST 31, 1999, AND AUTHORIZING A NEW BID CALL ON NOVEMBER 30, 1999, AT 11:00 A.M.

WHEREAS, the bid received for liquid chlorine was opened at 11:00 on August 31, 1999, by the City Clerk, and

WHEREAS, only one bid was received and opened, and it is recommended by the Purchasing Division that a new bid call be authorized to obtain competitive bids to achieve the best value for dollars spent and meet City Charter procedures for formal bids and that the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for liquid chlorine, opened by the City Clerk on August 31, 1999, is hereby rejected.

BE IT FURTHER 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 for Fiscal Year 1999-2000, with two one-year extensions, to be opened in the office of the City Clerk, 1010 Tenth Street, Suite 6000, in the City of Modesto, on November 30, 1999, 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-520

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR ROCK, SAND AND GRAVEL, 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 rock, sand and gravel for Fiscal Year 1999-2000, with two one-year extensions, to be opened in the office of the City Clerk, 1010 10th Street, Suite 6600 in the City of Modesto, on November 9, 1999, 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-521

A RESOLUTION AUTHORIZING THE SALE OF USED FURNISHINGS AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES AT 824 W. KIERNAN AVENUE.

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, as listed in Attachment "A", attached hereto and incorporated herein by reference, resulting from the City's move to Tenth Street Place, said items having been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that unused furnishings, as listed in Attachment "A", attached hereto and incorporated herein by reference, have become surplus property to the City's needs, and the Council does hereby authorize the sale of said surplus property.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates located at 824 Kiernan Avenue, at a date and time to be advertised by Roger Ernst and Associates, 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 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

ATTACHMENT "A"

CODE	DESCRIPTION			QTY
AC	AV CART/TV STANDS			7
BB	BULLETIN, GREASE, IN/OUT BOARDS			26
BC	BOOKCASE			117
C	COMPUTER			22
CB	CABINETS (MISC)			87
CF	MOBILE FILE CART			5
CH	CHAIR			407
CO	COUNTER UNITS			12
CR	COAT RACK			9
CS	COMPUTER STAND			46
CU	COUCH			3
CZ	CREDENZA			38
D	DESK			201
DO	DESK ORGANIZER			7
DT	DRAFTING TABLE			8
EM	EQUIPMENT (MISC)			26
F	FILE CABINET			305
FM	FLOOR MAT			41
FS	FILES SPECIAL			3
L	LAMP			6
MD	MISC DESK SUPPLIES			10
MF	MICROFICHE READER			2
MS	MISC STANDS			2
PC	PICTURES			5
PR	PARTITIONS			105
PS	PRINTER STAND			18
PT	PRINTERS			12
R	REFRIGERATOR			1
RG	RANGE			1
S	STEP STOOLS, FOOT RESTS			2
SN	SCANNER			2
SW	SOFTWARE			2
SY	SOUND SYSTEM PORTABLE			1
T	TYPEWRITER			3
TB	TABLE			95
TC	TRASH CANS			4
TS	TYPEWRITER STAND			13
TV	TV			2
UC	UTILITY CART			1
W	WORKSTATION			16
				1673

Mark (S)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-522

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS
PROPERTY BY SEALED BID, PUBLIC AUCTION OR AS
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 property at the Jefferson Street warehouse and Water Quality Control Plant, thirty-one (31) unclaimed bicycles at the Police Department Evidence and Property Room and three (3) motorcycles at Fleet Services which are lost, stolen, unclaimed and/or seized property and excess City property 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 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 thirty-one (31) unclaimed bicycles and the three (3) motorcycles 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-523

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO CITY
SHOOOLS FOR THE USE OF MODESTO PROPERTY AGENT'S RIGHT OF WAY
SERVICES FOR THE ACQUISITION OF SEVERAL PROPERTIES

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for the use of Modesto Property Agent's right of way services for the acquisition of several properties, 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-524

A RESOLUTION APPROVING AN AGREEMENT WITH BALVINO AND KATHLEEN IRIZARRY FOR THE PURCHASE OF PROPERTY NEEDED FOR THE FLOOD PROTECTION PROJECT FOR \$85,750

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Balvino and Kathleen Irizarry for the purchase of property needed for the Flood Protection Project for \$85,750 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 26th day of October, 1999, 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, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-525

A RESOLUTION APPROVING AN AGREEMENT WITH ESCALON
NEIGHBORHOOD INVESTORS FOR THE PURCHASE OF PROPERTY NEEDED
FOR THE FLOOD PROTECTION PROJECT FOR \$30,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement
between the City of Modesto and Escalon Neighborhood Investors for the purchase of
property needed for the Flood Protection Project for \$30,000 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 26th day of October, 1999, 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, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-526

A RESOLUTION APPROVING AN AGREEMENT WITH ZANDY ROBBINS INVESTORS FOR THE PURCHASE OF PROPERTY NEEDED FOR THE FLOOD PROTECTION PROJECT FOR \$32,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Zandy Robbins Investors for the purchase of property needed for the Flood Protection Project for \$32,000 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 26th day of October, 1999, 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, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-527

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$250,000 TO FULLY FUND THE ACQUISITION OF PROPERTIES NEEDED FOR THE AIRPORT NEIGHBORHOOD FLOOD PROTECTION

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

FROM: Direct Loans;1130-140-1454-0497; \$250,000

TO: Airport Property Acquisition ; 1130-140-1455-5231; \$250,000

Funds need to be transferred to the property acquisition Slum/Blight Account.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, 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, Dobbs, Friedman, Smith

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher, Mayor Lang

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-528

A RESOLUTION APPROVING AN AGREEMENT WITH ALDEN MICHAEL LOPEZ AND WANDA R. LOPEZ AND THE SALIDA WATER BOARD FOR THE PURCHASE OF A WELL SITE FOR \$39,500

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board for the purchase of a well site for \$39,500 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-529

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$16,500 TO FULLY FUND THE CITY'S PORTION OF THE PURCHASE PRICE OF A WELL SITE FROM ALDEN MICHAEL LOPEZ AND WANDA R. LOPEZ AND THE SALIDA WATER BOARD

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

FROM: Purchase Generators; 616 480 L060; \$16,500

TO: Purchase Well Site; 621 480 L123; \$16,500

Transfer needed to fully fund the City's portion of purchase price and closing costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-530

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH PAHRUMP HEIFER RANCH FOR THE LEASE OF LAND FOR AGRICULTURAL USE AND IRRIGATION BY WASTEWATER DISPOSAL TO EXTEND THE LEASE

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Pahrump Heifer Ranch for the lease of land for agricultural use and irrigation by wastewater disposal to extend the lease, 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 26th day of October, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-531

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES FOR ARCHITECTURAL SERVICES FOR THE REMODEL OF THE EXISTING POLICE HEADQUARTERS AT 601 11TH STREET – BID PACKAGE NO. 3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Design Associates for architectural services for the remodel of the existing Police Headquarters at 601 11th Street – Bid Package No. 3 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 November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-532

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE STANISLAUS COUNCIL OF GOVERNMENTS TO SET FORTH PLANNING AND PROGRAMMING RESPONSIBILITIES FOR THE DISTRIBUTION OF FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Stanislaus Council of Governments to set forth planning and programming responsibilities for the distribution of funding from the Federal Transit Administration (FTA) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Memorandum of Understanding 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 November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-533

A RESOLUTION APPROVING EXPANSION OF THE
MODESTO AREA EXPRESS (MAX) SERVICE TO THE NEW
AMTRAK STATION.

WHEREAS, the City has planned to provide transit service to the new Amtrak station near the intersection of E. Briggsmore and Held, and

WHEREAS, the Modesto Area Express (MAX) Route 34 currently operates to the Briggsmore/Held intersection Mondays through Fridays, and could easily be extended to provide service to the new Amtrak Station at no cost to the City and could be upgraded if needed dependent upon ridership demand, and

WHEREAS, the Transportation Policy Committee approved the proposed Route 34 extension of the service area with staff to monitor demand, and

WHEREAS, at its meeting of November 2, 1999, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the expansion of the Modesto Area Express Service 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 2nd day of November, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-534

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BRUCE KOKKO FOR 1024 I STREET TO ACCOMMODATE THE WATER METER READING SECTION OF THE CUSTOMER SERVICES DIVISION OF THE FINANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Bruce Kokko for 1024 I Street to accommodate the Water Meter Reading Section of the Customer Services Division of the Finance Department 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 2nd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-535

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARADISE ROAD HOUSING PROJECT SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Self-Help Enterprises, a California Non-Profit Public Benefit corporation, subdividers of Paradise Road Housing Project Subdivision have filed a Subdivision Faithful Performance bond and a Subdivision Improvements bond for labor and materials in the amount of \$119,117.90 and \$59,558.95 respectively to guarantee improvements in Paradise Road Housing Project 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 Paradise Road Housing Project Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$119,117.90 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 \$59,558.95 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 2nd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:


JEAN ZAHR, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-536

A RESOLUTION APPROVING 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.
(REDEV., INC.)

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, Redev., Inc. has proposed 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, the Planning Commission held a duly noticed public hearing on October 4, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on October 4, 1999, the Planning Commission adopted Resolution No. 99-67, recommending to the City Council 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, said matter was set for a public hearing of the City Council to be held on November 2, 1999, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th 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 applicant requested modifications pertaining to driveways,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend 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, as recommended by the Planning Commission in its Resolution 99-67, including applicant's requested modifications is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. The location is consistent with General Plan policies for siting of neighborhood commercial centers in existing neighborhoods, which the Pelandale-Snyder area is an extension of.

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. 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, as recommended by the Planning Commission, and including applicant's requested modifications pertaining to driveways 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 2nd day of November, 1999, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

AMENDMENT NO. 8

PELANDALE-SNYDER SPECIFIC PLAN AMENDMENT

FOR

REDEV, INC.

Intent:

The intent of the Specific Plan Amendment is to permit the development of approximately five (5) acres at the southeast corner of Prescott Road and the Pelandale Expressway as a neighborhood commercial shopping center consistent with the City's existing C-1 Zoning standards.

Text Changes

Page 2-2;

See attached modified Figure 5.

Page 2-3;

2. Adoption of Land Use Designations:

Amend Table 2 to include:

Specific Plan Designation

Permitted City Zoning

Commercial

C-1, Mini Warehouse Facilities.

Page 2-13;

And add a new policy:

B.3.j

"The five (5) acre commercial site at the southeast corner of Prescott Road and the Pelandale Expressway will be entitled to three (3) driveway accesses along the Prescott Road frontage at approximately 200 feet, 400 feet and 600 feet south of the flowline in the Pelandale Expressway. The northernmost driveway will be right-in/right-out. The center driveway will be full service. The southernmost driveway will be full service. Driveways may be requested closer to the Pelandale Expressway than set forth herein, subject to review and approval as part of the Site Plan Review."

Page 3-9;

3. Principal Underlying Zones – Established:

Revise to read:

"There are only four (4) principal underlying zones..." and

add:

"...and Commercial zone (C-1) – Article 10, Section 10-2.1001 et seq"

Corrected 12-1-99

Page 2-13;

And add a new policy:

B.3.j

"The five (5) acre commercial site at the southeast corner of Prescott Road and the Pelandale Expressway will be entitled to three (3) driveway accesses equally spaced along the Prescott Road frontage (approximately 200 feet, 400 feet and 600 feet south of the flowline in the Pelandale Expressway). The northernmost driveway will be right-in/right-out. The center driveway will be full service. The southernmost driveway will be right-in/right-out if a raised median is installed, or full service, if one is not. Driveways may be requested closer to the Pelandale Expressway than set forth herein, subject to review and approval as part of the Site Plan Review."

Page 3-9;

3. Principal Underlying Zones - Established:

Revise to read:

"There are only three ~~(3)~~ four (4) principal underlying zones...." and

add:

"...and Commercial zone (C-1) - Article 10, Section 10-2.1001 et seq."

PELANDALE-SNYDER SPECIFIC PLAN AMENDMENT

ANALYSIS OF

SPECIFIC PLAN AMENDMENT

The Pelandale-Snyder Specific Plan amendment process is set forth in Chapter Four on pages 4-1 and 4-2. While there are six different steps to be completed, the first four are addressed below, and the last two are the responsibility of the City.

Review Process

"1. Specific Details of Amendment

Proposals to amend the Pelandale-Snyder Specific Plan must be accompanied by detailed information documenting the change requested. This information should include a revised Specific Plan Text (or excerpt therefrom) and revised Land Use Diagram, where relevant, depicting the Amendment requested."

The previous sections of the application set forth all the proposed textual and map revisions.

"2. Presentation of Need for Amendment

Since the City has invested a significant amount of time and money in the preparation of the Pelandale-Snyder Specific Plan, and proposals to amend the Specific Plan must document the need for such changes. The applicant should indicate the economic, social, or technical issues that generate the need to amend the Specific Plan."

The need for the Land Use Amendment stems from the current need for commercial development in the area of the Pelandale-Snyder and Carver-Bangs Specific Plans. The project site is adjacent to an arterial street and an expressway, and as such, is ideally located to provide commercial services to the neighborhood.

"3. Submittal of Supplemental Studies

Any proposal to amend the Pelandale-Snyder Specific plan must be accompanied by studies that analyze the amendment's effects, compared to the adopted Specific Plan, on the following issues:

- **Conformance with Specific Plan Principles in Chapter I of the Pelandale-Snyder Specific Plan."**

These policies are listed and responded to individually below:

Land Use Goal

Provide for the logical completion of the McKinney Colony, Aqueduct, and Northwest McHenry Neighborhood Planning Areas (NPA).

The proposed amendment is the logical extension of the McKinney Colony, Aqueduct and Northwest McHenry Planning Areas. In fact, the designation of five (5) acres of commercial is generally consistent with the Neighborhood Plan Prototype set forth in the Modesto Urban Area General Plan on page III-116. That plan shows one neighborhood shopping center of 7 - 9 acres within every 3/4 mile by one mile grid area. This site is centrally located and would serve the area from Standiford to the Pelandale Expressway (3/4 mile), and Prescott Avenue to Tully Road (two miles), and provide the first neighborhood type shopping center in the area, again, consistent with the Neighborhood Plan Prototype. The site is also centrally located, and adjacent to the Carver-Bangs Specific Plan area.

Circulation Goal

Provide a safe and efficient circulation system that accommodates multiple forms of transportation while minimizing land use conflicts.

No changes are proposed in the area circulation system. The project will require three accesses to Prescott Avenue.

Infrastructure Goal

Provide the necessary infrastructure improvements to serve the entire Plan Area at buildout.

Adequate infrastructure is available to serve the project.

School Goal

Provide adequate school facilities to accommodate students generated by the Project.

The project will not affect the adequacy of school facilities.

Parks and Open Space Goal

Provide adequate parkland for the recreational, open space and aesthetic requirements of all residents.

The project will not affect park or open space facilities.

Public Safety Goal

Provide for the protection of the health and well being of all residents.

The project will be consistent with current City policies regarding public safety.

Natural Resource Goal

Minimize the impact of the Project on existing natural resources.

The project will not have any major impact on natural resources.

Community Design Goal

Assure the development of cohesive and identifiable neighborhoods within the Plan Area.

As set forth previously, the proposed project is generally consistent with the Neighborhood Plan Prototype, the governing development guideline for the area.

Affordable Housing Goal

Provide for a reasonable share of affordable housing within the Pelandale-Snyder Specific Plan Area.

The project site is currently mapped for single family development. The proposed project will reduce the single family housing which is currently proposed, and in return, provide some land for commercial development. This type of development neither assists with, nor frustrates, the City's goals to provide affordable housing.

"- Compatibility with any approved development which will be affected by the Specific Plan Amendment."

The project will be adjacent to an existing approved single family development. As such, the project has been laid out in a way to assure land use compatibility.

"- Consistency with the Comprehensive Policies presented in Chapter II of the Pelandale-Snyder Specific Plan."

Based upon a review of the policies presented in Chapter II of the Pelandale-Snyder Specific Plan, some amendments are required for the project to be determined consistent with the Comprehensive Policies presented therein. For consistency to be achieved, the proposed new policy B.3.j must be adopted. With the adoption of these policies, and the other proposed amendments, the project will be consistent with the Comprehensive Policies in the Specific Plan.

"- Compatibility with existing and planned land uses surrounding the proposed Specific Plan Amendment, as indicated by the adopted Specific Plan."

The project will be adjacent to two major roadways and to SFR to the east. The proposed amendments recognize these uses, and adoption of the proposed amendments will assure compatibility between the uses.

"- Visual impacts, on-site and off-site."

The project will be constructed consistent with the City's C-1 development standards, and visual impacts are expected to be minimal.

"- Traffic impacts."

The project proposed will not increase traffic beyond that generally planned for by the Pelandale-Snyder Specific Plan FEIR, and as such, no additional environmental review related to traffic is required.

"- Public Utilities, documented in Chapter II of this Specific Plan, as well as any adopted Public Facility Master Plan."

The project is consistent with the Public Utility policies contained in the Pelandale-Snyder Specific Plan.

"- Any other issues identified by the Environmental Assessment Committee."

Compliance will be subject to review by the Committee.

"4. Supplemental Environmental Analysis

The applicant must provide an analysis of the Amendment's impacts relative to the adopted Environmental Impact Report. Depending on the nature of the Amendment, supplemental environmental analysis may be necessary, according to the California Environmental Quality Act (Section 15162)."

The specific plan amendment will change the land use mix within the Specific Plan. The current Pelandale-Snyder Specific Plan and FEIR assumed the development of this property would result in about 350 multi-family units, generating about 2,191 trips per day and about 220 trips at the peak hour. The proposed project would approximately double the peak hour trips from the property, but in relation to the overall specific plan, this would be less than a 10% increase, and is insignificant in its effect on the neighboring roadway system.

As all appropriate conditions, policies and mitigation measures will apply, no additional impacts are expected in the areas covered by the Pelandale-Snyder FEIR. These areas include Land Use, Population, Employment and Housing, Noise, Air Quality, Biology, Archaeology, Public Services, Hydrology and Drainage, Growth Inducement and Geology/Soils.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-537

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. 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. (REDEV., INC.)

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 99-70 reviewed the proposed 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 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 99-70, 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 2nd day of November, 1999, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang
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 99-70

City of Modesto
Initial Study

Pelandale-Snyder Specific Plan Amendment No. 8

EA/CDD 99-70
September 9, 1999

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. 8
- 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 east side Prescott Road south of Pelandale Avenue.
- E. Project Sponsor:
Redev, Inc., 2020 Standiford Ave., D-5, 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 five acres from Multi-Family Residential to Commercial.
- I. Surrounding land uses:
The project is bounded by currently-developing single subdivisions on the north and east, by vacant land designated for multi-family development to the south, and by a storm drain basin to the west.
- 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. The City's Transportation Planning Division have analyzed this project for potential traffic impacts. They concluded that the proposed amendment would result in an increase in traffic over what was

predicted in the EIR for this site. However, they also concluded that this increase in traffic would not result in any decrease in the level of service for adjacent or nearby 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 location of the commercial center at the intersection of an arterial street and expressway, combined with 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 will result in a neighborhood-oriented commercial center 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. 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 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. 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 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,
Associate Planner

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Attention: Steve Mitchell
3

MODESTO CITY COUNCIL
RESOLUTION NO. 99-538

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO CONFIRMING THE CANVASS OF THE
REGULAR MUNICIPAL ELECTION WHICH WAS HELD IN
THE CITY OF MODESTO ON NOVEMBER 2, 1999, AND
DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 2, 1999, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County to elect the following:

1. One Mayor to the Modesto City Council for a four year term;
2. One Councilmember to Chair No. 1 for a four year term;
3. One Councilmember to Chair No. 3 for a four year term;
4. One Councilmember to Chair No. 6 for a four year term;
5. Three Board of Education Members for four year terms; and

WHEREAS, Measures F and G, as set forth in Section 5 hereof, were advisory measures, and Measures H through O, as set forth in Section 5 hereof, were proposed Charter amendments, and were submitted to the qualified electors in the November 2, 1999, City of Modesto election, and

WHEREAS, said election was held on Tuesday, November 2, 1999, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular municipal election in accordance with law, and certified the results of the election to the Council by a

Certificate of Canvass and Statement of Votes dated November 9, 1999, 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 Votes 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 Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

- (A) The whole number of votes cast in the City.
- (B) The whole number of votes cast in the Modesto High School District.
- (C) The names of the persons voted for.
- (D) For what office each person was voted for.
- (E) The number of votes given in the City to each person.
- (F) The number of votes given in the City for each Measure.

SECTION 3. That, at said Regular Municipal election, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of Election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the

oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

Bill Conrad	Councilmember for a term of four years, Chair No. 3, Modesto City Council.
Tim Fisher	Councilmember for a term of four years, Chair No. 6, Modesto City Council.
Connie Chin	Member, Modesto Board of Education, for a term of four years.
Gary A. Lopez	Member, Modesto Board of Education, for a term of four years.
Odessa P. Johnson	Member, Modesto Board of Education, for a term of four years.

SECTION 4. The Charter provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election of the office, therefore, the two candidates receiving the highest number of votes for Mayor, Richard A. Lang and Carmen Sabatino, and the two candidates receiving the highest number of votes for Councilmember for Chair No. 1, Bruce Frohman and Pat Dobbs, shall have their names on the ballot for a run-off election to be held on Tuesday, December 14, 1999.

SECTION 5. The following votes were cast for Measures F through O:

Measure	Total Votes For	Total Votes Against
Measure F: <i>Proposal Extending Sewer Service to Pelandale/McHenry Comprehensive Planning District in the Modesto Urban Area General Plan, provided area is first annexed to the City.</i>	12,508	9,518
Measure G: <i>Proposal Extending Sewer Service to Westside Infill area consisting of Rosemore-Cox area and Carpenter-Shaddox area, provided area is first annexed to the City.</i>	12,119	9,547
Measure H: <i>Proposed Charter Amendment to Eliminate Restriction on 5% Spending of City's Property Tax Revenue.</i>	7,773	14,529
Measure I: <i>Proposed Charter Amendment to Change the date of Any Run-off Election.</i>	10,453	11,199
Measure J: <i>Proposed Charter Amendment to Change the Provisions for Selection of Vice Mayor.</i>	13,872	7,990
Measure K: <i>Proposed Charter Amendment to Provide Additional Money as Compensation to Mayor and Vice Mayor, plus Medical Benefits to Mayor, Vice Mayor and Councilmembers.</i>	7,188	15,211

Measure	Total Votes For	Total Votes Against
Measure L: <i>Proposed Charter Amendment to Establish At will Positions for Employees in Unclassified Service.</i>	8,793	12,294
Measure M: <i>Proposed Charter Amendment to Authorize City Manager to Approve a Multi-Year Budget.</i>	9,274	12,174
Measure N: <i>Proposed Charter Amendment to Exempt Park or Park Playground Projects from being Subject to Public Bidding if Project involves Donated Labor and/or Material.</i>	12,099	9,403
Measure O: <i>Proposed Charter Amendment to Eliminate Reference to the Board of Personnel Appeals.</i>	10,339	10,630

Measures F, G, J & N. More than a majority of all of the votes cast at the election for *Measures F, G, J & N* were in favor of said proposed Measures, and said Measures did carry and were approved and were ratified by a majority of the qualified voters voting on said *Measures*.

Measures H, I, K, L, M & O. Less than a majority of all of the votes cast at the election for *Measures H, I, K, L, M & O* were in favor of said proposed Measures, and said Measures did not carry, were not approved, and were not ratified by a majority of the qualified voters voting on said *Measures*.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

Council Agenda
11/9/99

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 2, 1999

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 9, 1999, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 2, 1999, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Mayor, Modesto City Council			
Richard A. Lang	8,333		35.1
Carmen Sabatino	7,540		31.8
Kenni Friedman	5,910		24.9
Tom Maher	1,923		8.1
Chair 1, Modesto City Council			
Pat Dobbs	8,191		37.6
Bruce Frohman	5,873		26.9
DeMarcus McCloud	2,221		10.1
David Michael Lopez	2,115		9.7
Marcus Nugent	1,792		8.2
Miguel B. Donoso	1,583		7.2
Chair 3, Modesto City Council			
Bill Conrad	11,579		50.9
Nicholas Bavaro	7,093		31.1
Richard S. Herman	2,731		12.0
Gary Bulboff	1,342		5.9
Chair 6, Modesto City Council			
Tim Fisher	11,223		51.4
Steve Burke	7,370		33.8
Steven Trapp	3,209		14.7
Measure F			
Sewer Service Modesto Urban Area General Plan			
	12,508	YES	56.7
	9,518	NO	43.2
Measure G			
Sewer Service Modesto Urban Area General Plan			
	12,119	YES	55.9
	9,547	NO	44.0

Exhibit "A"

Measure H

Eliminate Restriction on 5% Spending Tax Revenue

7,773	YES	34.8
14,529	NO	65.1

Measure I

Change the Date of Any Run-off Election

10,453	YES	48.2
11,199	NO	51.7

Measure J

Provisions for the Selection of Vice Mayor

13,872	YES	63.4
7,990	NO	36.5

Measure K

Mayor/Vice Mayor Extra Money as Compensation, plus Medical Benefits

7,188	YES	32.0
15,211	NO	67.9

Measure L

Establish At Will Positions for Employees/Unclassified

8,793	YES	41.6
12,294	NO	58.3

Measure M

Authorize City Manager to Approve a Multi-Year Budget

9,274	YES	43.2
12,174	NO	56.7

Measure N

Park/Park Playgrounds Project Subject to Public Bid

12,099	YES	56.2
9,403	NO	43.7

Measure O

Eliminate Reference to the Board of Personnel Appeals

10,339	YES	49.3
10,630	NO	50.6

Member, Modesto Board of Education

Connie Chin	17,384	26.5
Gary A. Lopez	13,436	20.5
Odessa P. Johnson	11,633	17.7
Bob Jackson	8,767	13.3
John N. Uhl	8,629	13.1
Rickey McGill	5,621	8.5

Voter Turnout

City of Modesto Council Seats & Measures F, G, H, I, J, K, L, M, N & O	24,348	28.3
Modesto High School District	28,100	25.4

JEAN ZAHR
City Clerk/Auditor
City of Modesto

November 9, 1999

MODESTO CITY COUNCIL
RESOLUTION NO. 99-539

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SONS INC FOR THE
PROJECT TITLED "1999 STORM DRAIN REPAIRS"

WHEREAS, the bids received for 1999 Storm Drain Repairs were opened at
11:00 a.m. on October 26, 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 \$184,000 from Fagundes & Sons Inc. be accepted as the lowest responsible
bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the bid of Fagundes & Sons 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 9th day of November, 1999, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-540

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$45,000 TO FULLY FUND THE PROJECT TITLED "1999 STORM DRAIN REPAIRS"

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

FROM: 6280-480-1091 6040; \$42,000

TO: 628-440-K793 6040; \$42,000

and

FROM: 6280-480-1091 6060; \$3,000

TO: 628-440-K793 6060; \$3,000

Project was originally funded for \$142,000 worth of construction. Due to an increase in the scope of the project, the original funds will be supplemented with funds from a current storm drain project. By moving the funds, the improvements on Granite Lane will be completed a year earlier than would have been possible if they were included with the current years' project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-541

A RESOLUTION ACCEPTING THE BID OF SUREBUILT INC. FOR THE PROJECT
TITLED "DRYDEN GOLF CART SHED CONSTRUCTION"

WHEREAS, the bids received for Dryden Golf Cart Shed Construction were opened at 11:00 a.m. on October 5, 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 \$135,553 from Surebuilt 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 Surebuilt 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 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-542

A RESOLUTION ACCEPTING THE PROJECT TITLED "REMOTE PONDS
MODULAR BUILDING" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Remote Ponds Modular Building, has been completed by Pacific Mobile Structures Inc., in accordance with the contract agreement dated June 9, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Remote Ponds Modular building be accepted from said contractor, Pacific Mobile Structures Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$65,987.00 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 November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-543

A RESOLUTION ACCEPTING THE PROJECT TITLED "EISENHUT PARK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Eisenhut Park, has been completed by Duley's Landscape, in accordance with the contract agreement dated November 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Eisenhut Park be accepted from said contractor, Duley's Landscape; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$361,509.45 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 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-543A

A RESOLUTION ACCEPTING THE PROJECT TITLED "PELANDALE
EXPRESSWAY PHASE 1A" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pelandale Expressway Phase 1A, has been completed by George Reed Inc., in accordance with the contract agreement dated September 1, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Pelandale Expressway Phase 1A 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 \$1,628,594.97 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 9th day of November, 1999, by Councilmember Dobbs, who moved its adoption, 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, Smith, Mayor
Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-544

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND ALL VALLEY DIVERS FOR CO-SPONSORSHIP FOR THEIR
SPRINGBOARD DIVING TRAINING PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and All Valley Divers for co-sponsorship for their springboard diving training 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 9th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-545

A RESOLUTION ACCEPTING IMPROVEMENTS IN ADRIANNA ONE A GATED
COMMUNITY SUBDIVISION AND AUTHORIZING RELEASE OF LETTERS OF
CREDIT

WHEREAS, Max Norton Enterprises Inc., a California Corporation, subdividers of Adrianna One A Gated Community Subdivision have filed an Irrevocable Standby Letters of Credit for faithful performance and for labor and materials in the amount of \$102,533, and \$51,266.50 respectively to guarantee improvements in Adrianna One A Gated Community 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 Adrianna One A Gated Community Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$102,533 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 \$51,266.50 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 9th day of November, 1999, 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 Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-546

A RESOLUTION ACCEPTING IMPROVEMENTS IN ADRIANNA TWO
SUBDIVISION AND AUTHORIZING RELEASE OF STANDBY LETTERS OF
CREDIT

WHEREAS, Max Norton Enterprises Inc., a California Corporation and Adrianna Properties, a California Limited Partnership, by its General Partner, Lily Development, a California Corporation, subdividers of Adrianna Two Subdivision have filed Irrevocable Standby Letters of Credit for Faithful Performance and for labor and materials in the amount of \$154,800 and \$77,400 respectively to guarantee improvements in Adrianna Two 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 Adrianna Two Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$154,800 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 \$77,400 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 9th day of November, 1999, 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 Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-547

A RESOLUTION ACCEPTING IMPROVEMENTS IN BRADLEY ESTATES PHASE ONE
SUBDIVISION AND AUTHORIZING RELEASE OF STANDBY LETTERS OF CREDIT

WHEREAS, Stewart W. Bradley and Betty J. Bradley, husband and wife as Joint Tenants, and McHenry Ranch Joint Venture, a Partnership, subdividers of Bradley Estates Phase One have filed an Irrevocable Standby Letter of Credit for Performance and an Irrevocable Standby Letter of Credit for labor and materials in the amount of \$423,307 and \$211,653 respectively to guarantee improvements in Bradley Estates Phase One 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 Bradley Estates Phase One Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$423,307 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 \$211,653 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 9th day of November, 1999, 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 Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-548

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

WHEREAS, CORN & HARRIS DEVELOPMENT, LLC, a California limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.7 acres, known as EASTPORT SUBDIVISION, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 9th day of February, 1998, and

WHEREAS, Condition No. 13 for the approval of said tract requires the subdivider to install temporary wall vine anti-graffiti landscaping to cover the masonry wall along Pelandale Expressway, and

WHEREAS, recent construction work along Pelandale Expressway has resulted in the construction of a drainage ditch adjacent to the wall, which, in turn, has made it impossible to plant the vines as required, and

WHEREAS, as a replacement for these vines the developer will make a cash donation of Seven Hundred Fifty Dollars and No/Cents (\$750.00) to Color Modesto, and,

WHEREAS, Council desires to amend the conditions of approval for said tract to delete the vine landscaping requirement, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said EASTPORT 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 the conditions of approval for said tract are hereby amended to delete Condition No. 13 (installation of temporary wall vine anti-graffiti landscaping); that said final map be approved; that the improvements completed in said tract be accepted; that the 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 subdividers have 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 9th day of November, 1999, 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, Smith,
Mayor Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-549

A RESOLUTION APPROVING THE FINAL MAP OF THE
BELLA TUSCANY UNIT NO. 1 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 10.69 acres, known as BELLA TUSCANY 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 9th day of February 1998, and

WHEREAS, Condition No. 13 for the approval of said tract requires the subdivider to install temporary wall vine anti-graffiti landscaping to cover the masonry wall along Pelandale Expressway, and

WHEREAS, recent construction work along Pelandale Expressway has resulted in the construction of a drainage ditch adjacent to the wall, which, in turn, has made it impossible to plant the vines as required, and

WHEREAS, as a replacement for these vines the developer will make a cash donation of Seven Hundred Fifty Dollars and No/Cents (\$750.00) to Color Modesto, and,

WHEREAS, Council desires to amend the conditions of approval for said tract to delete the vine landscaping requirement, 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. 1 meets all of the provisions of the

California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the conditions of approval for said tract are hereby amended to delete Condition No. 13 (installation of temporary wall vine anti-graffiti landscaping); 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 9th day of November 1999, 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, Smith, Mayor Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-550

A RESOLUTION ACCEPTING IMPROVEMENTS IN TUSCANY UNIT NO. 2
SUBDIVISION AND AUTHORIZING RELEASE OF STANDBY LETTERS OF
CREDIT

WHEREAS, Rodney K. Lowe Inc., a California Corporation, subdividers of Tuscany Unit No. 2 Subdivision have filed an Irrevocable Letter of Credit for Faithful Performance and an Irrevocable Letter of Credit for labor and materials in the amount of \$268,600 and \$134,300 respectively to guarantee improvements in Tuscany Unit No. 2 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, Condition No. 13 for the approval of said tract requires the subdivider to install temporary wall vine anti-graffiti landscaping to cover the masonry wall along Pelandale Expressway, and

WHEREAS, recent construction work along Pelandale Expressway has resulted in the construction of a drainage ditch adjacent to the wall, which, in turn, has made it impossible to plant the vines as required, and

WHEREAS, as a replacement for these vines the developer will make a cash donation of Seven Hundred Fifty Dollars and No/Cents (\$750.00) to Color Modesto, and

WHEREAS, Council desires to amend the conditions of approval for said tract to delete the vine landscaping requirements, 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 Tuscany Unit No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of \$268,600 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 \$134,300 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 9th day of November, 1999, 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, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-551

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MODESTO, THE COUNTY OF STANISLAUS, AND THE CITY OF CERES FOR AN ALTERNATE EMERGENCY OPERATIONS CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is authorized to negotiate and enter into an agreement between the City of Modesto, the County of Stanislaus, and the City of Ceres for an alternate Emergency Operation Center 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 9th day of November, 1999, 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 Lang

NOES: Councilmembers: Dobbs, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-552**

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
ESTABLISH AN ALTERNATE EOC IN THE CITY OF CERES PUBLIC SAFETY BUILDING**

WHEREAS, the City's Emergency Operation Center site on Tioga Road has not been used for many years and does not meet the criteria necessary for a joint EOC facility. Partially due to these deficiencies, the City of Modesto joined with Stanislaus County to establish a joint EOC in the basement of the County Administrative Building during the flood of January 1997; and

WHEREAS, the joint EOC will no longer be available for us and the primary EOC being developed by Stanislaus County and the City of Modesto on Oakdale Road will not be available until July or August of 2000; and

WHEREAS, the City of Ceres Public Safety building is being recommended with some site improvements and new equipment being needed to make this center functional.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Appropriations:	
#0100-800-8000-8003	\$(50,000)
#0100-180-1802-0235	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 9th day of November, 1999, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: Dobbs, Smith

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. 99-553

A RESOLUTION ACCEPTING THE BID OF AMERINE SYSTEMS FOR THE PROJECT
TITLED "MARTIN/CLAYTON SEWER LIFT STATION REHABILITATION"

WHEREAS, the bids received for Martin/Clayton Sewer Lift Station Rehabilitation 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 \$123,722 from Amerine Systems be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Amerine Systems 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 16th day of November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-554

A RESOLUTION ACCEPTING THE BID OF RIDGECREST DESIGNER SERVICES OF
MODESTO FOR FURNISHING PRINTING OF MODESTO AREA EXPRESS (MAX) RIDE
GUIDES

WHEREAS, the bids received for printing services for furnishing printing of Modesto Area Express (MAX) Ride Guides, were opened at 11:00 a.m. on October 12, 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 Ridgecrest Designer Services of Modesto for an annual cost of \$24,826.00 and a three-year total cost of \$74,478.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ridgecrest Designer Services of Modesto 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 November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-555

A RESOLUTION AUTHORIZING INCREASING BASIC TERM
LIFE INSURANCE COVERAGE FOR ALL CITY STAFF.

WHEREAS, The City has contracted with Standard Mutual Insurance Company for several of the City's employee benefits, and

WHEREAS, the Employee Benefits Committee has recommended that \$92,435 be set aside in the Employee Benefits Fund and utilized to increase the basic term life insurance policy for all budgeted employees from \$2,000 to \$10,000, as set forth in an agenda report from Risk Management which is on file in the office of the City Clerk, and

WHEREAS, the City Council considered this matter at its meeting of November 16, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes increasing the basic term life insurance coverage for all budgeted staff from \$2,000 to \$10,000, effective December 1, 1999.

The foregoing resolution was introduced at a regular meeting for the Council of the City of Modesto held on the 16th day of November, 1999, 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, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-556

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY AMENDMENTS TO AGREEMENTS BETWEEN THE CITY OF MODESTO AND STANDARD MUTUAL INSURANCE COMPANY FOR TERM LIFE INSURANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager be authorized to execute any necessary amendments to agreements between the City of Modesto and Standard Mutual Insurance Company for provision of term life insurance, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendments to 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 16th day of November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-557**

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
APPROVE THE INCREASED REVENUE AND EXPENDITURES IN THE OTHER
EMPLOYEE INSURANCE FUND**

WHEREAS, the City has contracted with Standard Mutual Insurance Company for many years for several of the employee benefits. Standard has decided to dissolve the mutual company; and

WHEREAS, at the time of conversion the City had amassed a large amount of shares. Consequently, staff recommended that the money could be returned to employees via enhancement of benefits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<u>Revenue</u>	
#7380-700-7000-9751	\$16,543
<u>Expenditure</u>	
#7380-030-6618-0408	\$16,543
#7510-700-7000-7738	\$16,543
#7510-800-8000-8003	(\$16,543)

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 16th day of November, 1999, 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, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-558

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CLEVELAND J. STOCKTON FOR THE LEASE OF PARKING LOT NO. 41

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cleveland J. Stockton for lease of parking lot No. 14 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 November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-559

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF
MODESTO AND ARTHUR M. MCELROY MARITAL TRUST FOR THE POLICE
EVIDENCE BUILDING AT 1124 F STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Arthur M. McElroy Marital Trust for the Police Evidence Building at 1124 F 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 16th day of November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST:


JEAN ZAHR, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-560

A RESOLUTION DEALLOCATING \$606,000 OF THE 98/99 HOME FUNDS PREVIOUSLY ALLOCATED TO EDEN HOUSING, INC., AND REALLOCATING FUNDS IN THE AMOUNT OF \$306,000 TO NEW REQUESTS FOR PROPOSALS FOR AFFORDABLE HOUSING PROJECTS, AND \$300,000 TO THE SELF-HELP ENTERPRISES BRIGGS ROAD SWEAT EQUITY HOUSING PROJECT.

WHEREAS, on October 13, 1998, the City Council approved the allocation of \$606,000 in HOME funds to Eden Housing, Inc., to acquire the property at 620 Paradise Road, and to demolish 172 deteriorated units and rebuild 148 new units, and

WHEREAS, approval of the allocation was granted subject to satisfying three conditions, the first of which required Eden to submit a copy of the purchase agreement for 620 Paradise no later than December 15, 1998, with a copy of an appraisal supporting the sales price within sixty (60) days of a signed purchase agreement, and

WHEREAS, this condition has not been met, and

WHEREAS, at its September 10, 1999, meeting, the Citizens Housing and Community Development Committee recommended that the funding allocation be maintained for the site, without a specified developer, until December 31, 1999, and

WHEREAS, since December 1998, other developers have approached the property owner, Verne Stark, with the intention of acquiring the apartment complex, and

WHEREAS, said developers requested access to the funding allocation made to Eden Housing for this project (\$606,000 of HOME funds and \$215,000 of RDA funds), and

WHEREAS, the most recent interested buyer (Joe Wu) indicated he is no longer interested in the City's funding assistance and will be proceeding with the purchase of 620 Paradise Road, and

WHEREAS, staff is now recommending that the funds should be made available to other affordable housing developers in other areas of the City, and

WHEREAS, staff plans to combine these funds with the 1999/2000 HOME and RDA Housing Set-aside funds that were not allocated in July of this year, and

WHEREAS, a new Request for Proposals (RFP) will be distributed which will incorporate the funds from 620 Paradise Road and the funds from the previous RFP, and

WHEREAS, the \$606,000 in HOME funds must be committed through a binding agreement by July 31, 2000, or said funds must be returned to HUD, and

WHEREAS, maintaining the allocation of funds to the 620 Paradise Road Project may jeopardize funding needed for other affordable housing projects, and

WHEREAS, a total of \$300,000 from the original allocation of \$606,000 of HOME funds is being recommended for allocation to the Self-Help Enterprises (SHE) Sweat Equity Project on Briggs Road, and

WHEREAS, SHE has recently enrolled 11 eligible families to participate in the first phase of the Briggs Road Single-family Sweat Equity Housing Project, and

WHEREAS, a previous allocation of 97/98 HOME funds will most likely be

recaptured by HUD because a binding agreement between the City and the home buyer was not reached before August 1, 1999, and

WHEREAS, staff wishes to avoid another recapture of funds by HUD by executing a binding agreement with Self-Help Enterprises, thereby allowing construction to begin this year, and

WHEREAS, the Community Development and Housing Committee met on October 20, 1999, and recommended that the City Council reallocate the funds as recommended by staff and publish a new Request for Proposals for affordable housing projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the deallocation of \$606,000 in HOME funds previously allocated to Eden Housing, Inc., and reallocates the sum of \$306,000 of said HOME funds to a new Request for Proposals for affordable housing projects and reallocates the sum of \$300,000 to the Self-Help Enterprises Briggs Road Sweat Equity Housing Project.

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 reallocation of said HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Check 18

MODESTO CITY COUNCIL
RESOLUTION NO. 99-561

A RESOLUTION APPROVING CITY ASSISTANCE
FOR THE MODESTO MILLENNIUM
CELEBRATION TO BE HELD ON DECEMBER 31,
1999.

WHEREAS, the Modesto Millennium Celebration Committee ("Committee") has
requested City assistance in sponsoring a Millennium Celebration on December 31, 1999, and

WHEREAS, the program will include a DJ dance at the Modesto Centre Plaza for
young people and a community fireworks display to ring in the new millennium, and

WHEREAS, the Committee has requested a \$10,000.00 cash contribution for the
fireworks display, Fire Department involvement in the presentation of the fireworks, and Police
Department assistance with security and traffic management services for citizens attending the
fireworks display, and

WHEREAS, the Committee has also requested approval to close Tenth Street
between I Street and J Street on December 31, 1999, at 9:00 p.m., until January 1, 2000, at 2:00
a.m., and

WHEREAS, the Committee has also requested that portable toilets be made
available to the public at Frank Muratore Square at the Centre Plaza, and at the plaza in front of
the administration building at Tenth Street Place, and

WHEREAS, the total cost of the Committee's requests for sponsorship and other
assistance from the City totals \$14,335.00 in cash, rentals, and services, 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 Financial Policy Committee recommended awarding the sum of \$14,335.00 in funding and other direct City assistance to the event, and

WHEREAS, the Council deems it appropriate to grant approval for financial and direct City assistance to the Modesto Millennium Committee for the Millennium Celebration to be held on December 31, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Modesto Millennium Committee for financial and direct city assistance in the total amount of \$14,335.00 in cash, rentals, and services for the Millennium Celebration to be held on December 31, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-562

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(539). (RAY
LINDSEY)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Ray Lindsey on August 9, 1999, to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539), to allow a mini-storage warehouse facility, property located on the north side of Scenic Drive west of Coffee Road, described as follows:

C-1 to P-D(539)

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

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

and

WHEREAS, after a public hearing held on October 4, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-62, that rezoning of the property as

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-562

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(539). (RAY
LINDSEY)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Ray Lindsey on August 9, 1999, to reclassify from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539), to allow a mini-storage warehouse facility, property located on the north side of Scenic Drive west of Coffee Road, described as follows:

C-1 to P-D(539)

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

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

and

WHEREAS, after a public hearing held on October 4, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 99-62, that rezoning of the property as

requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed Planned Development Zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.
2. That the requested Planned Development Zone for a mini-storage warehouse use is within a portion of the Redevelopment Planning District (RPD) designated for commercial, residential, and public uses by the General Plan, and that this development is consistent with uses included within this designation.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 16, 1999, 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 Ray Lindsey 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. 99-62 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3161 -C.S. on the 16th day of November, 1999, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539).

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(539), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Mini-Storage, Scenic Drive, Modesto, CA" as amended in red, stamped approved by the City Council on November 16, 1999.
2. Prior to issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping, including provision for street tree locations, together with an 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. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
5. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.
6. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.
7. Prior to issuance of a building permit, the developer shall show on all plans submitted to Building Inspection, all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
8. 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.
9. All signs shall comply with the sign requirements of the C-3 Zone.

10. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, 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(539):

The entire construction program be accomplished in one phase, construction to begin on or before October 4, 2001, and completion to be not later than October 4, 2002.

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(539), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Clark 10

MODESTO CITY COUNCIL
RESOLUTION NO. 99-563

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 28-2-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(539), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF COFFEE ROAD. (RAY LINDSEY)

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, Ray Lindsey has proposed that the zoning designation for the property located on the north side of Scenic Drive west of Coffee Road, be amended to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539), in the City of Modesto ("the project"), to allow a mini-storage warehouse 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 99-68 reviewed the proposed amendment to the Zoning Map

and rezone to P-D(539) 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(539) 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 16th day of November, 1999, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Initial Study

EA/CDD 99-68

City of Modesto
Initial Study

EA NO. CDD 99-68

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

- A. Project title:
Public Hearing - Application of Ray Lindsey to Rezone From C-1 to P-D to Allow A Mini-Storage Warehouse Facility Development, Property Located on the North Side of Scenic Drive West of Coffee Road
- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
John Stack, CDD, City of Modesto
801 11th Street
Modesto, CA 95354
phone (209) 577-5282
- D. Project Location:
1165 Scenic Drive, Modesto, CA
- E. Project Sponsor:
Ray Lindsey
- F. General Plan Designation:
Redevelopment Planning District (RPD)
- G. Zoning:
existing C-1, Neighborhood Commercial
- H. Description of Proposed Project:
This is an application to rezone 1.94 acres, located on the north side of Scenic Drive west of Coffee Road, from C-1 to a planned development zone for a mini-storage warehouse facility. This property is separated from the adjacent residential uses to the north by a 20 foot wide alley. The property also fronts

along Scenic Drive with C-2 zoning to the west, east and south. This portion of Scenic Drive is developed primarily with auto related repair shops, with the exception of the "Scenic Drive-in" restaurant located immediately to the west. The rear of drive-in property is also developed with a number of one-story multifamily units. The applicant's development proposal will provide 41,600 square feet of enclosed storage area. All of the proposed storage units will be of a one-story design with an overall height of 12-feet. The rear or back walls of those units along the side and rear property lines will be constructed of a solid masonry system. The frontage of the storage facility will have a parapet type wall height of 16-feet along Scenic Drive. One gated access entrance will be provided from Scenic Drive near the west property line of the site. At the direction of the Fire Marshall, a minimum 20 foot wide emergency fire apparatus access entrance will also be provided from Scenic Drive adjacent to the eastern property line of the site. This entrance will be gated and secured with a Knox box lock.

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

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. **Traffic and Circulation**

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

B. **Degradation of Air Quality**

This proposed planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse facility is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building

walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

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

E. Increased Demand for Water Supplies

The proposed planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse 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

This planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse 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**

This proposed planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse facility will not impact the Modesto School system, as the commercial uses will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. **Increased Demand for Police Services**

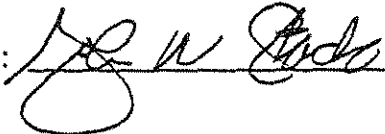
This proposed planned development zone and resulting mini-storage warehouse facility will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

- N. **Increased Demand for Fire Services**
This proposed planned development zone and resulting mini-storage warehouse facility will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is located approximately one miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.
- O. **Generation of Solid Waste**
This planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse 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 planned development zone and resulting mini-storage warehouse 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**
This planned development zone and resulting mini-storage warehouse 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 planned development zone for a mini-storage warehouse 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. The Initial Study, provides the substantial evidence to support finding "A, B, C, and D above.

Signature: _____

A handwritten signature in black ink, appearing to read "J. W. [unclear]", is written over a horizontal line.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-564

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN TO ALLOW A
15-ACRE PORTION OF THE COFFEE/CLARATINA
COMPREHENSIVE PLANNING DISTRICT TO HAVE
LIMITED COMMERCIAL USES ALONG THE COFFEE
ROAD FRONTAGE. (LANCE ELLIS)

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, No. 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, and 99-162 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, Lance Ellis applied for an amendment to the Coffee/Claratina Specific Plan to redesignate 15-acres along the west side of Coffee Road to mixed uses to allow limited commercial uses, and

WHEREAS, City staff determined that this Specific Plan amendment would require an amendment to the General Plan, and

WHEREAS, staff concluded that the most appropriate amendment would be to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District, and

WHEREAS, pursuant to provisions of Government Code Section 65402 of the State of California, the Modesto 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, on November 15, 1999, 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 to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 99-69, recommending to the City Council an amendment to the General Plan to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 16, 1999, in the 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 to add a new policy to allow a mixture of commercial, professional office, and residential uses along the Coffee Road frontage of the Coffee/Claratina Comprehensive Planning District 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 16th day of November, 1999, by Councilmember Dobbs, who moved its adoption, 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, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.
- (2) Development in this Comprehensive Planning District should be considered an extension of the existing development immediately to the south.
- (3) Notwithstanding the Land Use intensities presented in Section III-B for Residential, uses that include a mixture of commercial, professional office and residential use would be allowed along Coffee Road.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and service policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies, which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a sub-trunk in Coffee Road that ties into the existing sanitary sewer system.

6. Mitigated Negative Declaration:

General Plan Policy III(D)(1)(g) specifically exempts the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 2115.71 of CEQA.

The Mitigated Negative Declaration for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 1,000 dwelling units were assumed for this Comprehensive Planning District.
- b. A total of 800 employees were assumed for this Comprehensive Planning District.
- c. The total number of dwelling units or employees may vary depending on the implementation of Policy 4 b.(3) above.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-565

A RESOLUTION APPROVING AMENDMENT NO. 1 TO
THE COFFEE/CLARATINA SPECIFIC PLAN TO ALLOW
LIMITED COMMERCIAL USES FOR 15-ACRES ALONG
COFFEE ROAD. (LANCE ELLIS)

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 June 2, 1998, the City Council by Resolution No. 98-294,
adopted the Coffee/Claratina 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, property owner Lance Ellis has proposed Amendment No. 1 to the
Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee
Road, and

WHEREAS, the Land Use Diagram of the adopted Coffee/Claratina Specific
Plan states that: "limited Commercial uses may be established fronting on Coffee Road, as
long as these uses are consistent with the assumptions of the Traffic Analysis supporting the
Mitigated Negative Declaration adopted for the Specific Plan", and

WHEREAS, the applicants traffic engineer, kdAnderson has worked with staff
to identify those land uses that would be consistent with the Specific Plan and staff has created
a land use designation for the Specific Plan, "Mixed Community Commercial" that further
defines the appropriate uses, and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 15, 1999, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on November 15, 1999, the Planning Commission adopted Resolution No. 99-70, recommending to the City Council Amendment No. 1 to the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee Road, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 16, 1999, 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 and evidence both oral and documentary was received and considered, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee Road, as recommended by the Planning Commission in its Resolution 99-70, is consistent with the City of Modesto Urban Area General Plan for the following reasons:

1. An amendment to the Coffee/Claratina Comprehensive Planning District of the Urban Area General Plan has been adopted that allows mixed uses including commercial along Coffee Road.
2. A traffic analysis has been performed as part of the Coffee/Claratina Mitigated Negative Declaration (EA/CDD 99-79) that demonstrates the amendment would be within the City's General Plan standard for roadway and intersection Level of Service "D".

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres along Coffee Road, as recommended by the Planning Commission, 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 16th day of November, 1999, by Councilmember Dobbs, who moved its adoption, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

AMENDMENT NO. 1

TO THE COFFEE/CLARATINA

SPECIFIC PLAN

City of Modesto

COFFEE/CLARATINA Specific Plan

reflects all amendments to the Coffee/Claratina
This document ~~adopted June 2, 1998, by Modesto City Council~~
~~Resolution No. 98-204~~
Specific Plan as of November 16, 1999

Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

The Coffee/Claratina Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the Coffee/Claratina Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 et. seq. of the State Government Code. The Specific Plan provides a bridge between the General Plan's broad base goals and policies and the City's precise zoning and subdivision regulations. The Coffee/Claratina site is located within a "Comprehensive Planning District (CPD)", therefore in accordance with the City of Modesto's General Plan adopted policies the adoption of a Specific Plan is required prior to any development. This Specific Plan ensures that the city-wide effects of development projects, especially the need for providing adequate infrastructure, are addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in the State Government Code Section 65451 et seq.

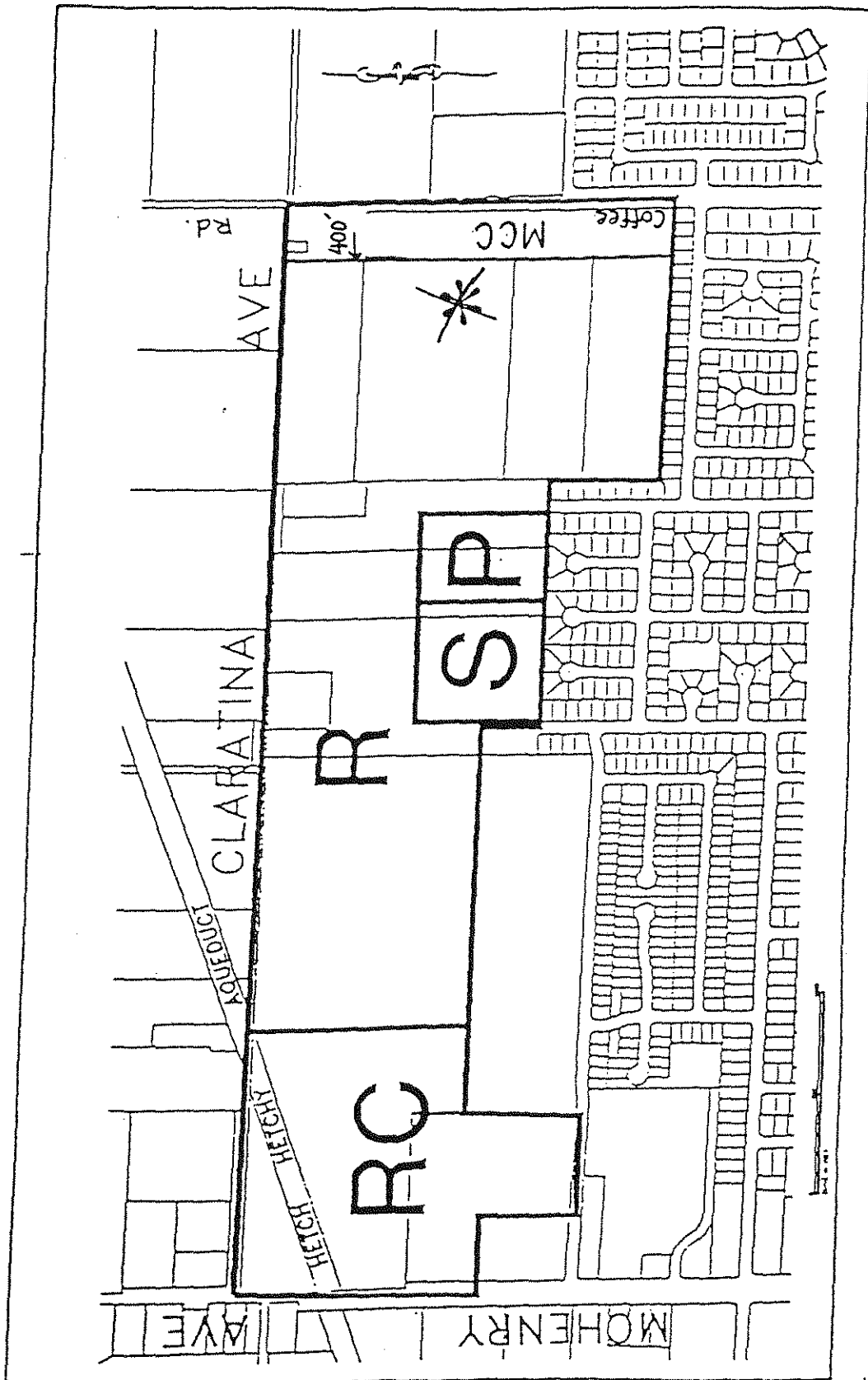
The Specific Plan area is within the Coffee/Claratina CPD (see Figure 2) and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-15) which include:

1. 130 acres designated "residential" for a maximum of 1,000 dwelling units.
2. 40 acres designated "regional commercial".
3. 15 acres of "Mixed Community Commercial" is allowed along Coffee Road.
4. Implementing adopted City General Plan policies.

The Coffee/Claratina Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing, commercial and professional uses for City residents.

B. PLAN AREA DESCRIPTION

The Coffee/Claratina CPD is located on the south side of Claratina Avenue (See Figure 1). The site is bound by Coffee Road on the east and McHenry Avenue (State Hwy. 108) on the west, and the Modesto City limits to the south. The project site contains approximately 170 acres.



MCC = "Mixed Community Commercial" Uses shall be allowed along Coffee Road as described in Policy 2.A.4.e.

LAND USE DIAGRAM

FIGURE 4

* Note: Notwithstanding this Land Use Diagram, within Gabeca B2 only, limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

d. **Regional Commercial (RC).** The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.

e. ← attached Policy e. language to be inserted here.

5. Land Use Regulations

The City of Modesto's Title X Planning and Zoning Code latest edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

6. Improvement Standard Regulations

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan as the Plan's Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.

7. Designation of Sub-Areas

The Coffee/Claratina Specific Plan area has been divided into four sub-areas, as shown in Figure 5. These sub-areas are based on the probable sequence (phasing) of annexation and development of properties. It is the intent of this Specific Plan that any of the four (4) designated sub-areas may annex in any order.

Following are the sub-areas:

Sub-area "A," approximately 12.0 acres, is the existing 'Modesto Mobilehome Park,' consisting of 150 spaces. Sub-area "B1," approximately 59.0 acres, is primarily open ground and two rural home sites. Sub-area "B2," approximately 76.3 acres, is comprised of a 20-acre almond orchard, open ground and four rural home sites. Sub-area "C" is comprised of 22.7-acre 'Silverwood Mobilehome Park,' 98 spaces, and commercial uses. Acreage shown are gross and are to centerline of adjacent roadways.

All Residential designated areas will comply with "Neighborhood Plan Prototype" policies as presented in Section III-C(2) of the City of Modesto Urban Area General Plan, and regional commercial area will comply with standards set forth in Section III-B(7) of the General Plan.

- e. **Mixed Community Commercial (MCC)** The Mixed Community Commercial designation is to allow for mixed uses including commercial uses. It applies to 15 acres fronting along Coffee Road ~~which may be applied to a depth of 400 feet from Claratina Avenue (Pelandale Expressway) south to the southern boundary of the Specific Plan area, or located near the Pelandale Expressway/Coffee Road intersection.~~ The purpose is to permit a mix of appropriate scale commercial and residential uses along Coffee Road in the Plan area. The uses would be compatible with and provide services and goods to the surrounding neighborhood as well as access community level shoppers. Uses allowed by this designation include a mix of Specialty Retail/Strip Commercial and Community Shopping Center uses, also included would be Professional Offices, Medium-High and Low Density Residential uses.

Land use and development standards shall be as set forth in the City's C-2, C-1, P-O, R-3, R-2 and R-1 sections of Title X of the Modesto Municipal Code with exemptions as granted by this Specific Plan or the City in order to implement the Plan.

Plans for development in this area shall not cause the level of service (LOS) on adjacent roadways and intersections to exceed the General Plan standard of LOS D.

The plan area is proposed to be annexed to the City of Modesto and served by Urban-Level Public Infrastructure. Access to the plan area would be from McHenry Avenue (State Hwy. 108), Pelandale Expressway (currently Claratina Avenue) and Coffee Road. City water, sewer, police and fire services are proposed to be extended to the plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy, parks and schools, also would be provided by public agencies or special districts.

~~8. Annexation of Sub Areas~~

~~The Coffee/Claratina Specific Plan has been crafted so that these four separate and distinct sub areas may request annexation individually. It is possible that (i) all of the sub areas will desire to annex at one time, (ii) some of the sub areas will desire to annex at one time, or (iii) any one of the sub areas may desire to annex independently. While it is not assured, it is possible that Sub area B1 or B2 may ultimately request to be annexed without the additional annexation of Sub areas A or C. If this occurs, an island could be created.~~

The overall sewer facilities needed to serve the Specific Plan Area consist of approximately:

- a.) One lift station on Coffee Road
- b.) 700 LF of 30" sewer line
- c.) 2100 LF of 12" sewer line
- d.) 2100 LF of 15" sewer line
- e.) 600 LF of 8" sewer line

2. Storm Drainage (See Figures 8 and 8A)

The City has created a master plan for storm drainage to serve the Coffee/Claratina area along with the area to the north and to the east. The master plan requires a regional basin be constructed to serve this area (see Figure 8A).

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project (see Figure 8). The storm drain basins will be constructed as development occurs. The storm drain collection system and basins will be designed in accordance with the City of Modesto Standards and specifications. Exact locations may vary, depending on sub-area annexation to the City. The storm drain basin in the west half will serve the Regional Commercial Area and the Modesto Mobilehome Park (Sub-Areas A & B1) and be installed with the development of the Regional Commercial Area. In the east half the basin will be fully installed prior to any residential development and serve Sub-Areas B2 and C.

↳ of Mixed Community Commercial

The overall storm drainage facilities needed to serve the Specific Plan Area consist of approximately:

- a.) One storm drain basin in area B1 of 10-11 ac/ft capacity
- b.) One storm drain basin in area B2 of 6-7 ac/ft capacity
- c.) 1000 LF of 18" storm drain line
- d.) 1000 LF of 24" storm drain line

3. Water (See Figure 7)

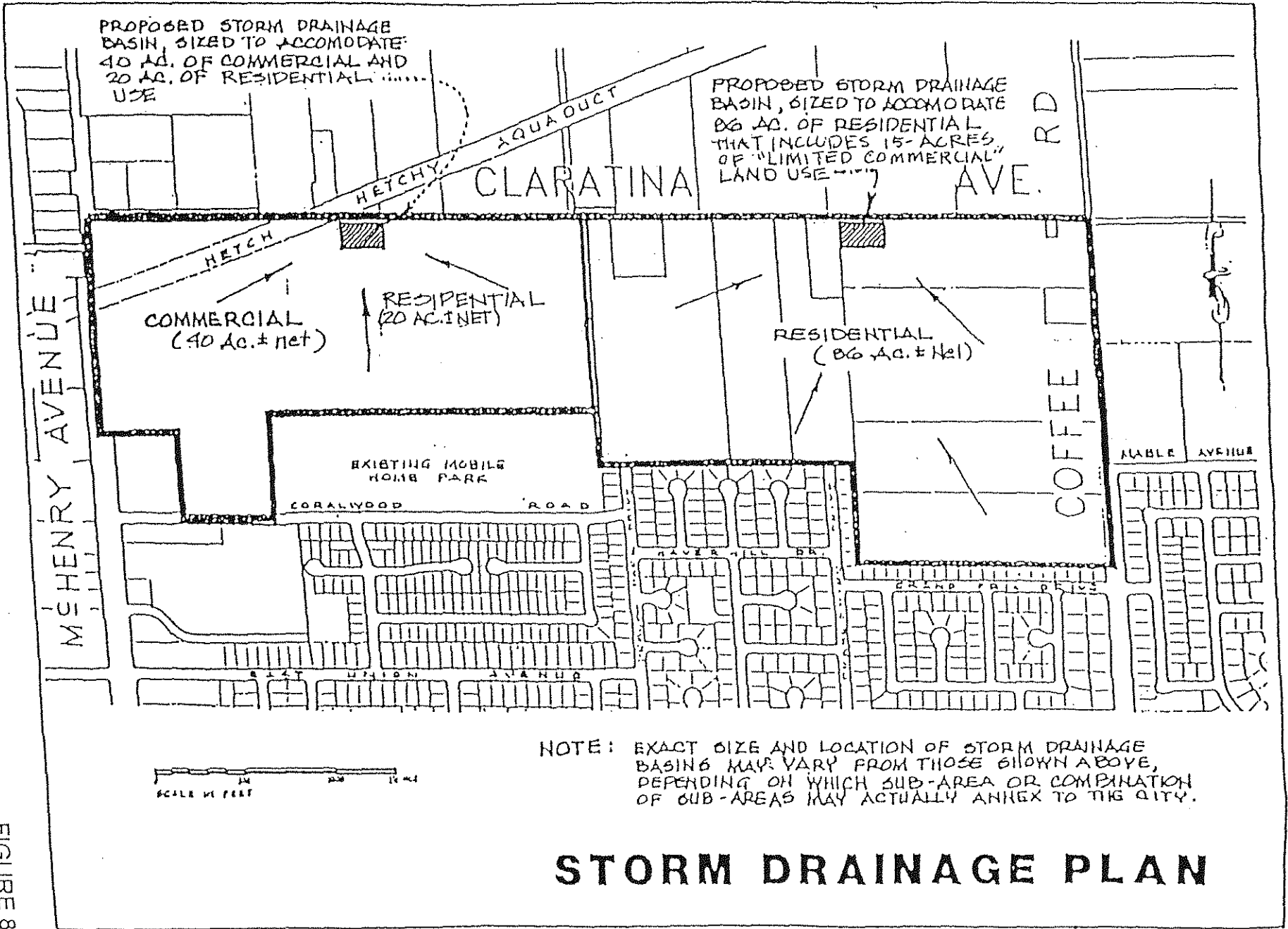
City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards.

Improvements Required with Project Development (Sub-area B1)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Required Improvements</u>
McHenry Avenue/New Project Collector Intersection	LOS F	Signal needed and widening to provide receiving and turning lanes as needed.
Coffee/Claratina Intersection	LOS F	Signal needed
Pelandale Expressway (Claratina Avenue)	LOS Degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects per Specific Plan
Fronting roadways of development: McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects and provide signal as needed.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes as needed prior to development of 50% of Regional Commercial Area.

Improvements Required with Project Development (Sub-area B2)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Required Improvements</u>
Coffee/Claratina Intersection	LOS F	Signals needed plus four lane improvements
Coffee/Mable Intersection	Future Turning Movements	Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes
Coffee/Mable Intersection	LOS F	Signals needed plus improvements per study
Fronting roadways of development: Pelandale Expressway (Claratina Avenue) Coffee Road	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects. Pelandale Expressway (Claratina Avenue) improvements per Specific Plan.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes
Coffee Road between Claratina & east-west Collector	LOS E	Dedicate and improve. Auxiliary lane-west side road per Engineering & Trans. Dept. <small>connect public facilities</small>



STORM DRAINAGE PLAN

FIGURE 8

Public Utilities

(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

- e. Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.
- f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B₁ and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.
- g. At the time of development of Sub-area B₁, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.
- h. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

4. Infrastructure to serve Sub-area B₂. as defined by Policy 2.A.4.e.

Sub-area B₂ consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development (a 10-acre school site and 7-acre park site are also planned for this area). In addition, limited Commercial uses may be established fronting on Coffee Road, ~~as long as these uses are consistent the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.~~ The existing rural home sites including any businesses legally established in the County may continue indefinitely upon annexation to the City.

- a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

The Transportation Division at present does not envision the need for a traffic signal at this intersection and for operational reasons, is not in favor of signalizing this intersection.

established in consultation with the City of Modesto Transportation Division.

g. Installation of the new east-west collector in Sub-area B₂, its alignment and intersection with Coffee Road, shall be as shown in Figure 9. Specific intersection geometrics including signalization will be determined by the City of Modesto Transportation Division.

h. At the time of development of Sub-area B₂, additional rights-of-way for Coffee Road or Claratina Avenue, based upon the area proposed for development, will be dedicated consistent with City standards. Additional dedications may be required for the construction of dual left turn lanes on Coffee Road.

i. No development shall be allowed in Sub-area B₂ which would affect the gas regulator station until the City determines the ultimate alignment and roadway section for Claratina Avenue.

j. ← insert new item 4-J, text attached, here.

5. Infrastructure to Serve Sub-area C.

Sub-area C contains the existing Silverwood Mobilehome Park and some small commercial development. It is expected that Sub-area C will ultimately be developed residentially. The existing land uses including the Mobilehome Park, as approved by Stanislaus County, may continue indefinitely, upon annexation to the City.

However, Mixed Community Commercial uses may be developed along Coffee Road per Policy 2.A.4.e

a. No new permits for onsite wells or septic systems shall be issued. At the time of failure of either the onsite septic system or onsite water system, the City of Modesto shall require connection to existing City facilities in Coffee Road. At the time of connection, all appropriate City fees shall be paid.

b. Site storm drainage is currently handled by dry wells. Any proposed onsite development beyond that currently existing at the site will require the installation of a pipeline to the north, toward the proposed new collector road, which will ultimately connect to the storm drain basin proposed in Sub-area B₂.

c. Any development of this property beyond that currently existing will require construction of Coffee Road improvements to the appropriate City standards and subject to all appropriate City policies and fees.

d. ← attached policy d, e, and f language to be inserted here

B. PUBLIC FACILITY FINANCING PLAN POLICIES.

The public facilities and infrastructure specified within the previous Section A of this Specific Plan must be financed through future development. This financing will be as set forth in a Public Facility Financing Plan, to be adopted prior to specific project

- 4 - j. Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service "D" on Coffee Road, to the satisfaction of the City's Director of Engineering and Transportation.

- 5 - d. Sewer service will be provided out of the proposed sewer line in Coffee Road or Claratina Avenue. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

- 5 - e. Water service will be provided out of water lines proposed in Coffee Road or Claratina Avenue. Prior to development of Sub-area C, the City of Modesto Engineering and Transportation Department will determine the most appropriate method for provision of water service.

- 5 - f. One storm drainage basin of approximately 6 to 7 acre-feet of capacity will be installed in Sub-area B2 to provide storm drainage facilities for Sub-area B2 and Sub-area C. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8 and 8A) and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-Area B2 or C. Storm Drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area C.

required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

- c. Sub-area A will be responsible for no other facilities contained in the Coffee/Claratina Specific Plan Area, other than those previously specified.*

3. Financing Policies Applicable to Sub-area B₁.

- a. All aforementioned overall financing policies will apply to Sub-area B₁.*

4. Financing Policies Applicable to Sub-area B₂.

- a. All aforementioned overall financing policies will apply to Sub-area B₂.*
- b. Prior to the approval of tentative maps in Sub-area B₂, the City shall determine whether ~~parkland dedication will be required, or whether~~ parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication, acquisition,*

5. Financing Policies Applicable to Sub-area C.

The Specific Plan assumes that Sub-area C will develop to a residential use.

- a. All aforementioned overall financing policies will apply to Sub-area C.*

~~G. ANNEXATION POLICIES~~

~~Once the Specific Plan is adopted, the Council may initiate annexation by any property owner within the Specific Plan area. The following are the policies which will guide the annexation process for properties covered by the Coffee/Claratina Specific Plan.~~

~~1. Overall Annexation Policies.~~

- ~~a. Any of the four Sub-areas may independently request annexation from the Modesto City Council and the Modesto City Council may approve independent annexation of any of the four sub-areas.~~

~~2. Policies for Annexation within Sub-area A.~~

- ~~a. Property owners of the mobilehome park shall be exempt from the~~

~~cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.~~

~~3. Policies for Annexation within Sub-area B₁.~~

~~a. Property owners within Sub-area B₁ may independently request annexation from the Modesto City Council.~~

~~4. Policies for Annexation within Sub-area B₂.~~

~~a. Property owners within Sub-area B₂ may independently request annexation from the Modesto City Council.~~

~~5. Policies for Annexation within Sub-area C.~~

~~a. Property owners within Sub-area C may independently request annexation from the Modesto City Council.~~

~~b. Property owners of the mobilehome park shall be exempt from the cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.~~

D. DEVELOPMENT PROCESSING POLICIES

Subject to, or concurrent with, annexation of specific parcels, those properties may also seek development approvals from the City. Following are the policies which will guide development of individual properties, in accordance with this Specific Plan.

1. Overall Development Policies.

a. The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

- b. The City's zoning map, as allowed by Section 10-2.303 of the Modesto Municipal Code shall indicate SP-O zoning for the area of the Coffee/Claratina Specific Plan.
- c. The purpose of the SP-O zone is to permit development within the Coffee/Claratina Specific Plan Area under Title X of the Modesto Municipal Code, and any exceptions as defined in the Specific Plan.
- d. Exception Guidelines. The Planning Commission may grant exceptions to any of the development regulations listed in Chapter 2 of the Specific Plan, by resolution, based on the following considerations:
 - i. To encourage creative and efficient land uses;
 - ii. To encourage mixed or multiple use projects; or
 - iii. To permit variations from the density, height or other standards.

e. There are ^{three areas where} ~~only two~~ principle underlying zones ^{are} established in conjunction with the adoption of this Specific Plan. These ~~zonings~~ ^{areas} include: 1) ~~are~~ ^{are} Low Density Residential zone (R-1), ~~2) and Regional Commercial (C-3)~~ ^{and} Regional Commercial (C-3). These zones are set forth in Title X of the Modesto Municipal Code and are as follows: Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et seq., and Highway Commercial zone (C-3) – Article 12, Section 10-2.1201 et seq. ← insert attached zoning code section references

Land 3) the Coffee Road area per Specific Plan policy 2.A.4.e. that includes the principle underlying zones of General Commercial (C-2), Neighborhood Commercial (C-1), Professional Office (P-O), ~~± g~~ Medium High Density Residential (R-3), Medium Density Residential (R-2), and, Low Density Residential (R-1).
h. ~~g~~

All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

f. ← insert attached language regarding BZA review... Subdivision development within the Coffee/Claratina Specific Plan shall be governed by the City of Modesto's Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code §66410 et seq.). Processing procedures, submittal requirements, and findings required by the City's subdivision ordinance will be enforced as set forth therein.

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

e. zoning code references continued...

Professional Office zone (P-O) – Article 8, Section 10-2.901 et. seq., General Commercial zone (C-2) – Article 11, Section 10-2.1101 et. seq., Neighborhood Commercial zone (C-1) – Article 10, Section 10-2.1001 et. seq., Medium High Density Residential zone (R-3) – Article 7, Section 10-2.701 et. seq., Medium Density Residential zone (R-2) – Article 6, Section 10-2.601 et. seq., and Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et. seq.

- f. All non-residential development proposed within the area along Coffee Road designated for “Mixed Community Commercial uses” as described in the Mixed Community Commercial Policy 2.A.4.e, shall be preceded by approval of a Conditional Use Permit by the Board of Zoning Adjustment.

- i. ~~A.~~ An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.
 - j. ~~A.~~ To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the expressway.
2. Policies for Development within Sub-area A.
 - a. Sub-area A is assumed to remain as a mobilehome park. If Sub-area A were to develop, it would be required to develop subject to the subdivision process set forth under overall development policies and the C-3 zoning standards contained in Title X of the Modesto Municipal Code.
 3. Policies for Development within Sub-area B₁.
 - a. Development within Sub-area B₁ will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.
 - b. Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.
 - c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.
 4. Policies for Development within Sub-area B₂.
 - a. Development within Sub-area B₂ shall comply with the subdivision development policies set forth above under overall development policies.
 - b. ~~Limited Commercial~~ ^{Commercial and other mixed} uses may be established fronting on Coffee Road, ^{as described by the Mixed Community Commercial (MCC) Policy 2.A.4.e.} as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.
 - c. Development within Sub-area B₂ shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code. Commercial development within Sub-area B₂ shall comply with the C-3 zoning standards in Title X of the Modesto Municipal Code.

5 - b.

Development within the area where Mixed Community Commercial (MCC) is allowed pursuant to Policy 2.A.4.e. shall comply with the C-2, C-1, P-O, R-3, R-2, and R-1 zoning and development standards contained in Title X of the Modesto Municipal Code.

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 99-566

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 THE MODESTO URBAN AREA GENERAL PLAN AND COFFEE/ CLARATINA SPECIFIC PLAN TO ALLOW LIMITED COMMERCIAL USES FOR 15-ACRES ALONG COFFEE ROAD. (LANCE 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, City staff has proposed an amendment to the Modesto Urban Area General Plan and an amendment to the Coffee/Claratina Specific Plan to allow a 15-acre portion of the Coffee/Claratina Comprehensive Planning District to have limited commercial uses along the Coffee Road frontage, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 99-79 reviewed the proposed amendment to the General Plan and Coffee/Claratina Specific 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 amendment to the Coffee/Claratina Specific Plan is consistent with the General Plan because an amendment to the land use policies of the Coffee/Claratina Comprehensive Planning District which would allow mixed-uses including commercial uses along the Coffee Road frontage of the planning area was adopted, and the traffic generated by this amendment will not cause the General Plan standard of Level of Service D to be exceeded.

2. An Initial Study, prepared pursuant to CEQA Section 21157.1, has identified additional significant environmental effects that were not analyzed in the Master EIR. The additional significant effects are Traffic and Circulation effects to the operation of project area roadways and intersections.

3. 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 effects on the environment will occur.

4. There is no substantial evidence in light of the whole record before the public agency that the projects, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

5. 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, the City Council finds that a Mitigated Negative Declaration (Environmental Assessment No. EA/CDD 99-79) should be adopted pursuant to CEQA Section 21157.5 et. seq. for the proposed Coffee/Claratina General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road.

6. That 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 both residential and non-residential uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Master Plan. The traffic analysis has determined that the impacts from this project with mitigation applied will achieve the level of service set forth in 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. The mitigation monitoring program set forth in Exhibit E to the Initial Study is hereby adopted.

8. The Initial Study, Environmental Assessment No. EA/CDD 99-79, provides the substantial evidence to support findings 2-7.

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 16th day of November, 1999, by Councilmember Dobbs, who moved its adoption, 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, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

EA/EA/CDD 99-79

INITIAL STUDY

EA RESOLUTION

Attorney	1
CDD - Construction Administration	1
CDD - Steve Nish	1
	3

CITY OF MODESTO

**INITIAL STUDY AND FINDINGS
MITIGATED NEGATIVE DECLARATION**

**FOR A PROPOSED SUBSEQUENT PROJECT TO A
MASTER EIR**

**PROPOSED COFFEE/CLARATINA
GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO
ALLOW LIMITED COMMERCIAL USES
FOR 15-ACRES ALONG COFFEE ROAD**

November 1999

**INITIAL STUDY AND FINDINGS
MITIGATED NEGATIVE DECLARATION
FOR A PROPOSED SUBSEQUENT PROJECT TO A MASTER EIR**

**PROPOSED COFFEE/CLARATINA GENERAL PLAN AND
SPECIFIC PLAN AMENDMENTS TO ALLOW
LIMITED COMMERCIAL USES FOR 15-ACRES ALONG COFFEE ROAD**

EA/CDD 99-79

1. Purpose of Initial Study:

This Initial Study provides review of a project under the City's General Plan Master EIR (SCH# 92052017). The project, a proposed General Plan Amendment to the Modesto Urban Area General Plan and Specific Plan Amendment to the Coffee/Claratina Specific Plan would allow limited commercial uses for 15-acres fronting on Coffee Road. This Initial Study will review the project pursuant to CEQA Sections 21157.1 and 21157.5.

CEQA Section 21157.5 requires a mitigated negative declaration to be prepared for a proposed subsequent project if both of the following occur:

- (1) An initial study has identified potentially new or additional significant effects on the environment that were not analyzed in the master environmental impact report.
- (2) Feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project, before the negative declaration is released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

The Coffee/Claratina Specific Plan adopted for this area implements the land uses which were analyzed in the General Plan Master EIR (MEIR), and are currently contained in the General Plan. The land uses proposed were not analyzed in the Master EIR or the Mitigated Negative Declaration prepared for adoption of the Coffee/Claratina Specific Plan (SCH# 98022079). This initial study will determine if there would be new or potentially significant effects from the project, and if so, whether mitigation or alternatives can be provided to avoid or reduce the effects to a level of insignificance.

This Initial Study includes the Results of a 30-day Public Review from circulation of the Draft Mitigated Negative Declaration from October 1, to October 30, 1999. Five letters of comment were received. The letters and a written response to each one contained in Exhibit "G".

- 2. Project title:** Coffee/Claratina General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road.

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:** Located in north Modesto, south of Claratina Avenue along the west side of Coffee Road (see Exhibit A, Location Map).
6. **Project sponsor's name and address:** Lance Ellis, 4821 Coffee Road, Modesto, CA 95357
7. **General Plan Designation:** Coffee/Claratina Comprehensive Planning District
8. **Zoning:** Specific Plan Overlay (SP-O), refers to the Coffee/Claratina Specific Plan for detailed zoning information.
9. **Project Description:** This project involves a request to approve amendments to the Modesto Urban Area General Plan and the Coffee/Claratina Specific Plan to allow limited commercial uses for 15-acres fronting on Coffee Road by designating the area for mixed uses. The proposal is to allow commercial (or other mixed uses) within a 400 foot deep strip extending from Claratina Avenue (future Pelandale Expressway) south to in front of the existing Silverwood Mobile Home Park. A distance of about 1,600 feet.

This proposal is based on the Land Use Diagram of the Specific Plan which states: "Limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the mitigated Negative Declaration adopted for the Specific Plan."

The traffic study provides an analysis of uses consistent with the assumptions of the traffic analysis prepared for the Specific Plan as adopted on June 2, 1998.

The applicant has requested a "Mixed Use" designation. However, staff proposes a "Mixed Community Commercial" designation (see Exhibit " F ") be applied to achieve this request and comply with the specific land use assumptions used by the traffic analysis and ensure appropriate controls are included with the revision.

Attached Exhibit B contains the General Plan text and map pages proposed for revision, and Exhibit C contains the Specific Plan text and map pages proposed for revision to accomplish the requested change.

10. **Surrounding land uses:** East of the site is an existing par 3 golf course and driving range and the developing North Beyer Park Specific Plan area with lands fronting Coffee Road designated for Mixed Use development, to the south, are existing residential areas of the North McHenry East neighborhood, to the west , the existing Silverwood mobile home park and vacant lands designated for residential development in the Coffee/Claratina Specific Plan area, and to the north is the existing "Funworks" amusement park facility and agricultural lands.

11. Other public agencies whose approval is required: None

A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors listed below are a summary of the 18 environmental categories addressed by the General Plan Master EIR. Those 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 discussion on the following pages:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Traffic | <input type="checkbox"/> Storm Drainage |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Parks & Open Space |
| <input type="checkbox"/> Generation of Noise | <input type="checkbox"/> Schools |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Police Services |
| <input type="checkbox"/> Water Supplies | <input type="checkbox"/> Fire Services |
| <input type="checkbox"/> Sanitary Sewer Services | <input type="checkbox"/> Solid Waste |
| <input type="checkbox"/> Wildlife and Plant Habitat | <input type="checkbox"/> Hazardous Materials |
| <input type="checkbox"/> Archaeological or Historical Sites | <input type="checkbox"/> Landslides & Seismic Activity |
| <input type="checkbox"/> Drainage, Flooding and Water Quality | <input type="checkbox"/> Energy |

While the CEQA Guidelines Appendix I checklist includes 15 separate and distinct areas of environmental review, the City's MEIR addresses 18 separate areas of possible environmental impact. The MEIR prepared by the City of Modesto analyzes all 18 of these categories and has determined, for the entire General Plan (i) where significant effects are likely to occur and what mitigation measures are appropriate to reduce the level of impact to less than significant, (ii) where environmental impacts are significant and unavoidable, and (iii) where environmental impacts are insignificant. This initial study is based upon the MEIR, the environmental analysis contained therein, and will mirror Chapter IV "Environmental Analysis" of the MEIR. The initial study will reference sections 1 through 18 of Chapter IV of the MEIR and provide a discussion for each of these specific areas.

B. ENVIRONMENTAL DISCUSSION

The following review of each of the 18 MEIR sections will discuss the proposed project and whether or not "the project may result in new or additional significant effects" (CEQA Section 21157.1(b)) beyond those which are specifically discussed in the MEIR. Each section will provide appropriate mitigation for any new effects identified. Mitigation for the proposed General Plan and Specific Plan Amendments will be titled "Proposed Mixed Community Commercial Project." Mitigation measures adopted for previously identified effects in the Specific Plan - "Remaining Specific Plan Area" - have also been included to ensure all potential affects are addressed.

1. TRAFFIC

Chapter IV of the Master EIR, Environmental Analysis, Section 1 Traffic and Circulation Needs, discusses traffic and circulation issues. This section evaluates both Modesto's current baseline circulation system and the proposed circulation system needed for

development of the entire General Plan. In Figure 1-3, the MEIR shows (i) Claratina Avenue along the project frontage as a Class B expressway with four to six travel lanes, (ii) McHenry Avenue/State Route 108 as an eight-lane principal arterial, and (iii) Coffee Road as a four-lane minor arterial.

Page IV-1-29 through IV-1-34 of the MEIR includes mitigation measures for the General Plan traffic impacts. This project is within the planned urbanizing area. As such, subsection B, starting on page IV-1-31, specifies three mitigation measures that shall apply to all projects within the Planned Urbanizing Area. These mitigation measures include a requirement for a "Focused Site Access Study" on each comprehensive plan when a project conforms to the General Plan land use designations.

A traffic study was prepared on this project to the level of detail of a "Comprehensive Traffic Study." The MEIR on page IV-1-31 says that a Comprehensive Traffic Study shall contain sufficient analysis and mitigation measures to maintain a Level of Service "D" on all Comprehensive Plan area roadways. For the purpose of this initial study, any roadway or intersection that drops below Level of Service "D" will be considered a significant impact.

Traffic analysis was prepared on the proposed land use change by KD Anderson Transportation Engineers, dated June 8, 1999, and revised/supplemental on September 2, 1999 and September 20, 1999 (attached as Exhibit "D"). While a range of residential and non-residential uses are permitted by the proposed "Mixed Use" designation, the traffic study analyzed the highest traffic generating uses that would be allowed under this designation. This study compared the adopted Specific Plan by analyzing a combination of "Specialty Retail/Strip Commercial" and Community Shopping Center uses to obtain the "worst case scenario" for development traffic impacts. The study analyzed these commercial uses for the 15-acre project area. City staff created a Specific Plan land use designation that reflects these uses as analyzed. That designation is "Mixed Community Commercial." The traffic study analyzed impacts to roadways and intersections surrounding the project area including; McHenry Avenue, Claratina Avenue, Coffee Road and Mable Avenue.

The study showed that additional significant impacts would occur without new mitigation, at the intersection of the new collector street and Coffee Road. However, the traffic study shows that with the recommended improvements, at full buildout of the project, plus buildout of the General Plan (year 2025 Daily traffic volumes), roadways in the vicinity of the project area would operate as follows:

- | | | |
|----|--------------------------------------|--------------------|
| 1. | Claratina – Collector to Coffee Road | Level of Service D |
| 2. | Coffee – Claratina to Collector | Level of Service D |
| 3. | Coffee – Collector to Mable | Level of Service D |
| 4. | Coffee – south of Mable | Level of Service D |
| 5. | Mable – east of Coffee | Level of Service A |

As such, the approval of this proposed "Mixed-Use" amendment, with implementation of the recommended traffic improvements - addition of an auxiliary lane - will not create any new or additional significant impacts.

IMPACTS

PROPOSED MIXED COMMUNITY COMMERCIAL PROJECT:

The traffic engineer who prepared the traffic analysis indicated that Coffee Road south of Claratina Avenue would be affected by the proposed project in the following manner:

“While the volume of traffic on the segment of Coffee Road between Claratina Avenue and the new collector street may technically cross into the LOS “E” range with or without the proposed commercial change, because this segment is only 600+/- feet long, I believe that the segment LOS in this area is not significant.”

REMAINING SPECIFIC PLAN AREA:

Existing Plus West Half Development (B₁)

Development of the regional commercial and professional office property and connection of the project collector road to McHenry Avenue could create Level of Service F conditions at the new intersection. Traffic signal warrants would also be met at the McHenry/Claratina, Coffee/Claratina and new project access/McHenry intersections. This is a significant impact.

Five-Year Development Plus Full Project

The traffic study assumes that as part of the next five years of development, the Claratina Avenue/McHenry Avenue and Claratina Avenue/Coffee Road intersection signals will be installed. These signals currently exist in the City’s Capital Facilities Fees program. In addition, the Coffee Road/Mable Avenue signal is assumed to be constructed within this five-year period if development proceeds as expected. This signal is also in the existing Capital Facilities Fees program.

2025 Plus Full Project Buildout

There are no additional impacts due to cumulative development in the year 2025 when adding this project.

MITIGATION

PROPOSED MIXED COMMUNITY COMMERCIAL PROJECT:

The traffic study indicates that impacts from the proposed “mixed-use” project can be mitigated:

“exceeding LOS “D” standard on very short segments in the immediate vicinity of major intersections is not necessarily significant, as the overall capacity of the facility can be influenced by implementation of local capacity enhancements. In this case, the installation of a southbound auxiliary lane on Coffee Road along the

project's frontage would increase the capacity of Coffee Road and deliver LOS "D" or better conditions."

Staff has taken this recommendation by the traffic engineer and created the following mitigation measure for the identified traffic impacts:

"Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service "D" on Coffee Road, to the satisfaction of the City's Director of Engineering and Transportation."

REMAINING SPECIFIC PLAN AREA:

It is expected that the westerly half of the project which contains the regional commercial will develop first. As set forth above, there is a new impact as the construction of a project access to McHenry Avenue would operate at below Level of Service D.

Mitigation Measure #1: The installation of a traffic signal and the widening of the collector road access to McHenry Avenue to allow for two additional left turn lanes going westbound out of the regional commercial area.

After the implementation of this mitigation measure, the intersection will operate at Level of Service D. This is within the threshold of significance as set forth in the General Plan and MEIR.

Further, development of the regional commercial will result in the traffic signal warrants being met at the McHenry/Claratina and Coffee/Claratina intersections.

Mitigation Measure #2: The installation of traffic signals at the McHenry/Claratina and Coffee/Claratina intersections.

After the implementation of this mitigation measure, the intersections will operate at acceptable level of service. This is within the threshold of significance as set forth in the General Plan and MEIR.

Partial development of the regional commercial and professional office area may occur without these signals being in place.

Mitigation Measure #3: Prior to any incremental development of the regional commercial area, a specific intersection study shall be submitted which shows that the amount of development proposed will not create intersection operations below Level of Service D.

No development of the regional commercial area shall be approved which would (i) degrade the new project access intersection with McHenry Avenue to below Level of

Service D, or (ii) degrade the McHenry/Claratina or Coffee/Claratina intersections to an unacceptable Level of Service without a requirement for the construction of the appropriate signal.

Development of 50% of the regional commercial may occur with construction of an appropriate length of the east/west collector road to the back of the area proposed for development.

Mitigation Measure #4: Prior to any development greater than 50% of the regional commercial area, the collector roadway will need to be constructed through the entire regional commercial area and then northward to Claratina Avenue.

This will assist in distributing traffic and making certain the new project access intersection to McHenry Avenue is not overloaded.

Prior to development of any residential property in the easterly half of the Specific Plan, the collector road shall be continued through the east half of the property to Coffee Road.

Note: Previous Mitigation Measure #5 was deleted during Specific Plan adoption in June 1998, because it was deemed infeasible. The measure was incorrectly included in the public Review document. Since it is not feasible, it has been removed.

This will mitigate any possible future impacts to the operation of signals along Coffee Road. This mitigation measure will reduce the level of impact of Coffee Road traffic operations to a level of less than significant and the Coffee Road/Mable Road intersection will operate at Level of Service C.

No other mitigation measures are required or needed to reduce traffic impacts to a level of less than significant. As development occurs based upon these mitigation measures, and the timing set forth herein, at completion of project development, and in the year 2025 with all cumulative development expected by the General Plan, the project access road/McHenry Avenue, McHenry Avenue/Claratina Avenue, right-in/right-out Claratina Avenue access, Claratina Avenue/Coffee Road access and the Coffee Road/Mable Road intersection will all operate at Level of Service D or better.

The Specific Plan includes the requirements for appropriate roadway improvements along McHenry Avenue, Claratina Avenue and Coffee Road.

As such, there are no new or additional impacts which cannot be mitigated to a level of less than significant and as such this project is consistent with the MEIR based upon the adoption of these mitigation measures, and no new or additional impacts exist.

2. DEGRADATION OF AIR QUALITY

Chapter IV Environmental Analysis, Section 2 Degradation of Air Quality discusses the expected air quality impacts related to development of the General Plan. The MEIR on

page IV-2-13 recognizes that even with adoption of all mitigation measures, there would be a significant increase in ozone precursors and PM-10 due to the development of the General Plan. As such, Modesto adopted a statement of overriding considerations when it approved the General Plan. This proposed mixed use project would be developing at intensities equal to or slightly more than that set forth in the General Plan and as such, will create no new or additional significant effect. As such, this project is covered by that statement of overriding consideration. No additional mitigation measures beyond those contained in the MEIR and no additional statement of overriding consideration is required.

3. GENERATION OF NOISE

Chapter IV Environmental Analysis, Section 3 Generation of Noise discusses the expected noise impacts related to development of the General Plan. The MEIR contains specific noise contour lines on Figure 3-2 which show the expected area of noise impact at buildout of the General Plan. Since there is the possibility that some of the Mixed-Use proposal may develop as non-residential uses, the following discussion applies. Portions of this project fall within the 70 LDN, 65 LDN and 60 LDN noise contours. In addition, existing residences along the south side of the proposed Specific Plan area could be subject to construction noise during the development of the Specific Plan area.

The impacts on neighboring residences due to construction is considered a significant impact. To reduce this impact to a level of less than significant, the following mitigation measure is proposed.

Mitigation Measure #5: All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

This mitigation measure reduces the impact to a level of less than significant. In addition, the Modesto Noise Ordinance should be enforced to limit the intensity and duration of noise exposure from the project. It is likely that single-family residences will be developed which fall within the 70-foot community noise equivalent level ("CNEL") range for traffic from the expressway. As such, without mitigation, the impact of noise on residences would be considered significant. Further, any exterior noise above 65 CNEL, or interior noise above 45 CNEL, is considered significant. Without mitigation, these standards would be exceeded. To mitigate this impact to a level of less than significant, and following the standards previously set forth in the Pelandale/Snyder FEIR, will be implemented.

Mitigation Measure #6: An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.

Based upon the construction of this wall, exterior ground floor noise levels at 100 feet from roadway centerline would be reduced to approximately 63 CNEL. This is a level which is less than significant.

Further, second-story noise levels above the eight-foot masonry wall could be as high as 68 CNEL.

Mitigation Measure #7: To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the Claratina expressway.

These assemblies would reduce interior noise levels to approximately 42 CNEL, a level which is less than significant.

Because the proposed Mixed Use designation could possibly decrease the amount of residential development exposed to noise generators, and based on the foregoing, there are no new or additional significant noise impacts related to the project.

4. LOSS OF AGRICULTURAL LAND

Chapter IV Environmental Analysis, Section 4 Loss of Agricultural Land discusses the expected impacts due to the loss of agricultural land from the development of the General Plan. The project site is designated as prime agricultural land. On Page IV-4-13, the General Plan MEIR recognizes that loss of agricultural land is a significant and unavoidable effect under CEQA, even with the adoption of all feasible mitigation measures. As such, overriding consideration findings have been adopted for the General Plan.

Pages IV-4-13 through 15 of the MEIR contain mitigation measures related to agricultural land conversion. The only mitigation measure which will apply to this project is from Table 4-1: Measures to Reduce Conflicts with Agricultural Uses:

Mitigation Measure #8: Inform residents about the possible exposure to agricultural chemicals.

Because the proposed Mixed Use designation would not change the area being converted to urban uses, no other mitigation is required, and the project results in no new or additional significant environmental effects.

5. INCREASED DEMAND FOR WATER SUPPLIES

Chapter IV Environmental Analysis, Section 5 Increased Demand for Water Supplies discusses the expected impacts due to the increased demand for water supplies related to the development of the General Plan. The MEIR on page IV-5-7 recognizes that additional water supply to the planned urbanizing area is a significant, unavoidable effect under CEQA and therefore a statement of overriding consideration has been adopted. Further, page IV-5-8 and 9 of the MEIR contain mitigation measures for development within the General Plan. This project is a subsequent project expected by the MEIR and General

Plan and as such will be required to comply with the mitigation measures set forth in the MEIR. Mitigation measures a, b and c contained in Table 5-1 of the MEIR shall apply to development in the Specific Plan area.

Mitigation Measure #9:

- a. **Install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.**
- b. **Install water conserving landscape materials and irrigation systems in all common landscape areas.**

Note: These techniques are required by state law (California Code of adopted these regulations and enforces them through the building permit process.

- c. **The City shall implement a requirement for the installation of water meters on all new construction.**

Because the Mixed-Use proposal would not change the area being served, there are no new or additional impacts from the development of this project.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

Chapter IV Environmental Analysis, Section 6 Increased Demand for Sanitary Sewer Services discusses the expected impacts due to the increased demand for sanitary sewer services related to the development of the General Plan. As stated on page IV-6-7, there are no significant impacts after mitigation related to provision of sanitary sewer service. Page IV-6-7 through IV-6-9 contain mitigation measures which apply to all development within the General Plan. The proposed Specific Plan Amendment does not significantly change any intensities or densities set forth in the General Plan and, as such, sanitary sewer service can be provided to the project subject to the mitigation measures contained in the MEIR. All necessary mitigation measures are addressed in the Specific Plan and no other mitigation is required. As such, there are no new or additional significant impacts related to the provision of sewer services for this project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

Chapter IV Environmental Analysis, Section 7 Loss of Sensitive Wildlife and Plant Habitat discusses the expected impacts due to the loss of sensitive wildlife and plant habitat related to the development of the General Plan. Figure 7-1 contains potential biological resource study areas within the General Plan. This project does not fall within one of these areas. Further, the General Plan states that all impacts to sensitive wildlife and plant habitat can be mitigated. This project is a subsequent project under the General Plan. This project is not within a significant biological resource area. No further mitigation is required and no mitigation measures are offered for development of this project, as there are no new or additional significant biological impacts.

8. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES

Chapter IV Environmental Analysis, Section 8 Disturbance of Archaeological or Historical Sites discusses the expected impacts due to the disturbance of archaeological or historical sites related to the development of the General Plan. Figure 8-1 of the General Plan MEIR shows potential archaeological resource study areas. The proposed project does not fall within one of these potential archaeological resource study areas. As such, there are no mitigation measures which are necessary prior to approval or development of this project, as there are no new or additional significant archaeological or historical impacts.

9. DRAINAGE, FLOODING AND WATER QUALITY

Chapter IV Environmental Analysis, Section 9 Drainage, Flooding and Water Quality discusses the expected impacts due to the drainage, flooding and water quality related to the development of the General Plan. Table 9-1 of the General Plan MEIR shows flood potential study areas. This project does not fall within one of those potential study areas. Pages IV-9-17 through 21 set forth mitigation measures related to Drainage, Flooding and Water Quality. These mitigation measures are implemented through the Specific Plan or current City Policy, and no further mitigation is offered or necessary. There are no new or additional significant drainage, flooding or water quality impacts related to this project.

10. INCREASED DEMAND FOR STORM DRAINAGE

Chapter IV Environmental Analysis, Section 10 Increased Demand for Storm Drainage discusses the expected impacts due to the increased demand for storm drainage related to the development of the General Plan. The MEIR states that there are no significant and unavoidable effects related to development in the planned urbanizing area. Although the proposed mixed-use development could slightly increase storm drainage runoff from that analyzed in the MEIR. The project shall comply with the mitigation measures set forth therein. These mitigation measures are implemented through the Specific Plan or current City Policy, and no further mitigation is offered or necessary. There are no new or additional significant drainage impacts related to this project.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

Chapter IV Environmental Analysis, Section 11 Increased Demand for Parks and Open Space discusses the expected impacts due to the increased demand for parks and open space related to the development of the General Plan. The MEIR on the Urban Area General Plan states that there are no significant and unavoidable impacts on parks and open space provision. The Specific Plan shows a seven (7) acre park site within the planning area. This is consistent with the MEIR and General Plan. There is no new or additional impact related to this development, and therefore no mitigation is required.

12. INCREASED DEMAND FOR SCHOOLS

Chapter IV Environmental Analysis, Section 12 Increased Demand for Schools discusses the expected impacts due to the increased demand for schools related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to provision of school facilities. Development within the area of the proposed specific plan which is residential in nature will be required to enter into an acceptable school fee agreement prior to recordation of any final maps for residential development. Currently, properties are joining a Schools Mello-Roos, which is in place. This is a requirement of the Specific Plan. No other mitigation is required, as there are no new or additional impacts related to increased demand for schools from this project.

13. INCREASED DEMAND FOR POLICE SERVICES

Chapter IV Environmental Analysis, Section 13 Increased Demand for Police Services discusses the expected impacts due to the increased demand for police services related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to development within the General Plan for police services. The Police Department has not indicated their ability to serve would be adversely affected by the proposed Mixed use amendment. Therefore, this project creates no new or additional impact, and no mitigation measures required.

14. INCREASED DEMAND FOR FIRE SERVICES

Chapter IV Environmental Analysis, Section 14 Increased Demand for Fire Services discusses the expected impacts due to the increased demand for fire services related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to development within the Urban Area General Plan for fire services. The Fire Department has not indicated their ability to serve would be affected by the proposed Mixed-Use amendment. This project creates no new or additional impact, and no mitigation measures are required.

15. GENERATION OF SOLID WASTE

Chapter IV Environmental Analysis, Section 15 Generation of Solid Waste discusses the expected impacts due to the generation of solid waste related to the development of the General Plan. The MEIR states that there are no significant and unavoidable impacts related to development within the General Plan area for solid waste services. Prior to approval of individual development requests, the City shall assure compliance with mitigation measures B(1) and (2) on page IV-15-8 of the MEIR.

Mitigation Measure #10:

- 1. The City should consider implementing local land use incentive and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate**

space for containers. (In Draft General Plan as Police 3 under Community Services – Solid Waste, Solid Waste Disposal Policies, Planning Urbanizing Area).

- 2. Prior to approval of a project within the Planning Urbanizing Area, the City shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project.**

There are no new or additional impacts from the generation of solid waste related to this proposed Mixed-Use amendment project.

16. GENERATION OF HAZARDOUS MATERIALS

Chapter IV Environmental Analysis, Section 16 Generation of Hazardous Materials discusses the expected impacts due to the possible generation of hazardous materials related to the development of the General Plan. Figure 16-1 of the General Plan MEIR shows the potential hazardous contamination study areas within the Urban Area General Plan. This project does not fall within one of these potential hazardous contamination study areas. There are no new or additional impacts from the possible release of hazardous materials related to this project. As such, no additional mitigation measures are required.

17. LANDSLIDES AND SEISMIC ACTIVITY

Chapter IV Environmental Analysis, Section 17 Landslides and Seismic Activity discusses the expected impacts due to the landslides and seismic activity related to the development of the General Plan. The possibility of landslides and seismic activities is not a significant and unavoidable impact according to the MEIR. All building design will comply with UBC standards.

Mitigation Measure #11:

- 1. Any construction which occurs as a result of the project must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map 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.**
- 2. The City shall implement any policies of the City and County General Plan Safety Elements, which prohibit urban development within areas subject to seismic activity, unless mitigation measures reduce impacts to less than significant.**

3. **City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and emergency evacuation routes such as Route 99.**

There are no new or additional impacts for landslides or seismic activity related to this project. No other mitigation is required.

18. ENERGY

Chapter IV Environmental Analysis, Section 18 Energy discusses the expected impacts due to energy use related to the development of the General Plan. While the proposed amendments would increase the amount of commercial development the energy providers have not indicated their ability to serve would be adversely impacted. The MEIR states that there are no significant effects related to consumption of energy. Mitigation measures are not required.

C. CONCLUSION

PROPOSED MIXED COMMUNITY COMMERCIAL PROJECT

Based upon the foregoing discussion of the proposed Mixed Community Commercial General Plan and Specific Plan Amendments, and the 18 environmental areas analyzed in the MEIR, only one new significant impact was identified – traffic and circulation impacts to area roadways and intersections. Mitigation has been identified that will reduce this impact to less than significant, i.e., the level of the certified MEIR, when it is incorporated into the project.

REMAINING SPECIFIC PLAN AREA

Based upon the foregoing discussion related to the remaining Coffee/Claratina Specific Plan area, as set forth in the 18 environmental areas discussed above, there are no new impacts and therefore no mitigation measures offered with respect to (i) degradation of air quality (ii) increased demand for sanitary sewer services, (iii) loss of sensitive wildlife and plant habitat (iv) disturbance of archaeological or historical sites (v) drainage, flooding and water quality, (vi) increased demand for storm drainage, (vii) increased demand for parks and open space, (viii) increased demand for schools, (ix) increased demand for police services, (ix) increased demand for fire services, (x) generation of hazardous materials, and (xi) energy.

The areas which could have significant impacts, but for which the mitigation measures set forth in the MEIR have been adopted are, (i) loss of agricultural land, (ii) increased demand for water supplies, (iii) generation of solid waste, and (iv) landslides and seismic activity.

For development of the entire General Plan area, significant and unavoidable impacts exist with respect to (i) traffic and circulation needs, (ii) degradation of air quality, (iii) generation of noise, (iv) loss of productive agricultural land, and (v) increased demand

for water supplies. The statement of overriding considerations adopted as part of the Urban Area General Plan adoption and MEIR certification recognized development of this project and therefore these statements of overriding consideration apply to the development of the Coffee/Claratina CPD.

As a possible new impact, the traffic study on the Coffee/Claratina Specific Plan includes new intersections with McHenry Avenue and Coffee Road which were not part of the MEIR. As set forth in the environmental discussion, development of the Coffee/Claratina Specific Plan area will not result in new or additional traffic impacts which are greater than the level of significance, Level of Service D. Therefore, while there are new impacts with respect to the Coffee/Claratina Specific Plan as it relates to roadways, there are mitigation measures offered which will reduce this impact to a level of less than significance. As such, there are no new or additional significant impacts related to traffic for this project, the finding required under CEQA Guidelines Section 15178 can be made, and therefore a mitigated negative declaration is appropriate with respect to traffic.

This Initial Study further shows that there are possible new impacts related to construction noise for existing residences, and road noise on new residences along the Coffee/Claratina Expressway. As set forth in the environmental discussion, the mitigation measures proposed will reduce this impact to a level of less than significant. As such, there are no new or additional significant impacts which cannot be reduced to a level of less than significant, the findings required under CEQA Guidelines Section 15178 can be made, and a mitigated negative declaration is appropriate with respect to noise.

MANDATORY FINDINGS OF SIGNIFICANCE

Finally, it is typical that initial studies evaluate the four mandatory findings of significance when determining whether or not an environmental impact report should be required. The specific mandatory findings of significance are as follows:

- (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 pre-history?;
- (B) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?;
- (C) 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); and
- (D) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

In response, this Initial Study, the MEIR prepared on the City of Modesto Urban Area General Plan, and the previous Mitigated Negative Declaration have clearly evaluated all of these questions and determined that the development of this property is consistent with the goals of the City of Modesto. All of these environmental questions have been answered in the MEIR, but will be briefly addressed again in this document.

As set forth in the MEIR and this Initial Study, this project does not have the potential to further degrade the quality of the environment as set forth in Finding of Significance A. The project is not in a biologically, archaeologically, historically or otherwise significant area.

The project in fact does achieve the long-term goals of the City of Modesto which include the residential and commercial development of this area and the construction of McHenry Avenue, Claratina Avenue and Coffee Road. As such, the project does not "have the potential to achieve short-term, to the disadvantage of long-term, environmental goals".

With respect to Finding of Significance C, the project does not have impacts which would be cumulatively considerable. The MEIR prepared on the General Plan specifically projects development of the entire General Plan by the year 2025. This project is a small increment of that development. Since the adoption of the MEIR, there are no major projects proposed in the vicinity of this project which would further exacerbate impacts which have not already been reviewed.

Finally, as set forth in both the MEIR and this Initial Study, it is not expected that the project will cause substantial adverse effects on human beings, as set forth in Finding of Significance D.

Based upon all the foregoing, this Initial Study, along with the General Plan, MEIR, and the previous Mitigated Negative Declaration for the Specific Plan, it is determined that there are new or additional impacts associated with this project in the areas of traffic and circulation, it is further determined that these impacts can be reduced to a level of less than significant with mitigation, and therefore, a mitigated negative declaration is appropriate for this project and an EIR is not required. As such, and based upon this Initial Study, it is the intent of the City of Modesto to prepare and adopt a mitigated negative declaration for the proposed Coffee/Claratina General Plan and Specific Plan Amendments.

D. MITIGATION MEASURES

PROPOSED MIXED COMMUNITY COMMERCIAL AREA

The following mitigation measure mitigates new impacts directly related to development of the proposed 15-acre "Mixed Use" area:

Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale

Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service "D" on Coffee Road, to the satisfaction of the City's Director of Engineering and Transportation.

REMAINING SPECIFIC PLAN AREA

The following mitigation measures mitigate impacts resulting from overall Specific Plan development:

1. The installation of a traffic signal and the widening of the collector road access to McHenry Avenue to allow for two additional left turn lanes going westbound out of the regional commercial area.
2. The installation of traffic signals at the McHenry/Claratina and Coffee/Claratina intersections.
3. Prior to any incremental development of the regional commercial area, a specific intersection study shall be submitted which shows that the amount of development proposed will not create intersection operations below Level of Service D.
4. Prior to any development greater than 50% of the regional commercial area, the collector roadway will need to be constructed through the entire regional commercial area and then northward to Claratina Avenue.
5. All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.
6. An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.
7. To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the Claratina expressway.

The following mitigation measures are taken directly from the MEIR, and relate to the project proposed.

8. Inform residents about the possible exposure to agricultural chemicals.
9.
 - a. Install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.
 - b. Install water conserving landscape materials and irrigation systems in all common landscape areas.

Note: These techniques are required by state law (California Code of Regulations, Title 20, Sections 1601-1608). The City of Modesto has adopted these regulations and enforces them through the building permit process.

- c. The City shall implement a requirement for the installation of water meters on all new construction.
- 10.
- a. The City should consider implementing local land use incentives and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate space for containers. (In Draft General Plan as Police 3 under Community Services – Solid Waste, Solid Waste Disposal Policies, Planning Urbanizing Area).
 - b. Prior to approval of a project within the Planning Urbanizing Area, the City shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project.
- 11.
- a. Any construction which occurs as a result of the project must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map 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.
 - b. The City shall implement any policies of the City and County General Plan Safety Elements, which prohibit urban development within areas subject to seismic activity, unless mitigation measures reduce impacts to less than significant.
 - c. City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and emergency evacuation routes such as Route 99.

E. 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 October 1 to October 30, 1999. During this period, letters of comment were received, providing agency response to the Draft Mitigated Negative Declaration. These letters are identified as follows:

<u>Letter</u>	<u>Agency</u>	<u>Date Received</u>
1.	Modesto City Schools	October 8, 1999
2.	San Joaquin Valley Air Pollution Dist.	October 29, 1999
3.	Caltrans District 10	October 29, 1999
4.	Stanislaus County Chief Executive	November 1, 1999
5.	Modesto Irrigation District	November 1, 1999

Letters received during this public review and City responses are included in Exhibit "G". In no instance did comments provide additional information that would require a revision to the Initial Study.

F. DETERMINATION (To be completed by the Lead Agency)

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:

- [X] An Initial Study, prepared pursuant to CEQA Section 21157.1, has identified additional significant environmental effects that were not analyzed in the Master EIR. The additional significant effects are Traffic and Circulation effects to the operation of project area roadways and intersections. The City of Modesto standard for acceptable operation of a roadway facility is level of service "D" or above. The estimated project impacts (level of service) are indicated below.
- [X] 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.

G. MITIGATION MEASURES

The following Mitigation Measures will be incorporated into the Coffee/Claratina General Plan and Specific Plan Amendment to allow limited Commercial uses along Coffee Road (see attached Exhibit "E", Mitigation Monitoring Plan):

TRAFFIC

The City's Transportation Division has reviewed the mitigation identified by the traffic analysis by KD Anderson Transportation Engineers contained in Exhibit "D" and has determined the following mitigation measures will address the identified impacts (see Impact (Level of Service) below) and reduce impacts to provide an acceptable level of service:

PROPOSED MIXED COMMUNITY COMMERCIAL AREA

"Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the

Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service "D" on Coffee Road, to the satisfaction of the City's Director of Engineering and Transportation."

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
Coffee Road between Claratina and New east-west Collector	LOS E	Dedicate and improve Auxiliary Lane per City Engineering and Transportation Dept.

REMAINING SPECIFIC PLAN AREA

Improvements Required with Project Development (Sub area B₁ Only)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
McHenry Avenue/New Project Collector Intersection	LOS F	Signal needed
Coffee/Claratina Intersection	LOS F	Signal needed
Pelandale Expressway (Claratina Avenue)	LOS degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects per Specific Plan
Fronting roadways of development: McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes

Additional Improvements with Full Project Development

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
-----------------	--------------------------------------	----------------------------

Coffee/Claratina Intersection	LOS F	Signals needed plus four lane improvements
Coffee/Mable Intersection	Future Turning Movements	Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes
Coffee/Mable Intersection	LOS F	Signals needed plus improvements per study
Fronting roadways of development: Pelandale Expressway (Claratina Avenue) Coffee Road	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes

Year 2025 (Project Buildout)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
Coffee/Claratina Intersection	LOS E	Three through lanes needed and upgrade signals
Coffee/Mable Intersection	LOS E	Dual southbound turn lanes if no mid-block median break on Coffee Road
Pelandale Expressway (Claratina Avenue)	LOS F at intersections	Six through lanes needed per Coffee/Claratina Specific Plan
Fronting roadways of development: Coffee Road McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

New Traffic Mitigation Measure:

Bus turnouts will be required on the far side of signalized intersections along the project frontage and will be constructed to City standards.

NOISE

The City's Planning Department has reviewed the following noise mitigation measures and determined that they will address the identified impacts and provide an acceptable CNEL level:

Impact:

There is the possibility that existing residences could be subject to construction noise in excess of 65 CNEL.

Mitigation:

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

Impact:


There is the possibility that future residences adjacent to Claratina Avenue could be subject to exterior noise in excess of 65 CNEL or interior noise in excess of 45 CNEL.

Mitigation:

An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.

To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the Claratina expressway.

- [X] There is no substantial evidence in light of the whole record before the public agency that the projects, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).
- [X] 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 Coffee/Claratina General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road.
- [X] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- [X] I further find that 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 both residential and non-residential uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Master Plan. The traffic analysis has determined that the impacts from this project with mitigation applied will achieve the level of service set forth in 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.
- [X] As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (Exhibit "E") will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

Signature: 
Steven R. Nish, Associate Planner
Community Development Department
City of Modesto

Date: 11/10/99

EXHIBIT "A"
LOCATION MAP

Location Map

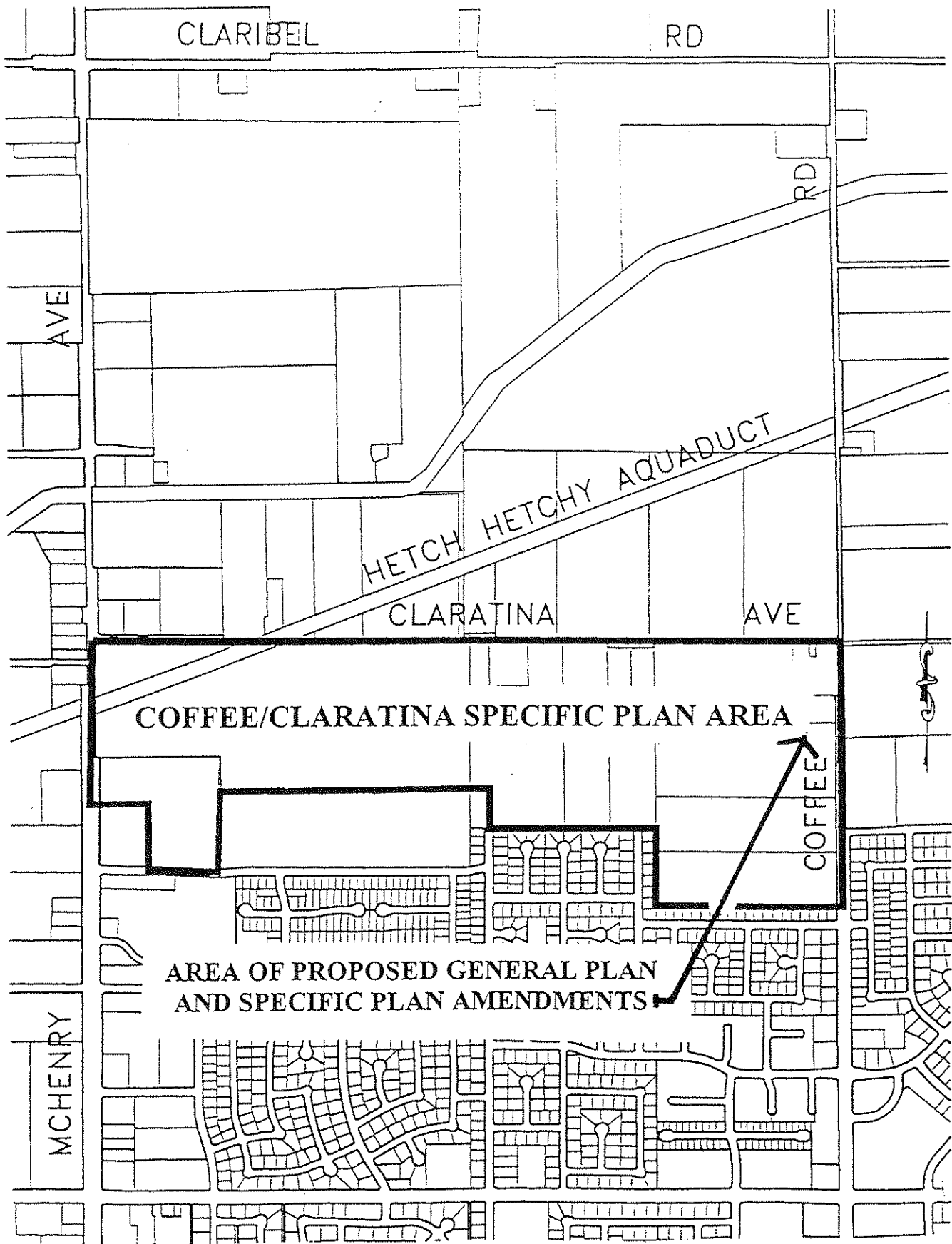


EXHIBIT “ B “

MODESTO URBAN AREA GENERAL PLAN

PROPOSED TEXT AND MAP REVISIONS

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.
- (2) Development in this Comprehensive Planning District should be considered an extension of the existing development immediately to the south.
- (3) Notwithstanding the Land Use intensities presented in Section III-B for Residential, limited commercial uses that include a mixture of commercial, professional office and residential use would be allowed along Coffee Road.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies, which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a subtrunk in Coffee Road that ties into the existing sanitary sewer system.

6. Mitigated Negative Declaration:

General Plan Policy III(D)(1)(g) specifically exempts the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 2115.71 of CEQA.

The Mitigated Negative Declaration for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 1,000 dwelling units were assumed for this Comprehensive Planning District.
- b. A total of 800 employees were assumed for this Comprehensive Planning District.

- c. The total number of dwelling units or employees may vary depending on the implementation of Policy 4 b.(3) above.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

EXHIBIT “ C “

COFFEE/CLARATINA SPECIFIC PLAN

PROPOSED TEXT AND MAP REVISIONS



City of Modesto

COFFEE/CLARATINA Specific Plan

reflects all amendments to the Coffee/Claratina
This document ~~adopted June 2, 1988, by Modesto City Council~~
~~Resolution No. 88-284~~
Specific Plan as of November 16, 1999

Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

The Coffee/Claratina Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the Coffee/Claratina Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 et. seq. of the State Government Code. The Specific Plan provides a bridge between the General Plan's broad base goals and policies and the City's precise zoning and subdivision regulations. The Coffee/Claratina site is located within a "Comprehensive Planning District (CPD)", therefore in accordance with the City of Modesto's General Plan adopted policies the adoption of a Specific Plan is required prior to any development. This Specific Plan ensures that the city-wide effects of development projects, especially the need for providing adequate infrastructure, are addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in the State Government Code Section 65451 et seq.

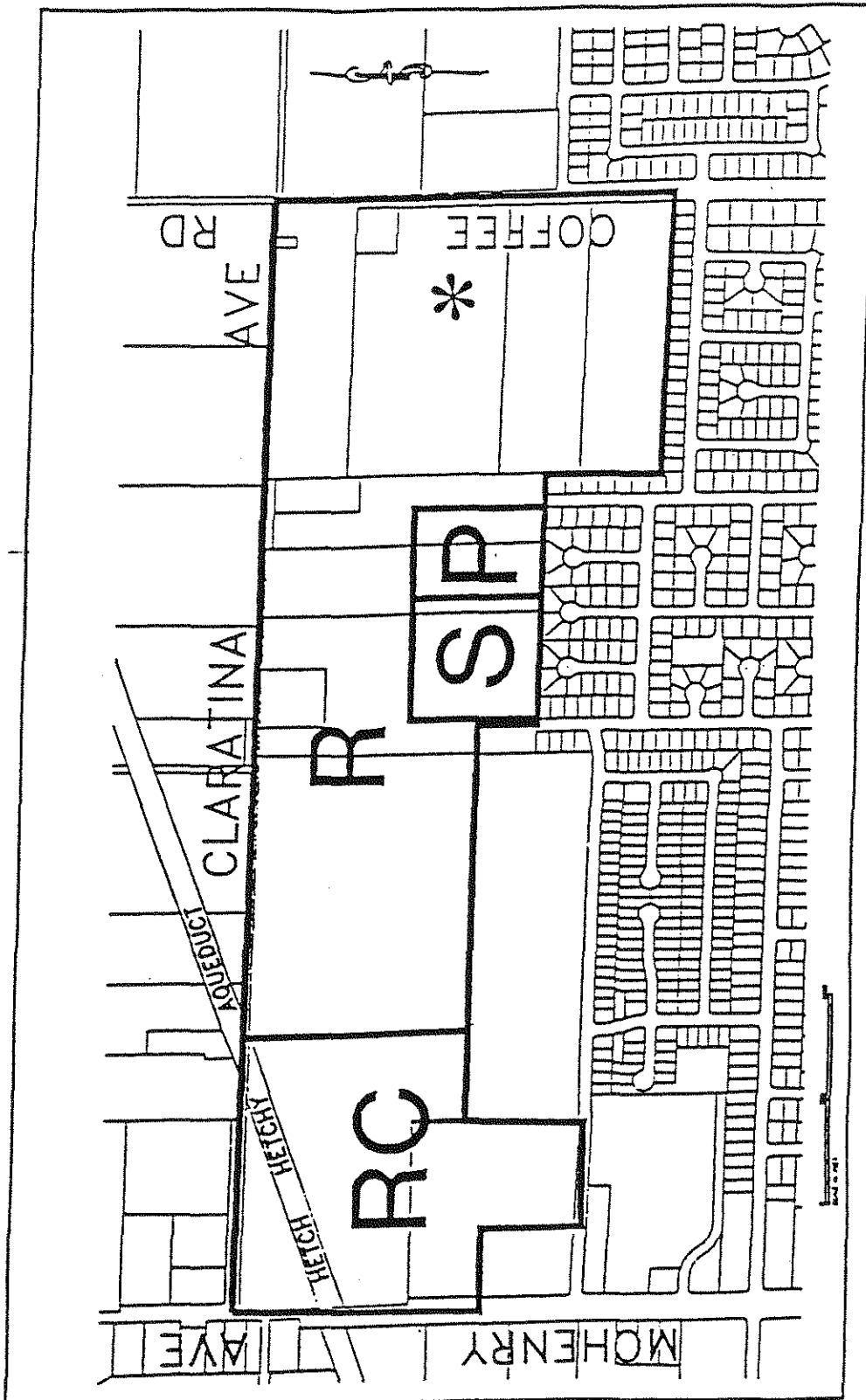
The Specific Plan area is within the Coffee/Claratina CPD (see Figure 2) and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-15) which include:

1. 130 acres designated "residential" for a maximum of 1,000 dwelling units.
2. 40 acres designated "regional commercial".
3. 15 acres of "Mixed Community Commercial" is allowed along Coffee Road.
4. ~~2.~~ Implementing adopted City General Plan policies.

The Coffee/Claratina Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing, commercial and professional uses for City residents.

B. PLAN AREA DESCRIPTION

The Coffee/Claratina CPD is located on the south side of Claratina Avenue (See Figure 1). The site is bound by Coffee Road on the east and McHenry Avenue (State Hwy. 108) on the west, and the Modesto City limits to the south. The project site contains approximately 170 acres.



* Note:

"Mixed Community Commercial" Uses shall be allowed along Coffee Road as described in Policy 2.A.4.e.

LAND USE DIAGRAM

FIGURE 4

* Note: Notwithstanding this Land Use Diagram, within Subarea 62 only, limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

d. **Regional Commercial (RC).** The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.

e. ← attached Policy e. language to be inserted here.

5. Land Use Regulations

The City of Modesto's Title X Planning and Zoning Code latest edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

6. Improvement Standard Regulations

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan as the Plan's Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.

7. Designation of Sub-Areas

The Coffee/Claratina Specific Plan area has been divided into four sub-areas, as shown in Figure 5. These sub-areas are based on the probable sequence (phasing) of annexation and development of properties. It is the intent of this Specific Plan that any of the four (4) designated sub-areas may annex in any order.

Following are the sub-areas:

Sub-area "A," approximately 12.0 acres, is the existing 'Modesto Mobilehome Park,' consisting of 150 spaces. Sub-area "B1," approximately 59.0 acres, is primarily open ground and two rural home sites. Sub-area "B2," approximately 76.3 acres, is comprised of a 20-acre almond orchard, open ground and four rural home sites. Sub-area "C" is comprised of 22.7-acre 'Silverwood Mobilehome Park,' 98 spaces, and commercial uses. Acreage shown are gross and are to centerline of adjacent roadways.

All Residential designated areas will comply with "Neighborhood Plan Prototype" policies as presented in Section III-C(2) of the City of Modesto Urban Area General Plan, and regional commercial area will comply with standards set forth in Section III-B(7) of the General Plan.

- e. **Mixed Community Commercial (MCC)** The Mixed Community Commercial designation is to allow for mixed uses including commercial uses. It applies to 15 acres fronting along Coffee Road which may be applied to a depth of 400 feet from Claratina Avenue (Pelandale Expressway) south to the southern boundary of the Specific Plan area – or – located near the Pelandale Expressway/Coffee Road intersection. The purpose is to permit a mix of appropriate scale commercial and residential uses along Coffee Road in the Plan area. The uses would be compatible with and provide services and goods to the surrounding neighborhood as well as access community level shoppers. Uses allowed by this designation include a mix of Specialty Retail/Strip Commercial and Community Shopping Center uses, also included would be Professional Offices, Medium-High and Low Density Residential uses.

Land use and development standards shall be as set forth in the City's C-2, C-1, P-O, R-3, R-2 and R-1 sections of Title X of the Modesto Municipal Code with exemptions as granted by this Specific Plan or the City in order to implement the Plan.

Plans for development in this area shall not cause the level of service (LOS) on adjacent roadways and intersections to exceed the General Plan standard of LOS D.

The plan area is proposed to be annexed to the City of Modesto and served by Urban-Level Public Infrastructure. Access to the plan area would be from McHenry Avenue (State Hwy. 108), Pelandale Expressway (currently Claratina Avenue) and Coffee Road. City water, sewer, police and fire services are proposed to be extended to the plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy, parks and schools, also would be provided by public agencies or special districts.

~~8. Annexation of Sub Areas~~

~~The Coffee/Claratina Specific Plan has been crafted so that these four separate and distinct sub areas may request annexation individually. It is possible that (i) all of the sub areas will desire to annex at one time, (ii) some of the sub areas will desire to annex at one time, or (iii) any one of the sub areas may desire to annex independently. While it is not assured, it is possible that Sub area B1 or B2 may ultimately request to be annexed without the additional annexation of Sub areas A or C. If this occurs, an island could be created.~~

The overall sewer facilities needed to serve the Specific Plan Area consist of approximately:

- a.) One lift station on Coffee Road
- b.) 700 LF of 30" sewer line
- c.) 2100 LF of 12" sewer line
- d.) 2100 LF of 15" sewer line
- e.) 600 LF of 8" sewer line

2. Storm Drainage (See Figures 8 and 8A)

The City has created a master plan for storm drainage to serve the Coffee/Claratina area along with the area to the north and to the east. The master plan requires a regional basin be constructed to serve this area (see Figure 8A).

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project (see Figure 8). The storm drain basins will be constructed as development occurs. The storm drain collection system and basins will be designed in accordance with the City of Modesto Standards and specifications. Exact locations may vary, depending on sub-area annexation to the City. The storm drain basin in the west half will serve the Regional Commercial Area and the Modesto Mobilehome Park (Sub-Areas A & B1) and be installed with the development of the Regional Commercial Area. In the east half the basin will be fully installed prior to any residential development and serve Sub-Areas B2 and C.

↑ or Mixed Community Commercial

The overall storm drainage facilities needed to serve the Specific Plan Area consist of approximately:

- a.) One storm drain basin in area B1 of 10-11 ac/ft capacity
- b.) One storm drain basin in area B2 of 6-7 ac/ft capacity
- c.) 1000 LF of 18" storm drain line
- d.) 1000 LF of 24" storm drain line

3. Water (See Figure 7)

City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards.

Improvements Required with Project Development (Sub-area B1)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Required Improvements</u>
McHenry Avenue/New Project Collector Intersection	LOS F	Signal needed and widening to provide receiving and turning lanes as needed.
Coffee/Claratina Intersection	LOS F	Signal needed
Pelandale Expressway (Claratina Avenue)	LOS Degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects per Specific Plan
Fronting roadways of development: McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects and provide signal as needed.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes as needed prior to development of 50% of Regional Commercial Area.

Improvements Required with Project Development (Sub-area B2)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Required Improvements</u>
Coffee/Claratina Intersection	LOS F	Signals needed plus four lane improvements
Coffee/Mable Intersection	Future Turning Movements	Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes
Coffee/Mable Intersection	LOS F	Signals needed plus improvements per study
Fronting roadways of development: Pelandale Expressway (Claratina Avenue) Coffee Road	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects. Pelandale Expressway (Claratina Avenue) improvements per Specific Plan.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes
Coffee Road between Claratina & east-west Collector	LOS E	Dedicate and improve Auxiliary Lane-west side road per Engineering & Trans. Dept.

STORM DRAIN INFRASTRUCTURE

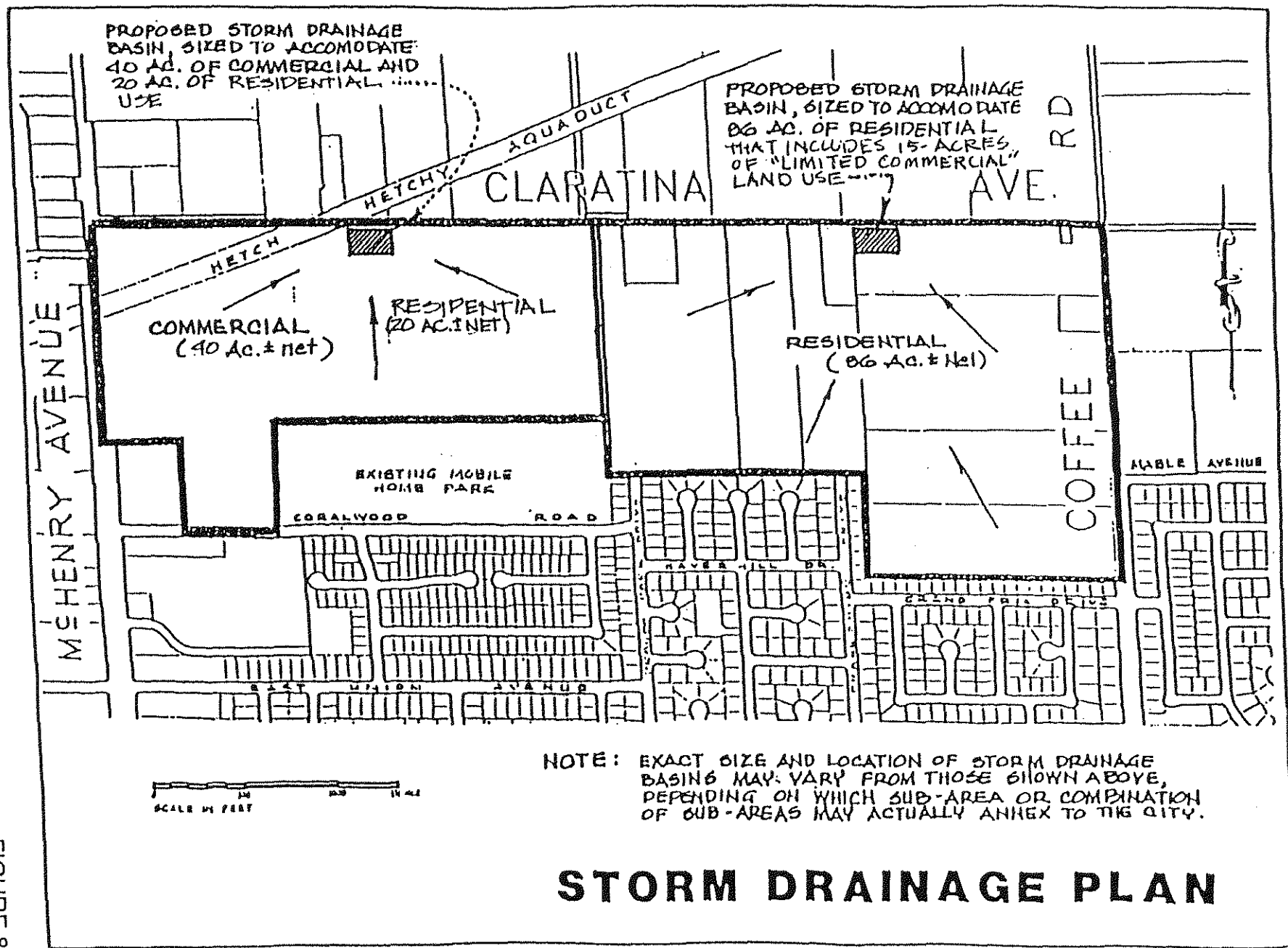
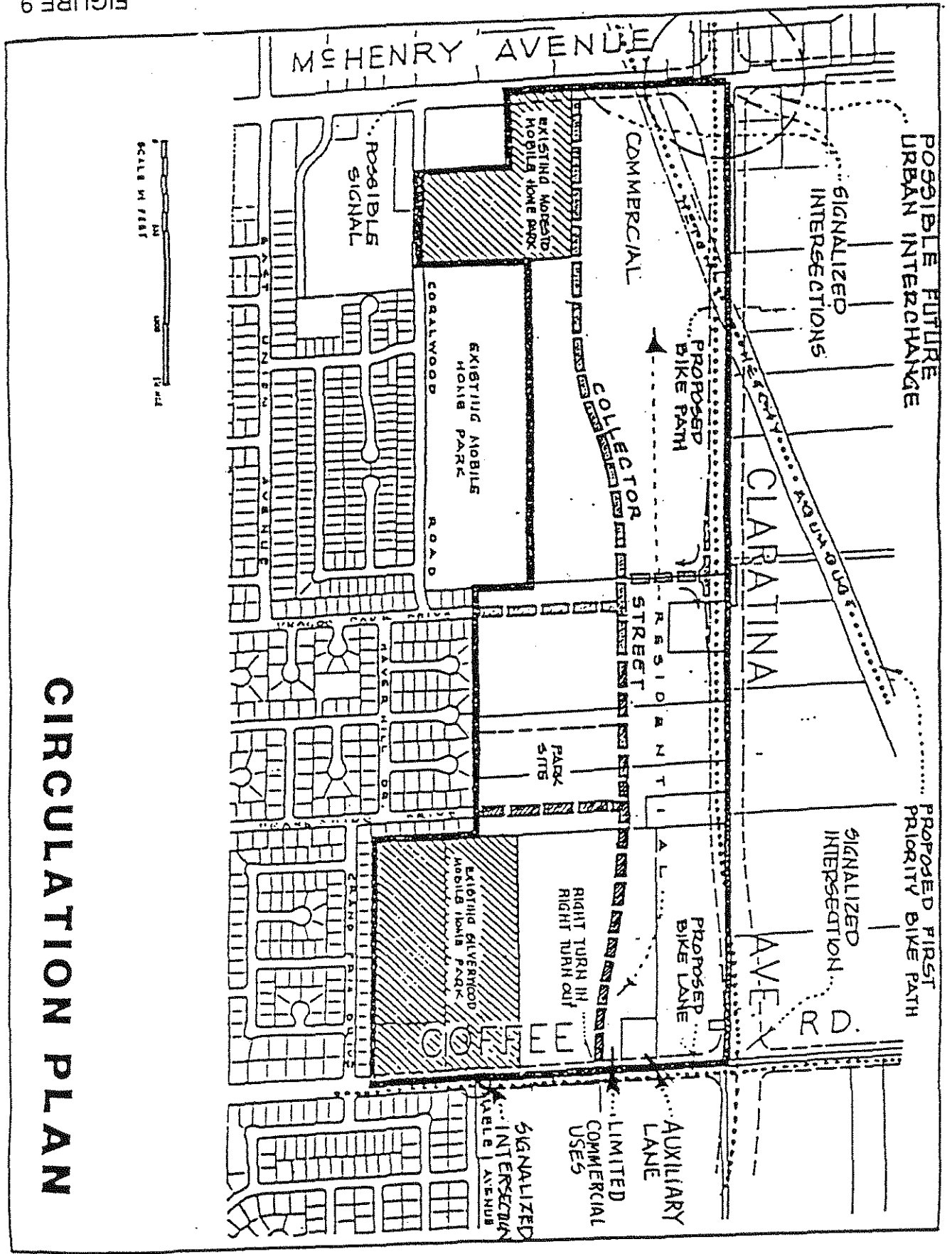


FIGURE 8

STORM DRAINAGE PLAN

VEHICULAR CIRCULATION DIAGRAM



CIRCULATION PLAN



FIGURE 9

(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

- e. Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.
- f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B₁ and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.
- g. At the time of development of Sub-area B₁, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.
- h. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

4. Infrastructure to serve Sub-area B₂. as defined by Policy 2.A.4.e.

Sub-area B₂ consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development (a 10-acre school site and 7-acre park site are also planned for this area). In addition, limited Commercial uses may be established fronting on Coffee Road, ~~as long as these uses are consistent the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.~~ The existing rural home sites including any businesses legally established in the County may continue indefinitely upon annexation to the City.

- a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

established in consultation with the City of Modesto Transportation Division.

- g. Installation of the new east-west collector in Sub-area B₂, its alignment and intersection with Coffee Road, shall be as shown in Figure 9. Specific intersection geometrics ~~including signalization~~ will be determined by the City of Modesto Transportation Division. *Signalization will not be allowed at this intersection.*
- h. At the time of development of Sub-area B₂, additional rights-of-way for Coffee Road or Claratina Avenue, based upon the area proposed for development, will be dedicated consistent with City standards. Additional dedications may be required for the construction of dual left turn lanes on Coffee Road.
- i. No development shall be allowed in Sub-area B₂ which would affect the gas regulator station until the City determines the ultimate alignment and roadway section for Claratina Avenue.

✓ ← insert new item 4-J, text attached, here.

5. Infrastructure to Serve Sub-area C.

Sub-area C contains the existing Silverwood Mobilehome Park and some small commercial development. ^{may} It is ~~expected that~~ Sub-area C ~~will~~ ultimately be developed residentially. The existing land uses including the Mobilehome Park, as approved by Stanislaus County, may continue indefinitely, upon annexation to the City.

however, Mixed Community Commercial uses may be developed along Coffee Road per Policy 2.A.4.e.

- a. No new permits for onsite wells or septic systems shall be issued. At the time of failure of either the onsite septic system or onsite water system, the City of Modesto shall require connection to existing City facilities in Coffee Road. At the time of connection, all appropriate City fees shall be paid.
- b. Site storm drainage is currently handled by dry wells. Any proposed onsite development beyond that currently existing at the site will require the installation of a pipeline to the north, toward the proposed new collector road, which will ultimately connect to the storm drain basin proposed in Sub-area B₂.
- c. Any development of this property beyond that currently existing will require construction of Coffee Road improvements to the appropriate City standards and subject to all appropriate City policies and fees.
- d. ← attached policy d, e, and f language to be inserted here

B. PUBLIC FACILITY FINANCING PLAN POLICIES.

The public facilities and infrastructure specified within the previous Section A of this Specific Plan must be financed through future development. This financing will be as set forth in a Public Facility Financing Plan, to be adopted prior to specific project

- 4 - j. Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service "D" on Coffee Road, to the satisfaction of the City's Director of Engineering and Transportation.

- 5 - d. Sewer service will be provided out of the proposed sewer line in Coffee Road or Claratina Avenue. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

- 5 - e. Water service will be provided out of water lines proposed in Coffee Road or Claratina Avenue. Prior to development of Sub-area C, the City of Modesto Engineering and Transportation Department will determine the most appropriate method for provision of water service.

- 5 - f. One storm drainage basin of approximately 6 to 7 acre-feet of capacity will be installed in Sub-area B2 to provide storm drainage facilities for Sub-area B2 and Sub-area C. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8 and 8A) and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-Area B2 or C. Storm Drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area C.

required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.

- c. Sub-area A will be responsible for no other facilities contained in the Coffee/Claratina Specific Plan Area, other than those previously specified.*

3. Financing Policies Applicable to Sub-area B₁.

- a. All aforementioned overall financing policies will apply to Sub-area B₁.*

4. Financing Policies Applicable to Sub-area B₂.

- a. All aforementioned overall financing policies will apply to Sub-area B₂.*
- b. Prior to the approval of tentative maps in Sub-area B₂, the City shall determine whether ~~parkland dedication will be required, or whether~~ parkland will be purchased, subject to all appropriate city and state laws and regulations governing ~~parkland dedication, acquisition,~~*

5. Financing Policies Applicable to Sub-area C.

The Specific Plan assumes that Sub-area C will develop to a residential use.

- a. All aforementioned overall financing policies will apply to Sub-area C.*

~~C. ANNEXATION POLICIES~~

~~Once the Specific Plan is adopted, the Council may initiate annexation by any property owner within the Specific Plan area. The following are the policies which will guide the annexation process for properties covered by the Coffee/Claratina Specific Plan.~~

~~1. Overall Annexation Policies.~~

- ~~a. Any of the four Sub areas may independently request annexation from the Modesto City Council and the Modesto City Council may approve independent annexation of any of the four sub areas.~~

~~2. Policies for Annexation within Sub-area A.~~

- ~~a. Property owners of the mobilehome park shall be exempt from the~~

~~cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.~~

~~3. Policies for Annexation within Sub area B₁.~~

~~a. Property owners within Sub area B may independently request annexation from the Modesto City Council.~~

~~4. Policies for Annexation within Sub area B₂.~~

~~a. Property owners within Sub area B₂ may independently request annexation from the Modesto City Council.~~

~~5. Policies for Annexation within Sub area C.~~

~~a. Property owners within Sub area C may independently request annexation from the Modesto City Council.~~

~~b. Property owners of the mobilehome park shall be exempt from the cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.~~

D. DEVELOPMENT PROCESSING POLICIES

Subject to, or concurrent with, annexation of specific parcels, those properties may also seek development approvals from the City. Following are the policies which will guide development of individual properties, in accordance with this Specific Plan.

1. Overall Development Policies.

a. The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

- b. The City's zoning map, as allowed by Section 10-2.303 of the Modesto Municipal Code shall indicate SP-O zoning for the area of the Coffee/Claratina Specific Plan.
- c. The purpose of the SP-O zone is to permit development within the Coffee/Claratina Specific Plan Area under Title X of the Modesto Municipal Code, and any exceptions as defined in the Specific Plan.
- d. Exception Guidelines. The Planning Commission may grant exceptions to any of the development regulations listed in Chapter 2 of the Specific Plan, by resolution, based on the following considerations:
 - i. To encourage creative and efficient land uses;
 - ii. To encourage mixed or multiple use projects; or
 - iii. To permit variations from the density, height or other standards.

e. There are ^{three areas where} ~~only two~~ principle underlying zones ^{are} established in conjunction with the adoption of this Specific Plan. These ~~zonings~~ ^{areas} include: 1) ^{are} Low Density Residential zone (R-1), ²⁾ and Regional Commercial (C-3). ^{These zones are set forth in Title X of the Modesto Municipal Code and are as follows: Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et seq., and Highway Commercial zone (C-3) – Article 12, Section 10-2.1201 et seq. ← insert attached zoning code section references}

and 3) the Coffee Road area per Specific Plan policy 2.A.4.e. that includes the principle underlying zones of General Commercial (C-2), Neighborhood Commercial (C-1), Professional Office (P-O), ~~and~~ Medium High Density Residential (R-3), Medium Density Residential (R-2), and, Low Density Residential (R-1).
h

All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

f. ← insert attached language regarding BZA review...
Subdivision development within the Coffee/Claratina Specific Plan shall be governed by the City of Modesto's Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code §66410 et seq.). Processing procedures, submittal requirements, and findings required by the City's subdivision ordinance will be enforced as set forth therein.

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.

e. zoning code references continued...

Professional Office zone (P-O) – Article 8, Section 10-2.901 et. seq., General Commercial zone (C-2) – Article 11, Section 10-2.1101 et. seq., Neighborhood Commercial zone (C-1) – Article 10, Section 10-2.1001 et. seq., Medium High Density Residential zone (R-3) – Article 7, Section 10-2.701 et. seq., Medium Density Residential zone (R-2) – Article 6, Section 10-2.601 et. seq., and Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et. seq.

- f. All non-residential development proposed within the area along Coffee Road designated for “Mixed Community Commercial uses” as described in the Mixed Community Commercial Policy 2.A.4.e, shall be preceded by approval of a Conditional Use Permit by the Board of Zoning Adjustment.

- i. ~~h.~~ An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.
- j. ~~i.~~ To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the expressway.

2. Policies for Development within Sub-area A.

- a. Sub-area A is assumed to remain as a mobilehome park. If Sub-area A were to develop, it would be required to develop subject to the subdivision process set forth under overall development policies and the C-3 zoning standards contained in Title X of the Modesto Municipal Code.

3. Policies for Development within Sub-area B₁.

- a. Development within Sub-area B₁ will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.
- b. Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.
- c. An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.

4. Policies for Development within Sub-area B₂.

- a. Development within Sub-area B₂ shall comply with the subdivision development policies set forth above under overall development policies.
- b. ~~Limited Commercial~~ ^{Commercial and other mixed} uses may be established fronting on Coffee Road, ^{as described by the Mixed Community Commercial (MCC) Policy 2.A.4.e.} ~~as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.~~
- c. Development within Sub-area B₂ shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code. Commercial development within Sub-area B₂ shall comply with the C-3 zoning standards in Title X of the Modesto Municipal Code.

- d. ~~Prior to the approval of tentative maps in Sub-area B₂, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.~~
^{^ acquisition}
 - e. Prior to the Approval of tentative maps in Sub-area B₂, the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.
5. Policies for Development within Sub-area C.
- a. Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.
 - b. ^{Except for the area where Mixed Community Commercial uses are allowed pursuant to Policy 2.A.4.e.7} Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code. ← insert attached language regarding MCC

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.
2. Documentation of the need for amendments should indicate the economic, social, technical issues that generate that need. Proposals to amend the specific plan also must be accompanied by studies that address such issues as conformance with specific plan principles and policies, compatibility with adopted land uses, and infrastructure requirements.
3. Applications for specific plan amendments also must provide an impact analysis for levels and types of development other than or in excess of the maximums addressed in the Mitigated Negative Declaration. Depending on the nature of the amendment, supplemental environmental analysis may be necessary (according to CEQA legislation [Section 15162 of the State of CEQA Guidelines]).
4. City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.

5 – b.

Development within the area where Mixed Community Commercial (MCC) is allowed pursuant to Policy 2.A.4.e. shall comply with the C-2, C-1, P-O, R-3, R-2, and R-1 zoning and development standards contained in Title X of the Modesto Municipal Code.

EXHIBIT “ D ”

TRAFFIC ANALYSIS

KDANDERSON TRANSPORTATION ENGINEERS

KD Anderson

Transportation Engineers

September 20, 1999

Mr. Brian Smith
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
P.O. Box 642
Modesto, CA 95353 FAX (209) 491-5798

RE: COFFEE - CLARATINA SPECIFIC PLAN: COMMERCIAL REVISION

Dear Mr. Smith:

In June 1999 kdANDERSON Transportation Engineers analyzed the potential traffic impacts associated with modifications to the Coffee - Claratina Specific Plan. The proposed modification would change the land use designation on 15 acres from single family residential to C-3 commercial.

Our report considered both short term and long term conditions and concluded that modification of the Specific Plan as proposed does not result in any substantial changes to the traffic conditions forecast for the study area under either Year 2025 or "Existing Plus Specific Plan" conditions. The proposed land use change resulted in more site trip generation than was assumed under the original Coffee - Claratina Specific Plan, as shown in Table 2. As a result, with implementation of the proposed land use change, daily traffic volumes projected on surrounding streets for the General Plan horizon (year 2025) are slightly higher in the immediate vicinity of the project but are relatively unchanged beyond the specific plan boundaries, as noted in Table 3.

Subsequent to the preparation of our report, City staff have asked if the general trip generation rates for C-3 uses employed in our report are applicable to the types of uses that might be developed on this site. Typically, the smaller the retail center the higher the trip generation rate. However, as no plan is available for development of this site, it is difficult to suggest exactly what the trip generation may be.

I reviewed the General Plan for information regarding new commercial areas in Comprehensive Planning Districts. None of the CPD's had any commercial designation other than Regional Commercial (RC). Five CPD's included areas with Regional Commercial (RC) designations that could be isolated to determine assumed employee

Mr. Brian Smith
 CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
 September 20, 1999
 Page 2

density. The densities in these five areas are summarized in Table 1. As shown, four areas used the 20.0 per acre density, one was slightly less and one was slightly higher. We used 20.0 employees per acre in our analysis.

TABLE 1 COMPARISON OF CPD EMPLOYEE DENSITIES			
Comprehensive Planning District	Regional Commercial		Employee Density
	Acres	Employees	
Coffee - Claratina	40	800	20.00 / ac
Hetch Hetchy	120	3,100	25.83 / ac
Highway 99	570	11,000	19.29 / ac
Kiernan / Carver	30	600	20.00 / ac
Pelandale / McHenry	30	600	20.00 / ac

At our meeting today you and I discussed this issue further. You provided information generated by SANDAG which suggested generalized trip generation rates per acre for various commercial / retail uses. That document (attached) included rates for Community Shopping Centers and for Specialty Retail / Strip Commercial uses. After discount for "pass-by" trips, these two uses were found to generate 525 and 300 "new" trips per acre, respectively.

To help address the General Plan level impacts of the proposed re-designation, we have identified the traffic impacts associated with these alternative trip generation rates. For this comparison we have calculated the number of employees per acre for Community Shopping Center (32 employees per acre) and for Specialty Retail / Strip Commercial (18.6) for use in comparing resulting dally traffic volumes on adjacent roads.

KDA

Mr. Brian Smith

CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT

September 20, 1999

Page 4

As shown in Table 2, our original estimate for the change in the Specific Plan's daily trip generation was 3,826 daily trips. The assumption that the 15 acres would be occupied by "Specialty Retail / Strip Commercial" uses results in a slightly lower increase (i.e., 3,422 daily trips). The assumption that a "Community Shopping Center" was to develop would result in higher trip generation. At our meeting we concluded that the site would likely develop with a mix of Specialty Retail / Strip Commercial and Community Shopping Center uses and that the overall trip generation increase would be similar to that already assumed in our June report and that the resulting impacts would be similar.

As shown in Table 3, we have also estimated the effect of the alternative trip generation rates on the daily traffic volumes and LOS on adjacent streets. To estimate year 2025 daily volumes we identified the incremental change in traffic volume that resulted from the initial commercial change, multiplied this increment by the relative difference in site trip generation resulting from the other trip generation rates and superimposed this new increase onto our June forecasts.

Our June report indicated that the proposed project does not result in any significant change to the Levels of Service forecast for roadways in this area under the General Plan (year 2025). While the volume of traffic on the segment of Coffee Road between Claratin Avenue and the new collector street may technically cross into the LOS "E" range with or without the proposed commercial change, because this segment is only 600± feet long, I believe that the segment LOS in this area is not significant. However, I understand that City staff determined that exceeding LOS "D" in this area is significant and that mitigation will be required.

As noted earlier, exceeding LOS "D" standard on very short segments in the immediate vicinity of major intersections is not necessarily significant, as the overall capacity of the facility can be influenced by implementation of local capacity enhancements. In this case, the installation of a southbound auxiliary lane on Coffee Road along the project's frontage would increase the capacity of Coffee Road and deliver LOS "D" or better conditions.

KDA

Mr. Brian Smith

CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT

September 20, 1999

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TABLE 2 - COFFEE-CLARATINA SPECIFIC PLAN DAILY TRIP GENERATION ESTIMATE					
Land Use	Employees Per Acre	Acres	Employees	Model's Trip rate	Daily Trips
ORIGINAL PROJECT					
Commercial	20	40	800	16.1	12,880
Single Family Residential			1,000 Homes	9.55	9,550
TOTAL PLAN AREA TRIP GENERATION					22,430
WITH PROPOSED COMMERCIAL REVISION (@ 20.0 EMPLOYEES PER ACRE)					
Commercial	20	55	1,100	16.1	17,710
Single Family Residential			888 Homes	9.55	8,480
TOTAL PLAN AREA TRIP GENERATION					26,256
NET DIFFERENCE					+ 3,826
WITH "SPECIALTY RETAIL / STRIP COMMERCIAL" ON 15 ACRES					
Commercial	18.6 to 20.0	55	1,079	16.1	17,372
Residential			888 Homes	9.55	8,480
TOTAL PLAN AREA TRIP GENERATION					25,852
NET DIFFERENCE					+ 3,422
WITH "COMMUNITY SHOPPING CENTER" ON 15 ACRES					
Commercial	20-32.6	55	1,289	16.1	20,752
Single Family Residential			888 Homes	9.55	8,480
TOTAL PLAN AREA TRIP GENERATION					29,232
NET DIFFERENCE					+ 6,803

KDA

Mr. Brian Smith
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
September 20, 1999
Page 6

Please feel free to call if you have any questions or need additional information.

Sincerely,

kdANDERSON Transportation Engineers

A handwritten signature in black ink, appearing to read 'K D Anderson', written in a cursive style.

Kenneth D. Anderson, P.E.
Principal

c:\wp51\1tr\cofc1rc5

KDA

KD Anderson

Transportation Engineers

September 2, 1999

Mr. Steve Nish
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
P.O. Box 642
Modesto, CA 95353 FAX (209) 491-5798

RE: COFFEE - CLARATINA SPECIFIC PLAN: COMMERCIAL REVISION

Dear Mr. Nish:

In June 1999 kdANDERSON Transportation Engineers analyzed the potential traffic impacts associated with modifications to the Coffee - Claratina Specific Plan. The proposed modification would change the land use designation on 15 acres from single family residential to C-3 commercial.

Our report considered both short term and long term conditions and concluded that modification of the Specific Plan as proposed does not result in any substantial changes to the traffic conditions forecast for the study area under either Year 2025 or "Existing Plus Specific Plan" conditions. The proposed land use change resulted in more site trip generation than was assumed under the original Coffee - Claratina Specific Plan, as shown in Table 2. As a result, with implementation of the proposed land use change, daily traffic volumes projected on surrounding streets for the General Plan horizon (year 2025) are slightly higher in the immediate vicinity of the project but are relatively unchanged beyond the specific plan boundaries, as noted in Table 3.

Subsequent to the preparation of our report, City staff have asked if the general trip generation rates for C-3 uses employed in our report are applicable to a "neighborhood" or "convenience" type retail center that might be developed on this site. Typically, the smaller the retail center the higher the trip generation rate. However, as no plan is available for development of this site, it is difficult to suggest exactly what the trip generation may be.

Mr. Steve Nish

CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT

September 2, 1999

Page 2

I reviewed the General Plan for information regarding new commercial areas in Comprehensive Planning Districts. None of the CPD's had any commercial designation other than Regional Commercial (RC). Five CPD's included areas with Regional Commercial (RC) designations that could be isolated to determine assumed employee density. The densities in these five areas are summarized in Table 1. As shown, four areas used the 20.0 per acre density, one was slightly less and one was slightly higher. We used 20.0 employees per acre in our analysis.

TABLE 1 COMPARISON OF CPD EMPLOYEE DENSITIES			
Comprehensive Planning District	Regional Commercial		Employee Density
	Acres	Employees	
Coffee - Claratina	40	800	20.00 / ac
Hetch Hetchy	120	3,100	25.83 / ac
Highway 99	570	11,000	19.29 / ac
Kiernan / Carver	30	600	20.00 / ac
Pelandale / McHenry	30	600	20.00 / ac

While we still believe that the 20.0 employee per acre density is acceptable for General Plan level consideration, to help address the General Plan level impacts of the proposed re-designation, we have identified the traffic impacts associated with a higher generating project. For this comparison we have assumed that the number of employees per acre would double from 20.0 per acre to 40.0 per acre on the 15 acres in question. This assumption would increase the total Specific Plan area trip generation by another 4,764 daily trips beyond the increase addressed by our study.

KDA

Mr. Steve Nish

CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT

September 2, 1999

Page 3

TABLE 2 - COFFEE-CLARATINA SPECIFIC PLAN DAILY TRIP GENERATION ESTIMATE					
Land Use	Employees Per Acre	Acres	Employees	Model's Trip rate	Daily Trips
ORIGINAL PROJECT					
Commercial	20	40	800	16.1	12,880
Single Family Residential			1,000 Homes	9.55	9,550
TOTAL PLAN AREA TRIP GENERATION					22,430
WITH PROPOSED COMMERCIAL REVISION					
Commercial	20	55	1,100	16.1	17,710
Single Family Residential			888 Homes	9.55	8,480
TOTAL PLAN AREA TRIP GENERATION					26,256
NET DIFFERENCE					+ 3,826
WITH "WORST CASE" RETAIL TRIP GENERATION					
Commercial	20-40	55	1,400	16.1	22,540
Single Family Residential			888 Homes	9.55	8,480
TOTAL PLAN AREA TRIP GENERATION					31,020
NET DIFFERENCE					8,590

KDA

Mr. Steve Nish

CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT

September 2, 1999

Page 4

Our June report indicated that the proposed project does not result in any significant change to the Levels of Service forecast for roadways in this area under the General Plan (year 2025). While the volume of traffic on the segment of Coffee Road between Claratina Avenue and the new collector street may technically cross into the LOS "E" range, because this segment is only 600± feet long, the segment LOS in this area is not significant. Neither does the proposed change does not change year 2025 intersection Levels of Service presented in the Coffee - Claratina Specific Plan traffic study.

As shown in Table 3, we have estimated the effect of a potentially higher trip generation rate on this site. To estimate year 2025 daily volumes we identified the incremental change in traffic volume that resulted from the initial commercial change, multiplied this increment by the relative difference in site trip generation resulting from the higher trip generation rate and superimposed this new increase onto our June forecasts.

As shown, if the higher trip generation rates are achieved on the 15 acre site, the volume of traffic on most area streets will not change appreciably, but the volumes on Coffee Road may increase to the point that the City's LOS "D" threshold is exceeded on segments in the immediate vicinity of the project's access and the Claratina / Coffee intersection. As was noted above, however, exceeding LOS "D" standard on very short segments in the immediate vicinity of major intersections is not necessarily significant, as the overall capacity of the facility can be influenced by implementation of local capacity enhancements. Thus, we can conclude that even with the higher trip generation the proposed commercial revision does not significantly change the Level of Service anticipated in the General Plan.

Due to time constraints we have not had the opportunity to assess the impacts of "worst case" trip generation on intersection operations. As the General Plan does not directly employ year 2025 intersection Level of Service as the basis for consistency, I trust that this omission will not be critical.

KDA

Mr. Steve Nish

CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT

September 2, 1999

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TABLE 1 - COFFEE-CLARATINA SPECIFIC PLAN YEAR 2025 DAILY TRAFFIC VOLUMES							
Roadway LOS "D" Threshold	Limits	WITH ORIGINAL SPECIFIC PLAN		WITH COMMERCIAL REVISION			
				AS PRESENTED IN JUNE REPORT		"WORST CASE" TRIP GENERATION	
		VOLUME	LOS	VOLUME	LOS	VOLUME	LOS
McHenry Ave (8 LANE ARTERIAL: 67,500)	North of Claratina Ave	69,300	E	69,500	E	69,750	E
	South of Claratina	69,300	E	69,400	E	69,520	E
Claratina Ave (4 LANE EXPRESSWAY: 57,000)	West of McHenry	37,500	B	37,800	B	38,150	B
	McHenry to Collector	40,300	C	40,700	C	41,180	C
	Collector to Coffee Rd	44,800	D	44,900	D	45,020	D
	East of Coffee Rd	39,800	C	40,500	C	41,350	C
Coffee Road (4 LANE ARTERIAL: 33,500 ADT)	North of Claratina	32,500	D	33,300	D	34,270	E
	Claratina to Collector	34,100	D-E	36,200	E	38,750	F
	Collector to Mable	29,900	C	30,700	D	31,670	D
	South of Mable	29,900	C	30,600	D	31,450	D
Mable Ave	East of Coffee Rd	4,250	A	4,250	A	4,250	A

KDA

Mr. Steve Nish
CITY OF MODESTO - COMMUNITY DEVELOPMENT DEPARTMENT
September 2, 1999
Page 6

Please feel free to call if you have any questions or need additional information.

Sincerely,

kdANDERSON, Transportation Engineers

A handwritten signature in black ink, appearing to read "K D Anderson", with a long horizontal stroke extending to the right.

Kenneth D. Anderson, P.E.
Principal

c:\wp51\tr\cofc1rc3

KDA

TRAFFIC IMPACT ANALYSIS
FOR THE
COFFEE/CLARATINA SPECIFIC PLAN
COMMERCIAL REVISION

Modesto, California

Prepared For:

MID-VALLEY ENGINEERING
900 H Street, Suite G
Modesto, CA 95356

Prepared By:

kdANDERSON Transportation Engineers
417 Oak Street
Roseville, CA 95678
(916) 786-5529

June 8, 1999
Job No. 4675-14
C:\WP51\RPT\CFCLRCO.RPT

KD Anderson
Transportation Engineers

TRAFFIC IMPACT ANALYSIS
FOR THE COMMERCIAL REVISION TO THE
COFFEE/CLARATINA SPECIFIC PLAN

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TRAFFIC IMPACT ANALYSIS
FOR THE
COFFEE/CLARATINA SPECIFIC PLAN
COMMERCIAL REVISION

INTRODUCTION

This report documents kdANDERSON Transportation Engineers' analysis of the potential traffic impacts associated with development of commercial uses in the western portion of the Coffee / Claratina Specific Plan. The proposed project will develop commercial uses on approximately 15 acres located in a 400' wide strip along the west side of Coffee Road within the 170 acre Specific Plan area. This analysis is intended to quantify the traffic impacts of this land use change and to address circulation and roadway requirements in the vicinity of the project site within the context of City of Modesto's requirements for development traffic studies. This report supplements the original traffic study completed for the Specific Plan in 1997¹.

Per City requirements, the analysis addresses existing and future traffic conditions with and without the proposed project. The analysis addresses project impacts to existing traffic conditions during the p.m. peak hour, as well as impacts under two future traffic scenarios. These scenarios include 1) a "short term" future condition (5 years); and 2) a Year 2025 planning horizon which is consistent with the City of Modesto General Plan Update and which assumes build out of the site.

Toward this end, existing traffic conditions have been evaluated through observation of current weekday PM peak hour traffic volumes and through review of 24 hour traffic count information provided by the City of Modesto. Current roadway capacities and operating Levels of Service have been calculated.

Probable project trip generation has been estimated by applying appropriate trip generation rates to the project's land use inventory. Utilizing an expected trip distribution, project trips were assigned to the study area street system based on recognizable least time travel paths. Finally, Levels of Service were recalculated to determine the anticipated impacts of the proposed development on traffic conditions in the area.

¹ "Traffic Impact Analysis for the Coffee-Claratina Specific Plan Area",
kdANDERSON Transportation Engineers, November 5, 1997.

KDA

Intersection and street improvements required to provide satisfactory traffic operating conditions (Level of Service "D" or better) have been identified per City of Modesto guidelines considering the following traffic scenarios:

1. Existing Traffic conditions;
2. Existing Traffic Plus the proposed Commercial revision in the Coffee/Claratina Specific Plan;
3. Five Year traffic conditions plus approved Coffee/Claratina SP Area;
4. Five Year traffic conditions plus proposed Commercial revision plus the balance of the approved Coffee/Claratina SP Area;
5. Year 2025 traffic with build out of the original Coffee/Claratina SP; and
6. Year 2025 traffic with build out of the Coffee/Claratina SP plus the proposed Commercial revision.

Project Description

The Coffee/Claratina Specific Plan area occupies about 170 acres located in the area south of Claratina Avenue between McHenry Avenue and Coffee Road. The Specific Plan area is bounded on the south by existing single family residential neighborhoods and mobile home parks, as indicated in Figure 1.

Land Use Assumptions. The approved Specific Plan is primarily residential in nature, although RC development (i.e., regional commercial uses) is included on 40 acres adjacent to McHenry Avenue. Of this total, 28 acres is currently undeveloped and 12 acres is currently occupied by the Modesto Mobile Home Park. In addition, the language of the Specific Plan conditional allows mixed use development along the west side of Coffee Road. The proposed project would increase the commercial area by 15 acres and reduce the residential area by a similar amount.

Under the Comprehensive Plan adopted with the City of Modesto General Plan, a maximum of 1,000 residences could be developed within the plan area assuming full occupancy at the maximum allowable density of $7\frac{1}{2}$ du's per acre. However, the Specific Plan suggested that a school and park could be developed within the plan area, and implementation of these uses would reduce the total number of residences that may occur. In addition, since the actual densities achieved in most recent north Modesto projects are lower than the permitted densities, fewer units may be developed than were assumed in the original study. Thus, while development of commercial uses on the proposed project site would also reduce the number of potential dwelling units by 112 to 888, it is likely that the total number of units actually developed in the Specific Plan area will be lower.

CIRCULATION PLAN

TDR: KDA
FROM DEW, CONVE

SCALE IN FEET
0 50 100 150

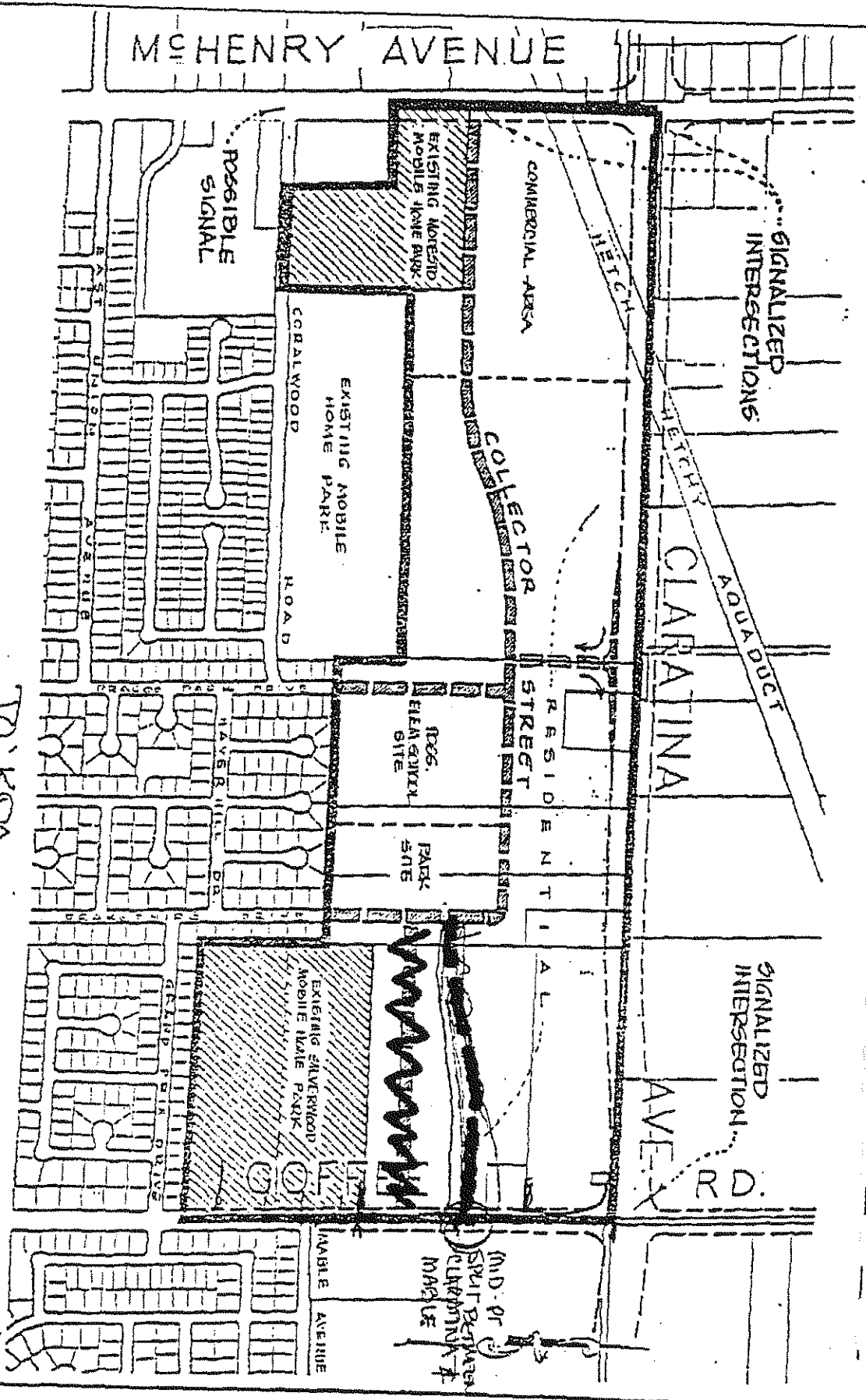


Figure 1

Development Phasing. In order to provide a basis for the five year evaluation, an assumed Specific Plan development level has been identified. It was assumed that all of the currently vacant properties will develop within five years. Single family residential development in the center of the Specific Plan has been assumed to develop (670 du's) and 28 acres of regional commercial uses has been assumed to be developed along McHenry Avenue. The new East-West collector street will be extended from McHenry Avenue to Coffee Road. For the "5 year Plus Project" condition, 15 acres of commercial uses replaced 112 single family dwellings.

Under Year 2025 conditions, the balance of the plan area has been assumed to be developed, including conversion of 12 acres of mobile home park near McHenry Avenue to regional commercial uses.

As indicated earlier, a portion of the plan area is currently developed. The Modesto Mobile Home Park occupies about 12 acres in the area near the McHenry Avenue/Coralwood Drive intersection. The Specific Plan suggests that this area may ultimately be converted to regional commercial uses. The Silverwood Mobile Home Park occupies about 21.7 acres in the area west of Coffee Road and north of Grand Prix Drive. This area is to remain residential, and while no immediate plan exist to redevelop this area, the long range analysis assumes that this area could be developed to a maximum of $7\frac{1}{2}$ dwelling units per acre.

The area of the proposed commercial revision also has existing uses. The southern portion of the area is used for recreational vehicle storage. Small commercial buildings totalling about 6,800 square feet also exist. These buildings are used for a combination of retail and office uses.

Access. Access to the project area is via several routes. In addition to the new East-West Collector Street, properties bordering the center of the Specific Plan area have already been developed with provisions for future extensions into the Specific Plan area. Dragoo Park Drive and Drakeshire Drive are north-south streets that currently terminate at the Specific Plan boundary. In addition, the plan for the Claratina Expressway includes provisions for a new collector street access mid-way between McHenry Avenue and Coffee Road. This connection will be limited to right turns in and out only. Additional access to the Regional Commercial uses along McHenry Avenue may be possible if permitted by Caltrans, but no specific development proposal has been created for this area.

Access to the area of the proposed commercial revision already occurs via several driveways onto Coffee Road. Field reconnaissance reveals that there are six existing driveways in the area from the limits of the commercial area north to Pelandale Avenue.

New access will need to reflect the development of the new collector streets as well as the presence of the Mable Avenue intersection on Coffee Road. Because the project area could be redeveloped with relatively intense commercial uses, we have assumed that City of Modesto standards for access would have to be met. On a minor arterial street such as Coffee Road, the City standard minimum distance from driveway collector street intersections is 300-350 feet. Thus, as the distance between the Pelandale Avenue Expressway and the new collector street is less than 600 feet (curb return to curb return), access in this area is not permitted under current standards. Measured between curb returns, the distance between the new collector and Mable Avenue is also less than 600 feet, and access may not be allowed in this area as well.

While site access issues will be resolved when actual development proposals are created, for the purpose of evaluating off-site impacts we have conservatively assumed that all access to the project will be via the new collector street or via an extension of Mable Avenue. If Coffee Road access is granted by the City, it would not appreciably change the conclusion herein.

Construction of circulation improvements is anticipated with development of the Specific Plan area. Frontage improvements will be made along McHenry Avenue and Coffee Road as incremental project development occurs. Initial Specific Plan development will include the new East-West Street. Right of way dedication for the future Claratina Expressway is also included as development occurs.

EXISTING SETTING

This report section describes current traffic conditions on the portions of the area circulation system as presented in the original Coffee-Claratina Specific Plan traffic study. McHenry Avenue, Coffee Road, Bangs Avenue and Sylvan Avenue are major travel corridors serving the City of Modesto. These roads will provide regional access to the Coffee/Claratina Specific Plan area. Coralwood Drive, Union Avenue and Dragoos Park Drive are collector streets which connect existing neighborhoods with the regional circulation network and which may provide secondary access to the Specific Plan area. Drakeshire Drive and Grand Prix Drive are existing local streets.

KDA

The quality of traffic flow on urban streets is typically governed by operation of major intersections. Intersection operations at locations along each of these facilities in the vicinity of the commercial site have been identified for analysis. Intersections selected for evaluation include:

1. McHenry Avenue/Claratina Avenue
2. New Collector/Claratina Avenue
3. Coffee Road/Claratina Avenue
4. Coffee Road/Future East-West Street
5. Dragoo Park Drive/Coralwood Drive
6. Coffee Road/Mable Avenue
7. Drakeshire Drive/Grand Prix Drive
8. Coffee Road/Grand Prix Drive
9. Coffee Road/Sylvan Meadows Drive

Study Area Streets

The text which follows describes streets and intersections serving the study area.

McHenry Avenue (State Route 108) is a north-south principal arterial providing circulation through central Modesto. In the immediate vicinity of the Specific Plan area, McHenry Avenue is a four lane urban street. South of Coralwood Drive, the roadway gains a third through lane in each direction. This section continues south through the Sylvan Avenue intersection.

Traffic count information (1997) provided by Caltrans indicates a daily volume of 38,500 Annual Average Daily Traffic (ADT) on McHenry Avenue south of Sylvan Avenue. North of Sylvan Avenue the daily traffic volume decreases to 33,000 ADT, with a daily volume of 17,500 ADT report south of Kiernan Avenue.

Ultimately, the Modesto General Plan indicates that McHenry Avenue through the study area will need to be widened to an eight lane road. However, this work was not included in the recent Capital Facilities Fee update.

Coffee Road is a north-south minor arterial extending from an intersection with Scenic Drive near downtown Modesto northerly through the study area to SR 108 in Riverbank. In the immediate vicinity of the site, Coffee Road is a two lane rural road, although the roadway has been widened at intersections to the north and south. South of the Mable

Avenue, the roadway provides four travel lanes and left turn channelization at major intersections. Coffee Road has also been widened along the west half the area immediately north of Claratina Avenue as part of the recently constructed Funcenter project.

Traffic count information provided by the City of Modesto indicates a volume 16,947 ADT (1997) on the roadway north of Sylvan Avenue and 21,048 ADT (1997) to the south. Stanislaus County traffic counts suggest that Coffee Road carries 7,284 ADT (1995) north of Claratina Avenue.

Sylvan Avenue is an East-West principal arterial street which extends from SR 99 (as Standiford Avenue) easterly through the study area to an intersection with Claus Road. In the study area, Sylvan Road is a four lane facility with auxiliary left turn lanes at major intersections.

Traffic count information (1997) provided by the City of Modesto indicates a volume 25,738 ADT on the roadway west of Coffee Road, with the volume dropping at locations further east. East of Coffee Road, a volume of 20,698 has been reported, while 18,466 ADT was recorded in the area beyond Beyer High School west of Oakdale Road.

Claratina Avenue currently links Coffee Road and McHenry Avenue (SR 108) in north Modesto. This two lane roadway is also the alignment for the future Pelandale-Claratina Expressway that is addressed in the Modesto General Plan. Recent Stanislaus County traffic counts indicate that Claratina Road carries about 2,500 (1995) ADT.

Mable Avenue is a collector street linking Coffee Road and Oakdale Road. This two lane roadway has been improved to its ultimate width on the south side of the street, and north side frontage improvements will accompany build out of the North Beyer Specific Plan area. Mable Avenue carries about 2,718 ADT (1997).

Dragoo Park Drive is a local collector street that extends northerly from Sylvan Avenue through existing neighborhoods to the Specific Plan area. On-street parking is permitted and residential driveways are common along most of Dragoo Park Drive. Recent traffic counts completed by the consultant indicate that this two lane residential street currently carries about 3,450 vehicles per day in the area immediately north of Sylvan Drive (1997), with about 2,500 vehicles per day estimated in the area between Union Avenue and Coralwood Drive.

Coralwood Drive is a local collector street that extends east from McHenry Avenue near the southern boundary of the Specific Plan area. This two lane street provides access to the Modesto Mobile Home Park and Coralwood Mobile Home Community as well as to other existing single family residential neighborhoods. On-street parking is permitted, and residential driveways are common along most of Coralwood Drive. Recent traffic counts indicate that Coralwood Drive carries 2,334 vehicles per day east of McHenry Avenue (1997), with a similar volume occurring in the area immediately west of Dragoo Park Drive.

Union Avenue is a collector street that extends from Tully Road across McHenry Avenue to Dragoo Park Drive. On-street parking is permitted, and residential driveways exist along most of Union Avenue. Recent traffic counts indicate that Coralwood Drive carries 3,573 vehicles per day east of McHenry Avenue (1997), with a volume of about 2,500 vehicles per day estimated for the area immediately west of Dragoo Park Drive.

Grand Prix Drive and Sylvan Meadows Drive are two-lane local collector streets that extends westerly from Coffee Road into existing residential neighborhoods. Both streets extend to Drakehire Drive, a north-south local street that has been constructed to the south Specific Plan boundary. New traffic counts indicate that Grand Prix Drive carries 1,756 vehicles per day in the area immediately west of Coffee Road (1997), while Drakehire Drive carries 497 vehicles per day south of Grand Prix Drive (1997). All of these streets have on-street parking and fronting residential driveways.

Alternative Transportation Modes

The City of Modesto provides two public transportation alternatives. The first is the Modesto Area Express (MAX) which services the general public. The second is Dial-A-Ride which services the elderly and handicapped with services offered to the general public during the evenings and Sundays.

The Modesto Area Express operates between the hours of 6:15 am to 6:30 pm Monday through Friday and 8:15 am to 6:15 pm on Saturdays. Patrons may catch MAX buses at most corners along their routes by waving the bus down. Many of the bus stops are marked with a bench and/or a sign and it is preferable to use these marked stops whenever possible.

MAX route #27 passes the Specific Plan area on McHenry Avenue. A designated stop exists at the Coralwood Drive intersection.

MAX route #10 also passes directly by the Coffee / Claratina Specific Plan area. This route follows Coffee Road north to Mable Avenue, thence east on Mable Avenue to Oakdale Road. The route continues south on Oakdale Road.

Existing Traffic Volumes

Daily traffic counts and PM peak hour intersection turning movements have been used to evaluate existing traffic conditions. Daily traffic volume data on McHenry Avenue was obtained from Caltrans, while 24 hour traffic counts were made on City streets as a part of the original Coffee-Claratina Specific Plan traffic study. In addition, weekday PM peak hour counts were conducted at the study intersections by the consultant during August 1997. These intersection turning movement counts were conducted from 4:00 - 6:00 pm to isolate the peak one hour traffic intervals. Figure 2 displays existing peak hour and daily traffic volume data used for this analysis.

Levels of Service - Methodology

To assess the quality of existing traffic conditions and to provide a basis for evaluating project impacts, Levels of Service were calculated at study area intersections. "Level of Service" is a qualitative measure of traffic operating conditions whereby a letter grade "A" through "F", corresponding to progressively worsening operating conditions, is assigned to an intersection or roadway segment. Table 1 presents general characteristics associated with each LOS grade.

As the operation of major intersections primarily govern the quality of traffic flow conditions in the immediate vicinity of the site, intersection Level of Service analysis has been used for this study to determine the significance of resulting traffic conditions with redevelopment of the site.

Signalized Intersections. Procedures used for calculating Levels of Service at signalized intersections are as presented in the Highway Capacity Manual, 1994 edition. In addition to traffic volume, these procedures make use of geometric information and traffic signal timing data. The City of Modesto has established LOS "D" as an operational threshold for signalized intersections beyond which mitigations are required.

KEY

XX PM PEAK HOUR TRAFFIC

XX DAILY TRAFFIC

⊥ RI STOP SIGN

⊠ SIGNALIZED INTERSECTION

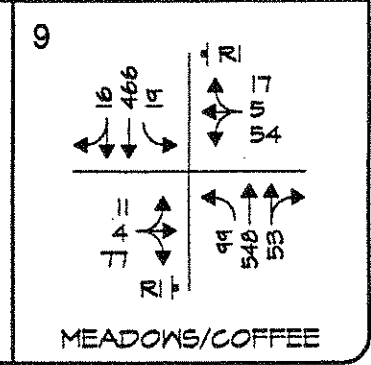
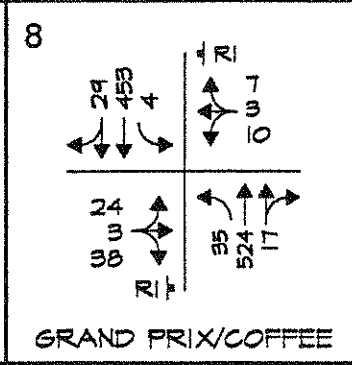
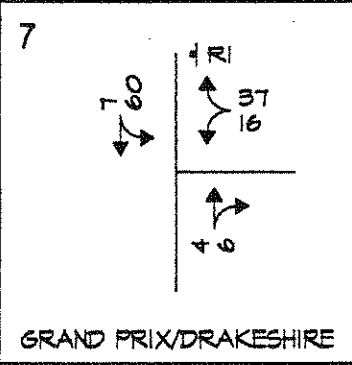
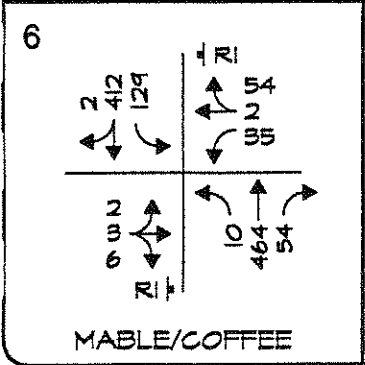
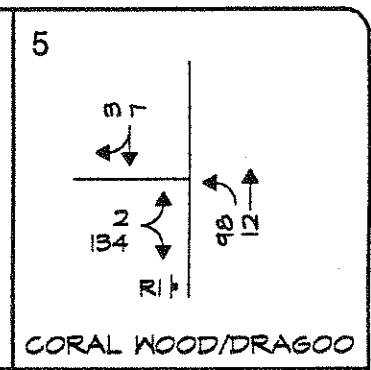
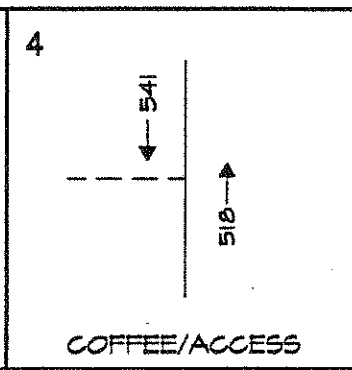
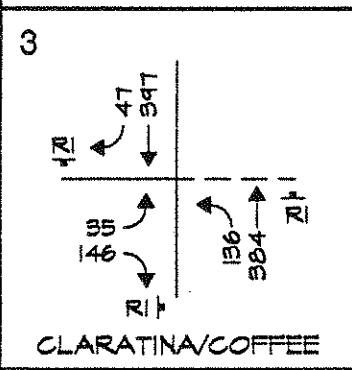
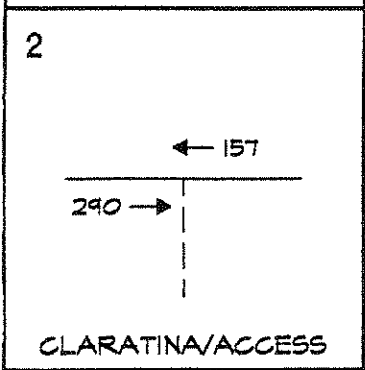
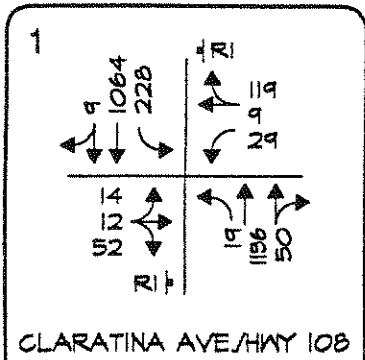
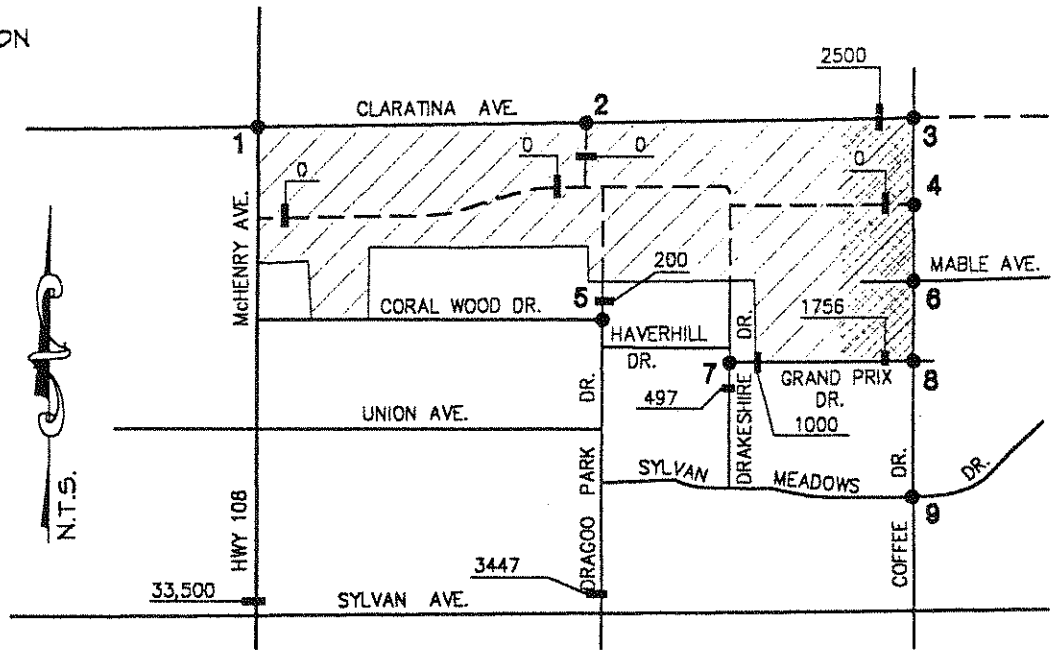


TABLE 1
LEVEL OF SERVICE DEFINITIONS

LEVEL OF SERVICE	SIGNALIZED INTERSECTION	UNSIGNALIZED INTERSECTION	ROADWAY (DAILY)
"A"	Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 5.0 sec	Little or no delay. Delay ≤ 5 sec/veh	Completely free flow.
"B"	Uncongested operations, all queues clear in a single cycle. Delay > 5.0 sec and ≤ 15.0 sec	Short traffic delays. Delay > 5 sec/veh and ≤ 10 sec/veh	Free flow, presence of other vehicles noticeable.
"C"	Light congestion, occasional backups on critical approaches. Delay > 15.0 sec and ≤ 25.0 sec	Average traffic delays. Delay > 10 sec/veh and ≤ 20 sec/veh	Ability to maneuver and select operating speed affected.
"D"	Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 25.0 sec and ≤ 40.0 sec	Long traffic delays. Delay > 20 sec/veh and ≤ 30 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
"E"	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 40.0 sec and ≤ 60.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 30 sec/veh and ≤ 45 sec/veh	At or near capacity, flow quite unstable.
"F"	Total breakdown, stop-and-go operation. Delay > 60.0 sec	Intersection blocked by external causes. Delay > 45 sec/veh	Forced flow, breakdown.
Sources: 1994 <u>Highway Capacity Manual</u> , Transportation Research Board (TRB) Special Report 209.			

Unsignalized Intersections. For unsignalized intersections, gap acceptance and corresponding delays are used for Level of Service analysis. Procedures used for calculating unsignalized intersection Level of Service are also presented in the Highway Capacity Manual. Levels of Service at the unsignalized intersections, which are controlled by side street stop signs, are indicative of the magnitude of the delay incurred by motorists which must yield the right of way at an intersection.

Because these calculations ignore the condition of through traffic flow (which is assumed to flow freely) a supplemental traffic signal warrant analysis is performed to confirm the significance of calculated delays. While the unsignalized Level of Service may indicate long delays (i.e., LOS "E"), traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied. Meeting signal warrants signifies that intersection improvements may be warranted, but does not indicate that installation of a signal is the only way to mitigate conditions. It is often possible to improve operations with additional lanes or improved geometrics to reduce delays. The signal warrant criteria employed for this study is as presented in the Caltrans Traffic Manual. City of Modesto standards indicate that LOS "C" or better should be obtained with installation of a traffic signal when signalization of a stop sign controlled intersection is appropriate.

Figure 2 also provides an inventory of the geometric data used in this analysis for evaluating study intersections, including a description of the number of approach lanes and intersection control.

Existing Levels of Service

Table 2 summarizes the results of Level of Service calculations completed for each study intersection. Level of Service calculations are provided under separate cover.

Unsignalized intersections. Where side street traffic is controlled by stop signs, the Level of Service experienced at unsignalized intersections is typically dependent on the volume of traffic on the major street. Thus, the Level of Service for motorists waiting to turn left onto Coffee Road may be poor (i.e., LOS "E").

**TABLE 2
EXISTING INTERSECTION LEVELS OF SERVICE**

INTERSECTION	EXISTING CONDITIONS		
	TRAFFIC CONTROL	LOS	DELAY (Sec)
1. McHenry Ave / Claratina Ave Southbound left Westbound left Westbound right	EB/WB Stop	E F F	31.5 sec > 999 sec 319.4 sec
3. Coffee Rd / Claratina Ave	All-Way Stop	B	5.7 sec
5. Dragoo Park Dr / Coralwood Dr Northbound left Eastbound left Eastbound right	EB Stop	A A A	2.3 sec 3.1 sec 3.1 sec
6. Coffee Rd / Mable Avenue Northbound left Southbound left Eastbound left+thru+right Westbound left Westbound thru+right	EB/WB Stop	A A B D B	3.4 sec 4.5 sec 9.8 sec 20.6 sec 5.4 sec
7. Drakeshire Dr / Grand Prix Dr Southbound left Westbound left Westbound right	WB Stop	A A A	2.2 sec 3.2 sec 3.2 sec
8. Coffee Rd / Grand Prix Drive Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	A A C C	4.1 sec 4.3 sec 11.6 sec 14.0 sec
9. Coffee Rd / Sylvan Meadows Dr Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	A A B E	4.5 sec 4.7 sec 8.2 sec 41.4 sec

To determine whether current traffic operations at unsignalized intersections represent a significant problem, existing traffic volumes were compared to Caltrans traffic signal warrants. This comparison indicated that traffic signals are not warranted at any of the unsignalized locations.

Existing Daily Volumes on Neighborhood Streets

The volume of traffic occurring on the existing collector street system south of the Coffee/Claratina Specific Plan area is a concern to area residents. To provide a basis for evaluation of project impacts, new daily traffic counts were made at several locations. Where daily counts were not conducted, peak hour intersection counts were used to interpolate estimated daily volumes.

Table 3 presents current daily traffic volume on these streets.

TABLE 3
DAILY TRAFFIC VOLUMES ON LOCAL COLLECTOR STREETS

STREET	LOCATION	DAILY VOLUME
Union Avenue	East of McHenry Ave	3,573
	West of Dragoo Park Drive	2,500(e)
Coralwood Drive	East of McHenry Ave	2,334
	West of Dragoo Park Drive	2,300(e)
Dragoo Park Drive	North of Sylvan Avenue	3,447
	South of Coralwood Drive	2,300(e)
Drakeshire Drive	South of Grand Prix Drive	497
	North of Grand Prix Drive	1,000(e)
Grand Prix Drive	West of Coffee Road	1,756
	East of Drakeshire Drive	1,000(e)

Source: Traffic Monitoring Services, June 1997
(e) = Daily volume estimated from peak hour count

KDA

CUMULATIVE BACKGROUND TRAFFIC CONDITIONS

Per City of Modesto guidelines, potential traffic impacts associated with development of the Coffee Road commercial area in the Coffee/Claratina Specific Plan area have been evaluated with respect to existing conditions as well as to two future planning horizons, representative of "short term" and "long term" traffic conditions. The "short term" condition corresponds to traffic conditions expected in five years assuming continuation of background traffic growth and/or development of other approved projects in the immediate study area. The "long term" cumulative traffic base utilizes traffic projections developed with the City of Modesto's General Plan Traffic Model. This traffic base is representative of Year 2025 traffic conditions.

The methodologies used to develop traffic projections for each of these scenarios was presented in the original Coffee-Claratina Specific Plan traffic study. For this analysis traffic conditions with assumed completion of the original Specific Plan have been used as the base conditions against which the proposed project is to be evaluated.

Short Term Cumulative Conditions (5 Year Planning Horizon)

Significant changes to the area circulation system can be anticipated over the next few years. While the volume of traffic expected on major regional streets can be expected to continue to increase, the creation of new routes may alter existing travel patterns. In addition, the development of other north Modesto area projects will result in additional traffic. Assumptions regarding background development, assumed circulation system improvements and growth in background growth on existing routes were made through discussions with City of Modesto staff when the original Coffee-Claratina traffic study was prepared and are summarized in the text which follows.

Assumed Development. Many other development proposals are pending or have already been approved in the north Modesto area. In the vicinity of the Coffee/Claratina Specific Plan, the Pelandale/Snyder Specific Plan and Carver Bangs Specific Plan have been approved to the west and the North Beyer Specific Plan has been approved to the east. This analysis assumes that 100% of the Pelandale-Snyder and Carver-Bangs plan areas will be developed within the next 5 years. Because the North Beyer Plan includes non-residential development that is not expected to be occupied in the near future, only the residential portions of that plan area have been assumed to be occupied in the next five years.

Historic Growth rates. Daily traffic count records from 1982 to 1994 were provided by the City of Modesto for Coffee Road. Review of these counts indicated that on average, Coffee Road traffic has been growing at about 3.4% annually. Because the surround area is fully developed, no change in the volume on other existing local streets is expected unless the Coffee/Claratina plan area is developed. Review of Caltrans traffic counts indicates that the volume of traffic on McHenry Avenue has been growing at a rate of about 2% annually in this area.

Regional Circulation Improvements. Within the study area, Pelandale-Claratina Expressway is expected to be the most significant regional circulation improvement that could be expected over the next five years. Due to the approval and assumed completion of adjoining developments, City staff have concluded that is reasonable to expect that a two lane facility will exist from SR 99 to Oakdale Road within the next five years. As indicated in the discussion of project impacts, development of the expressway does not significantly alter the extent of project impacts.

5 Year Plus Original Coffee-Claratina Specific Plan Conditions

Traffic volume forecasts assuming development of the original Specific Plan over a five year period are presented in Figure 3. As shown in figure 3, the Claratina Avenue/McHenry Avenue, Claratina Avenue/Coffee Road and Coffee Road/Mabel Avenue intersections were assumed to be signalized.

Table 4 summarizes projected intersection operations under the five year planning horizon. As indicated, development of the Specific Plan and other projects will increase traffic volume on area roads, however, while delays for waiting motorists will increase, project development will not result in any locations meeting warrants for signalization.

Traffic Volumes on Local Collector Streets. Review of the traffic volume forecasts contained in Table 5 indicates that the volume of traffic on Dragoo Park Drive could increase by about 1,100 to 1,880 vehicles per day as a result of the original Specific Plan. However, the resulting traffic volumes along Dragoo Park Drive would still be considered acceptable for collector streets.

KDA

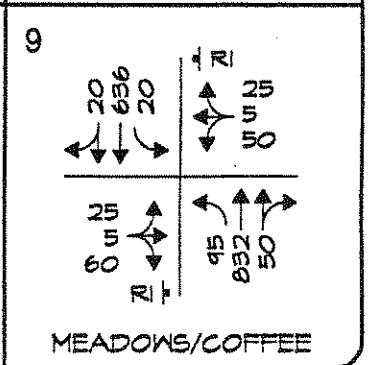
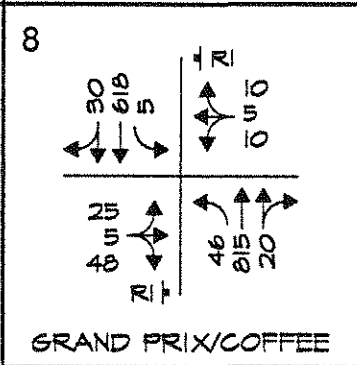
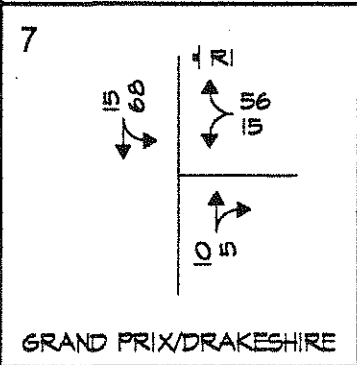
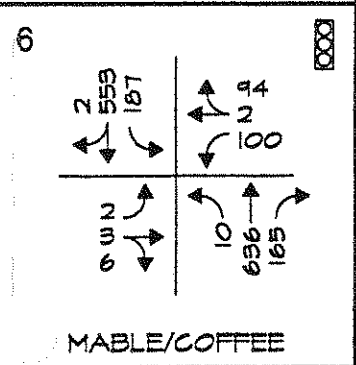
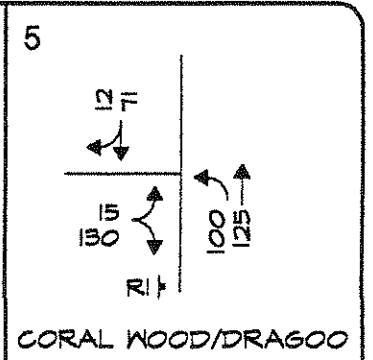
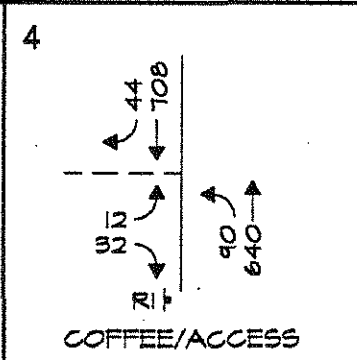
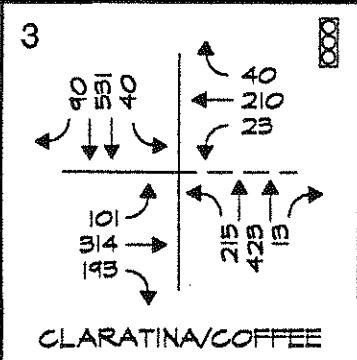
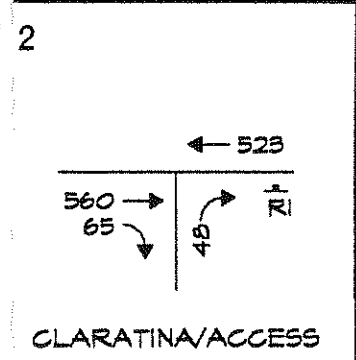
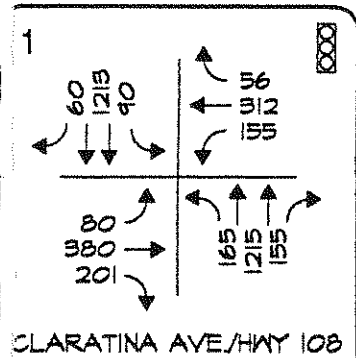
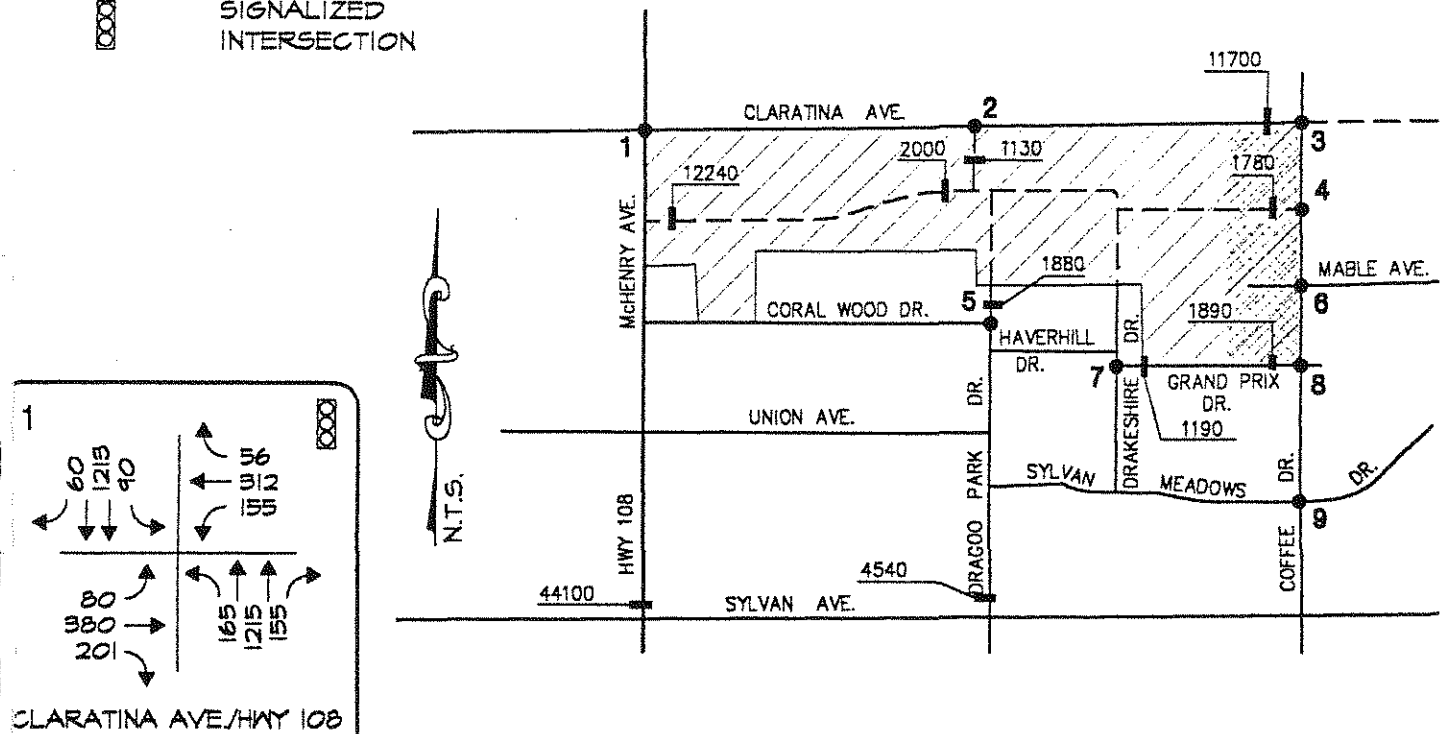
KEY

XX PM PEAK HOUR TRAFFIC

XX DAILY TRAFFIC

+ RI STOP SIGN

☐ SIGNALIZED INTERSECTION



K D Anderson
Transportation Engineers

5 YEAR WITH ORIGINAL COFFEE-CLARATINA
SPECIFIC PLAN TRAFFIC VOLUMES

TABLE 4
YEAR 2003 INTERSECTION LEVELS OF SERVICE
WITH ORIGINAL COFFEE-CLARATINA SPECIFIC PLAN

INTERSECTION	EXISTING CONDITIONS			YEAR 2003 + ORIGINAL SPECIFIC PLAN		
	TRAFFIC CONTROL	LOS	DELAY (Sec)	TRAFFIC CONTROL	LOS	DELAY (Sec)
1. McHenry Ave/Claratina Ave	EB / WB Stop	F	> 999 sec	Signal	D	26.3 sec (v/c=0.85)
2. Claratina Ave/Collector Street Northbound right	n/a			NB Stop	B	5.6 sec
3. Coffee Rd/Claratina Ave	All-Way Stop	B	5.7 sec	Signal	C	21.6 sec (v/c=0.53)
5. Dragoo Park Dr/Coralwood Dr Northbound left Eastbound left Eastbound right	EB Stop	A A A	2.3 sec 3.1 sec 3.1 sec	EB Stop	A B B	3.0 sec 5.4 sec 4.4 sec
6. Coffee Rd/Mable Avenue Northbound left Southbound left Eastbound left+thru+right Westbound left Westbound thru+right	EB/WB Stop	A A B D B	3.4 sec 4.5 sec 9.8 sec 20.6 sec 5.4 sec	Signal	B	16.4 sec (v/c=0.66)
7. Drakeshire Dr/Grand Prix Dr Southbound left Westbound left Westbound right	WB Stop	A A A	2.2 sec 3.1 sec 3.1 sec	WB Stop	A A A	2.2 sec 3.2 sec 3.2 sec
8. Coffee Rd/Grand Prix Drive Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	A A C C	4.1 sec 4.3 sec 11.6 sec 14.0 sec	EB/WB Stop	B B E E	5.3 sec 6.3 sec 32.0 sec 30.2 sec
9. Coffee Rd/Sylvan Meadows Dr Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	A A B E	4.5 sec 4.7 sec 8.2 sec 41.4 sec	EB/WB Stop	B B E F	5.8 sec 6.9 sec 43.2 sec 302.7 sec

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TABLE 5
YEAR 2003 DAILY TRAFFIC VOLUMES ON LOCAL COLLECTOR STREETS

LOCATIONS STREET	LOCATION	YEAR 2003 DAILY TRAFFIC VOLUME	
		EXISTING (1997)	WITH ORIGINAL COFFEE-CLARATINA SPECIFIC PLAN
Union Avenue	East of McHenry Ave	3,575	3,750
	West of Dragoo Park Drive	2,500	2,650
Coralwood Drive	East of McHenry Ave	2,350	2,520
	West of Dragoo Park Drive	2,300	2,470
Dragoo Park Drive	North of Sylvan Avenue	3,450	4,540
	South of Coralwood Drive	2,300	4,210
	North of Coralwood Drive	200	2,080
Drakeshire Drive	South of Grand Prix Drive	500	600
	North of Grand Prix Drive	1,000	1,440
	North of Haverhill Drive	200	500
Grand Prix Drive	West of Coffee Road	1,700	1,890
	East of Drakeshire Drive	1,000	1,190
East-West Collector	East of McHenry Ave	-	12,240
	West of Coffee Road	-	1,800

Long Term Cumulative Traffic Volumes (Year 2025) - With Original Coffee-Claratina Specific Plan

The Long Term cumulative traffic base utilizes daily traffic projections developed with the City of Modesto General Plan Traffic Model. This model is generally assumed to be representative of Year 2025 traffic conditions. Year 2025 conditions with build out of the original Coffee-Claratina Specific Plan are displayed in Figure 4.

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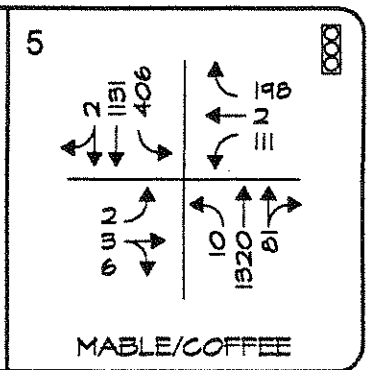
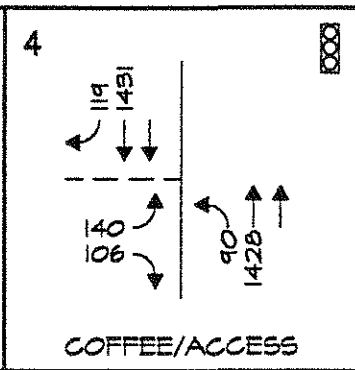
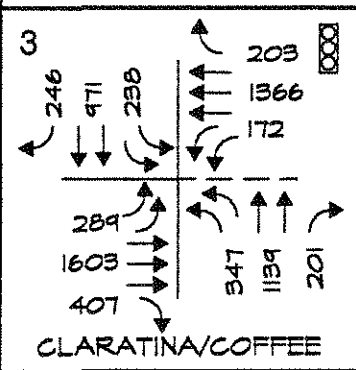
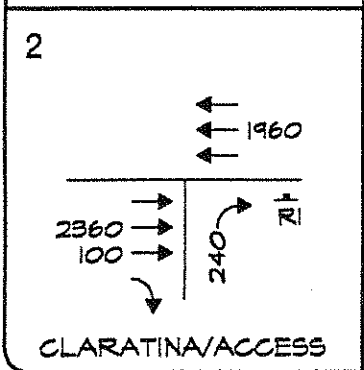
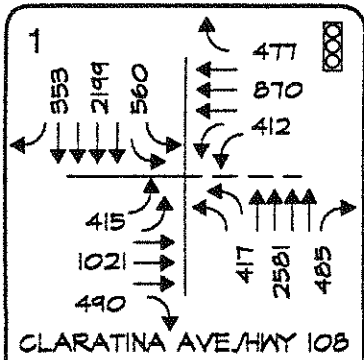
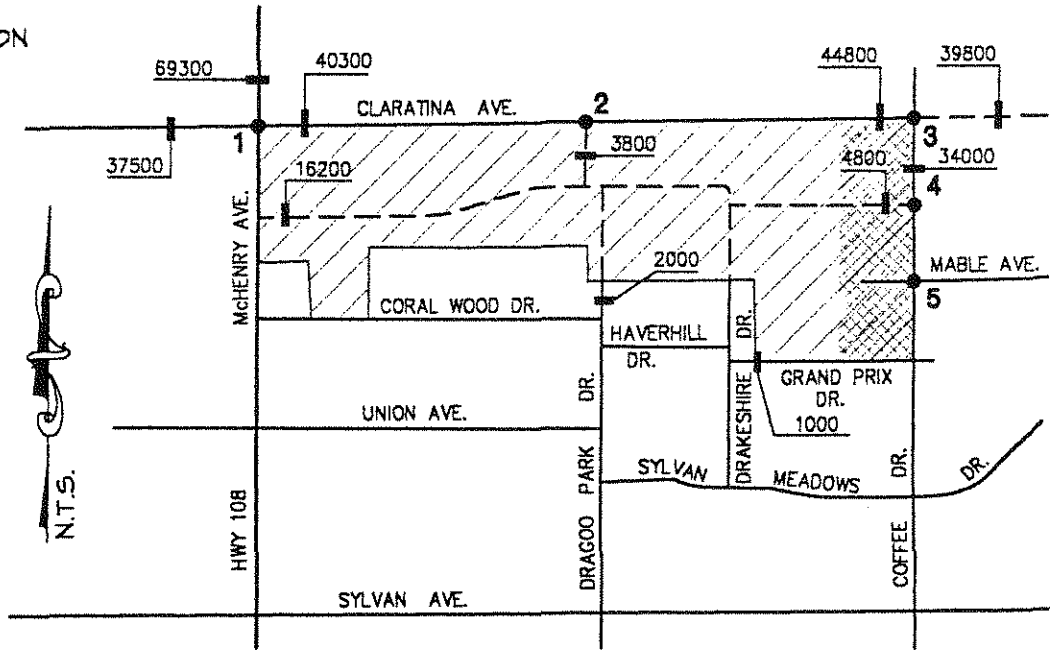
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XX PM PEAK HOUR TRAFFIC

XX DAILY TRAFFIC

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☐ SIGNALIZED INTERSECTION



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YEAR 2025 WITH ORIGINAL COFFEE-CLARATINA
SPECIFIC PLAN TRAFFIC VOLUMES

It should be noted that the future traffic growth implied by Year 2025 traffic model projections is significant when compared to current volumes. Traffic volumes on north-south streets such as McHenry Avenue and Coffee Road are forecast to increase substantially, with McHenry Avenue traffic volume reaching 69,300 ADT north of Pelandale Avenue. Forecast traffic volumes on Coffee Road are expected to reach 34,000 south of the expressway. The Pelandale/Claratina expressway is projected to carry about 40,300 to 44,800 ADT along the project's frontage.

P.m. peak hour intersection turning movements were developed for Year 2025 conditions, although City General Plan policies suggest that only roadway segment Levels of Service are applicable measures of long term traffic impact. The General Plan indicates that major roadway improvements will be needed to support these traffic volumes at acceptable Levels of Service. As indicated previously in the General Plan, McHenry Avenue is expected to be widened to an eight lane facility. The new expressway is expected to be a six lane facility. The volume of traffic on Coffee Road will be accommodated by a four-lane section.

Under these conditions it will become very difficult to fully access the circulation system from unsignalized intersections. It is reasonable to expect that access to unsignalized collector streets will be limited to right turns in and out only. Traffic signals are included in the CFF for the Coffee Road intersections with Mable Avenue and Sylvan Meadows Drive.

As shown in Table 6, if all area streets are widened as anticipated by the General Plan, then LOS "D" or better conditions can be achieved.

TABLE 6
YEAR 2025 WITH ORIGINAL SPECIFIC PLAN INTERSECTION LEVELS OF SERVICE

INTERSECTION	TRAFFIC CONTROL	LOS	DELAY (Sec)
1. McHenry Ave / Claratina	Signal	D	37.2 sec (v/c = 1.01)
3. Coffee Rd / Claratina Ave	Signal	D	31.7 sec (v/c = 0.92)
3. Coffee Rd / Collector Street	Signal	B	10.1 sec (v/c = 0.61)
5. Coffee Rd / Mable Avenue	Signal	D	25.2 sec (v/c=0.92)

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PROJECT IMPACTS

The text which follows describes the incremental impact of changing the Coffee-Claratina Specific Plan to include commercial development along Coffee Road within the context of the Existing, 5 year and Year 2025 background conditions described earlier. To present a "worst case" evaluation, the potential impacts of full development of the 15 acre area have been assumed in each scenario.

Trip Generation

The number of automobile trips projected to be generated by development of the Coffee/Claratina Specific Plan and by the proposed commercial revision has been estimated through application of trip generation rates contained in the Institute of Transportation Engineers (ITE) publication, Trip Generation (Fifth Edition) and/or employed in the Citywide Traffic model.

Table 7 compares the daily trip generation for the entire Specific Plan area as originally approved and as modified by the proposed commercial revision. As shown, if the 15 acres is developed commercially, the plan area could generate another 3,826 daily trips.

TABLE 7
COFFEE-CLARATINA SPECIFIC PLAN
DAILY TRIP GENERATION ESTIMATE

LAND USE	EMPLOYEES PER ACRE	ACRES	EMPLOYEES	MODEL'S TRIP RATE	DAILY TRIPS
<i>Original Project</i>					
Commercial	20	40	800	16.1	12,880
Single Family Residential			1,000 Homes	9.55	9,550
TOTAL PLAN AREA					22,430
<i>With Proposed Commercial Revision</i>					
Commercial	20	55	1,100	16.1	17,710
Single Family Residential			888 Homes	9.55	8,480
TOTAL PLAN AREA					26,256
NET DIFFERENCE					3,826

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Table 8 presents a.m. and p.m. peak hour trip generation estimates for the Specific Plan area. As shown, if the proposed revision proceeds, the number of trips generated by the plan area during the a.m. peak hour would not change appreciably. However, the number of trips generated during the p.m. peak hour could increase by 317 trips.

**TABLE 8
COFFEE-CLARATINA SPECIFIC PLAN
PEAK HOUR TRIP GENERATION ESTIMATE**

LAND USE	AM PEAK HOUR			PM PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
<i>Original Specific Plan</i>						
Commercial	193	77	270	540	605	1,145
Single family Residential	185	555	740	655	355	1,010
TOTAL	378	632	1,010	1,195	960	2,155
<i>Proposed Commercial Revision</i>						
Commercial	265	105	370	745	830	1,575
Single family Residential	164	493	657	583	314	897
TOTAL	429	598	1,027	1,328	1,144	2,472
NET DIFFERENCE	51	-34	17	133	184	317

ITE trip data for commercial uses also indicates that the trip generation of many commercial activities is not all "new" traffic and that mixed use sites generate multi-purpose trips. Studies have shown that much of the traffic which is counted at commercial driveways (the source of site specific trip generation rates) are "pass-by" trips. Pass-by trips are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. Since all of the trips forecast using the traffic model are "new" trips, an increase in the traffic count at commercial driveways may be applicable.

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ITE pass-by data for shopping centers similar in size to the proposed facility has been used to estimate the pass-by trip component for the site, which we believe to be about 25%. For this analysis, this traffic increment has been added to the turning movements occurring at the two project access points onto Coffee Road.

Trip Distribution

Having determined the number of trips that can be anticipated to be generated by development of the Commercial area, it is necessary to identify the directional distribution of project generated traffic and assign traffic to the area street system. Under "Existing Plus Project" conditions, the trips distribution was based on review of existing travel patterns, and the trip assignment was performed by manually superimposing project traffic onto background traffic conditions. For 5 year conditions, the trips distribution was identified using the SAAG Year 2005 model and "select link" analysis. For Year 2025 conditions, the project trip assignment was developed by the Citywide traffic model.

The short term distribution pattern presented in the original Coffee-Claratina Specific Plan traffic study is presented in Table 9.

**TABLE 9
SHORT TERM TRIP DISTRIBUTION**

DIRECTION	PERCENTAGE
North Via McHenry Avenue	8%
North Via Coffee Road	9%
West via Bangs Avenue	0%
West Via Pelandale Avenue	8%
West via Sylvan Avenue	11%
East Via Pelandale Avenue	4%
East via Sylvan Avenue	15%
South via Coffee Road	5%
South via Dragoo Park Drive	2%
South via McHenry Avenue	30%
Internal to Neighborhoods	8%

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Existing Plus Project Conditions

Using the directional distribution presented in Table 9, p.m. peak hour traffic generated by the 15 acre project was assigned to the adjacent street system. Resulting "Existing Plus Project" traffic volumes are presented in Figure 5.

Intersections. The impact of initial project development on the area street system can be assessed by review of the resulting Level of Service calculations presented in Table 10. As shown, this level of development does not change the Level of Service at any intersection that is signalized. Review of Caltrans warrants indicates no new traffic signals would be warranted as a result of the project.

Traffic Volume on Local Collector Streets. While the new East-West Street is expected to be the primary access to the Specific Plan area, until the balance of the Specific Plan area is developed, the 15 acre commercial site would not have access to the adjoining residential areas and would not increase the traffic on the existing collector streets serving the study area.

5 Year Plus Project Conditions

Because the proposed commercial revision will replace assumed residential development, the development of 5 year traffic volume forecasts occurred in two steps. First, the trips generated by 112 residences in the Specific Plan area were deleted from the Five Year base traffic scenario. Secondly, project generated trips were superimposed onto the net condition to represent conditions with development of the second phase of the balance of the Coffee-Claratina Specific Plan. Resulting peak hour and daily traffic volumes are presented in Figure 6.

Table 11 summarizes projected intersection operations under the five year planning horizon under the original Specific Plan and with the proposed commercial revision. As indicated, while development of the project will increase traffic volume on area roads, the effects of project trips will not be significant at existing signalized intersections.

Project impacts at unsignalized intersections vary. Development of the project will not result in Levels of Service beyond City standard. While delays for waiting motorists will increase, project development will not result in any locations meeting warrants for signalization.

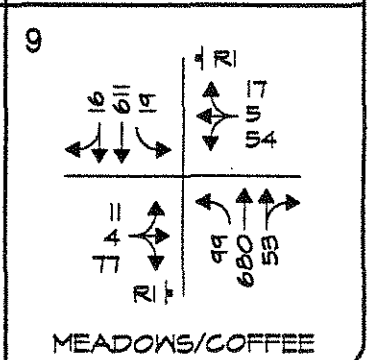
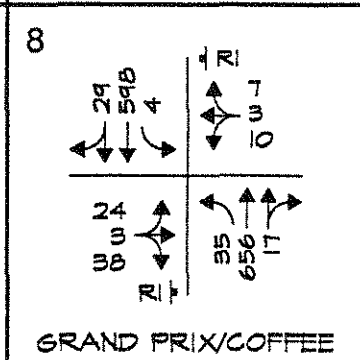
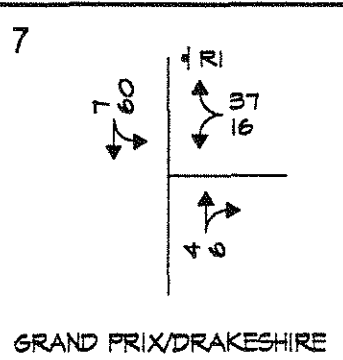
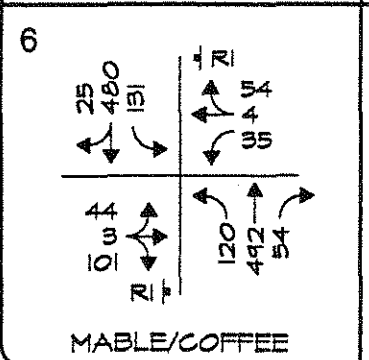
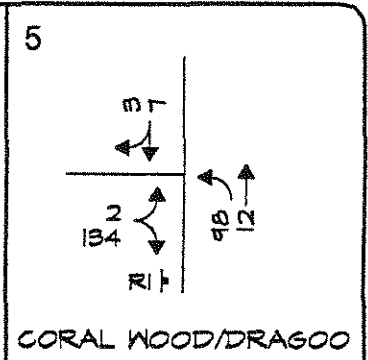
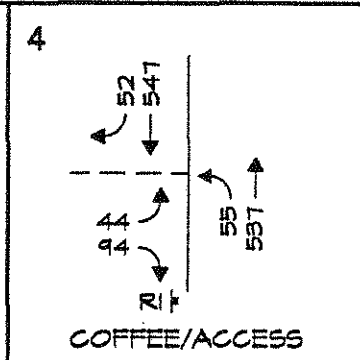
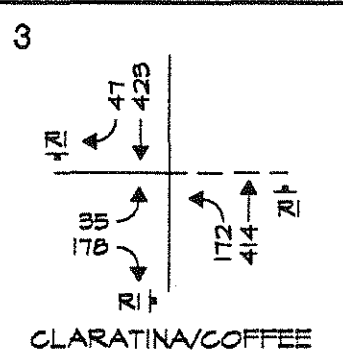
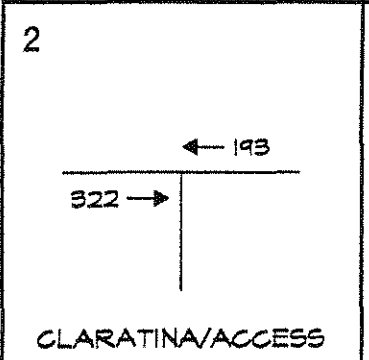
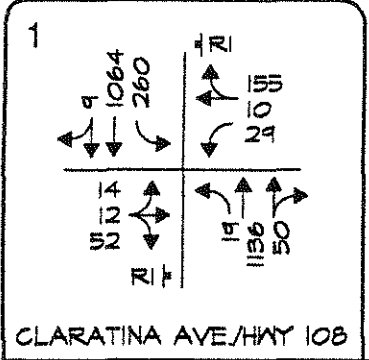
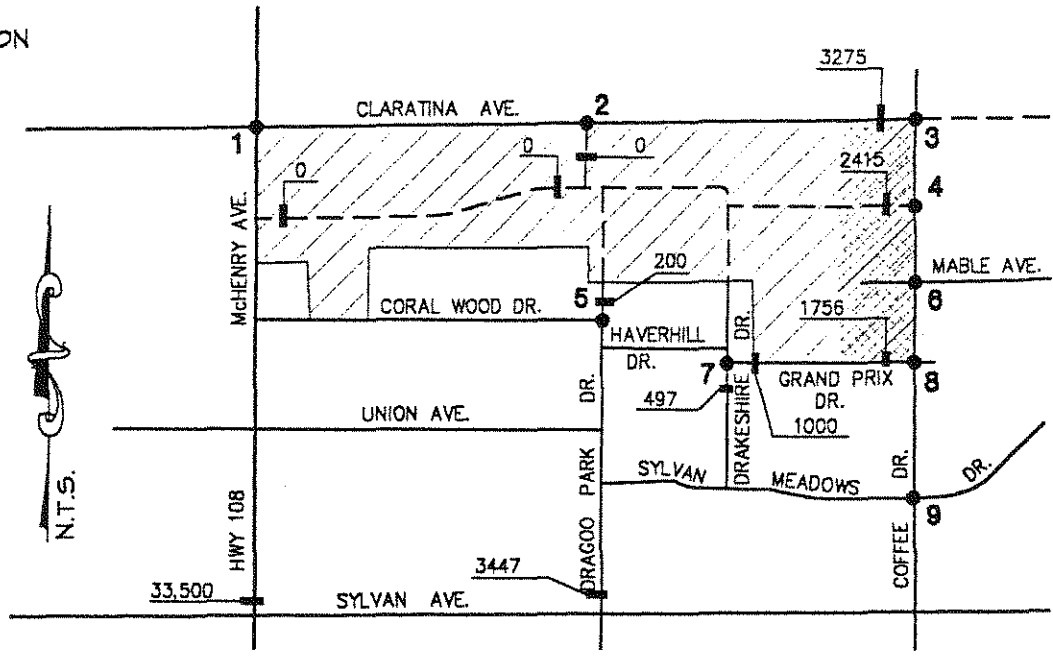
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Transportation Engineers

EXISTING PLUS 15 AC C-3
TRAFFIC VOLUMES

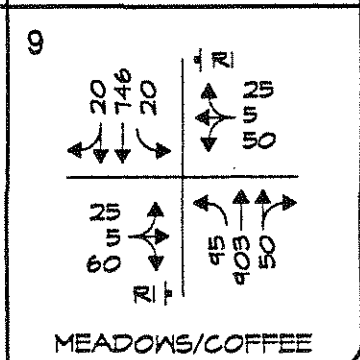
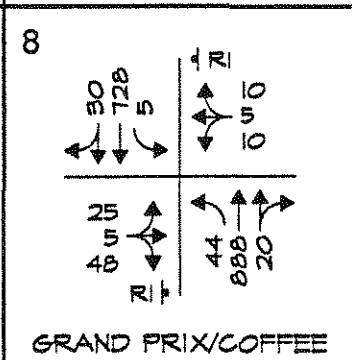
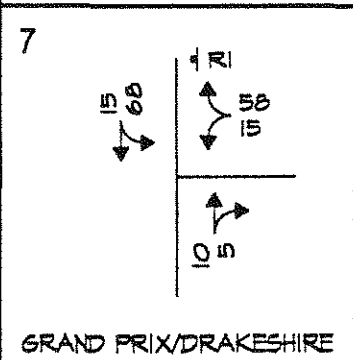
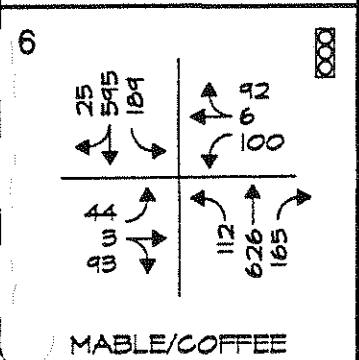
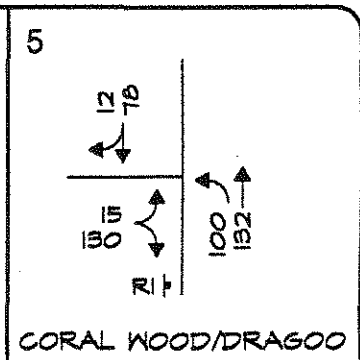
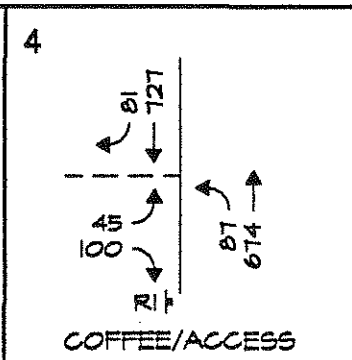
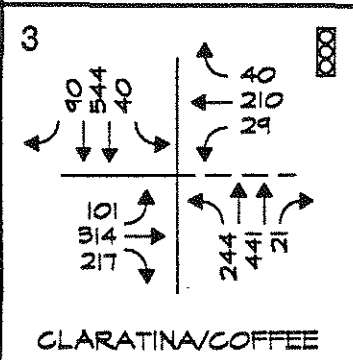
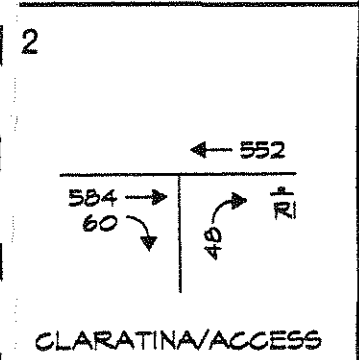
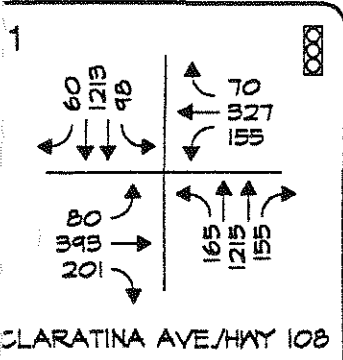
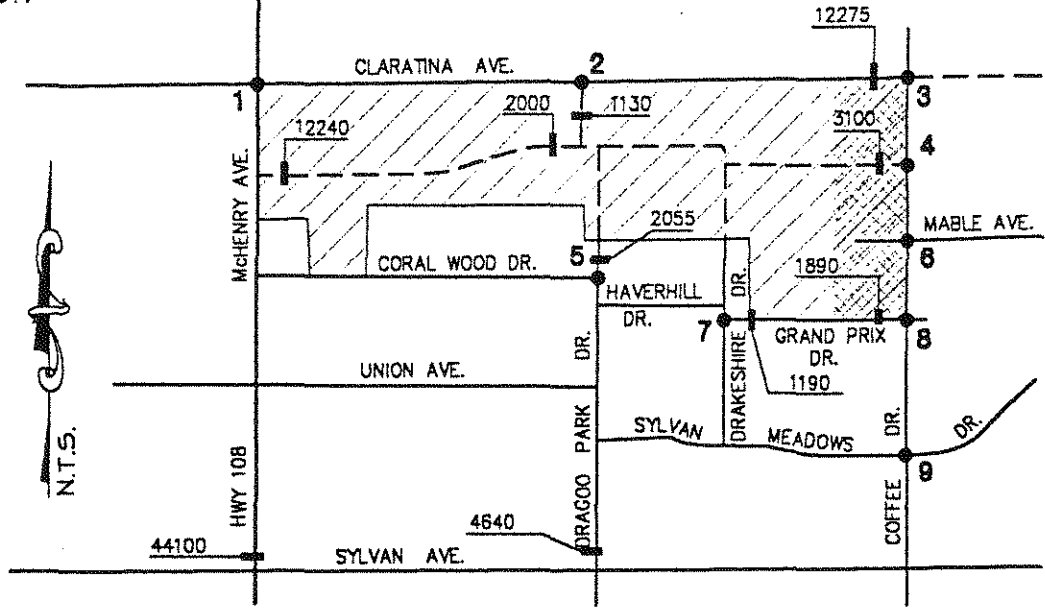
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☒ SIGNALIZED INTERSECTION



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5 YEAR PLUS COMMERCIAL REVISION
TRAFFIC VOLUMES

TABLE 10
EXISTING PLUS PROJECT INTERSECTION LEVELS OF SERVICE

INTERSECTION	EXISTING CONDITIONS			PLUS COMMERCIAL REVISION		
	TRAFFIC CONTROL	LOS	DELAY (Sec)	TRAFFIC CONTROL	LOS	DELAY (Sec)
1. McHenry Ave/Claratina Ave	EB/WB Stop	F	> 999 sec	EB/WB Stop	F	> 999 sec
2. Claratina Ave/Collector Street Northbound right	n/a			n/a		
3. Coffee Rd/Claratina Ave	All-Way Stop	B	5.7 sec	All-Way Stop	B	6.8 sec
4. Claratina/Project Access Northbound left Eastbound left Eastbound right	n/a			EB Stop	A D B	4.5 sec 25.7 sec 6.0 sec
5. Dragoo Park Dr/Coralwood Dr Northbound left Eastbound left Eastbound right	EB Stop	A A A	2.3 sec 3.1 sec 3.1 sec	EB Stop	A A A	2.3 sec 3.0 sec 3.0 sec
6. Coffee Rd/Mable Avenue Northbound left Southbound left Eastbound left+thru+right Westbound left Westbound thru+right	EB/WB Stop	A A B D B	3.4 sec 4.5 sec 9.8 sec 20.6 sec 5.4 sec	EB/WB Stop	A A D F B	4.4 sec 4.7 sec 28.7 sec 49.7 sec 6.5 sec
7. Drakehire Dr/Grand Prix Dr Southbound left Westbound left Westbound right	WB Stop	A A A	2.2 sec 3.1 sec 3.1 sec	WB Stop	A A A	2.2 sec 3.1 sec 3.1 sec
8. Coffee Rd/Grand Prix Drive Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	A A C C	4.1 sec 4.3 sec 11.6 sec 14.0 sec	EB/WB Stop	B B C D	5.0 sec 5.1 sec 18.7 sec 22.1 sec
9. Coffee Rd/Sylvan Meadows Dr Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	A A B E	4.5 sec 4.7 sec 8.2 sec 41.4 sec	EB/WB Stop	B B C F	5.6 sec 5.6 sec 12.4 sec 134.5 sec

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**TABLE 11
YEAR 2003 PLUS COMMERCIAL REVISION INTERSECTION LEVELS OF SERVICE**

INTERSECTION	WITH ORIGINAL SPECIFIC PLAN			WITH COMMERCIAL REVISION	
	TRAFFIC CONTROL	LOS	DELAY (Sec)	LOS	DELAY (Sec)
1. McHenry Ave/Claratina Ave	Signal	D	26.3 sec (v/c=0.85)	D	26.9 sec (v/c=0.86)
2. Claratina Ave / Collector St Northbound right	NB Stop	B	5.6 sec	B	5.8 sec
3. Coffee Rd / Claratina Ave	Signal	C	21.6 sec (v/c=0.53)	C	23.3 sec (v/c=0.56)
5. Dragoo Park Dr/Coralwood Dr Northbound left Eastbound left Eastbound right	EB Stop	A A A	3.0 sec 5.4 sec 4.4 sec	A B B	3.0 sec 5.5 sec 4.4 sec
6. Coffee Rd / Mable Ave	Signal	C	16.4 sec (v/c=0.66)	C	19.6 sec (v/c=0.66)
7. Drakeshire Dr/Grand Prix Dr Southbound left Westbound left Westbound right	WB Stop	A A A	2.2 sec 3.2 sec 3.2 sec	A A A	2.2 sec 3.2 sec 3.2 sec
8. Coffee Rd / Grand Prix Drive Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	B B E E	5.3 sec 6.3 sec 32.0 sec 30.5 sec	B B F E	6.1 sec 6.9 sec 49.1 sec 43.8 sec
9. Coffee/Sylvan Meadows Dr Northbound left Southbound left Eastbound left+thru+right Westbound left+thru+right	EB/WB Stop	B B E F	5.8 sec 6.9 sec 43.2 sec 302.7 sec	B B F F	6.9 sec 7.6 sec 95.1 sec 873.5 sec

Traffic Volumes on Local Collector Streets. The volume of daily traffic added to adjoining collector streets is not markedly different with the proposed commercial revision. While some existing residents of the neighborhood south of the Specific Plan area may use Drakeshire Drive and Dragoo Park Drive to reach the project, because the commercial development will be closely associated with its Coffee Road access, the vast majority of the project trips will use this road for access.

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Year 2025 Traffic Volumes with Commercial Revision to the Coffee - Claratina Specific Plan

The methodology employed to develop Year 2025 Plus project traffic volumes makes use of new runs using the City of Modesto General Plan traffic model. The Traffic Analysis Zones (TAZ's) which include the project were refined to reflect assumed project access. Proposed land uses were then included in the traffic model's land use inventory, and the traffic model was re-run.

Resulting Year 2025 daily traffic volumes and estimated p.m. peak hour intersection turning movements are presented in Figure 7. Turning movements were again developed directly from the traffic model forecasts by applying approved peak hour percentage and directional split. Applicable commercial "Pass-By" trips were then added at the project access.

Intersections. P.m. peak hour traffic conditions were assessed assuming the intersection geometrics previously presented in Figure 4. Table 12 summarizes projected conditions at major intersection operations under the Year 2025 planning horizon.

As indicated, the major intersections in the immediate vicinity of the Specific Plan will operate within City standards (i.e., LOS "D" or better). As shown, both of the new access intersection will eventually warrant signalization, and both would operate satisfactorily.

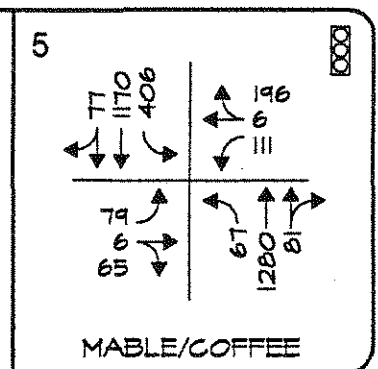
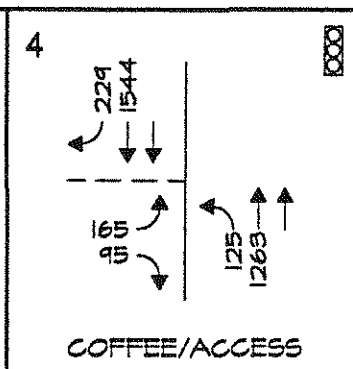
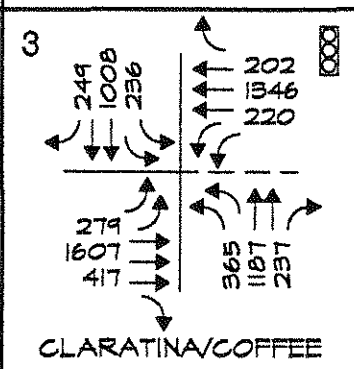
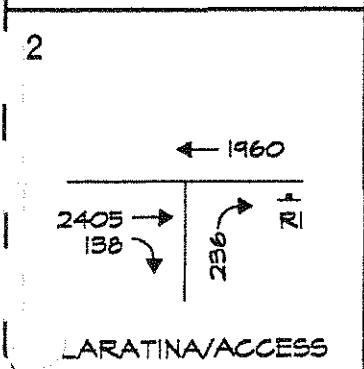
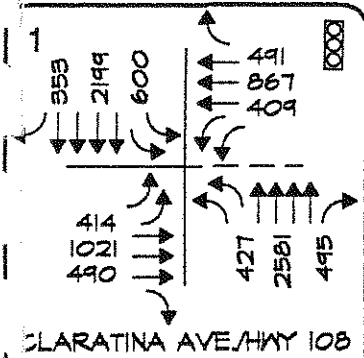
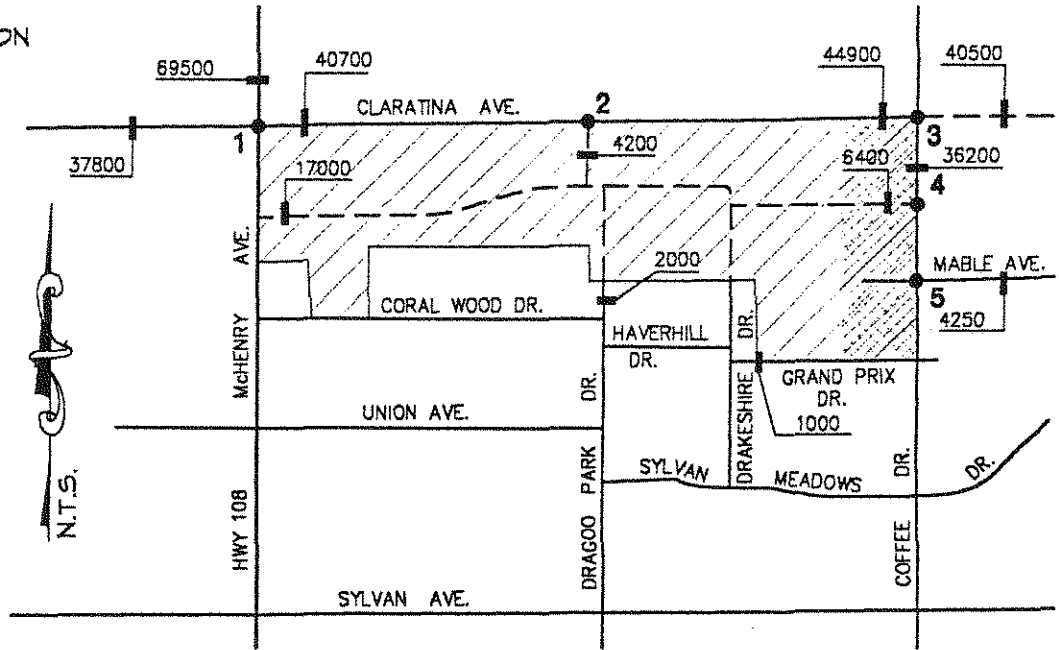
TABLE 12
YEAR 2025 WITH COMMERCIAL REVISION INTERSECTION LEVELS OF SERVICE

INTERSECTION	TRAFFIC CONTROL	WITH ORIGINAL SPECIFIC PLAN		W/COMMERCIAL REVISION	
		LOS	DELAY (Sec)	LOS	DELAY (Sec)
1. McHenry Ave / Claratina	Signal	D	37.2 sec (v/c = 1.01)	D	38.6 sec (v/c = 1.03)
3. Coffee Rd / Claratina Ave	Signal	D	31.7 sec (v/c = 0.92)	D	33.8 sec (v/c = 0.94)
4. Coffee Rd / Collector Street	Signal	B	10.1 sec (v/c = 0.61)	B	11.2 sec (v/c = 0.68)
5. Coffee Rd / Mable Avenue	Signal	D	25.2 sec (v/c=0.92)	D	25.3 sec (v/c = 0.91)

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KEY

- ↘ XX PM PEAK HOUR TRAFFIC
- XX DAILY TRAFFIC
- ⊥ RI STOP SIGN
- ☒ SIGNALIZED INTERSECTION



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 Transportation Engineers

YEAR 2025 PLUS COMMERCIAL REVISION
 TRAFFIC VOLUMES

TABLE 13
YEAR 2025 WITH COMMERCIAL REVISION
DAILY TRAFFIC VOLUMES COMPARISON

ROADWAY	LIMITS	DAILY VOLUME W/ORIGINAL SPECIFIC PLAN	DAILY VOLUME W/COMMERCIAL REVISION
McHenry Ave	North of Claratina Ave	69,300	69,500
	South of Claratina Ave	69,300	69,400
Claratina Avenue	West of McHenry Ave	37,500	37,800
	McHenry to Collector	40,300	40,700
	Collector to Coffee Rd	44,800	44,900
	East of Coffee Rd	39,800	40,500
Coffee Road	North of Claratina Ave	32,500	33,300
	Claratina to Collector	34,100	36,200
	Collector to Mable Ave	29,900	30,700
	South of Mable Ave	29,900	30,600
Mable Avenue	East of Coffee Road	4,250	4,250

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MITIGATION MEASURES/RECOMMENDATIONS

The purpose of this section is to describe mitigation measures which will alleviate unsatisfactory operating conditions. For the City of Modesto, "unacceptable" conditions are identified as those which Level of Service (LOS) "E", or "F" is experienced at a signalized intersection location during peak traffic hours. In addition, unsignalized intersection locations which are projected to warrant installation of a future traffic signal are intended to function at LOS "C" or better with implementation of a signal.

According to the City of Modesto's guidelines, a proposed project is required to recommend mitigation measures when a signalized intersection's Level of Service drops below LOS "D" with the addition of project traffic. If the level of service under existing conditions is LOS "D", "E", or "F", the goal is to provide LOS "D" or better operating conditions under "5 year plus Project" conditions with the future V/C ratio equal to or less than the existing V/C ratio plus 0.05.

At unsignalized intersections, the method for determining unsatisfactory operations is based on MUTCD peak hour warrants for signalization. Therefore, although motorist on a minor side street approach may experience delays characterized by LOS "E" or "F", in the absence of a history of accidents or complaints, traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied.

Mitigation for Existing Conditions

No improvement needs have been identified for existing conditions, as traffic signal warrants do not appear to be met at any unsignalized intersections.

Mitigation for Five Year Cumulative Base Condition - Existing Specific Plan

Overall traffic operations at most study area intersections are projected to continue to be satisfactory as other development occurs. Only two improvements has been identified for the five year base condition.

As the initial portion of the Pelandale/Claratina Expressway is constructed, traffic signals will be needed at the Coffee Road/Claratina Avenue and McHenry Avenue/Claratina Avenue intersections. The City's CFF program includes these traffic signals, which will need to become a priority as actual traffic volumes approach warrants.

The Coffee Road/Mable Avenue traffic signal will be warranted within five years if area development proceeds as anticipated. This project is also included in the existing CFF program.

Mitigation for Five Year Cumulative Plus Proposed Project Condition

Additional improvements needed in conjunction with development of the project consist of the following:

Install ultimate half section improvements along the frontage of Coffee Road on those parcels which develop.

Dedicate Right of Way for Claratina Expressway (six lanes, 135' at mid-section, 159' at the intersections) and Coffee Road.

If the McHenry Avenue/Access traffic signal was not previously installed, it will become necessary during Phase 2.

Bus Turnouts should be installed at the far side of signalized intersections along the project frontage.

Mitigation for Long Term Cumulative Plus Project Condition

As Modesto continues to grow, additional roadway improvements will become necessary.

The Pelandale/Claratina Expressway will eventually need to be widened to six lanes. McHenry Avenue will eventually need to be widened to eight lanes. The cost of these regionally beneficial improvements will be spread to benefiting parties through the City's CFF program.

A traffic signal will eventually be warranted at the Coffee Road/New East-West Street intersection. This intersection should be added to the CFF program.

MITIGATION MEASURES/RECOMMENDATIONS

The purpose of this section is to describe mitigation measures which will alleviate unsatisfactory operating conditions. For the City of Modesto, "unacceptable" conditions are identified as those which Level of Service (LOS) "E", or "F" is experienced at a signalized intersection location during peak traffic hours. In addition, unsignalized intersection locations which are projected to warrant installation of a future traffic signal are intended to function at LOS "C" or better with implementation of a signal.

According to the City of Modesto's guidelines, a proposed project is required to recommend mitigation measures when a signalized intersection's Level of Service drops below LOS "D" with the addition of project traffic. If the level of service under existing conditions is LOS "D", "E", or "F", the goal is to provide LOS "D" or better operating conditions under "5 year plus Project" conditions with the future V/C ratio equal to or less than the existing V/C ratio plus 0.05.

At unsignalized intersections, the method for determining unsatisfactory operations is based on MUTCD peak hour warrants for signalization. Therefore, although motorist on a minor side street approach may experience delays characterized by LOS "E" or "F", in the absence of a history of accidents or complaints, traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied.

Mitigation for Existing Conditions

No improvement needs have been identified for existing conditions, as traffic signal warrants do not appear to be met at any unsignalized intersections.

Mitigation for Five Year Cumulative Base Condition - Existing Specific Plan

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A traffic signal will eventually be warranted at the Coffee Road/New East-West Street intersection. This intersection should be added to the CFF program.

APPENDIX

Intersection Level of Service Calculations

KDA

EXHIBIT “E”

COFFEE/CLARATINA SPECIFIC PLAN

MITIGATION MONITORING PLAN

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE COFFEE/CLARATINA SPECIFIC PLAN
(Pursuant to Mitigated Negative Declaration ED/CDD 99-79)**

1.0 INTRODUCTION

This mitigation and monitoring program has been prepared by the City of Modesto for the Coffee/Claratina Specific Plan including the proposed General Plan and Specific Plan Amendment 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 Mitigated Negative Declaration, dated November 1, 1999, prepared for the project. The components of project mitigation were determined by the City of Modesto's Community Development and Engineering and Transportation Department staff based on Traffic Impact Analysis for the Coffee/Claratina Specific Plan, dated June 8, 1999 and supplemented on September 2 and September 20, 1999, prepared by kdAnderson Transportation Engineers.

3.0 MITIGATION

TRAFFIC MITIGATION

The following mitigation is also incorporated into the Coffee/Claratina Specific Plan in Chapter 3, Section C as "Recommended Improvements:"

MIXED COMMUNITY COMMERCIAL AREA

Concurrent with development of the strip commercial portion of Sub-Area B2, the Coffee Road street improvements, including an auxiliary lane shall be dedicated and constructed between the east-west collector intersection and the Pelandale Expressway. The auxiliary lane design and configuration shall be developed to achieve and maintain a Level of Service "D" on Coffee Road, to the satisfaction of the City's Director of Engineering and Transportation. (Policy J,P.4-6 of Specific Plan)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
Coffee Road between Claratina Ave. and new east-west Collector	LOS E	Dedicate and Improve Auxiliary Lane per Engineering and Transportation Dept.

REMAINING SPECIFIC PLAN AREA

Improvements Required with Project Development (B₁ Only)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
McHenry Avenue/New Project Collector Intersection	LOS F	Signal needed
Coffee/Claratina Intersection	LOS F	Signal needed
Pelandale Expressway (Claratina Avenue)	LOS degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects per Specific Plan
Fronting roadways of development: McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes

Additional Improvements with Full Project Development

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
Coffee/Claratina Intersection	LOS F	Signals needed plus four lane improvements
Coffee/Mable Intersection	Future Turning Movements	Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes
Coffee/Mable Intersection	LOS F	Signals needed plus improvements per study
	LOS is degraded	Dedicate and improve

Fronting roadways of development:
 Pelandale Expressway
 (Claratina Avenue)
 Coffee Road

roadway to City Standards along fronting projects.

Future east-west Collector

New Roadway

Dedicate and improve roadway to City Standards plus additional turn lanes

Year 2025 (Project Buildout)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Mitigation Required</u>
Coffee/Claratina Intersection	LOS E	Three through lanes needed and upgrade signals
Coffee/Mable Intersection	LOS E	Dual southbound turn lanes if no mid-block median break on Coffee Road
Pelandale Expressway (Claratina Avenue)	LOS F at intersections	Six through lanes needed per Coffee/Claratina Specific Plan
Fronting roadways of development: Coffee Road McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

Bus Turnouts:

Bus turnouts will be required on the far side of signalized intersections along the project frontage and will be constructed to City standards.

Implementation for all Traffic Mitigation Measures:

At the submittal of development requests, the City shall assure implementation of these mitigation measures at a level and timing consistent with the Specific Plan and Mitigated Negative Declaration.

Responsible Agency for all Traffic Mitigation Measures:

City of Modesto Community Development Department

NOISE MITIGATION

1. All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.
2. An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.
3. To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the Claratina expressway.

Implementation for all Noise Mitigation Measures:

At the submittal of development requests, the City shall assure implementation of these mitigation measures at a level and timing consistent with the Specific Plan and Mitigated Negative Declaration.

Responsible Agency for all Noise Mitigation Measures:

City of Modesto Community Development Department

GENERAL PLAN MITIGATION

The following mitigation measures come directly from the MEIR, and relate to the project proposed.

1. Inform residents about the possible exposure to agricultural chemicals.
2.
 - a. Install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.
 - b. Install water conserving landscape materials and irrigation systems in all common landscape areas.

Note: These techniques are required by state law (California Code of Regulations, Title 20, Sections 1601-1608). The City of Modesto has adopted these regulations and enforces them through the building permit process.

- d. The City shall implement a requirement for the installation of water meters on all new construction.

3. a. The City should consider implementing local land use incentives and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate space for containers. (In Draft General Plan as Police 3 under Community Services – Solid Waste, Solid Waste Disposal Policies, Planning Urbanizing Area).
- b. Prior to approval of a project within the Planning Urbanizing Area, the City shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project.
4. a. Any construction which occurs as a result of the project must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map 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.
- b. The City shall implement any policies of the City and County General Plan Safety Elements, which prohibit urban development within areas subject to seismic activity, unless mitigation measures reduce impacts to less than significant.
- c. City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and emergency evacuation routes such as Route 99.

Implementation for all General Plan MEIR Mitigation Measures:

At the appropriate time in the process, generally at Tentative Map, Development Plan or Building Permit, the City shall verify compliance with these measures.

Responsible Agency for all General Plan MEIR Mitigation Measures:

City of Modesto Community Development Department

EXHIBIT "F"

MIXED COMMUNITY COMMERCIAL USE

MIXED COMMUNITY COMMERCIAL (MCC)

Purpose: To permit a mix of appropriate scale commercial and residential uses along the Coffee Road frontage of the Coffee/Claratina Specific Plan. The uses would be compatible with and provide services and goods to the surrounding neighborhood as well as access community level shoppers. Uses included by this designation would be a mix of Specialty Retail/Strip Commercial and Community Shopping Center uses, also included would be Professional Office, medium high and low density Residential uses.

Locational Criteria: This designation would be applied to a depth of 400 feet along the west side of Coffee Road from the Claratina Avenue/Coffee Road intersection south to in front of the existing Silverwood Mobile Home Park, a distance of approximately 1,700 feet.

Performance Criteria: Plans for development in this area will not cause the level of service (LOS) on the adjacent roadways and intersections to exceed the General Plan standard of LOS D.

Zoning Equivalent: Uses permitted in this designation shall be as found in the C-1, C-2, P-O, R-3, R-2, and R-1 sections of Title X of the Modesto Municipal Code.

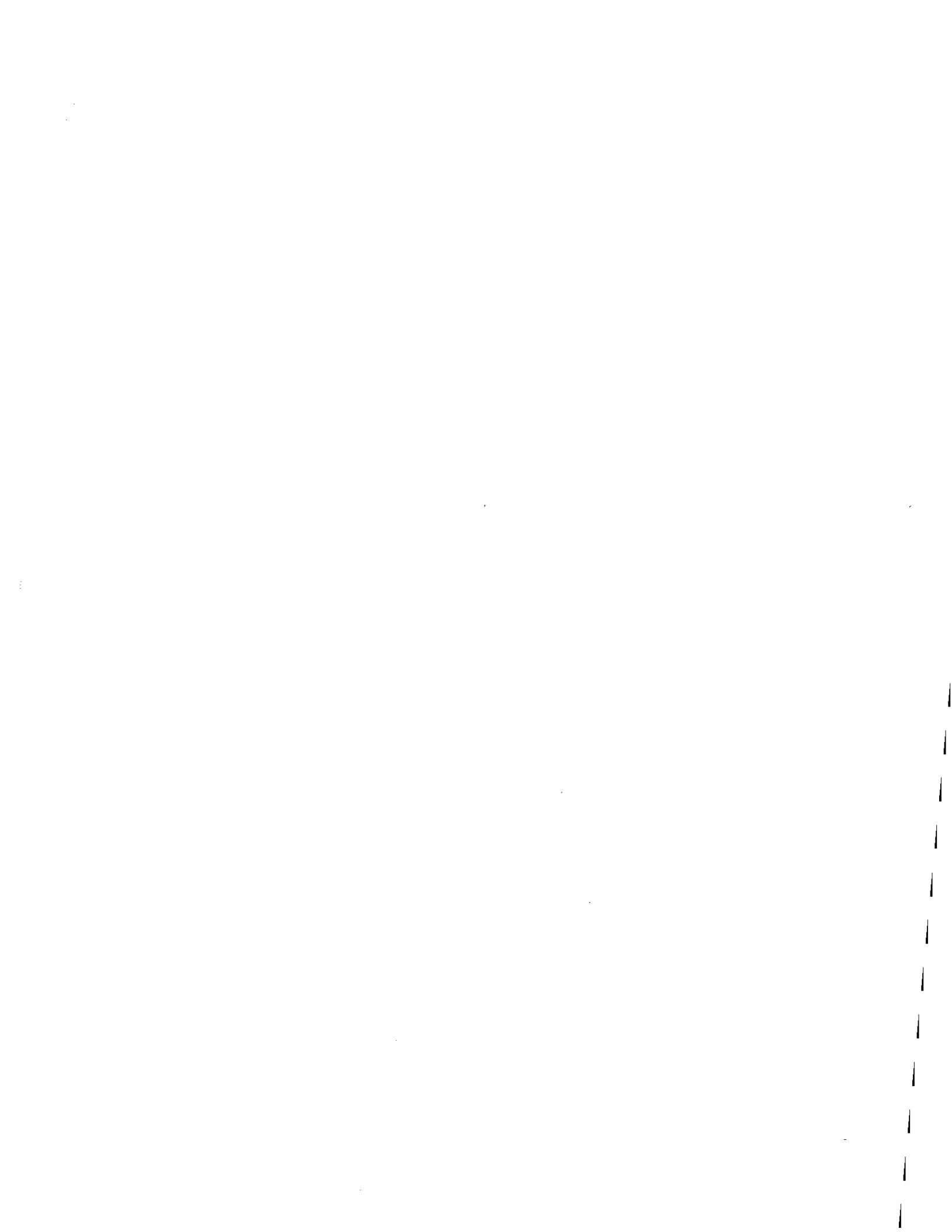
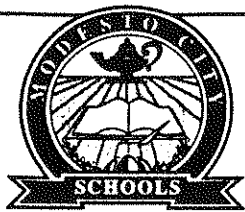


EXHIBIT G

RESPONSE TO COMMENTS

RECEIVED AS A RESULT OF PUBLIC REVIEW



James C. Enochs
Superintendent

Sharon L. Burnie
Associate Superintendent
Administrative & Pupil Services

Sandra L. Lemmons
Associate Superintendent
Business Services

David C. Mello
Associate Superintendent
Personnel Services

Wendell L. Chun
Associate Superintendent
Educational Services

J. Brian Sarvis
Assistant Superintendent
Research & Technology

BOARD OF EDUCATION

John N. Uhl
President

Kitty Thomson
Vice President

Ricardo Córdova

Bob Jackson

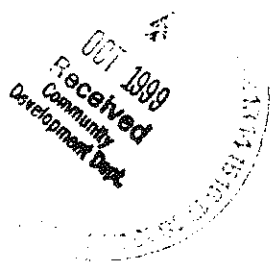
Odessa Johnson

Cindy Marks

Kate Nyegaard

MODESTO CITY SCHOOLS
426 Locust Street, Modesto, California 95351-2699
Administrative Offices (209) 576-4011/Fax (209) 576-4184

October 6, 1999



City of Modesto - CDD/Development Services Department
Current Planning division - City Hall/Fourth Floor
P.O. Box 642
Modesto, CA 95353

RE: DRAFT MITIGATED NEGATIVE DECLARATION FOR PROPOSED GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS TO ALLOW LIMITED COMMERCIAL USES ALONG COFFEE ROAD

Dear Mr. Stack: *Nish*

Modesto City Schools has no objection to the above referenced conversion to limited commercial uses along Coffee Road. In our opinion, the conversion will have no adverse impacts on schools. However, if this amendment is approved, the applicant will be required to pay commercial developer impact fees which are in effect at building permit issuance.

Sincerely,

Deborah S. Bailey, Director
Planning and Research

DB/ld

cc: Ron Lebs, Sylvan Union School District

Response to Letter Received (October 8, 1999)
Modesto City Schools

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary. No new environmental issues were raised by these comments.



San Joaquin Valley
Air Pollution Control District

OCT 27 1999

October 26, 1999

990663

Steven R. Nish
Community Development Department
801 11th Street
Modesto, CA 95353

Subject: Proposed General Plan and Specific Plan Amendments to Allow Limited Commercial uses Along Coffee Road

Dear Mr. Nish:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley is nonattainment for ozone and fine particulate matter (PM-10). This project will contribute to the overall decline in air quality due to increased vehicle trips, operation of landscape maintenance equipment, and space and water heating if gas-fired appliances are used. This project will generate significant air emissions, and will cumulatively reduce the air quality in the San Joaquin Valley. Thus, the project will make it more difficult to meet mandated emission reductions and air quality standards.

It appears that the emissions from this project may exceed the District's Thresholds of Significance for adverse air quality impacts. An analysis of the air quality impacts associated with this project should be undertaken unless the impacts were previously analyzed.

A.

The District is currently recommending the use of URBEMIS 7G to calculate project pollutant emissions. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology or model inputs. Questions regarding URBEMIS 7G should be directed to Mr. Dave Mitchell, in our Central office.

David L. Crow
Executive Director/Air Pollution Control Officer

The construction phase of this project will be subject to certain aspects of District Regulation VIII. Regulation VIII is a series of rules designed to reduce PM-10 emissions generated by human activity, and is required. A synopsis highlighting many of the requirements of this regulation has been enclosed and should be made available to the applicant.

There are a number of mitigation measures that can be incorporated into the design and development of this project to reduce the project's overall level of emissions. While these measures are recommended by the District, including these measures alone will not negate the need to prepare an air quality analysis.

1. Trees should be carefully selected and located to shade the building(s) during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the building(s) during the cold winter months.
2. Provide bicycle parking facilities for patrons and employees. Employee bicycle parking should be enclosed or in a covered secure area.
3. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.
4. Provide direct pedestrian access to the main entrance of the project from existing or potential public transit stops and the sidewalk. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.
5. Pedestrian walkways should be created to connect all buildings throughout the project. The walkways should create a safe and inviting walking environment for customers wishing to walk from one building to another. Such walkways encourage customers to shop at additional stores in the plaza without driving to each building.
6. Exits onto adjoining streets should be carefully designed to reduce time required to re-enter traffic from the project site.
7. As many energy conserving features as possible should be included in the design/construction of the new buildings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.
8. Any gas-fired appliances should be low nitrogen oxide (NOx) emitting gas-fired appliances complying with California NOx Emission Rule #1121.

The applicant is encouraged to refer to the District's *Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI)* and *Air Quality Guidelines for General Plans* for further information on reducing emissions associated with this project. In *Air Quality Guidelines for General Plans*, the sections on integrated planning, congestion management, fugitive dust/PM10, energy, transit infrastructure, land use/transportation/air quality, and site design are especially relevant.

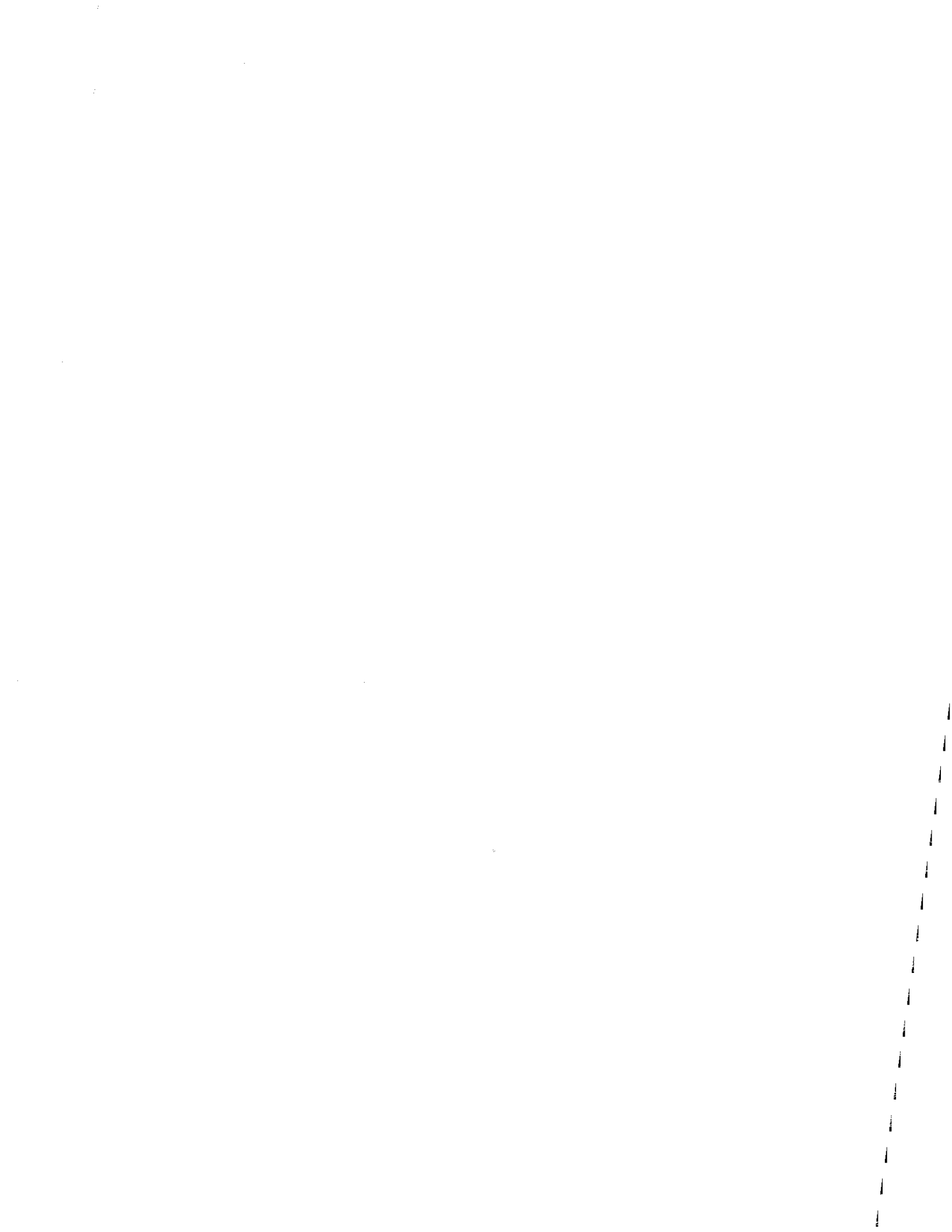
District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements or suggested mitigation measures that are associated with this project. If you have any questions or require further information, please call me at 230-5802.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Jordan", written in a cursive style.

Thomas E. Jordan
Senior Environmental Planner

Enclosure



Rule 8040 Landfills		
2.0	<i>Applicability:</i> All operational landfill sites, landfill closure activities, and activities conducted at closed landfill sites which disturb surface soils covering an area of more than one acre.	
5.1	Construction of a landfill site.	Requirements of District Rule 8020 and the California Code of Regulations (CCR) Sections 17616 and 18222 apply.
5.2	Adjacent public paved roads, shoulders & accesses.	Limit or promptly remove any accumulation of mud or dirt at the end of work day or once every 24 hours.
5.2.1	Interior roads of the landfill site.	Landfill roads connected to off-site adjacent paved public roads must be paved for a sufficient distance to allow mud and dirt accumulation to drop off. Sufficient cleaning of interior roads to limit carry out onto the off-site public roads. The use of blower devices for removal of accumulations is prohibited. Use of dry rotary brushes is prohibited, except when preceded or accompanied by sufficient wetting.
5.4	Storage of construction vehicles, equipment, and materials.	Rule 8070 applies.
6.1	Report of Disposal Site Information (RDSI).	Keep a copy of RDSI at the landfill site or other site approved by District, for inspection by authorized District employees upon request.
Rule 8060 Paved and Unpaved Road		
2.0	<i>Applicability:</i> Any paved, or unpaved public or private road, street, highway, freeway, alley, way, access drive, access easement, or driveway constructed or modified after December 10, 1993. Road construction and repair activities are subject to the requirements set forth in Rule 8020.	
4.0	<i>Exemptions:</i> Easements and roads providing access for not more than ten residences; paved roads less than three miles in length, and unpaved roads less than ½ mile in length; agricultural access roads; roads which have been approved, or for which construction bids have been awarded, prior to December 10, 1993; gated roads owned by a public agency, special district, or public utility; road maintenance and resurfacing activities.	
5.1.1	New construction, modifications, or approvals of paved roads with projected average daily vehicle trips of 500 vehicles or more.	Comply with American Association of State Highway and Transportation Officials (AASHTO) guidelines for the width of shoulders and median shoulders. Additional requirements, exemptions or alternative compliance measures may apply.
5.2	Construction and use of new unpaved roads or road segments (except where natural moisture is sufficient to limit VDE).	At least 50% of the length of the new unpaved road surface is controlled by application of chemical dust suppressant/stabilizer, or the entire unpaved surface is controlled by application of water at least one time per week as necessary, or at least 25% of the length of the new unpaved road is paved to provide a permanent stable surface.
6.1	Government Agencies having jurisdiction over publicly maintained paved roads open to public access.	Require preparation and submittal of a written report to the SJVUAPCD documenting compliance with the provisions of this Rule. Initial report prepared for the year 1994 and biennially thereafter. Additional requirements apply.
Rule 8070 Parking, Shipping, Receiving, Transfer, Fueling and Service Areas		
2.0	<i>Applicability:</i> All unpaved vehicle and/or equipment parking areas, fueling and service areas; and shipping, receiving, and transfer areas which are of one acre or larger in size.	
3.0	<i>Exemptions:</i> Activities described above which are conducted on sites less than one acre in size; agricultural activities, including storage, maintenance, and parking of agricultural equipment associated with those activities; timber harvesting activities; and exposed surfaces of lake and river beds.	
4.1	On days the area is used (except where natural moisture is sufficient to limit VDE).	Application of either water at least once daily, a chemical dust suppressant/stabilizer in accordance with manufacturer's recommendations for road applications, or gravel to the entire surface.
4.2	Public paved roads, shoulders, and access ways adjacent to the site.	Promptly remove any accumulation of mud or dirt at the end of work day or once every 24 hours.

For additional information, please contact the compliance division of your nearest District regional office:

Northern Region
 4230 Kiernan Avenue, Suite 130
 Modesto CA 94356-9321
 (209) 545-7000

Central Region
 1999 Tuolumne Street, Suite 200
 Fresno CA 93721-1638
 (209) 497-1040

Southern Region
 2700 M Street, Suite 275
 Bakersfield, CA 93301-2370
 (805) 862-5200

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT
Regulation VIII Fugitive Dust/PM-10 Synopsis

Rule 8010 Administrative Requirements		
Section	Applicability	Requirements/Implementation
2.0	<i>Applicability:</i> This regulation applies to specified outdoor man-made sources of fugitive dust for the purpose of attaining health-based standards for fine particulate matter (PM-10). [For the purpose of this regulation, visible dust emissions (VDE) is defined as: visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 40%, for a period or periods aggregating more than three minutes in any one hour, except as set forth in Rule 8030, 5.1.]	
4.0	<i>Exemptions: (All Regulation VIII Rules)</i> Actions required by law to protect the environment; current District permitted activities with PM-10 control measures greater than or equal to this regulation; public health & safety emergency operations lasting less than 30 days; vegetative reduction required by a Federal, State or local agency for fire prevention; and activities conducted above the elevation of 3000 feet (but not including reporting requirements specified in Rule 8060), or during freezing conditions.	
5.1	Chemical Stabilizing Agents.	Must meet ARB/EPA acceptability and air/water quality standards.
5.4	Dust Palliative and Asphalt Paving.	Shall comply with other applicable District Rules (i.e. Rule 4641)
5.5	Mud and Dirt Trackout.	Requirements in this regulation do not exempt owners/operators from other agencies' required permits for dirt and mud cleanup
Rule 8020 Construction, Demolition, Excavation, Extraction		
2.0	<i>Applicability:</i> Any construction, demolition, excavation, extraction, water mining related disturbances of soil, and the initial construction of landfills prior to commencement of landfill operations.	
4.0	<i>Exemptions:</i> Land preparation for agriculture; activities approved prior to October 21, 1993; blasting activities; maintenance or remodeling activities of less than 10,000 square feet or 50% of building area (but not including ancillary construction such as expanding parking lots) renovation of ground water recharge basins; and solar drying & harvesting of sedimentary calcium carbonate precipitates. Compliance with Section 5.1 of this rule is not required where soil moisture or natural crusting is sufficient to limit VDE.	
5.1	Land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. Operation of wrecking balls or wrecking equipment.	Effective dust suppression utilizing water, presoaking, or wetting agent. All exterior surfaces of a building up to six stories in height shall be wetted during demolition. Materials resulting from razing or demolition shall be wetted during off-site removal.
5.2	All disturbed areas of a construction site, including storage piles, not used for seven or more days.	Effective stabilization to limit VDE (40%) by utilizing water, a chemical stabilizer/suppressant, or planting vegetative ground cover.
5.3	On-site unpaved roads and off-site unpaved access roads.	Effective control of fugitive dust to limit VDE (40%) by utilizing water or a chemical stabilizer/suppressant.
5.4	Public paved roads, shoulders, and access ways adjacent to the site.	Limit or promptly remove any accumulation of mud or dirt at the end of work day or once every 24 hours. Recommend use of paved aprons, gravel strips, or wheel washers. The use of blower devices for the removal of accumulations is prohibited. The use of dry rotary brushes is prohibited except where preceded or accompanied by wetting to limit dust emissions.
Rule 8030 Storage, Handling and Transport of Bulk Materials		
2.0	<i>Applicability:</i> Outdoor handling/storage of bulk material emitting visible dust. Additional requirements may apply if compliance with this Rule requires the installation or modification of equipment under existing District permit.	
4.0	<i>Exemptions:</i> Conditions where moisture content of the material is sufficient to limit VDE; agricultural harvesting and open area drying of agricultural crop materials; timber harvesting and storage of logs; dust free materials; materials less than 250 cubic yards at a single site; and materials subject to damage by wetting.	
5.1	Transport of bulk materials in an outdoor area for a distance of twelve feet or greater with the use of a chute or conveyor device.	Chute/conveyer must be fully enclosed, or spray equipment wets materials to limit VDE (20% opacity) as defined in District Rule 4101-Visible Emissions, or materials conveyed are washed, separated, or screened to remove PM-10.
5.2	Materials transported by vehicle, except equipment on site adding to or removing from storage piles.	Requirements of Rule 8020, 5.4 (track-out requirements) apply. Wet material to limit VDE (40%), or provide at least six inches of freeboard space from the top of the transport container, or cover the container.
5.3	Outdoor storage of materials greater than 250 cubic yards.	Cover materials or stabilize VDE (40%) utilizing water, a chemical stabilizer/suppressant, vegetative cover within seven days after the addition or removal of materials.

**Response to Letter (Received October 29, 1999)
San Joaquin Valley Air Pollution Control District**

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary. No new environmental issues were raised by these comments.

2 - A. The letter provided one comment that indicated:

“An analysis of the air quality impacts associated with this project should be undertaken unless the impacts were previously analyzed.”

Staff believes that the analysis contained in the General Plan Master EIR (SCH# 92052017) did previously analyze these potential impacts.

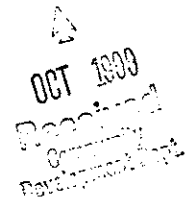
DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7981
(209) 948-3975



October 26, 1999

10-STA-108 P.M. 26.81
Coffee/Claratina General
Plan and Specific Plan
Amendments
SCH #92052017



Ms. Mosie Boyd
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Dear Ms. Boyd:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration for the proposed General Plan and Specific Plan Amendments to allow limited commercial uses along Coffee Road in Modesto. This project is located on the south side of Claratina Avenue between McHenry Avenue and Coffee Road in Modesto.

Transportation Planning has circulated the above referenced document through our normal interdepartmental review process. Our Traffic Operations Branch offers the following comments:

- Traffic would like to review all work at or near State Route 108 as soon as possible. Caltrans recommends that the City of Modesto and Caltrans coordinate the planning and design for this major collector street intersection and modification(s) to nearby streets.] A.
- Item 1, Traffic. Additional mitigation measures will need to be identified on specific project by project basis.] B.
- Traffic Impact Fees should be collected on a "fair share" basis for future improvements at the Pelandale/SR 99 interchange.] C.
- Our letter dated March 25, 1998 remains valid and all comments still apply. (See attached)] D.

Ms. Mosie Boyd
October 26, 1999
Page 2

Caltrans is interested in reviewing all documents on this project as they become available. If you have questions or wish to discuss this project further please contact me at (209) 948-3975 or Chris Sayre of my staff at (209) 948-7142, or e-mail csayre@dot.ca.gov.

Sincerely,



CARLOS P. YAMZON, Chief
Office of Travel Forecasting and
Metropolitan Planning

Attachment

cc: Steve Nish
City of Modesto
Community Development Department
P.O. Box 642
Modesto, CA 95353

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7773
(209) 948-3975



March 25, 1998

10-STA-108-P.M. 26.81
Coffee / Claratina
Draft Mitigated Neg Dec for
Specific Plan, General Plan
Amendment and Annexation

Mr. Steven Nish
City of Modesto
Community Development Department
P.O. Box 642
Modesto, CA 95353

Dear Mr. Nish:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration addressing the impacts of a proposed Coffee / Claratina Specific Plan, General Plan Amendment and Annexation. This project is located on the south side of Claratina Avenue between McHenry Avenue and Coffee Road in Modesto.

Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offer the following comments:

- An encroachment permit will be required for this project. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resources, biological resource, and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either 1.) appropriate studies done by qualified professional staff, or 2.) the rationale for CEQA determination that those issues are not of concern in the State right of way. This will expedite our review of the encroachment permit.
- A Permit Engineering Evaluation Report (PEER) will be required for new signals at public road connections. (See attached PEER process).

Our Travel Forecasting Branch offer the following comments:

- There was inconsistency between the Initial Study and Findings Mitigated Negative Declaration and the Coffee / Claratina Specific Plan. The traffic Level of Service (LOS) provided was different in both documents. In the Initial Study and Findings, the Coffee / Claratina intersection had LOS D and the Coffee / Mable intersection has LOS C. The

Mr. Nish

March 25, 1998

Page 2

Coffee / Claratina Specific Plan indicated Coffee / Claratina had an LOS of F and Coffee / Mable had an LOS of F. Please clarify.

- The Initial Study and Findings and Mitigated Negative Declaration labeled McHenry / Claratina as an Urban Interchange. Why is an urban interchange being considered for this location ?

All new access for proposed development should be limited to existing local side streets, not directly accessing State Route 108 / McHenry Avenue. Additional frontage access can create more problems on S.R. 108, particularly if it is close to the S.R. 108 / Claratina intersection.

Also, we recommend some specific discussion of funding mechanism for needed improvements at the intersection of S.R. 108 and Claratina Avenue, and mainline improvements as well. Future scenarios show McHenry at four lanes in each direction, plus dual left turn lanes.

Caltrans is interested in reviewing all documents on this project as they become available and is looking forward to future meetings with all affected parties as the project develops. If you have questions or wish to discuss this project further please contact me at (209) 948-3975 or Debbie Hoy of my staff at (209) 948-3929.

Sincerely,



**CARLOS P. YAMZON, Acting Chief
Transportation Planning Branch "B"**

Attachment

**ENCROACHMENT PERMIT PROCESS
INVOLVING A
PERMIT ENGINEERING EVALUATION REPORT (PEER)**

A PEER is required by Caltrans for encroachment permit work done by others costing between \$300,000 to \$1,000,000 or involving proposed new signals, left-turn pockets, channelization, public road connections, ramp modifications or major drainage work. The PEER is prepared to document an engineering analysis of the proposed work. The PEER describes the project and its cost. It analyzes the project's impacts on the highway operations and maintenance as well as geometric and functional adequacy. A PEER shall be prepared early in the encroachment permit process or during project initiation to determine if the proposed project will be acceptable and within Caltrans' policy. In addition, it will identify any non-standard features that will require a design exception to be approved by Caltrans Headquarters.

In the case of a proposed traffic signal at an existing intersection, the applicant shall submit signal warrants for the intersection. The signal warrants must be based on a minimum of eleven (11) hour traffic counts covering morning and afternoon or evening peak hours. For preparation of signal warrants see Chapter 9 of the Traffic Manual. Those counts may be used for the volume warrants (Warrants #1 and #2 of the Traffic Manual). However, pedestrians must be counted manually or by the use of visual equipment. Additionally, turning volumes shall be counted during peak hours in order to determine the number of lanes required for each approach, the queue length and the level of service at which the proposed configuration will operate.

In the case of a proposed new project or intersection, peak hour volumes must be projected and the intersection Level of Service for unsignalized conditions calculated. If the minor street would operate at a D level of service or worse, peak hour delay warrant (Warrant #10) or peak hour volume warrant (Warrant #11) are examined to see if a better operation can be achieved with a signalized intersection. It is the intent of the PEER to identify only those improvements required to mitigate the project impacts and Caltrans policy or fulfill the conditions of approval established by the local jurisdiction.

In the case of other types of improvements, (ie: major drainage work) the appropriate engineering studies must be required. In most cases a Traffic Impact Study (TIS) by the proponent provides most of the information to prepare a PEER. In the absence of a TIS, the proponent shall provide adequate project information to allow Caltrans staff to determine traffic generation and their impacts to the highway. The analysis will be prepared under the direction of a qualified registered Civil or Traffic Engineer and include capacity, safety and operational studies on the highway segment or intersection. The PEER is prepared by Caltrans staff and approved by Caltrans Management. Once approved, the project and all of its elements can be estimated with regard to right of way requirements and construction costs.

**Response to Letter (Received October 29, 1999)
CalTrans District 10**

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes are necessary, No new environmental issues were raised by these comments.

The letter provided four comments on the Mitigated Negative Declaration. Responses are as follows:

3 - A. No applications for development pursuant to the proposed project have been received by the City. Any applications for development affecting the major/collector street intersection would be referred directly to CalTrans District 10, when received, through our standard coordination process. The proposed Specific Plan Amendment includes language that requires a Conditional Use Permit from the Board of Zoning Adjustment prior to any development proceeding (see new policy "f." page 4-11).

3 - B. The Mitigated Negative Declaration includes mitigation measures from Specific Plan adoption as well as measures for this proposed project (installation of auxiliary lane on Coffee Road). Site-specific "mitigation", such as the location of curb cuts and parcel access, will be provided upon review of subsequent project applications in coordination with CalTrans.

3 - C. Traffic Impact Fees are collected on new development through the City's Capital Facilities Fees program, as well as other development-related mechanisms to address improvements at the Pelandale/SR 99 interchange.

3 -D. Attached is the City's response to comments received in your March 25, 1998 CalTrans letter. It addresses the points raised in your letter.

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 (1976 E. CHARTER WAY)
STOCKTON, CA 95201
TDD (209) 948-7773
(209) 948-3975



March 25, 1998



10-STA-108-P.M. 26.81
Coffee / Claratina
Draft Mitigated Neg Dec for
Specific Plan, General Plan
Amendment and Annexation

Mr. Steven Nish
City of Modesto
Community Development Department
P.O. Box 642
Modesto, CA 95353

Dear Mr. Nish:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration addressing the impacts of a proposed Coffee / Claratina Specific Plan, General Plan Amendment and Annexation. This project is located on the south side of Claratina Avenue between McHenry Avenue and Coffee Road in Modesto.

Transportation Planning has circulated these documents through our normal interdepartmental review process. Our Traffic Branch offer the following comments:

- An encroachment permit will be required for this project. Please direct the applicant to include the affected portion of the State right of way in their environmental studies. This avoids the delay of a separate environmental review for the encroachment permit. You and the applicant should review the need for cultural resources, biological resource, and hazardous waste studies in our right of way. Review agencies and interest groups frequently challenge Caltrans permits on these issues. Please provide Caltrans with either 1.) appropriate studies done by qualified professional staff, or 2.) the rationale for CEQA determination that those issues are not of concern in the State right of way. This will expedite our review of the encroachment permit. 1.
- A Permit Engineering Evaluation Report (PEER) will be required for new signals at public road connections. (See attached PEER process). 2.

Our Travel Forecasting Branch offer the following comments:

- There was inconsistency between the Initial Study and Findings Mitigated Negative Declaration and the Coffee / Claratina Specific Plan. The traffic Level of Service (LOS) provided was different in both documents. In the Initial Study and Findings, the Coffee / Claratina intersection had LOS D and the Coffee / Mable intersection has LOS C. The 3.

Mr. Nish
March 25, 1998
Page 2

Coffee / Claratina Specific Plan indicated Coffee / Claratina had an LOS of F and Coffee / Mable had an LOS of F. Please clarify.]

- The Initial Study and Findings and Mitigated Negative Declaration labeled McHenry / Claratina as an Urban Interchange. Why is an urban interchange being considered for this location ?] 4.

All new access for proposed development should be limited to existing local side streets, not directly accessing State Route 108 / McHenry Avenue. Additional frontage access can create more problems on S.R. 108, particularly if it is close to the S.R. 108 / Claratina intersection.] 5.

Also, we recommend some specific discussion of funding mechanism for needed improvements at the intersection of S.R. 108 and Claratina Avenue, and mainline improvements as well. Future scenarios show McHenry at four lanes in each direction, plus dual left turn lanes.] 6.

Caltrans is interested in reviewing all documents on this project as they become available and is looking forward to future meetings with all affected parties as the project develops. If you have questions or wish to discuss this project further please contact me at (209) 948-3975 or Debbie Hoy of my staff at (209) 948-3929.

Sincerely,



**CARLOS P. YAMZON, Acting Chief
Transportation Planning Branch "B"**

Attachment

- H Response to Letter (March 25, 1998)
CalTrans
- H-1 Chapter 4 of the Specific Plan; Section A Public Facility Infrastructure Policies in Sub-section 1 Paragraph e states specifically that encroachment permits will be required for McHenry Avenue. As part of this encroachment permit process, CalTrans is concerned that appropriate cultural resources, biological resource and hazardous waste studies are prepared. The City of Modesto Master EIR has evaluated cultural resources and biological resources and determined that no further study is required in this area. With respect to hazardous waste studies, there are no known hazardous wastes at the site, but the Specific Plan has been amended to state that a hazardous waste study may be required as part of the encroachment permit process.
- H-2 The Specific Plan has been modified to state that a Permit Engineering Evaluation Report ("PEER") may be required for the new east-west collector road/McHenry Avenue intersection.
- H-3 CalTrans raises a concern stating that the traffic Level of Service ("LOS") were stated differently in the Initial Study and Findings and the Specific Plan. The level of service set forth in the Initial Study and Findings are the mitigated level of service and the levels of service set forth in the Specific Plan are the pre-mitigation levels of service. As such, with the installation of the facilities proposed in the Specific Plan, the actual level of service at the Coffee/Claratina intersection is Level of Service D and the Coffee/Mable intersection is Level of Service C.
- H-4 CalTrans comments on the possibility of an urban interchange occurring at the McHenry/Claratina intersection. This possibility is currently being considered by the City of Modesto. As such, and as this interchange is under consideration, it has been shown as a possibility in the Specific Plan. Prior to the installation of an urban interchange at this location, the City of Modesto and CalTrans will need to work out all appropriate geometrics, right-of-way issues and acquire all necessary permits.
- H-5 The Specific Plan does not preclude additional direct access to McHenry Avenue, although it is assumed that a majority, if not all, of the project access will occur off of the east/west collector roadway. Any development proposal which may request an additional access to McHenry Avenue will need to be reviewed by both the City of Modesto Transportation Department and CalTrans.
- H-6 Funding mechanisms for the State Route 108/Claratina Avenue intersection will be discussed in the Coffee/Claratina Financing Plan which will be prepared as a separate document.

Proposed Changes in the Negative Declaration Resulting from this Letter:

No changes necessary. No new environmental issues were raised by these comments.

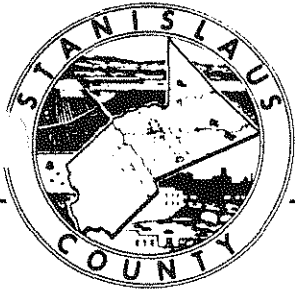
ENCROACHMENT PERMIT PROCESS
INVOLVING A
PERMIT ENGINEERING EVALUATION REPORT (PEER)

A PEER is required by Caltrans for encroachment permit work done by others costing between \$300,000 to \$1,000,000 or involving proposed new signals, left-turn pockets, channelization, public road connections, ramp modifications or major drainage work. The PEER is prepared to document an engineering analysis of the proposed work. The PEER describes the project and its cost. It analyzes the project's impacts on the highway operations and maintenance as well as geometric and functional adequacy. A PEER shall be prepared early in the encroachment permit process or during project initiation to determine if the proposed project will be acceptable and within Caltrans' policy. In addition, it will identify any non-standard features that will require a design exception to be approved by Caltrans Headquarters.

In the case of a proposed traffic signal at an existing intersection, the applicant shall submit signal warrants for the intersection. The signal warrants must be based on a minimum of eleven (11) hour traffic counts covering morning and afternoon or evening peak hours. For preparation of signal warrants see Chapter 9 of the Traffic Manual. Hose counts may be used for the volume warrants (Warrants #1 and #2 of the Traffic Manual). However, pedestrians must be counted manually or by the use of visual equipment. Additionally, turning volumes shall be counted during peak hours in order to determine the number of lanes required for each approach, the queue length and the level of service at which the proposed configuration will operate.

In the case of a proposed new project or intersection, peak hour volumes must be projected and the intersection Level of Service for unsignalized conditions calculated. If the minor street would operate at a D level of service or worse, peak hour delay warrant (Warrant #10) or peak hour volume warrant (Warrant #11) are examined to see if a better operation can be achieved with a signalized intersection. It is the intent of the PEER to identify only those improvements required to mitigate the project impacts and Caltrans policy or fulfill the conditions of approval established by the local jurisdiction.

In the case of other types of improvements, (ie: major drainage work) the appropriate engineering studies must be required. In most cases a Traffic Impact Study (TIS) by the proponent provides most of the information to prepare a PEER. In the absence of a TIS, the proponent shall provide adequate project information to allow Caltrans staff to determine traffic generation and their impacts to the highway. The analysis will be prepared under the direction of a qualified registered Civil or Traffic Engineer and include capacity, safety and operational studies on the highway segment or intersection. The PEER is prepared by Caltrans staff and approved by Caltrans Management. Once approved, the project and all of its elements can be estimated with regard to right of way requirements and construction costs.



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

October 26, 1999



Steve Nish
City of Modesto
CDD/Development Services Dept.
P.O. Box 642
Modesto, CA 95353

**SUBJECT: ENVIRONMENTAL REFERRALS – DRAFT MITIGATED NEGATIVE
DECLARATION FOR PROPOSED GENERAL PLAN AND SPECIFIC
PLAN AMENDMENTS TO ALLOW LIMITED COMMERCIAL USES
ALONG COFFEE ROAD**

Dear Steve 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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Jantz".

W. Richard Jantz
Deputy Executive Officer
Environmental Review Committee

RJ:mm

cc: ERC Members

Response to Letter Received (November 1, 1999)
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.

October 29, 1999

DEC 1999
Received
Community
Development Dept

City of Modesto
Community Development Department
George Osner, CDD/Development Service Manager
P.O. Box 642
Modesto, CA 95353-0642

Regarding: City of Modesto - Coffee/Claratina General Plan and Specific Plan Amendments Coffee Rd. S/o Claratina

ELECTRICAL:

The District has existing facilities along Coffee Road and Claratina Avenue..

- (X) In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easement for electric facilities shall be granted as required.
- (X) Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
- (X) A 10' PUE is required along all existing and proposed street frontages.
- (X) Electric service to the individual developments will be determined at the time of each specific development. Customer should contact the District's Electric Engineering Department to arrange for electric service.

IRRIGATION

Irrigation System

- (X) All existing irrigation canals, ditches, pipelines and drains are to be protected. Irrigation easements are to be established over existing facilities to insure future access to irrigation water by upstream and downstream properties.
- (X) No encroachment into irrigation easement areas is allowed without prior approval of the MID.
- (X) Any portion of an existing irrigation pipeline within developed areas must be reinforced to MID standards. Relocated facilities shall be designed to maintain flow in the amount of flow and hydraulic head as well as

access to any downstream or upstream owners that remain on the system.

- (X) All relocated pipelines within developed areas are to be constructed of reinforced concrete pipe.

Sign-Off

- (X) Prior to a specific project approval, an irrigation sign-off must occur on the respective parcel. Irrigation facilities must be the respective parcel. Irrigation facilities must be reconstructed or abandoned as required by MID>

Fencing:

- (X) A 6-foot tall solid masonry fence is required when property is adjacent to any MID canal.

Storm Drainage:

- (X) Any storm drainage requiring the use of MID facilities must be submitted to MID for review and approval. Future use of MID facilities may be subject to a District user fee.

Note:

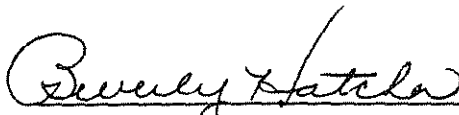
Any costs to repair or replace existing MID irrigation facilities incurred due to construction shall be paid by developer.

DOMESTIC WATER:

- (X) No comments at this time.

10-29-99

Date



Beverly Hatcher
Risk and Property Analyst

Response to Letter Received (November 1, 1999)
Modesto Irrigation District

Proposed Changes in the Negative Declaration Resulting from this Letter

No changes necessary. No new environmental issues were raised by these comments.

MODESTO CITY COUNCIL
RESOLUTION NO. 99-567

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR UNIFORMED SECURITY
GUARD SERVICES

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 Uniformed Security Guard Services, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 21, 1999 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 November, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-568

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING LINEN SERVICES AT ELEVEN FIRE DEPARTMENT LOCATIONS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing linen services at eleven Fire Department locations, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 14, 1999 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 November, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-569

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 thirty-four (34) 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 thirty-four (34)

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 23rd day of November, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-570

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 eleven (11) vehicles from the Fleet
Services Division of the Operations and Maintenance Department 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 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 City Manager or his authorized representative are hereby
authorized and directed to sell on a sealed bid basis to the highest bidder the eleven (11)

vehicles 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 23rd day of November, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-571

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING
THE STRAIGHT LEASE WITH OPTION TO PURCHASE OF ONE XEROX
PRINTER AND CONTROLLER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the straight lease with option to purchase of one Xerox printer and controller are hereby waived.

BE IT FURTHER RESOLVED that straight lease with option to purchase of one Xerox printer and controller for a not to exceed price of \$362,164.71 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 November, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-572

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIX-YEAR STRAIGHT LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND XEROX CORPORATION FOR FURNISHING ONE XEROX DP92C HIGHLIGHT COLOR PRINTER WITH CONTROLLER, WITH THE OPTION TO PURCHASE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the straight lease agreement between the City of Modesto and Xerox Corporation for furnishing one Xerox DP92C highlight color printer with controller, with the option to purchase 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 November, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

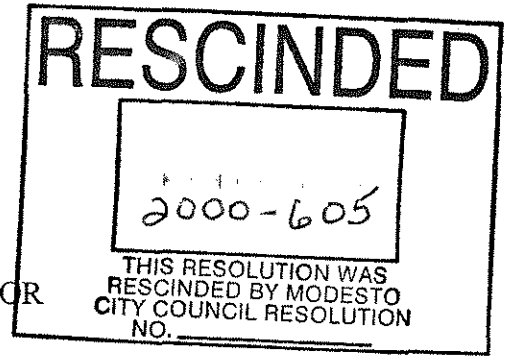
ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

Ull

MODESTO CITY COUNCIL
RESOLUTION NO. 99-573



A RESOLUTION APPROVING CHANGES IN DIRECT CITY ASSISTANCE TO AMFM, INC., FOR THE ANNUAL CELEBRATION OF LIGHTS HOLIDAY PARADE AND TREE LIGHTING EVENT, AND RESCINDING RESOLUTION NO. 96-685.

WHEREAS, AMFM, INC., which operates B-93 FM radio station in Modesto, has requested 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 as an annual community event, and

WHEREAS, the Human Services Committee met on November 15, 1999, and supported changes in Direct City Assistance to AMFM, INC., and

WHEREAS, the Council deems it appropriate to grant approval of said changes in Direct City Assistance to AMFM, INC., 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 to AMFM, INC., for the annual

Celebration of Lights Holiday Parade and Tree Lighting event, subject to the following conditions:

1. City personnel will erect the City's portable reviewing stage with canopy in front of the Court House on "I" Street on the day of the parade. Said portable stage shall be removed by City personnel following the parade.
2. The City will provide use of a portable Public Address system for the parade reviewing stand.
3. AMFM, INC., is granted permission to set up three remote radio booths along the parade route at 15th and I Streets, 10th and I Streets, and 10th and J Streets.
4. The parade route on 10th Street will be closed between J and K Streets.
5. The City of Modesto will provide Equestrian Police Officers and Motorcycle Officers to maintain traffic control along the parade route.
6. The City will provide barricades and place barricades on corners and at other appropriate locations as designated by the Police Department during the parade activities.
7. The City's 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. AMFM, INC., will supply portable toilets adjacent to the Centre Plaza.
10. AMFM, INC., is permitted to conduct a mini Holiday Street Faire on 10th Street between J and K Streets from 4:00 p.m. to 8:00 p.m. on the day of the parade.

11. AMFM, INC., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the AMFM, INC., parade.

12. Annually, AMFM, INC., shall furnish to the City Clerk of City a current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect AMFM, INC., and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the AMFM, INC., Holiday Parade. Said insurance certificate shall be submitted to the Risk Manager one week prior to the date of the Celebration of Lights Holiday Parade, and said certificate shall meet with his approval and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish AMFM, INC., with a copy of this resolution. AMFM, INC., shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 96-685 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-574

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND URS GREINER WOODWARD CLYDE TO PROVIDE A PROJECT STUDY REPORT AND A SEISMIC ANALYSIS OF THE 7TH STREET BRIDGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and URS Greiner Woodward Clyde to provide a Project Study Report and a Seismic Analysis of the 7th Street Bridge be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment 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 23rd day of November, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-575**

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
ESTIMATE ADDITIONAL FEDERAL FUNDS AND APPROPRIATE GAS TAX RESERVES
TO FULLY FUND THE PROJECT**

WHEREAS, during a review of the preliminary recommendations based on the consultant's study to evaluate all viable alternatives for rehabilitating the 7th Street Bridge, the Federal Highway Administration (FHWA) asked for additional information to further evaluate environmental and traffic issues. At the same time, CalTrans requested additional information in the form of a Seismic Analysis.

WHEREAS, staff and URS Greiner Woodwrad Clyde have negotiated a contract in the amount of \$128,089 to provide the additional information requested by FHWA and CalTrans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<u>Expense</u>	
#0700-800-8000-8003	\$(37,502)
#070-430-C926-6050	\$ 37,502

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 November, 1999, 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, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-576

A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) TO AMEND THE MEMORANDUM OF UNDERSTANDING (MOU)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Letter of Agreement between the City of Modesto and Modesto City Employees Association (MCEA) to amend the Memorandum of Understanding (MOU) is as follows and is hereby approved:

- To establish a process to review performance expectations (standards)
- To rewrite Article 4(d)(4-5) to eliminate the possibility of Step reductions for “Meets” level performance as negotiated in 1984
- To adhere to the provisions of the Performance Management Guidelines (PMG) Document which call for a collaborative effort between supervisor and employee to establish performance standards
- That the City and MECA have met, conferred and agreed to adoption of the PMG Document
- That the setting of performance standards is ot the mandatory subject of meet and confer
- That the agreement resolves the entire grievance to the satisfaction of the City and MCEA

and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said letter of 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 November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-577

A RESOLUTION APPROVING THE FINAL MAP OF THE
KENSINGTON PARK UNIT 1 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, FLORSHEIM PROPERTIES, a California corporation, is
possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of
22.08 acres, known as KENSINGTON PARK UNIT NO. 1 SUBDIVISION ("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 KENSINGTON 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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-578

A RESOLUTION APPROVING THE FINAL MAP OF THE
FERNWOOD PHASE ONE SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, ROBERT A. BECK AND VIRGINIA H. BECK, TRUSTEES OF
THE BECK FAMILY TRUST UNDER INSTRUMENT DATED MARCH 5, 1990, is
possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of
10.001 acres, known as FERNWOOD PHASE ONE SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 25th day of January 1999, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto
has certified that the final map of said tract substantially conforms to the approved tentative
map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the
final map of said FERNWOOD PHASE ONE 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 23rd day of ~~November~~ 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-579

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF GOLF OPERATIONS MANAGEMENT SOFTWARE AND A FOUR-YEAR SYSTEM SUPPORT/UPGRADE AGREEMENT FROM FAIRWAY SYSTEMS IN.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of golf operations management software and a four-year system support/upgrade agreement from Fairway Systems Inc. are hereby waived.

BE IT FURTHER RESOLVED that purchase of golf operations management software and a four-year system support/upgrade agreement for a not to exceed price of \$117,863 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 November, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 99-580**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR
FIRST QUARTER OF THE FY 1999-00 ANNUAL BUDGET**

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 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 23rd day of November, 1999, 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

ATTACHMENT A

First Quarter Report
Fiscal Year 1999-2000

Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
								Indirect Cost Reduction
0100	510	9510		4908	2,458,213	(20,825)	2,437,388	Direct Cost reduction for Golf
0100	800	8000	8003			(20,825)		Decrease GF reserve
6600	330	3311	0251		91,481	(20,825)	70,656	Reduce Golf Budget
6600	800	8000	8003			20,825	20,825	Increase Golf Reserve
								City Manager Recruitment
0100	020	0201	0235		207,937	50,000	257,937	City Manager recruitment
0100	020	0201	0110		464,595	(50,000)	414,595	City Manager recruitment
								Fire Department Debt Service
0100	180	1802	0451		703,317	(525,600)	177,717	Fire Department Debt Service
0100	180	1802	0452		78,195	(20,000)	58,195	Fire Department Debt Service
0100	180	1802		3301	545,600	(545,600)	-	Reduce lease revenue
								Total ABS Carryover
0100	010	0101	8099		-	4,695	4,695	City Council
0100	020	0201	8099		-	103,482	103,482	City Manager
0100	030	0301	8099		-	8,055	8,055	Personnel
0100	040	0401	8099		-	44,718	44,718	City Attorney
0100	050	0501	8099		-	4,466	4,466	City Clerk
0100	120	1201	8099		-	111,404	111,404	Finance
0100	140	1401	8099		-	108,399	108,399	Community Development
0100	180	1802	8099		-	345,580	345,580	Fire
0100	190	1901	8099		-	233,869	233,869	Police
0100	300	3001	8099		-	249,422	249,422	Recreation and Neighborhoods
0100	430	4302	8099		-	308,276	308,276	Engineering and Transportation
0100	480	4801	8099		-	230,510	230,510	Operation and Maintenance
0100	510	9510	8099		-	543,951	543,951	All Departments
0100	800	8000	8003		-	(2,296,827)	(2,296,827)	Decrease GF reserve
								Water Fund Adjustment
6160	480	5061	0360		40,000	430,000	470,000	Increase Maintenance needs
6150	480	5051	5000		-	80,000	80,000	Ten wheel dump truck
6100	800	8000	8003			(510,000)	(510,000)	Water Fund reserve
								Citywide Phone System
0100	180	1802	0256		-	11,103	11,103	Fire
0100	190	1921	0256		-	11,102	11,102	Police
0100	800	8000	8003			(22,205)	(22,205)	GF Reserve
7200	480	5812	0256		4,314	9,886	14,200	Fleet
7200	800	8000	8003			(9,886)	(9,886)	Fleet Reserve
6100	480	5012	0256		5,877	9,903	15,780	Water Quality Control
6100	800	8000	8003			(9,886)	(9,886)	Water Fund Reserve
6700	340	3412	0256		-	11,545	11,545	Centre Plaza
6700	800	8000	8003			(11,545)	(11,545)	Centre Plaza Reserve
7130	120	1244		4935	658,696	53,539	712,235	Technology & Information Services
7130	120	1244	0301		4,950	53,539	58,489	Supplies
								Police Grant related adjustments
0100	190	1961	0130		198,339	19,998	218,337	CHP Pedestrian Safety Program Appropriation
0100	190	1961	0235		32,200	945	33,145	CHP Pedestrian Safety Program Appropriation
0100	190	1961		3176	30,000	20,943	50,943	CHP Pedestrian Safety Program Revenue

First Quarter Report
Fiscal Year 1999-2000

Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
								Computer/MDTs (COPS More Grant)
0400	190	1961	5276	-		200,000	200,000	COPS More Grant-MDTs
0400	190	1961	5318	-		42,959	42,959	Command Post
0400	190	1980	5292	-		686,453	686,453	Records Management System
0400	190	1980	5288	-		280,000	280,000	Computer/MDTs (Local Law Enforcement Grant)
0400	190	1980		3506		180,000	180,000	Local Law Enforcement Grant
0400	190	1961		3501		150,000	150,000	COPS Revenue
0400	190	1980		3502		361,453	361,453	SLESF Match -Transfers Records Mgt
0400	190	9510		3502		325,000	325,000	SLESF Match -Transfers Records Mgt
0400	190	9510		3502		50,000	50,000	SLESF Match- MDTs
0400	190	9510		3502		100,000	100,000	SLESF Match -MDTs
0400	190	9510		3502		42,959	42,959	SLESF Match-Command Post
								CIP Adjustment-Save the Train & Scenic Ave Corridor
0520	310	L901	6000's		30,000	(30,000)	-	Save the Train
0520	800	8000	8003		52,835	30,000	82,835	LTF-Non Motorized Contingency Reserve
0520	430	L923	6000		-	590,760	590,760	Scenic Ave Corridor
0520	510	9510		3504	17,694	523,000	540,694	Federal Revenue
0520	800	8000	8003		82,835	(67,760)	15,075	LTF-Non Motorized Contingency Reserve
0510	310	L901	6000's		-	30,000	30,000	Save the Train
0510	700	7000	7070		1,093,000	(30,000)	1,063,000	Transfer Out to Gas Tax Fund
0700	430	L923	6000's		590,760	(590,760)	-	Scenic Ave Corridor
0700	510	9510		3504	3,776,375	(523,000)	3,253,375	Federal Revenue
0700	800	8000	8003		170,906	37,760	208,666	Gas Tax Contingency Reserve
0700	700	7000		9051	1,093,000	(30,000)	1,063,000	Transfer In from LTF-motorized
								9th St Railroad Project
6510	800	8000	8003			(900,000)	(900,000)	Transit Contingency Reserve (Deferred Revenue)
6510	700	7000	7051		-	900,000	900,000	Transfer to LTFMotorized Fund
0510	700	7000		9651	759,000	900,000	1,659,000	Transfer in from Transit Fund
0510	700	7000	7070		1,093,000	900,000	1,993,000	Transfer out to Gas Tax Fund for 9th Street
0700	700	7000		9051	1,219,200	900,000	2,119,200	Transfer in from LTFMotorized Fund
0700	430	D265	6040		17,921,000	900,000	18,821,000	9th Street Railroad Project
								Adjust project to actual funding levels
0700	430	D265	6040		18,821,000	(1,249,036)	17,571,964	9th Street Railroad Project
0700	510	9510		3138	-	(900,000)	(900,000)	State Funding
0700	510	9510		3504	7,846,667	(532,180)	7,314,487	Federal Funding
0700	510	9510		4057	165,855	183,144	348,999	Railroad Funding
								New Budgeting System Project
7130	900	1244	5000		-	226,600	226,600	information Technology Fund -Budget System
								Transfers out from-
1300	700	7000	7713		-	94,306	94,306	Special Fund for Capital Outlay (also GF portion)
1130	700	7000	7713		-	9,864	9,864	CDBG -Direct Program
1350	700	7000	7713		-	1,401	1,401	Parks Capital Facilities
1390	700	7000	7713		-	38	38	Administration Capital Facilities
1400	700	7000	7713		-	625	625	Parks
1410	700	7000	7713		-	4,195	4,195	Streets Capital Facilities
6000	700	7000	7713		-	256	256	Parking
6100	700	7000	7713		-	21,382	21,382	Water Fund Zone 1
6150	700	7000	7713		-	10,305	10,305	Water Fund Zone 2
6160	700	7000	7713		-	2,461	2,461	Water Fund Zone 3
6210	700	7000	7713		-	20,847	20,847	Wastewater
6280	700	7000	7713		-	6,184	6,184	Storm Drainage
6310	700	7000	7713		-	1,667	1,667	Airport Operating
6510	700	7000	7713		-	18,215	18,215	Transit Service
6600	700	7000	7713		-	2,342	2,342	Golf
6700	700	7000	7713		-	1,803	1,803	Cultural & Events Svcs- Operation
6710	700	7000	7713		-	183	183	Cultural & Events Svcs- FF&E
7200	700	7000	7713		-	3,593	3,593	Fleet Management
7210	700	7000	7713		-	2,525	2,525	Fleet Management Replacement
7510	700	7000	7713		-	24,410	24,410	Employee Benefits Management

First Quarter Report
Fiscal Year 1999-2000

Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
Transfers in from-								
7130	700	7000		9130	-	94,306	94,306	Special Fund for Capital Outlay (also GF portion)
7130	700	7000		9113	-	9,864	9,864	CDBG -Direct Program
7130	700	7000		9135	-	1,401	1,401	Parks Capital Facilities
7130	700	7000		9139	-	38	38	Administration Capital Facilities
7130	700	7000		9140	-	625	625	Parks
7130	700	7000		9141	-	4,195	4,195	Streets Capital Facilities
7130	700	7000		9600	-	256	256	Parking
7130	700	7000		9610	-	21,382	21,382	Water Fund Zone 1
7130	700	7000		9615	-	10,305	10,305	Water Fund Zone 2
7130	700	7000		9616	-	2,461	2,461	Water Fund Zone 3
7130	700	7000		9621	-	20,847	20,847	Wastewater
7130	700	7000		9628	-	6,184	6,184	Storm Drainage
7130	700	7000		9631	-	1,667	1,667	Airport Operating
7130	700	7000		9651	-	18,215	18,215	Transit Service
7130	700	7000		9660	-	2,342	2,342	Golf
7130	700	7000		9670	-	1,803	1,803	Cultural & Events Svcs- Operation
7130	700	7000		9671	-	183	183	Cultural & Events Svcs- FF&E
7130	700	7000		9720	-	3,593	3,593	Fleet Management
7130	700	7000		9721	-	2,525	2,525	Fleet Management Replacement
7130	700	7000		9751	-	24,410	24,410	Employee Benefits Management
Reserve/Other								
1300	800	8000	8003			(94,306)	(94,306)	Special Fund for Capital Outlay
1130	140	1456	0260		66,283	(9,864)	56,419	CDBG -Direct Program Miscellaneous Services
1350	800	8000	8003			(1,401)	(1,401)	Parks Capital Facilities
1390	800	8000	8003			(38)	(38)	Administration Capital Facilities
1400	800	8000	8003			(625)	(625)	Parks
1410	800	8000	8003			(4,195)	(4,195)	Streets Capital Facilities
6000	800	8000	8003			(256)	(256)	Parking
6100	800	8000	8003			(21,382)	(21,382)	Water Fund Zone 1
6150	800	8000	8003			(10,305)	(10,305)	Water Fund Zone 2
6160	800	8000	8003			(2,461)	(2,461)	Water Fund Zone 3
6210	800	8000	8003			(20,847)	(20,847)	Wastewater
6280	800	8000	8003			(6,184)	(6,184)	Storm Drainage
6310	800	8000	8003			(1,667)	(1,667)	Airport Operating
6510	800	8000	8003			(18,215)	(18,215)	Transit Service
6600	800	8000	8003			(2,342)	(2,342)	Golf
6700	800	8000	8003			(1,803)	(1,803)	Cultural & Events Svcs- Operation
6710	800	8000	8003			(183)	(183)	Cultural & Events Svcs- FF&E
7200	800	8000	8003			(3,593)	(3,593)	Fleet Management
7210	800	8000	8003			(2,525)	(2,525)	Fleet Management Replacement
7510	800	8000	8003			(24,410)	(24,410)	Employee Benefits Management
Amtrak Maintenance								
6510	160	1675	0214			-	150	Pest Control
6510	160	1675	0223			-	1,000	Repair & Maintenance - Outside
6510	160	1675	0235			-	2,710	Services, Professional & Other
6510	160	1675	0255			-	12,960	Services, City Forces
6510	160	1675	0304			-	500	Custodial and Institutional Supplies
6510	160	1675	0360			-	1,680	Real Property Maintenance & Repair Supplies
6510	160	1675	0413			-	1,000	Property Insurance
6510	510	9510		3158	1,942,143	20,000	1,962,143	LTF Transit funds - operating

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Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
Airport Tractor/Miscellaneous Expenditures								
6310	440	5412	0223		46,625	18,800	65,625	Repair & Maintenance - Outside Services
6310	440	5412	5357		-	19,271	19,271	New Tractor-Airport (partial)
6310	510	9510		1404	10,500	3,500	14,000	Business License Mill Tax
6310	510	9510		4410	163,000	22,000	185,000	Airport Car Rental
6310	510	9510		6201	63,900	100	64,000	Lease of land
6310	510	9510		6225	33,000	3,000	36,000	City Building Rental
6310	510	9510		8155	3,300	2,700	6,000	Miscellaneous Revenue
6310	510	9510		6101	-	(18,000)	(18,000)	Interest Earnings
6310	700	7000		9010	168,000	30,000	198,000	Transfer in from the General Fund
6310	800	8000	8003			41,229	41,229	Airport Fund Contingency Reserve
0100	700	7000	7631		168,000	30,000	198,000	Transfer out to the Airport Fund
0100	800	8000	8003			(30,000)	(30,000)	General Fund Contingency Reserve
7210	800	8000	8003			(18,229)	(18,229)	Fleet Replacement Fund Contingency Reserve
7210	480	5814	5358		-	18,229	18,229	New Tractor-Airport (partial)
Phase I Budget Strategies-Engineering & Transportation/Community Development								
0100	140	1430	0188		-	(69,050)	(69,050)	Salaries and Wages Adjustment
0100	140	1430	0162		3,053	(610)	2,443	Worker's Compensation
0100	140	1430	0168		5,209	(1,042)	4,167	Employee Leave Reimbursement
0100	140	1430	0207		7,607	(1,170)	6,437	Conference Expenses
0100	140	1430	0208		360	(60)	300	Business Expenses
0100	140	1430	0209		3,034	(267)	2,767	Training Expenses
0100	140	1430	0217		5,000	(600)	4,400	Photocopy-Rent, Service, Supply
0100	140	1430	0218		2,870	(2,870)	-	Equipment Pool Rental
0100	140	1430	0235		17,358	(5,785)	11,573	Services, Professional & Other
0100	140	1430	0245		1,000	(133)	867	Delivery Services
0100	140	1430	0301		3,000	(333)	2,667	Office Supplies
0100	140	1430	0302		1,000	(333)	667	Books and Periodicals
0100	140	1430	0401		1,210	(263)	947	Memberships and Dues
0100	800	8000	8003			(50,752)	(50,752)	General Fund Contingency Reserve
0100	800	8000	8003			(7,933)	(7,933)	General Fund Contingency Reserve
0100	430	4301	0188	100,000		76,983	176,983	Salaries and Wages Adjustment
0100	430	4303	0188	-		50,752	50,752	Salaries and Wages Adjustment
0100	430	4303	0162	-		610	610	Worker's Compensation
0100	430	4303	0168	-		1,042	1,042	Employee Leave Reimbursement
0100	430	4303	0207	-		1,170	1,170	Conference Expenses
0100	430	4303	0208	-		60	60	Business Expenses
0100	430	4303	0209	-		267	267	Training Expenses
0100	430	4303	0217	-		600	600	Photocopy-Rent, Service, Supply
0100	430	4303	0218	-		2,870	2,870	Equipment Pool Rental
0100	430	4303	0235	-		5,785	5,785	Services, Professional & Other
0100	430	4303	0245	-		133	133	Delivery Services
0100	430	4303	0301	-		333	333	Office Supplies
0100	430	4303	0302	-		333	333	Books and Periodicals
0100	430	4303	0401	-		263	263	Memberships and Dues
0100	140	1404	0188	10,000		(116,455)	(106,455)	Salaries and Wages Adjustment
0100	140	1401	0188	39,300		53,842	93,142	Salaries and Wages Adjustment
0100	160	1601	0188	-		42,060	42,060	Salaries and Wages Adjustment
0100	140	1430	0188	-		20,553	20,553	Salaries and Wages Adjustment
0100	140	1404	0140	12,495		(8,334)	4,161	Parttime
0100	430	4303	0140	-		8,334	8,334	Parttime
0100	140	1404	0162	1,625		(1,083)	542	Worker's Compensation
0100	160	1601	0162	3,628		361	3,989	Worker's Compensation
0100	140	1401	0162	17,828		361	18,187	Worker's Compensation
0100	140	1430	0162	3,053		361	3,414	Worker's Compensation
0100	140	1404	0168	2,744		(1,830)	914	Employee Leave Reimbursement
0100	160	1601	0168	4,877		610	5,487	Employee Leave Reimbursement
0100	140	1430	0168	5,209		610	5,819	Employee Leave Reimbursement
0100	140	1404	0168	2,744		610	3,354	Employee Leave Reimbursement
0100	140	1404	0188	10,000		(21,663)	(11,663)	Benefits Adjustment

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Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
0100	160	1601	0188	-	-	7,221	7,221	Benefits Adjustment
0100	140	1430	0188	-	-	7,221	7,221	Benefits Adjustment
0100	140	1404	0188	(11,683)	-	7,221	(4,442)	Benefits Adjustment
0100	140	1404	0188	10,000	-	10,000	20,000	Salaries and Wages Adjustment
0100	140	1430	0188	-	-	(10,000)	(10,000)	Salaries and Wages Adjustment
0100	140	1404	0188	(4,442)	-	(1,125)	(5,567)	Benefits Adjustment
0100	430	4303	0188	-	-	1,125	1,125	Benefits Adjustment
0100	140	1404	0202	43	-	(28)	15	Mail - Inside
0100	160	1601	0202	748	-	14	760	Mail - Inside
0100	140	1401	0202	8,775	-	14	8,789	Mail - Inside
0100	140	1404	0204	11	-	(8)	3	Copier - Inside
0100	160	1601	0204	360	-	4	364	Copier - Inside
0100	140	1401	0204	8,700	-	4	8,704	Copier - Inside
0100	140	1404	0207	2,610	-	(1,740)	870	Conference Expenses
0100	160	1601	0207	3,117	-	533	3,650	Conference Expenses
0100	140	1401	0207	13,987	-	1,207	15,194	Conference Expenses
0100	140	1404	0208	360	-	(240)	120	Business Expenses
0100	160	1601	0208	818	-	120	936	Business Expenses
0100	140	1401	0208	1,438	-	120	1,558	Business Expenses
0100	140	1404	0209	1,639	-	(1,093)	546	Training Expenses
0100	160	1601	0209	2,940	-	1,026	3,966	Training Expenses
0100	140	1401	0209	14,229	-	67	14,296	Training Expenses
0100	140	1404	0217	132	-	(87)	45	Photocopy-Rent, Service, Supply
0100	160	1601	0217	500	-	29	529	Photocopy-Rent, Service, Supply
0100	140	1401	0217	-	-	29	29	Photocopy-Rent, Service, Supply
0100	140	1430	0217	5,000	-	29	5,029	Photocopy-Rent, Service, Supply
0100	140	1404	0223	200	-	(133)	67	Repair & Maintenance
0100	160	1601	0223	6,324	-	44	6,368	Repair & Maintenance
0100	140	1401	0223	4,220	-	44	4,264	Repair & Maintenance
0100	140	1430	0223	2,280	-	45	2,325	Repair & Maintenance
0100	140	1404	0228	20	-	(13)	7	Stores- Inside
0100	160	1601	0228	299	-	4	303	Stores- inside
0100	140	1401	0228	709	-	4	713	Stores- inside
0100	140	1430	0228	168	-	5	173	Stores- inside
0100	140	1404	0235	11,429	-	(7,618)	3,811	Services, Professional & Other
0100	160	1601	0235	6,799	-	3,809	10,608	Services, Professional & Other
0100	430	4303	0235	-	-	3,809	3,809	Services, Professional & Other
0100	140	1404	0301	333	-	(222)	111	Supplies
0100	160	1601	0301	5,100	-	74	5,174	Supplies
0100	140	1401	0301	23,000	-	74	23,074	Supplies
0100	140	1430	0301	3,000	-	74	3,074	Supplies
0100	140	1404	0302	615	-	(410)	205	Books and Periodicals
0100	160	1601	0302	1,190	-	350	1,540	Books and Periodicals
0100	430	4303	0302	-	-	60	60	Books and Periodicals
0100	140	1404	0306	7,950	-	(5,299)	2,651	PC Software
0100	160	1601	0306	4,743	-	3,433	8,176	PC Software
0100	140	1401	0306	6,120	-	1,716	7,836	PC Software
0100	140	1430	0306	2,400	-	150	2,550	PC Software
0100	140	1404	0401	1,305	-	(871)	434	Memberships and Dues
0100	160	1601	0401	655	-	107	762	Memberships and Dues
0100	430	4303	0401	-	-	527	527	Memberships and Dues
0100	140	1401	0401	1,776	-	140	1,916	Memberships and Dues
0100	140	1430	0401	1,210	-	97	1,307	Memberships and Dues
0100	140	1404	0413	57	-	(39)	18	Property Insurance
0100	160	1601	0413	683	-	13	696	Property Insurance
0100	140	1401	0413	1,092	-	13	1,105	Property Insurance
0100	140	1430	0413	225	-	13	238	Property Insurance
0100	140	1404	0415	2,301	-	(1,533)	768	Liability Insurance
0100	160	1601	0415	164,110	-	511	164,621	Liability Insurance
0100	140	1401	0415	19,563	-	511	20,074	Liability Insurance
0100	140	1430	0415	3,990	-	511	4,501	Liability Insurance
0100	140	1404	0456	8,800	-	(8,800)	-	SAAG Member
0100	430	4303	0456	-	-	8,800	8,800	SAAG Member
0100	140	1404	9990	12,940	-	8,625	21,565	Service Credits
0100	160	1601	9990	211,517	-	(1,996)	209,521	Service Credits
0100	430	4303	9990	-	-	(4,533)	(4,533)	Service Credits
0100	140	1401	9990	112,718	-	(2,096)	110,622	Service Credits

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Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
Golf Fund Additional Revenue								
6600	330	3311		6203	-	6,000	6,000	Cell Tower Lease (\$1k per mth-start Jan)
6600	330	3311		4076	-	12,000	12,000	Golf Comp. Team Revenue
6600	800	8000	8003		-	18,000	18,000	Golf Fund Res Impact for Add'l Revenue
Transistion from Finance to City Hall at the Mall Staffing Position								
0100	120	1223	0188		-	(12,704)	(12,704)	Salaries and Wages Adjustment
0100	370	3769	9990		30,000	(9,181)	20,819	Service Credits
0100	370	3769	0188		-	21,885	21,885	Salaries and Wages Adjustment
6150	440	5097	0255		-	907	907	Services City Forces
6150	800	8000	8003		-	(907)	(907)	Reserve
6160	440	5098	0255		-	668	668	Services City Forces
6160	800	8000	8003		-	(668)	(668)	Reserve
6100	440	5099	0255		-	3,199	3,199	Reserve
6100	800	8000	8003		-	(3,199)	(3,199)	
6210	440	5299	0255		-	3,489	3,489	Services City Forces
6210	800	8000	8003		-	(3,489)	(3,489)	
6280	440	5399	0255		135,388	918	136,306	Services City Forces
6280	800	8000	8003		-	(918)	(918)	
Replace Renewal & Replacement to Operating Account								
6210	480	L077	6070		250,000	(40,300)	209,700	
6210	480	5213	0223		155,000	40,300	195,300	Repair & Maintenance
Reimbursement for Jeep Cherokee purchase for Wastewater to Fleet								
6210	800	8000	8003		-	(19,147)	(19,147)	Wastewater Fund Contingency Reserve
7200	800	8000	8003		-	19,147	19,147	Fleet Replacement Fund Contingency Reserve
6210	700	7000	7720		-	19,147	19,147	Transfer Out from Wastewater
7200	700	7000		9621	40,559	19,147	59,706	Transfer In from Wastewater
Funding for Parking Lot Attendant								
6000	800	8000	8003		-	(42,752)	(42,752)	Parking Fund Contingency Reserve
6000	480	4682	0188		32,859	42,752	75,611	Salaries and Wages Adjustment
Parks Fund Elimination of CIP								
1400	510	9510		8301	60,000	(60,000)	-	Other Financing Sources
1400	800	8000	8003		-	(60,000)	(60,000)	Park Fund Reserves
Fleet Replacement Transfer of Organization 5814 to Fund 7210								
7200	480	5814	0208		500	(500)	-	Business Expenses
7200	480	5814	5157		19,500	(19,500)	-	Truck PU
7200	480	5814	5158		19,500	(19,500)	-	Truck PU
7200	480	5814	5159		19,500	(19,500)	-	Truck PU
7200	480	5814	5160		19,500	(19,500)	-	Truck PU
7200	480	5814	5162		19,500	(19,500)	-	Truck PU
7200	480	5814	5163		19,500	(19,500)	-	Truck PU
7200	480	5814	5164		19,500	(19,500)	-	Truck PU
7200	480	5814	5166		19,500	(19,500)	-	Truck PU
7200	480	5814	5167		19,500	(19,500)	-	Truck PU
7200	480	5814	5168		19,500	(19,500)	-	Truck PU
7200	480	5814	5169		21,000	(21,000)	-	Truck PU
7200	480	5814	5170		19,500	(19,500)	-	Truck PU
7200	480	5814	5171		21,000	(21,000)	-	Truck PU
7200	480	5814	5172		21,000	(21,000)	-	Truck PU
7200	480	5814	5173		21,000	(21,000)	-	Truck PU
7200	480	5814	5174		21,000	(21,000)	-	Truck PU
7200	480	5814	5175		21,000	(21,000)	-	Truck PU
7200	480	5814	5176		21,000	(21,000)	-	Truck PU
7200	480	5814	5177		19,500	(19,500)	-	Truck PU
7200	480	5814	5178		19,500	(19,500)	-	Truck PU
7200	480	5814	5179		19,500	(19,500)	-	Truck PU
7200	480	5814	5180		19,500	(19,500)	-	Truck PU
7200	480	5814	5181		19,500	(19,500)	-	Truck PU
7200	480	5814	5182		19,500	(19,500)	-	Truck PU

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7200	480	5814	5183		19,500	(19,500)	-	Truck PU
7200	480	5814	5185		25,000	(25,000)	-	Truck PU
7200	480	5814	5186		176,000	(176,000)	-	Sedan Vehc
7200	480	5814	5187		52,000	(52,000)	-	Truck Dump
7200	480	5814	5188		74,000	(74,000)	-	Tractor Bho
7200	480	5814	5189		15,000	(15,000)	-	Tractor Bho
7200	480	5814	5190		35,000	(35,000)	-	Truck Comp
7200	480	5814	5191		45,000	(45,000)	-	Truck Crane
7200	480	5814	5192		30,000	(30,000)	-	Truck Dump
7200	480	5814	5200		30,000	(30,000)	-	VanHiCube
7200	480	5814	5203		30,000	(30,000)	-	VanHiCube
7200	480	5814	5204		78,000	(78,000)	-	Loader
7200	480	5814	5205		65,000	(65,000)	-	Grader
7200	480	5814	5206		648,000	(648,000)	-	PatriSedan
7200	480	5814	5207		112,000	(112,000)	-	PatriMtrcyl
7200	480	5814	5208		30,000	(30,000)	-	Forklift
7200	480	5814	5209		40,000	(40,000)	-	TractorLoadr
7200	700	7000	7721		-	1,983,500	1,983,500	Transfer Out from Wastewater
7210	800	8000	8003		-	(90,000)	(90,000)	Fleet Replacement Contingency Reserve
7210	510	9510		4964	2,339,000	107,613	2,446,613	Equipment Pool - Replacement
7210	700	7000		9720	-	1,983,500	1,983,500	Transfer in from Fleet
7210	480	5814	0208		-	500	500	Business Expenses
7210	480	5814	5157		-	19,500	19,500	Truck PU
7210	480	5814	5158		-	19,500	19,500	Truck PU
7210	480	5814	5159		-	19,500	19,500	Truck PU
7210	480	5814	5160		-	19,500	19,500	Truck PU
7210	480	5814	5162		-	19,500	19,500	Truck PU
7210	480	5814	5163		-	19,500	19,500	Truck PU
7210	480	5814	5164		-	19,500	19,500	Truck PU
7210	480	5814	5166		-	19,500	19,500	Truck PU
7210	480	5814	5167		-	19,500	19,500	Truck PU
7210	480	5814	5168		-	19,500	19,500	Truck PU
7210	480	5814	5169		-	21,000	21,000	Truck PU
7210	480	5814	5170		-	19,500	19,500	Truck PU
7210	480	5814	5171		-	21,000	21,000	Truck PU
7210	480	5814	5172		-	21,000	21,000	Truck PU
7210	480	5814	5173		-	21,000	21,000	Truck PU
7210	480	5814	5174		-	21,000	21,000	Truck PU
7210	480	5814	5175		-	21,000	21,000	Truck PU
7210	480	5814	5176		-	21,000	21,000	Truck PU
7210	480	5814	5177		-	19,500	19,500	Truck PU
7210	480	5814	5178		-	19,500	19,500	Truck PU
7210	480	5814	5179		-	19,500	19,500	Truck PU
7210	480	5814	5180		-	19,500	19,500	Truck PU
7210	480	5814	5181		-	19,500	19,500	Truck PU
7210	480	5814	5182		-	19,500	19,500	Truck PU
7210	480	5814	5183		-	19,500	19,500	Truck PU
7210	480	5814	5185		-	25,000	25,000	Truck PU
7210	480	5814	5186		-	176,000	176,000	Sedan Vehc
7210	480	5814	5187		-	52,000	52,000	Truck Dump
7210	480	5814	5188		-	74,000	74,000	Tractor Bho
7210	480	5814	5189		-	15,000	15,000	Tractor Bho
7210	480	5814	5190		-	35,000	35,000	Truck Comp
7210	480	5814	5191		-	45,000	45,000	Truck Crane
7210	480	5814	5192		-	30,000	30,000	Truck Dump
7210	480	5814	5200		-	30,000	30,000	VanHiCube
7210	480	5814	5203		-	30,000	30,000	VanHiCube
7210	480	5814	5204		-	104,701	104,701	Loader
7210	480	5814	5205		-	145,912	145,912	Grader
7210	480	5814	5206		-	648,000	648,000	PatriSedan
7210	480	5814	5207		-	112,000	112,000	PatriMtrcyl
7210	480	5814	5208		-	30,000	30,000	Forklift
7210	480	5814	5209		-	40,000	40,000	TractorLoadr
7210	480	5814	5337		-	70,000	70,000	Truck Crane
7210	480	5814	5338		-	20,000	20,000	1/2 Ton

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Fund	Agency	Organizat	Object	Revenue	Budget	Adjustment	Revised Budget	Discription
CDBG Grant Related Adjustments								
1130	140	1454		3513	1,239,644	271,820	1,511,464	CDBG Grant
1130	140	1454	0260		224,157	271,820	495,977	Miscellaneous Services
1130	140	1455		3513	69,691	189,917	259,608	CDBG Grant
1130	140	1455	0260		-	189,917	189,917	Miscellaneous Services
1130	140	1462		3513	1,657,700	(511,768)	1,145,932	CDBG Grant
1130	140	1462	0260		-	640,165	640,165	Miscellaneous Services
1130	700	7000		9115	760,587	581,530	1,342,117	Transfer In from Housing Loans
1130	700	7000		9116	297,026	297,026	594,052	Transfer In from Housing Economic Development
1140	140	1465	0260		-	5,695	5,695	Miscellaneous Services
1140	800	8000	8003		-	(5,695)	(5,695)	Contingency Reserve
1150	140	1466		3513	550,000	648,973	1,198,973	CDBG Grant
1150	140	1466	0260		-	616,901	616,901	Miscellaneous Services
1150	700	7000	7113		-	581,530	581,530	Transfer Out from Housing Loans
1160	140	1467		3513	657,000	(175,792)	481,208	CDBG Grant
1160	140	1467	0260		-	22,737	22,737	Miscellaneous Services
1160	700	7000	7113		-	297,026	297,026	Transfer Out from Housing Economic Development
1170	140	1458		3513	2,218,007	205,181	2,423,188	HOME Grant
1170	140	1458	0260		1,592	224,604	226,196	Miscellaneous Services
Estimate CIP Carryover Revenue								
0510	510	9510		3138	-	889,756	889,756	State Funding
0520	510	9510		3138	-	36,268	36,268	State Funding
0700	510	9510		3138	-	11,134,433	11,134,433	State Funding
0700	510	9510		3504	3,776,375	15,518,122	19,294,497	Federal Funding
1300	700	7000		9010	-	65,000	65,000	Transfer in from Fund 0100
1300	700	7000		9610	-	14,481	14,481	Transfer in from Fund 6100
1300	700	7000		9615	-	6,759	6,759	Transfer in from Fund 6150
1300	700	7000		9616	-	937	937	Transfer in from Fund 6160
1300	700	7000		9621	-	16,329	16,329	Transfer in from Fund 6210
1300	700	7000		9628	-	4,317	4,317	Transfer in from Fund 6280
1300	700	7000		9713	-	12,459	12,459	Transfer in from Fund 7130
1410	430			3504	1,139,000	960,385	2,099,385	Federal Funding
1410	430			4057	298,000	750,000	1,048,000	Developer Contribution
1430	700	7000		9052	-	62,000	62,000	Transfer in from Fund 0520
1700	510	3504		3504	-	750,000	750,000	Federal Funding
1700	700	7000		9052	-	105,000	105,000	Transfer in from Fund 0520
6320	510	9510		3613	555,000	1,334,629	1,889,629	Federal FAA Funding
6510	510	9510		3604	5,740,600	3,370,751	9,111,351	Federal Transit Funding
1300	700	7000	7010		-	65,000	65,000	Transfer out to Fund 1300
1300	700	7000	7610		-	14,481	14,481	Transfer out to Fund 1300
1300	700	7000	7615		-	6,759	6,759	Transfer out to Fund 1300
1300	700	7000	7616		-	937	937	Transfer out to Fund 1300
1300	700	7000	7621		-	16,329	16,329	Transfer out to Fund 1300
1300	700	7000	7628		-	4,317	4,317	Transfer out to Fund 1300
1300	700	7000	7713		-	12,459	12,459	Transfer out to Fund 1300
1430	700	7000	7052		-	62,000	62,000	Transfer out to Fund 1300
1700	700	7000	7052		-	105,000	105,000	Transfer out to Fund 1300
Estimate Interest in Fund 6120								
6120	510	9510		6101	-	13,000	13,000	Interest
6120	800	8000	8003		(13,000)	13,000	-	Reserve
6710	340	K115	6080		150,000	(50,000)	100,000	Centre Plaza Business Plan
6710	800	8000	8003		-	50,000	50,000	Reserve
Wastewater Bond Fund Interest Earnings								
6220	510	9510		6101	-	32,000	32,000	Interest
6220	800	8000	8003		-	32,000	32,000	Reserve
6230	800	8000	8003		-	200,000	200,000	Reserve
6230	510	9510		6101	-	200,000	200,000	Interest

MODESTO CITY COUNCIL
RESOLUTION NO. 99-580A

A RESOLUTION WAIVING BUILDING INSPECTION FEES
FOR HABITAT FOR HUMANITY.

WHEREAS, on November 23, 1999, the Council considered waiving Building Inspection Fees for one unit, located at 1328 Don West Court, for Habitat for Humanity, as requested by Councilmember Fisher,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, after consideration of the request to waive Building Inspection Fees for one unit, located at 1328 Don West Court, for Habitat for Humanity, the Council hereby waives said Building Inspection Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-581

A RESOLUTION APPOINTING MIKE REGO TO THE BOARD OF ZONING
ADJUSTMENT

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

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

SECTION 1. Mike Rego is hereby appointed to the Board of Zoning Adjustment with a term expiration of December 31, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 23rd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-582

A RESOLUTION APPOINTING JOHN ERWIN AND JACKIE DEABLER TO THE
EQUAL OPPORTUNITY & DISABILITIES 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 Erwin and Jackie Deabler are hereby appointed to the Equal
Opportunity & Disabilities Commission each with a term expiration of December 31,
2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed members of the Equal Opportunity & Disabilities
Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of November, 1999, by Councilmember Dobbs,
who moved its adoption, which motion being duly seconded by Councilmember
Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-583

A RESOLUTION APPOINTING EDWARD GAMINO AND SHARRON PAUKERT
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. Edward Gamino and Sharron Paukert are hereby appointed to the Local Cable Programming Committee. Mr. Gamino's term will expire December 31, 2002 and Ms. Paukert's term will expire December 31, 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 23rd day of November, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-584

A RESOLUTION ACCEPTING THE BID OF MOZINGO CONSTRUCTION
COMPANY FOR THE PROJECT TITLED NINTH STREET OUTFALL

WHEREAS, the bids received for Ninth Street Outfall project were opened at 11:00 a.m. on October 12, 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 \$632,187 from Mozingo 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 Mozingo 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-585

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY
FUND THE NINTH STREET OUTFALL PROJECT

WHEREAS, this project will replace the existing undersized, deteriorated storm drain outfall for the Ninth Street storm drain with a new 96" diameter line; and

WHEREAS, the funds for this project are partially budgeted due to increases in construction costs since the project was originally budgeted. The remainder of the funding is available in the Storm Drain Contingency Reserve.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Appropriations

#6280-800-8000-8003	\$(134,000)
#6280-480-H081-6040	\$ 134,000

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 7th day of December, 1999, by Councilmember Dobbs, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-586

A RESOLUTION APPROVING AN EASEMENT AGREEMENT TO ALLOW FOR THE NINTH STREET OUTFALL TO BE CONSTRUCTED AND MAINTAINED ON TUOLUMNE RIVER REGIONAL PARK PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement allowing the Ninth Street Outfall to be constructed and maintained on Tuolumne River Regional Park property be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said easement 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-587

A RESOLUTION AMENDING RESOLUTION NO. 99-521 ENTITLED "AUTHORIZING THE SALE OF USED FURNISHINGS AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES AT 824 W. KIERNAN AVENUE" TO OFFER SURPLUS USED FURNISHINGS TO NON-PROFIT AGENCIES APPROVED BY HUD AND ALLOW FOR THE DISPOSAL OF ANY REMAINING USED FURNITURE.

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, on October 26, 1999, the City Council adopted Resolution No. 99-521 entitled "A Resolution Authorizing the Sale of Used Furnishings at a Public Auction to be Conducted by Roger Ernst and Associates at 824 W. Kiernan Avenue", and

WHEREAS, the City possesses used furnishings, as listed in Attachment "B", attached hereto and incorporated herein by reference, resulting from the City's move to Tenth Street Place, and said items having been placed into surplus, and

WHEREAS, Roger Ernst and Associates has had an opportunity to view the used furniture and has declared that this used furniture should not be sold through an auction, as the furniture has no value, and

WHEREAS, as a result, City staff has recommended that said property be offered to non-profit agencies approved by HUD (see Attachment "A") and that City staff be allowed to dispose of any remaining used furniture listed in Attachment "B",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the used furnishings, as listed in Attachment "B", attached hereto and incorporated herein by reference, have become surplus property to the City's needs, and the Council does hereby authorize said property to be offered to non-profit agencies approved by HUD (see Attachment "A"), and the Council hereby approves the disposal of any remaining used furniture listed on Attachment "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

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

ATTACHMENT 'A'

HUD APPROVED NON-PROFIT AGENCIES OFFERED SURPLUS FURNITURE

California Open Medical Outreach
Center for Human Services
Central Valley Opportunity Center
Community Housing and Shelter Services
Haven Women's Center of Stanislaus - Victim's Advocate Program
Catholic Charities
Center for Senior Employment
Children's Crisis Center
The Bridge
Modesto Independent Living Center
Modesto Riverbank Stanislaus County Food Bank
Parent Resource Center
Project Sentinel - Fair Housing Services Program
Second Baptist Church Food Bank
STANCO - Modesto Transitional Housing Program
Nirvana Drug and Alcohol Treatment Transitional Housing and Treatment Program
Parents Institute for Quality Education
Salvation Army
Sierra Vista Children's Center
Stanislaus County Senior Meals Program
Stanislaus Literacy Center
Harvest of Hope
Stanislaus County PAL Block House Program
DLA - Pre-construction Training
Healthy Start Program

ATTACHMENT "B"

CODE	DESCRIPTION			QTY
AC	AV CART/TV STANDS			7
BB	BULLETIN, GREASE, IN/OUT BOARDS			26
BC	BOOKCASE			117
C	COMPUTER			22
CB	CABINETS (MISC)			87
CF	MOBILE FILE CART			5
CH	CHAIR			407
CO	COUNTER UNITS			12
CR	COAT RACK			9
CS	COMPUTER STAND			46
CU	COUCH			3
CZ	CREDENZA			38
D	DESK			201
DO	DESK ORGANIZER			7
DT	DRAFTING TABLE			8
EM	EQUIPMENT (MISC)			26
F	FILE CABINET			305
FM	FLOOR MAT			41
FS	FILES SPECIAL			3
L	LAMP			6
MD	MISC DESK SUPPLIES			10
MF	MICROFICHE READER			2
MS	MISC STANDS			2
PC	PICTURES			5
PR	PARTITIONS			105
PS	PRINTER STAND			18
PT	PRINTERS			12
R	REFRIGERATOR			1
RG	RANGE			1
S	STEP STOOLS, FOOT RESTS			2
SN	SCANNER			2
SW	SOFTWARE			2
SY	SOUND SYSTEM PORTABLE			1
T	TYPEWRITER			3
TB	TABLE			95
TC	TRASH CANS			4
TS	TYPEWRITER STAND			13
TV	TV			2
UC	UTILITY CART			1
W	WORKSTATION			16
				1673

MODESTO CITY COUNCIL
RESOLUTION NO. 99-588

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS AS PRIMARY LOW BIDDER AND PRIMARY CONTRACTOR, AND AMERINE SYSTEMS INC. SECOND LOW BIDDER AND SECONDARY CONTRACT FOR FURNISHING PUMP REPAIR SERVICES FOR FISCAL YEAR 1999-2000

WHEREAS, the bids received for Pump Repair Services for Fiscal Year 1999-2000, were opened at 11:00 a.m. on June 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 Howk Systems as primary low bidder and primary contractor and Amerine Systems Inc. as second low bidder and secondary contractor for a total amount of \$2000,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems and Amerine Systems 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 7th day of December, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-589

A RESOLUTION AUTHORIZING AN INCREASE IN
THE SCOPE OF THE ROCKWELL REPLACEMENT/ADDITION 1999/2000 PROJECT.

WHEREAS, on September 14, 1999, by Resolution No. 99-455, the City Council awarded a contract to Ross Carroll, Inc., for the Rockwell Replacement/Addition 1999/2000 project, and

WHEREAS, since commencement of the project, the Wastewater Collections Superintendent has identified 25 additional locations which should be included in the project, which have no other viable drainage options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the scope of work to be performed by Ross Carroll, Inc., to include 25 additional rockwell locations as identified by the Wastewater Collections Superintendent, for the Rockwell Replacement/Addition 1999/2000 project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

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

Book 6

MODESTO CITY COUNCIL
RESOLUTION NO. 99-590

A RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION TO EXECUTE A CHANGE ORDER IN THE AMOUNT OF \$125,000.00 FOR ADDITIONAL WORK BY ROSS CARROLL, INC., FOR THE ROCKWELL REPLACEMENT/ADDITION 1999/2000 PROJECT.

WHEREAS, on September 14, 1999, by Resolution No. 99-455, the City Council awarded a contract to Ross Carroll, Inc., for the Rockwell Replacement/Addition 1999/2000 project, and

WHEREAS, since commencement of the project, the Wastewater Collections Superintendent has identified 25 additional locations which should be included in the project, and

WHEREAS, said 25 locations have no other viable drainage options, and

WHEREAS, the additional work will result in an increase of \$125,000.00 above the original contract price, and

WHEREAS, the amount of extra work exceeds the Director's current change order authority for the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Engineering and Transportation to execute a change order for \$125,000.00 for additional work by Ross Carroll, Inc., for the Rockwell Replacement/Addition 1999/2000 project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-591

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$125,000 TO FULLY FUND THE ROCKWELL REPLACEMENT/ADDITION 1999/2000 PROJECT

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

FROM: 6280-480-K034 6040; \$125,000

TO: 6280-480-L096 6040; \$125,000

Transfer needed to fully fund work added to the Rockwell Replacement/Addition project being done by Ross Carroll Inc. There is no significant impact to the work being done on rockwell maintenance as a result of this transfer. The Deferred Rockwell Maintenance project (K034) is a 98-99 project. In FY 99-00, there are sufficient funds available in the Annual Rockwell Rejuvenation project (L094) to handle anticipated work in this area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-592

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND BEE HAVEN APIARIES INC. FOR PLACEMENT OF BEE HIVES
AT THE RANCH ON THE SAN JOAQUIN RIVER FLOOD PLAIN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Bee Haven Apiaries Inc. for placement of
bee hives at the ranch on the San Joaquin River flood plain 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 7th day of December, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-593

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALI M. SAAD AND NAGI Y. ABDULLA FOR ACQUISITION OF 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 Ali M. Saad and Nagi Y. Abdulla for the acquisition of property located at 1122 Needham Street, the Quikserv Market, 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-594

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL AND TAMMY CUHNA FOR LEASE OF FORMER WELL SITE AT TENTH AND NEEDHAM STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Michael and Tammy Cuhna for the former well site located at Tenth and Needham Streets 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-595

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF
MODESTO AND CONFEDERATE AIR FORCE FOR USE OF OFFICE SPACE IN
THE AIRPORT'S OLD ADMINISTRATION BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and the Confederate Air Force for use of office space in the Airport's old administration building 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-596

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF
MODESTO AND BEALS GROUP FOR A FEASIBILITY STUDY FOR A REGIONAL
SPORTS COMPLEX

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beals Group for a feasibility study for a regional sports complex 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 7th day of December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-597

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION AND RELATED DOCUMENTS FOR \$25,715 IN GRANT FUNDING FROM THE BEALS GROUP TO PARTIALLY OFFSET THE COST OF A FEASIBILITY STUDY RELATING TO A REGIONAL SPORTS COMPLEX.

WHEREAS, with the recent increase in youth and adult sports organizations in the area, a feasibility study is needed to effectively evaluate the need for sports facilities in the area, and

WHEREAS, anticipated growth in the region will rapidly accelerate the gap between the supply and demand for sports facilities, and

WHEREAS, the City and County have entered into a Memorandum of Understanding and desire to conduct a process of evaluation relating to a regional approach to sports facilities, and

WHEREAS, the City has contributed \$60,000, and the County has agreed to contribute \$50,000 toward the cost of said feasibility study, and

WHEREAS, staff is recommending that an agreement be entered into with Beals Group to conduct the study, and

WHEREAS, Beals Group has agreed to complete the agreed-upon study for a sum not to exceed \$135,715, with \$110,000 to be paid by the City and County, and

WHEREAS, the balance of \$25,715 needed to complete the study will come from a self-funded grant from the Beals Group, as part of its program awarding grants that

benefit youth,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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 \$25,715 in grant funding from the Beals Group to partially offset the cost of a feasibility study relating to a regional sports complex .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-598

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$400 TO FULLY FUND A UNANTICIPATED STAFF CHARGES FOR SPORTS COMPLEX

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

FROM: 135-310-J303; \$400

TO: 1350-310-K102; \$400

Funds are needed to cover unanticipated staff charges for the sports complex. Savings occurred in the Eisenhower Park Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-599

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
ESTIMATE \$50,000 IN ADDITIONAL REVENUE FROM STANISLAUS COUNTY

WHEREAS, with the recent increases in youth and adult sports organizations in the area, staff and officials from the City of Modesto and Stanislaus County have hypothesized that it would be valuable to create a shared network of facilities that would include one or more regional sports complexes; and

WHEREAS, in order to effectively evaluate the county's need for sports facilities, a feasibility study is needed and additional funding is needed to complete the study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<u>Revenue</u>	
#1350-310-4015	\$50,000
<u>Expenditure</u>	
#135-310-K102-6040	\$50,400
#135-310-J303-6060	\$(400)

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 7th day of December, 1999, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-600

A RESOLUTION APPROVING A PROPERTY ACQUISITION LOAN TO HOMES 2000 TO ASSIST WITH THE PURCHASE OF LOW INCOME HOUSING LOCATED AT 2129 CHRYSLER DRIVE, UNIT #1, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED LOAN DOCUMENTS.

WHEREAS, in May of 1999, the City Council approved the City's Fiscal Year 1999-2000 Annual Action Plan for Community Development Block Grant programs, and

WHEREAS, one of the approved activities provides for \$75,000.00 in CDBG funds for a non-profit Housing Acquisition Program, and

WHEREAS, the purpose of the Housing Acquisition Program is to assist non-profit organizations to purchase existing housing units to provide low-income housing, and

WHEREAS, said non-profit organizations will place low-income families in the property as tenants, provide supportive services that will lead the families to self-sufficiency within ten years, and subsequently help the families purchase the housing as a permanent residence, and

WHEREAS, each proposed property acquisition will be considered for review and approval by the City Council, and

WHEREAS, Homes 2000 wishes to purchase property located at 2129 Chrysler Drive, Unit #1, in Prescott Estates, for \$18,000.00, and

WHEREAS, upon approval of the requested loan, Homes 2000 will receive a

loan for the purchase amount of the property and a smaller loan for associated closing costs , and

WHEREAS, loan terms consist of a 5% fixed simple interest loan, with interest deferred for the first five years, and the principal with interest amortized over the subsequent 15 years, and will also provide for affordability covenants for a period of twenty years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a property acquisition loan to Homes 2000 to assist with the purchase of property located at 2129 Chrysler Drive, Unit #1.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized and directed to execute all required loan documents to complete the loan transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-601

A RESOLUTION ACCEPTING THE BID OF STEEL RIVER INC. FOR THE
PROJECT TITLED "PELANDALE EXPRESSWAY IRRIGATION RELOCATION"

WHEREAS, the bids received for Pelandale Expressway Irrigation Relocation project were opened at 11:00 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 \$311,069 from Steel River 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 Steel River 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 December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-602

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO FULLY
FUND THE PELANDALE EXPRESSWAY-IRRIGATION RELOCATION PROJECT

WHEREAS, Pelandale Avenue will be extended from Prescott Road to 1700 feet west of McHenry Avenue. Two MID irrigation pipelines will be relocation in preparation for the future roadway; and

WHEREAS, funds for this project were partially budgeted in the 1999-00 CIP. A fund transfer is needed because an additional irrigation pipeline that was originally scheduled to be constructed in the Pelandale Phase 1C project, was included in this contract for economy of scale.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

Appropriations:

#1410-800-8000-8003	\$(42,508)
#1410-430-L040-6040	\$ 42,508

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 7th day of December, 1999, by Councilmember Dobbs, 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, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____


STAN FEATHERS, Budget Officer

Clerk (14)

MODESTO CITY COUNCIL
RESOLUTION NO. 99-604

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): PELANDALE AVENUE EXTENSION - DALE ROAD TO THE EXISTING PELANDALE AVENUE 1700' WEST OF MCHENRY AVENUE INCLUDING PRESCOTT ROAD EXTENSION - SNYDER AVENUE TO THE NEW PELANDALE AVENUE.

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 Engineering and Transportation Department, by Initial Study, EA/ET 98-37, reviewed the proposed Pelandale Avenue Extension - Dale Road to the existing Pelandale Avenue 1700' west of McHenry Avenue including Prescott Road Extension - Snyder Avenue to the new Pelandale Avenue, 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

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

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 Pelandale Avenue Extension - Dale Road to the existing Pelandale Avenue 1700' west of McHenry Avenue including Prescott Road Extension - Snyder Avenue to the new Pelandale Avenue, 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.

6. The attached Initial Study provides substantial evidence to support findings 1, 2, 3, 4 and 5 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of 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 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

Initial Study

EA/ET 98-37

City of Modesto
Initial Study

PELANDALE AVENUE EXTENSION -
Dale Road to the existing Pelandale Ave. 1700' West of McHenry Ave.
Including PRESCOTT ROAD EXTENSION -
Snyder Ave. to the new Pelandale Ave.

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 Expressway Phases 1A, 1B, and 1C.

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:

Pelandale Avenue - from Dale Road to the existing Pelandale Avenue approximately 1700 feet West of McHenry Avenue, and Prescott Road - from Snyder Avenue to the new Pelandale Avenue.

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

Commercial (C)
Regional Commercial (RC)
Residential (R)

G. Zoning:

Specific Plan (SP-O)
County Planned Industrial (PI)

H. Description of Proposed Project:

This is an application to construct a two lane roadway within the limits previously described.

I. Surrounding land uses:

The project is bounded on the North and South by agricultural land zoned P-SP-O, and SP-O. To the west is a developed residential area zoned R3, and to the East are vacant lots currently within Stanislaus County.

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 Pelandale Avenue and Prescott Road Extensions 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 an agricultural 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 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 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. 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 roadway 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 roadway 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-17-11) are therefore still valid.

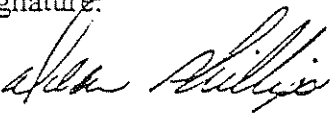
R. Energy

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 Avenue and Prescott Road Extensions 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 Avenue and Prescott Road Extensions, 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 Avenue and Prescott Road Extensions, that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to the Pelandale Avenue and Prescott Road Extensions 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-603

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE
PROJECT TITLED "PELANDALE EXPRESSWAY – PHASE 1B & 1C"

WHEREAS, the bids received for Pelandale Expressway – Phase 1B & 1C were opened at 11:00 a.m. on November 16, 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 \$896,886.86 from George Reed Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1999, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-605

A RESOLUTION AMENDING THE FISCAL YEAR 1999-2000 ANNUAL BUDGET TO
DECREASE REVENUE AND FULLY FUND THE PELANDALE
EXPRESSWAY – PHASE 1B AND 1C

WHEREAS, Pelandale Avenue will be extended to connect with the existing Pelandale Avenue, 1700 feet west of McHenry Avenue; and

WHEREAS, this phase of the project will involve asbestos removal in one residence that will be removed as part of the project and a portion of the right-of-way costs that were not funded through the previous phase of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1999-2000 Annual Budget is hereby amended as indicated below:

<u>Appropriations</u>	
#1410-800-8000-8003	\$(208,481)
#1410-430-L039-6030	\$ 208,481

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 7th day of December, 1999, by Councilmember Dobbs, 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, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-606

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE VAC-CON COMBINATION SEWER AND STORM DRAIN CLEANER TRUCK FROM MUNICIPAL MAINTENANCE EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Vac-Con Combination Sewer and Storm Drain Cleaner Truck from Municipal Maintenance are hereby waived.

BE IT FURTHER RESOLVED that purchase of one Vac-Con Combination Sewer and Storm Drain Cleaner Truck from Municipal Maintenance Equipment for a not to exceed price of \$229,804.65 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-607

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS INC. FOR USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Atmospherics Inc. for use of a small parcel of land at the Airport for weather equipment 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-608

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. AND/OR CAROLE L. KAMRAR FOR PROPERTY LOCATED AT 121 ELM STREET TO HOUSE THE BUILDING SERVICES DIVISION OF THE OPERATIONS & MAINTENANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and David E. and/or Carole L. Kamrar for property located at 121 Elm Street to house the Building Services Division of the Operations & Maintenance Department 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-609

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:

Parking Lot Maintenance Crewleader

The revised specifications for the classification of Parking Lot Maintenance Crewleader, (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. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Deputy Director - Recreation and Neighborhoods

Deputy Director - Cultural and Enterprise Services

The new specifications for the classifications of Deputy Director - Recreation and Neighborhoods, (Range 452), as shown on the attached Exhibit "B", and Deputy Director - Cultural and Enterprise Services, (Range 452), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

Microfilm Services Supervisor

Assistant Parks and Recreation Director - Recreation

Assistant Parks and recreation Director - Civic Center

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after December 14, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

PARKING LOT MAINTENANCE CREWLEADER

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

This is a lead worker position responsible for both participating in and supervising the work of other staff involved in parking facility management and maintenance.

May work irregular hours as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Building Maintenance Supervisor.

Exercises functional and technical supervision over assigned personnel.

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

Essential Functions:

Lead and assist others in the inspection, cleaning, and maintenance of parking facilities and equipment, ticket dispensers, and irrigation systems.

Participate in the selection and training of staff; coordinate work activities; schedule staff.

Repair or coordinate the repair of damage due to vandalism or accidents.

Maintain parking facility landscaping including pruning and replacing of landscape materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, materials, and equipment used in general maintenance work.

Principles and procedures for record keeping.

Principles of supervision and training.

Safe work practices.

QUALIFICATIONS (Continued)

Ability to:

Lead, assign work to, and participate in the work of staff assigned to parking facilities.

Operate equipment in a safe manner.

Perform medium-heavy manual labor, including but not limited to occasionally lifting and carrying up to 75 pounds of weight.

Understand and follow oral and written instructions.

Perform a full range of parking facility maintenance activities.

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

Work irregular hours as required.

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:

Education:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

Experience:

Two years of increasingly responsible experience in a building parking facility. Additional customer service experience is highly desirable.

License or Certificate

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

WORKING CONDITIONS:

Outdoor environment; travel from site to site; exposure to inclement weather conditions, noise, dust, fumes, and gases.

PHYSICAL CONDITIONS:

Essential and marginal functions may require maintaining physical condition necessary for medium-heavy lifting, bending, stooping, kneeling, walking, standing, or sitting for prolonged periods of time; operating motorized vehicles and equipment.

DEPUTY DIRECTOR – RECREATION AND NEIGHBORHOODS

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 Recreation and Neighborhoods Director in the planning, directing, coordinating and the administration of departmental functions; to manage, supervise and administer the Recreation and Neighborhoods Division including, but not limited to, recreation and leisure service programming, Community Development Block Grant Program, City Affordable Housing Program, neighborhood preservation, and neighborhood organizing; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department director.

This position will serve as City-wide lead on all programs dealing with neighborhood and community enhancements and will ensure that the City has a cross-jurisdictional approach to neighborhood services.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Recreation and Neighborhoods Director.

Exercises direct supervision over professional, 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:

Assist in the development, planning, and implementation of department goals and objectives; recommend and administer policies and procedures; meet with division supervisors to discuss needs, problems, programs, policy and budgets; give direction where necessary.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Continued

Essential Functions

Manage, direct and organize the activities of the area offices, including neighborhood enhancement programs, recreation programs serving diverse populations and age groups, community outreach efforts, and neighborhood-specific enforcement of zoning, and neighborhood preservation.

Manage, direct and organize division activities in the administration of the Community Development Block Grant Program and City Affordable Housing Programs including such areas as housing development loans, emergency home repair and rehabilitation.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for State and Federal regulatory agencies; analyze and develop recommendations on complex housing and zoning proposals, recreation and leisure service activities, collaborative neighborhood enrichment programs, and other City-wide and area-specific improvement efforts.

Develop and recommend changes regarding zoning; advise the City Council and the Planning Commission on zoning matters; supervise the preparation of amendments to the text of the Zoning Code;

Direct the City-wide abatement program for nonconforming signs and sign permits.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; implement discipline procedures as necessary.

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 work flow; implement policies and procedures.

Appear before the City Council, boards, commissions and numerous civic organizations representing the Department.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Continued

Essential Functions

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:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Principles and practices of rehabilitation and code enforcement programs, recreation programs, housing finance and development.

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

General legal authority and parameters for carrying out bonds, grants and other financial transactions.

Ability to:

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

QUALIFICATIONS - Continued

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.

Ensure project and grant 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.

Gain cooperation through discussion and persuasion.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five years of increasingly responsible experience in program management including: recreation, finance, housing program management, community development or a related field including at least two years of administrative and supervisory experience.

Train Experience and Training Guidelines – Continued:

Experience:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in urban or regional planning, community development, recreation, 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.

Physical Conditions:

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

DEPUTY DIRECTOR – CULTURAL AND ENTERPRISE SERVICES

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 Recreation and Neighborhoods Director in the planning, directing, coordinating and the administration of departmental functions, to manage supervise and administer the Cultural and Enterprise Services Division including, but not limited to, the Modesto Centre Plaza, John Thurman Field, the City's golf program, and cultural and historical activities; and to provide highly responsible and complex administrative support to the Recreation and Neighborhoods Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Recreation and Neighborhoods Director.

Exercises administration over contract services to insure contract compliance; coordinates marketing and promotions and technical activities.

Exercises direct supervision over professional, technical and clerical staff.

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

Assist in the development, planning and implementation of department goals and objectives; recommend and administer policies and procedures; meet with division personnel to discuss needs, problems, programs, policy and budgets; give direction where necessary.

Manage, direct and organize the activities of the City's golf program, including contract management services for the maintenance and operation of the City golf courses, the food concessions and the golf professional.

Manage, direct and organize the activities of the City's Class A baseball stadium (John Thurman Field) including marketing and promoting professional baseball and community events.

Manage, direct and organize the activities and operations of the City's Civic Center (Modesto Centre Plaza) including marketing and promoting conventions, trade shows, community and other appropriate events.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports; analyze and develop recommendations on complex projects.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; recommend and implement discipline procedures as necessary.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement adjustments as required.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor work flow; implement policies and procedures.

Appear before the City Council, boards, commissions, community groups and 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:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

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

General legal authority and parameters for carrying out bonds, grants and other financial transactions.

Ability to:

Effectively manage assigned areas of the departmental program.

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

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.

QUALIFICATIONS – (Continued)

Ability to:

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules, and regulations.

Administer and manage contract services.

Ensure project and grant compliance with Federal, State and local rules, laws and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

Manage practices and marketing techniques for conference, convention, community centers, municipal golf courses and professional baseball stadiums.

Oversee golf course management including golf professional, course maintenance, food and beverage service, and program marketing.

Oversee management and maintenance of professional baseball stadium; negotiate contract(s) with professional sports organizations.

Oversee management practices of historical sites and assets including the McHenry Museum and McHenry Mansion.

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

Communicate clearly and concisely, both orally and in writing.

Gain cooperation through discussion and persuasion.

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 program management including: public facilities operation and management, historical and cultural asset operation and management, golf course operation and management or a related field including at least two years of administrative and supervisory experience.

Experience and Training Guidelines: (Continued)

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in public administration, business administration, marketing, leisure services or a related field.

License or Certificate:

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

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.

Class

MODESTO CITY COUNCIL
RESOLUTION NO. 99-610

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 99-175 TO REVISE THE CLASS RANGE TABLE TO ADD DEPUTY DIRECTOR - RECREATION AND NEIGHBORHOODS AND DEPUTY DIRECTOR - CULTURAL AND ENTERPRISE SERVICES (RANGE 452), AND TO ABOLISH ASSISTANT PARKS AND RECREATION DIRECTOR - RECREATION, ASSISTANT PARKS AND RECREATION DIRECTOR - CIVIC CENTER, AND MICROFILM SUPERVISOR, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE TO REVISE THE SALARY RANGE FOR SENIOR WASTEWATER TREATMENT PLANT OPERATOR FROM RANGE 125 TO RANGE 128.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 99-175, and Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 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 Effective December 14, 1999", 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 add Deputy Director - Recreation and Neighborhoods and Deputy Director - Cultural and Enterprise Services at Range 452, and to abolish Assistant Parks and Recreation Director - Recreation, Assistant Parks and Recreation Director - Civic Center, and Microfilm Supervisor.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective December 14, 1999", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the class range for Senior Wastewater Treatment Plant Operator from Range 125 to Range 128.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 14, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective **December 14, 1999**

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)

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
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
433	Organizational Development Specialist
434	Senior Programmer Analyst Electrical Supervisor Senior Housing Rehabilitation Specialist Secondary Treatment Site Supervisor 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
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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective December 14, 1999

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"

121499

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
131	Sr. Civil Engineering Assistant
132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 99-611

**A RESOLUTION AMENDING THE FISCAL YEAR 1999-00 ANNUAL BUDGET TO
AMEND THE CIP TO ESTABLISH A NEW PROJECT FOR ROAD CONSTRUCTION
ADJACENT TO MCKINNEY COLONY PARK**

WHEREAS, the Eisenhut Phase I & II project is complete and approximately \$18,000 in savings has been realized; and

WHEREAS, a subdivision developer's contractor has offered to provide the City's portion of the street improvements on this subdivision in the amount of \$10,972. The costs have been determined to be reasonable and competitive; and

WHEREAS, an appropriation transfer of \$11,000 needs to be approved to transfer funds from Acct #1350-310-J303.

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:

<u>From</u>	
#1350-310-J303-6050	\$(11,000)
<u>To:</u>	
#1350-310-L124-6040	\$ 11,000

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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-612

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE NEW
JOINT POWERS AGREEMENT OF THE STANISLAUS DRUG ENFORCEMENT
AGENCY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a new
Joint Powers Agreement of the Stanislaus Drug Enforcement Agency be, and it is hereby
approved.

BE IT FURTHER RESOLVED that the governing body for the JPA consists of a
committee comprised of the Sheriff of Stanislaus County, the District Attorney of
Stanislaus County and the Chief of Police of each of the participating cities of the
County, those being Ceres, Modesto, Hughson, Newman, Oakdale, Patterson, Turlock,
and Waterford.

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 14th day of December, 1999, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-613

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM H. AND KIM A. MILLER ACCEPTING REAL PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS REQUIRED TO CLOSE ESCROW AND COMPLY WITH GRANT REQUIREMENTS FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE DRY CREEK SCENIC OVERLOOK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William H. and Kim A. Miller accepting real property and authorizing the City Manager to execute all documents required to close escrow and comply with grant requirements for the acquisition of property needed for the Dry Creek Scenic Overlook 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 14th day of December, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-614

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: AGREEMENT WITH WILLIAM H. AND KIM A. MILLER FOR ACQUISITION OF PROPERTY NEEDED FOR THE DRY CREEK PARK SCENIC OVERLOOK LAND ACQUISITION 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, a grant has been secured to purchase property for the Scenic Overlook project, and an agreement has been proposed with William H. and Kim A. Miller for the acquisition of property needed for this 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 Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9904, reviewed the proposed Dry Creek Park Scenic Overlook Land Acquisition 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 Dry Creek Park Scenic Overlook Land Acquisition 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 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 14th day of December, 1999, 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, Dobbs, Fisher, Friedman, 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

EXHIBIT "A"

Initial Study

EA/CS 9904

City of Modesto
Initial Study

DRY CREEK Park SCENIC OVERLOOK LAND ACQUISITION

E.A. No. EA/CS 9904
December 3, 1999

I. PURPOSE

Section 15177 of the CEQA Guidelines 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 15177 of the CEQA Guidelines, analyzes the following:

- A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.
- B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.
- C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Dry Creek Park Scenic Overlook Land Acquisition.

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:

This project is located in east Modesto, east of Claus Road, north of Gomes Road, south of Dry Creek, and west of the Santa Fe Railroad Tracks.

E. Project sponsor:

City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Dry Creek Park Scenic Overlook Acquisition is designated as Village Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will acquire approximately 49 acres, to be added to the Dry Creek Regional Park. The acquisition is intended for "scenic overlook" of Dry Creek, and no development is to occur.

I. Surrounding land uses:

North: Zoned R-Residential, with Dry Creek and single-family homes.
South: Zoned VR-Village Residential, with ranchettes and small agricultural uses.
West: Zoned R-Residential and MU-Mixed Use, with single family homes, apartments and an orchard.
East: Zoned VR-Village Residential, scheduled for single-family homes.

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**

This project proposes to acquire additional land for the Dry Creek Regional Park. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park lands will remain in a relatively "natural" state, with no developed facilities planned. There will be no on-site parking and it is expected that most people will walk or bike to the new park areas. The acquisition of these park

lands is consistent with the General Plan and the General Plan Master EIR, which anticipated that a regional park site would be located along this water-way corridor. 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-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this 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 project 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. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, 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 project area is located within a transition area of Modesto, between agriculture and urbanization, and the intended use of the land is complimentary to existing agricultural land use to south and southwest. 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

As noted in "D", above, the proposed project is located in a transition area between agricultural and residential uses. This project will acquire and preserve an existing riparian corridor along Dry Creek. The project is located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR, but this is a land acquisition only, with no development planned. 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 8-1 of the MEIR indicates that the project is within an Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. However, this is a land acquisition only, and there will be no disturbance of Archeological or Historical Sites. 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 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 project will not have any significant impact on the demand 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 still valid.

K. Increased Demand for Parks and Open Space

This project will provide regional park lands in accordance with all of the Open Space and Park policies that apply to regional park development within Modesto. The demand for parks and open space will be met with the development of this park. 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

This regional park acquisition 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. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

- A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the acquisition of this regional park land, and the traffic generated by this proposal is less than was analyzed in the MEIR.
- B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).
- C. The Dry Creek Park Scenic Overlook Land Acquisition Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.
- D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- E. This initial study provides the substantial evidence to support the above findings.

Signature:


Fred Allen, Parks Planning and Development Manager

Date: 12.3.99

MODESTO CITY COUNCIL
RESOLUTION NO. 99-615

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 #3)

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 completed annexation #2 to the District, and

WHEREAS, this Council hereby determines that the public convenience and
necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the
District, and

WHEREAS, the territory to be annexed is within the City limits,

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

Modesto that:

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the 1999 annexation (Annexation #2) are shown on a map entitled "Annexation No. 2 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 8.

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. 3 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 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 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.

SECTION 8. A public hearing upon this Resolution shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, January 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 14th day of December, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Site 1
Sierra View

Order No. 7990281

Parcel No. 1:

All that certain real property situate in the Southeast Quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The West half of the East half of Lots 14 and 15 of Adams Colony, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records.

Excepting therefrom the following: The Northerly 30.00 feet of the West half of the East half of said Lot 14 for road purposes.

Also Excepting therefrom: All that certain real property situate in said West half of the East half of lot 14 described as follows: Commencing at a concrete monument marking the Northeast corner of said Lot 14, said monument being on the centerline of Merle Avenue; thence South 89° 20' West along the North line of said Lot 14 and along said centerline of Merle Avenue, 524.58 feet; thence South 0° 40' East, 30.00 feet to a three quarter inch pipe tagged R.C.E. 7336, being the POINT OF BEGINNING of this Description; Thence South 89° 20' West, parallel to and 30.00 feet from said North line of Lot 14 and said centerline of Merle Avenue, 130 feet to a three quarter inch iron pipe tagged R.C.E. 7336; thence South 0° 40' East 165.00 feet to a three quarter inch iron pipe tagged R.C.E. 7336; thence North 89° 20' East, 130 feet to a three quarter inch iron pipe tagged R.C.E. 7336; thence North 0° 40' West, 165.00 feet to the point of beginning.

Also excepting therefrom: All that portion thereof lying within Modesto Irrigation District Lateral No. 3.

Parcel No. 2:

The East half of the East half of Lots 14 and 15 of Adams Colony, as per map filed October 21, 1908 in Volume 4 of Maps, Page 5, Stanislaus County Records.

Excepting therefrom all that portion thereof lying within Modesto Irrigation District Lateral No. 3.

Assessor's Parcel No: 052-24-68

Site 2
Calcagno Parcel

Page 1
Order No. 1720195

DESCRIPTION

PARCEL 1:

The West half of the Southeast Quarter of the Northwest Quarter of Section 13,
Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Site 3
Village Highlands 4

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

PARCEL NO. 2 AS PER THAT CERTAIN PARCEL MAP FILED DECEMBER 7, 1981 IN BOOK 32 OF PARCEL MAPS, AT PAGE 76, OFFICIAL RECORDS OF STANISLAUS COUNTY; BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN.

APN: 2-132/052-20-64-271

Description Proof-read by: MF

Site 3
Village Highlands

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

PARCEL A AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED OCTOBER 8, 1971 IN VOLUME 12 OF PARCEL MAPS, AT PAGE 83, STANISLAUS COUNTY RECORDS; BEING A PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MODESTO, A MUNICIPAL CORPORATION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN, BEING A PORTION OF PARCEL "A", AS PER MAP FILED OCTOBER 8, 1971, IN BOOK 12 OF PARCEL MAPS, PAGE 83, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF SAID PARCEL "A", SAID POINT BEING ON THE MOST NORTHERLY LINE OF PARCEL "A"; THENCE ALONG A WESTERN LINE OF PARCEL "A", SOUTH 00 DEGREES 19' 21" EAST, 201.00 FEET; THENCE ALONG AN EASTERLY EXTENSION OF A NORTHERN LINE OF PARCEL "A", SOUTH 89 DEGREES 21' 51" EAST, 39.62 FEET TO A POINT ON THE FUTURE WESTERN LINE OF 90.00 FOOT ESTA AVENUE; THENCE ALONG SAID FUTURE WESTERN LINE OF ESTA AVENUE, NORTH 2 DEGREES 46' 21" WEST, 201.77 FEET, TO A POINT ON SAID MOST NORTHERLY LINE OF PARCEL "A"; THENCE ALONG THE MOST NORTHERLY LINE OF PARCEL "A", SOUTH 89 DEGREES 49' 22" WEST, 30.99 FEET, TO THE POINT OF BEGINNING.

NEW APN: 85-01-73

Description Proof-read by: MF

Site 4
Sequoia Estates

Order No. 907675

PARCEL B AS SHOWN ON PARCEL MAP FILED SEPTEMBER 5, 1972 IN VOLUME 15 OF
PARCEL MAPS, PAGE 4, STANISLAUS COUNTY RECORDS.

Assessor's Parcel No: 52-24-58

Site 5
Center Court

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

PARCELS 1 AND 2 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED NOVEMBER 22, 1999 IN VOLUME 49 OF PARCEL MAPS, AT PAGE 76, STANISLAUS COUNTY RECORDS, BEING A PARCELING O THE REMAINDER PARCEL AS SHOWN ON THE MAP ENTITLED "CENTER COURT SUBDIVISION" RECORDED IN BOOK 37 OF MAPS, PAGE 89, STANISLAUS COUNTY RECORDS, LYING IN SECTION 13, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN, CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA.

APN: 002-109/085-13-66-272
002-109/085-13-67-070

Site 6
City of Modesto Parcel

PARCEL A AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON MARCH 28, 1967 IN BOOK 3 OF PARCEL MAPS, PAGE 38, BEING A PORTION OF LOT 14 OF ADAMS

APN: 052-24-35-101

MODESTO CITY COUNCIL
RESOLUTION NO. 99-616

A RESOLUTION ACCEPTING IMPROVEMENTS IN SERENO UNIT NO. 1
SUBDIVISION (FORMERLY KNOWN AS THE BLUFFS UNIT NO. 1) AND
AUTHORIZING RELEASE OF BONDS

WHEREAS, The Bluffs Senior Housing Development, LLC, a California Limited Liability Company, subdividers of Sereno Unit No. 1 (formerly known as The Bluffs Unit No. 1) subdivision, have filed a Subdivision Faithful Performance bond and a Subdivision Payment Bond for labor and materials in the amount of \$767,340 and \$383,670 respectively to guarantee improvements in Sereno Unit No. 1 subdivision and;

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

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

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

1. The improvements in Serena 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 \$767,340 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 \$383,670 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-617

A RESOLUTION APPROVING THE FINAL MAP OF THE
SERENO UNIT NO. 2 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 situated in the City of
Modesto, County of Stanislaus, consisting of 9.91 acres, known as SERENO UNIT NO. 2
Subdivision, ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto 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. 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,

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 required by the City of
Modesto and completed in said tract be accepted; 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 subdividers have 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 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-618

A RESOLUTION APPROVING THE FINAL MAP OF THE
SERENO UNIT NO. 4 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 situated in the City of
Modesto, County of Stanislaus, consisting of 2.67 acres, known as SERENO UNIT NO. 4
Subdivision, ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 21st day of December, 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 SERENO 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,

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 required by the City of
Modesto and completed in said tract be accepted; 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 subdividers have 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 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-619

A RESOLUTION ACCEPTING IMPROVEMENTS IN MILLBROOK ESTATES UNIT
NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Calvin E. Bright and Marjories H. Bright, Trustees of the Calvin and Marjorie Bright Living Trust and Bright Development, a California Corporation, subdividers of Mill Brook Estates Unit No. 2 subdivision have filed a Subdivision Faithful Performance bond, and a bond for labor and materials in the amount of \$588,700 and \$294,350 respectively to guarantee improvements in Millbrook Estates Unit No. 2 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 Millbrook Estates 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 \$588,700 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 \$294,350 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-620

A RESOLUTION CONDITIONALLY ACCEPTING IMPROVEMENTS IN ALMOND VALLEY SUBDIVISION AND AUTHORIZING RELEASE OF BONDS UPON EXPIRATION OF STATUTORY PERIOD AND UPON COMPLETION OF VISUAL INSPECTION AND CLEARING OF INLET PIPING SUFFICIENT TO PREVENT FLOODING AND THE INSTALLATION OF THE PERIMETER FENCING PRIOR TO JANUARY 31, 2000

WHEREAS, Kaufman and Broad – Central Valley Inc., subdivider of Almond Valley Subdivision has filed a faithful performance bond in the amount of \$1,203,336 and a labor and materials bond in the amount of \$1,203,336, to guarantee improvements in Almond Valley subdivision; and

WHEREAS, the Community Development Director in a memorandum to the City Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department, except for the following: (1) visual inspection and clearing of inlet piping sufficient to prevent flooding and (2) installation of the perimeter fencing and;

WHEREAS, the Community Development Director has indicated 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 the Notice of Completion and release the faithful performance and labor and materials bonds upon expiration of the statutory period and upon completion of the above-mentioned items prior to January 31, 2000.

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

1. The improvements in Almond Valley Subdivision are hereby accepted subject to the following conditions:

- (a) that visual inspection and clearing of inlet piping sufficient to prevent flooding is completed by January 31, 2000; and
 - (b) that installation of the perimeter fencing is completed to the satisfaction of the engineering staff by January 31, 2000.
2. In the event said conditions are not completed by January 31, 2000, to the satisfaction of the City, said acceptance shall be null and void and have no further force and effect.
3. The City Clerk is hereby authorized to release bond for \$1,203,336 for faithful performance and the bond for \$1,203,336 for labor and materials upon the expiration of the statutory period after filing the Notice of Completion and upon completion of the above-mentioned items.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-620

A RESOLUTION ACCEPTING IMPROVEMENTS, WITH CONDITIONS, IN
ALMOND VALLEY SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Kaufman and Broad – Central Valley Inc., a California corporation, subdividers of Almond Valley Subdivision, have filed a Subdivision Faithful Performance bond and a Subdivision Payment Bond for labor and materials in the amount of \$34,000 and \$34,000 respectively to guarantee improvements in Almond Valley 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, with conditions that (1) visual inspection and clearing of inlet piping sufficient to prevent flooding and (2) installation of the perimeter fencing prior to January 31, 2000; 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 Almond Valley Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$34,000 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 \$34,000 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 14th day of December, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-621

A RESOLUTION APPROVING A MULTI-YEAR
MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
THE CITY OF MODESTO AND THE MODESTO POLICE
OFFICERS ASSOCIATION (MPOA), EFFECTIVE DECEMBER
21, 1999.

WHEREAS, after meeting and conferring in good faith, management
representatives of the City of Modesto (CITY) and representatives of the Modesto Police
Officers Association (MPOA) have agreed to a Memorandum of Understanding (MOU) dated
December 14, 1999, which becomes effective December 21, 1999, and which terminates June 30,
2003, and

WHEREAS, at its meeting of December 14, 1999, the City Council considered
this matter,

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 Officers Association (MPOA), effective December 21, 1999,
and which terminates June 30, 2003. 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 14th day of December, 1999, by Councilmember Dobbs, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-622

A RESOLUTION ENDORSING THE PERSONNEL
REDESIGN CONCEPTS OUTLINED IN THE
"FINAL REPORT OF HUMAN RESOURCES
SYSTEM REDESIGN RECOMMENDATIONS",
DATED OCTOBER, 1999.

WHEREAS, in July 1998, the City undertook a project to create a pre-eminent
personnel system with the assistance of the Center for HR Leadership, and

WHEREAS, the first phase of the project consisted of evaluating and redesigning
the major personnel functions of recruitment, training, classification, pay, performance
management, discipline, and labor relations, and

WHEREAS, the City desires to promote a human resources system that models
the values of a "high performance organization" to reach performance goals and to meet the
expectations of our citizens, and

WHEREAS, the Personnel System Redesign recommendations are outlined in the
Final Report of Human Resources System Design Recommendations, prepared by Center for HR
Leadership, dated October, 1999, a copy of which is on file in the Office of the City Clerk, and

WHEREAS, the recommendations resulting from the concept phase of the project
have received endorsement from the Financial Policy Committee, the Stakeholder Team (30-40
employees, managers, and employee association representatives), the Senior Executive Team and
the Business Leaders Committee, and

WHEREAS, the Financial Policy Committee reviewed and endorsed the Redesign

recommendations at its meeting of November 23, 1999,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby endorses the Personnel System Redesign concepts as outlined in the Final Report of Human Resources System Design Recommendations, prepared by the Center for HR Leadership, dated October, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, 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, Dobbs, Friedman, Serpa, Smith,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-623

A RESOLUTION AUTHORIZING THE CITY
MANAGER TO FILE A TRAIL USE CONDITION
REQUEST (RAILBANKING APPLICATION) TO
THE SURFACE TRANSPORTATION BOARD TO
PRESERVE THE VIRGINIA AVENUE RAILROAD
CORRIDOR FROM NEEDHAM STREET TO
BANGS AVENUE FOR USE AS A CLASS I BIKE
PATH/TRAIL.

WHEREAS, the Virginia Avenue Railroad Corridor Project is associated with the
Modesto Track Consolidation and Grade Separation Project, and

WHEREAS, this project area includes the Union Pacific Railroad Right-of-Way
from Needham Street to just north of Bangs Avenue, and

WHEREAS, the Union Pacific Railroad anticipates filing for abandonment of its
right-of-way in the corridor on or about December 10, 1999, and

WHEREAS, City staff has been working with the Rails-to-Trials Conservancy
and Union Pacific Railroad to explore preservation opportunities for this right-of-way for a Class
I Bicycle Path/Trail, including corridor beautification activities, and

WHEREAS, preservation of this transportation corridor for future transportation
uses has been part of established City policy for a number of years, and the corridor was
identified for preservation in both the Urban Area General Plan, adopted in 1995, and the Non-
Motorized Transportation Master Plan, adopted in 1997, and

WHEREAS, the railroad has agreed to convey its rights, title and interest in the
railroad corridor to the City upon abandonment, and

WHEREAS, Federal legislation was passed in 1983 allowing a process called

Railbanking to provide for railroad corridors to be kept in tact, even if rail use is ended, thereby treating the corridor as if it had not been abandoned, and

WHEREAS, if Railbanking is not used to preserve the corridor, a very time-consuming and expensive title search and analysis of all original easements and subsequent property transactions would be necessary in order to obtain grant funds and make significant public improvements within the corridor, and

WHEREAS, a Railbanking application must be filed with the Surface Transportation Board within thirty days of the date the railroad files its request for abandonment (on or about December 10, 1999), and

WHEREAS, on October 12, 1999, the Transportation Policy Committee (TPC) requested that staff hold community information meetings to explain the use of Railbanking as a means to preserve the Virginia Avenue Railroad Corridor and to obtain public input regarding potential future uses for said corridor, and

WHEREAS, staff conducted public information meetings on November 8, 1999, and November 10, 1999, and found that participants were strongly supportive of Railbanking the corridor and using it to establish a Class I Bike Path, and

WHEREAS, on November 16, 1999, the TPC referred this item back to staff, requesting that staff meet with individual property owners in the Virginia Corridor to address specific concerns and provide responses to questions expressed by citizens, and

WHEREAS, on November 19, 1999, and November 24, 1999, staff met with several property owners that live in the corridor to discuss reversionary interest issues, and

WHEREAS, on November 30, 1999, staff provided the TPC and residents with

specific information pertaining to reversionary interests, use guarantees and funding sources, and the committee unanimously recommended approval to apply for Railbanking of the corridor and to initiate a process to amend policy documents and prepare a Specific Plan for the corridor, and

WHEREAS, timely filing of a Railbanking application and abandonment proceedings is necessary to prohibit disruption of other major project schedules in the Railroad Relocation Project, such as the Pelandale Expressway crossing of the Union Pacific Right-of-Way and the Kansas-Needham Overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to file a Trail Use Condition Request (Railbanking Application) to the Surface Transportation Board to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail.

BE IT FURTHER RESOLVED that staff is hereby directed to initiate the process of amending policy documents that reference Mass Transportation in the Virginia Avenue Railroad Corridor.

BE IT FURTHER RESOLVED that staff is hereby directed to seek funding for the planning and development of the bike trail and corridor beautification, to include the preparation of a Specific Plan for the Virginia Avenue Railroad Corridor.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, 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, Dobbs, Fisher, Friedman, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 99-624

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS IN CONFORMANCE WITH A NEGATIVE DECLARATION (SCH NO. 97012036) RELATING TO THE NON-MOTORIZED TRANSPORTATION MASTER PLAN: TO PRESERVE THE VIRGINIA AVENUE RAILROAD CORRIDOR FROM NEEDHAM STREET TO BANGS AVENUE FOR USE AS A CLASS I BIKE PATH/TRAIL.

WHEREAS, the Parks and Recreation Department, by Initial Study, provided environmental review for the proposed Non-Motorized Transportation Master Plan pursuant to CEQA Section 21080(c)(1), and

WHEREAS, CEQA Section 21080(c) (1) allows the preparation of a Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, determined that there is no substantial evidence that the project may have a significant effect on the environment, and

WHEREAS, on December 20, 1996, the City of Modesto, the lead agency, after reviewing and considering the entire record before it, determined that there is no substantial evidence that the proposed Non-Motorized Transportation Plan may have a significant effect on the environment, and

WHEREAS, on February 18, 1997, the City of Modesto adopted a Negative Declaration (SCH 97012036) for and approved the Modesto Non-Motorized Transportation Master Plan, and

WHEREAS, a Notice of Determination was filed with the Stanislaus County Recorder on February 24, 1997, and

WHEREAS, on December 14, 1999, the City Council considered adopting a resolution to authorize the City Manager to file a Trail Use Condition Request (Railbanking) to the Surface Transportation Board to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class 1 Bike Trail,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Negative Declaration (SCH 9701236) prepared for the Non-Motorized Transportation Master Plan, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, and based on the substantial evidence included in said Initial Study/Negative Declaration makes the following findings pursuant to CEQA Section 15162:

1. No substantial changes are proposed in the project which will require major revisions of the Negative Declaration.
2. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Negative Declaration.
3. No new information has become available which was not known and could not have been known at the time the Negative Declaration was adopted.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposal to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail project is in conformance with said Initial Study/Negative Declaration prepared for said City of Modesto Non-Motorized Transportation Master Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 1999, 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, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

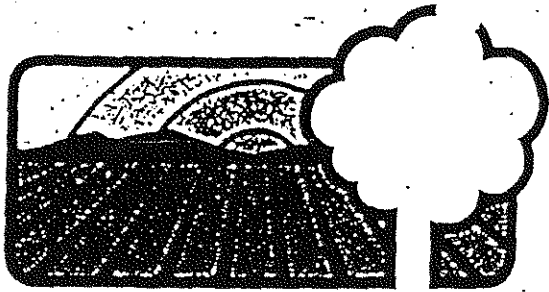
(SEAL)

APPROVED AS TO FORM:

By R. Stevens, Asst.
MICHAEL D. MILICH, City Attorney

EXHIBIT “A”

Initial Study/Negative Declaration



NOTICE OF DETERMINATION
FILED

97 FEB 24 PM 1:30

KAREN MATHEWS COUNTY CLERK

BY: 

801 11th Street, P.O. Box 642 Modesto, CA 95353

[TDD (209) 526-9211 Hearing and Speech Impaired only]

CITY of MODESTO

Parks and Recreation Department

(209) 577-5344 FAX (209) 579-5077

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County of Stanislaus County Clerk
1021 I Street
Modesto, CA 95354

FROM: City of Modesto Community Development Department
P.O. Box 642, Modesto, CA 95353

SUBJECT: Filing of Notice of Determination in Compliance with
Section 21152 of the Public Resources Code

Project Title: Modesto Non-Motorized Transportation Master Plan

State Clearinghouse No.: 97012036

Contact Person: Fred Allen, Parks Planning & Development Manager, (209) 577-5353

Project Location (include county): Throughout Modesto General Plan area.

Project Description:

The Modesto Non-Motorized Transportation Master Plan is a long range plan to provide the community with a blue print for the ultimate development of a non-motorized system in the General Plan area. The non-motorized system is intended to provide a safe environmentally clean alternative to motorized transportation systems.

The non-motorized transportation system builds on the bicycle facilities that were developed in response to the 1983 Bicycle Plan. The new plan varies from the old by avoiding McHenry Avenue and Oakdale Road and by placing bike paths alongside planned expressways rather than placing bike lanes on these roads. The non-motorized transportation system also includes the development of adjunct system of paths on some of the canal right-of-ways.

This is to advise that on February 18, 1997, the City of Modesto, the lead agency, adopted a Negative Declaration for and approved the Master Plan. In taking this action, the City Council, on February 18, 1997, approved and adopted a Negative Declaration for the project and made the following determination:

- (1) There is no substantial evidence in light of the whole record before the City that the project will have a significant effect on the environment.

NOTICE OF DETERMINATION

February 24, 1997

Page 2

- (2) An Initial Study/Negative Declaration (SCH #97012036) was prepared for this project pursuant to Section 21080 (c)(1).
- (3) Mitigation Measures were not made a condition of the approval of this project.
- (4) A statement of overriding considerations was not adopted for this project.

This is to certify that the Initial Study/Negative Declaration (SCH #9701236), with comments and responses and record of project approval, is available to the General Public at City of Modesto, Office of the City Clerk, City Hall, 801 11th Street, Modesto, CA 95354.

Fred D. Allen Jr.
Signature (Public Agency)

2.24.97
Date

Parts Planning Manager
Title

Fred D. Allen Jr.

CITY OF MODESTO
INITIAL STUDY AND FINDINGS
DRAFT OF NEGATIVE DECLARATION

1. Purpose of Initial Study:

This Initial Study, based on Appendix I of the CEQA Guidelines, provides environmental review for the proposed Non-Motorized Transportation Master Plan. This project has received a Parks and Recreation Master Plan Evaluation Study and various studies funded through the City's Capital Improvement Program. This Initial Study will review the project pursuant to CEQA Section 21080(c) (1). This section allows the preparation of a Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, determines that there is no substantial evidence that the project may have a significant effect on the environment.

2. Project Title: Non-Motorized Transportation Master Plan

3. Lead Agency Name and Address: City of Modesto
P.O. Box 642
Modesto, CA 95353

4. Contact Person: Fred D. Allen, Jr., Parks
Planning & Development Manager,
Phone Number: - (209) 577-5353

5. Project Location: Throughout Modesto General Plan Area

6. Project Sponsor's Name: City of Modesto
and Address: P.O. Box 642
Modesto, CA 95353

7. General Plan Designation: Not Applicable - Applies throughout
the General Plan Area.

8. Zoning: Not Applicable - Applies throughout the Community.

INITIAL STUDY AND FINDINGS
DRAFT OF NEGATIVE DECLARATION

9. 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.)

The Modesto Non-Motorized Transportation Master Plan is a long range plan to provide the community with a blue print for the ultimate development of a non-motorized system in the General Plan area. The non-motorized system is intended to provide a safe environmentally clean alternative to motorized transportation systems.

In order to implement this blue print, the plan has identified system goals, existing conditions that influence development of such a system, and describes types of facilities available for non-motorized transportation systems. The plan also recommends which facilities to develop, a city-wide system, and its development phasing, policies, and standards, and potential funding sources.

The non-motorized transportation system builds on the bicycle-facilities that were developed in response to the 1983 Bicycle Plan (Figure 1). The new plan varies from the old by avoiding McHenry Avenue and Oakdale Road and by placing bike paths alongside planned expressways rather than placing bike lanes on these roads.

The First Priority Non-Motorized Transportation System (Figure 17) is laid out on a two-mile grid east to west and north to south throughout the city. This system is primarily located on existing streets, utility right-of-ways, and existing park maintenance roads and trails. First priority development includes a diagonal route along the Hetch Hetchy Aqueduct right-of-way and paths along Dry Creek, the Tuolumne River, and the Stanislaus River.

The First Priority System provides access to the two college campuses, downtown Modesto, major shopping areas, transit centers, industrial and medical employers, the regional parks, and most schools and local parks. It serves both transportation and recreational purposes and provides connections to neighboring communities and to the unincorporated areas of Stanislaus County.

The Long-Term Non-Motorized Transportation System (Figure 18) develops a second grid that brings the distance between major non-motorized transportation facilities to about one mile throughout the City of Modesto.

INITIAL STUDY AND FINDINGS
DRAFT OF NEGATIVE DECLARATION

The Non-Motorized Transportation System also includes the development of adjunct system of paths on some of the canal right-of-ways, which will augment the system of paths separate from the City's street system.

10. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)

North: Agricultural lands and Stanislaus River.

East: Agricultural lands and unincorporated City of Empire.

South: Agricultural lands and the City of Ceres.

West: Agricultural and pasture lands.

11. Other Public Agencies Whose Approval is Required (e.g. permits, financing approval, or participation agreement):
None.

INITIAL STUDY AND FINDINGS
DRAFT OF 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:

- | | |
|---|---|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Public Service |
| <input type="checkbox"/> Water | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Energy and Mineral Resources | |
| <input type="checkbox"/> Hazards | |

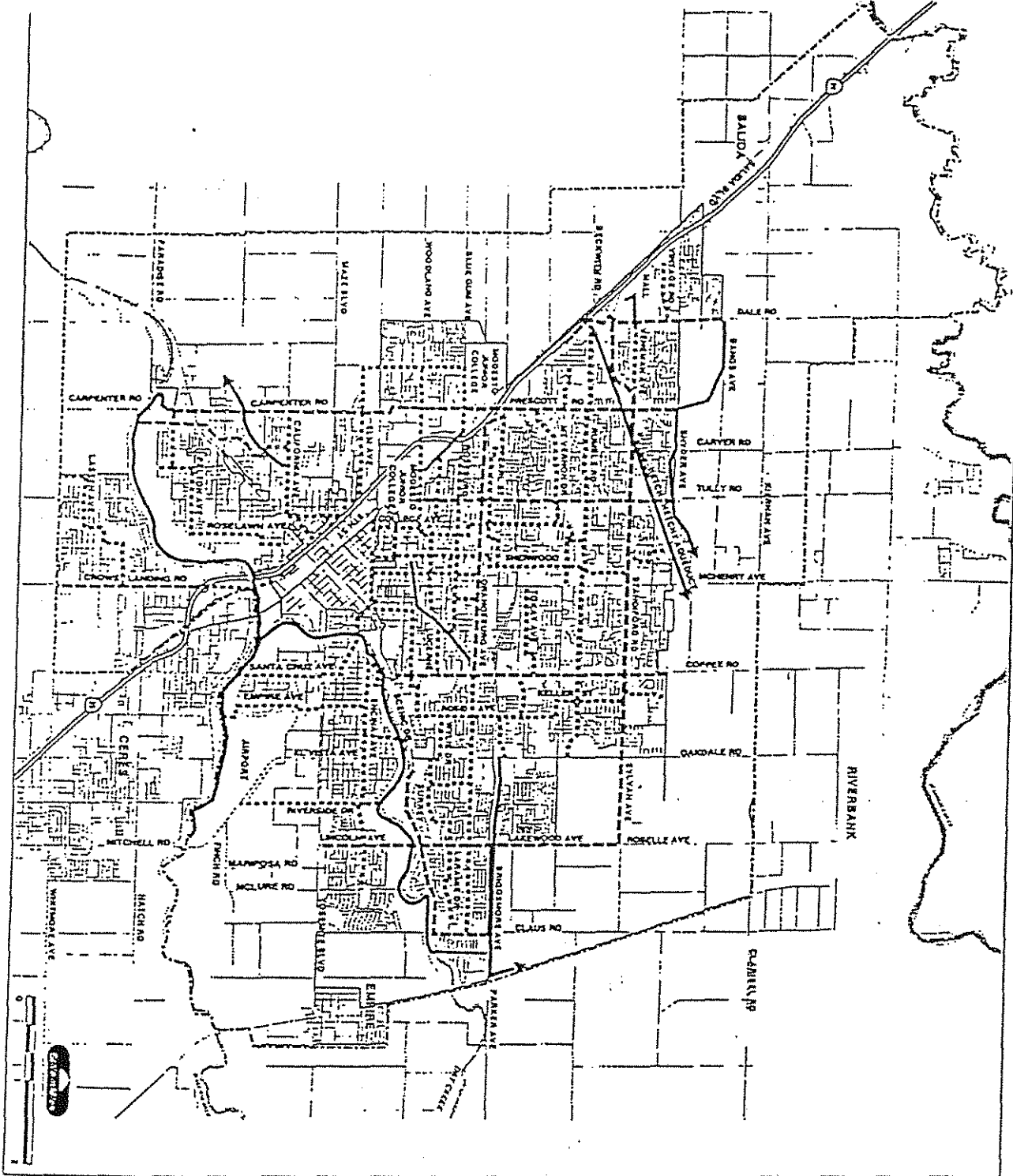


Figure 1
1983
Bicycle Plan

- Bike Path - CLASS I
- Bike Lane - CLASS II
- Bike Route - CLASS III
- Study Area Boundary

Source: City of Modesto



MODISTO
Non-Motorized
Transportation
Master Plan

ORRBY AND ASSOCIATES, INC.
PLANNERS AND DESIGNERS

Figure 17
 First Priority
 Non-Motorized
 Transportation System

- Proposed First Priority Path
- Proposed First Priority Lane
- Proposed First Priority Route
- Proposed Unpaved Path
- Existing Bike Path
- Existing Bike Lane
- Existing Bike Route
- Study Area Boundary
- Priority for Construction

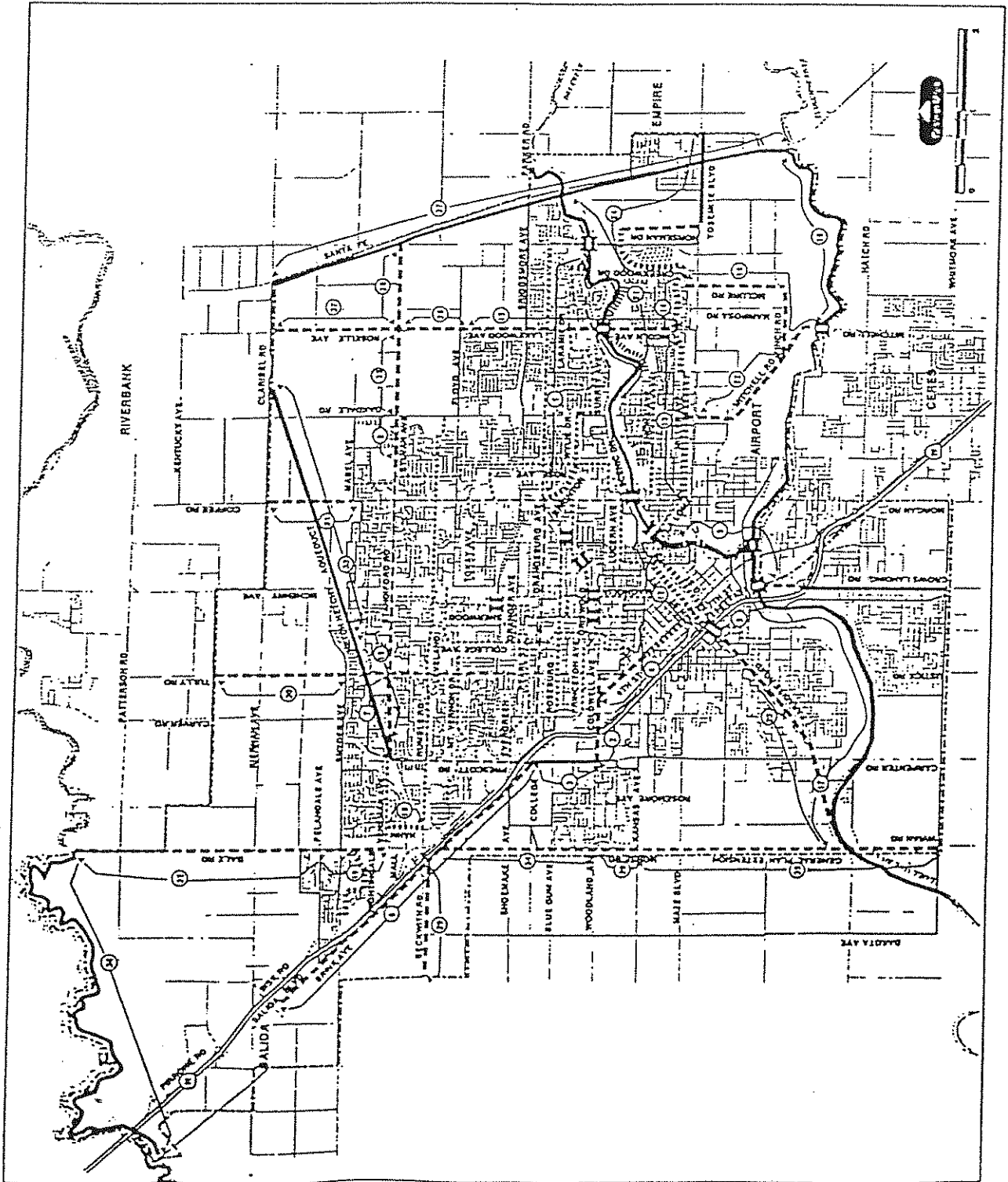
Non-Motorized Bridge (Existing and Proposed)



MODESTO

Non-Motorized
 Transportation
 Master Plan

BY STUDY AND ASSOCIATES, INC.
 PEASARS AND CONSULTANTS



ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT -
--	--------------------------------------	--	------------------------------------	----------------

LAND USE AND PLANNING

A. Will the proposal result in increased impacts to:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. Conflict with General Plan designation or zoning? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Be incompatible with existing land use in the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Affect agricultural resources or operation (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ENVIRONMENTAL IMPACTS

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact or conflict with General Plan designation or zoning. The Plan is consistent with the General Plan's and Use Diagram, Figure III-1.
2. The proposed Non-Motorized Transportation Master Plan will have no impact or conflict with environmental plans or policies because it is consistent with the Circulation and Transportation Diagram, Figure V-1.
3. The proposed Non-Motorized Transportation Master Plan will have less than significant impact or conflict with existing land use in the vicinity. The Plan is consistent with the General Plan's Land Use Diagram, Figure III-1.
4. The proposed Non-Motorized Transportation Plan will have less than significant impact or conflict with agricultural resources or operation because all trails, lanes, etc. are located on existing street or utility delivery right-of-way easements or existing maintenance roads or trails on City owned park land.
5. The proposed Non-Motorized Transportation Master Plan will have less than significant impact or conflict with the physical arrangement of an established community. The Plan is consistent with the General Plan's Land Use Diagram, Figure III-1.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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II. POPULATION AND HOUSING

A. Will the proposal result in increased impacts to:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on regional or local population projects because it is a non-residential project that will neither generate or remove housing units.
2. The proposed Thurman Field expansion, because it is located on an existing facility within an urbanized area adequately served by infrastructure, will not directly or indirectly contribute to growth reduction and thus have no impact.
3. The proposed Non-Motorized Transportation Master Plan, because it is located on existing City park facility, 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
III. GEOLOGIC PROBLEMS				
A. <u>Will the proposal result in increased impacts to:</u>				
1. Fault rupture?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Landslides or mud flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on fault rupture because there are no known active faults in the Modesto Area (Geologic Hazards, page IV-17-3 MEIR).
2. The proposed Non-Motorized Transportation Master Plan 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 proposed Non-Motorized Transportation Master Plan will have no impact on seismic ground failure including liquefaction since the project is not within a seismically sensitive area (See Figure 17-1, page IV-17-4 MEIR).
4. The proposed Non-Motorized Transportation Master Plan 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 proposed Non-Motorized Transportation Master Plan will have no impact on landslides or mud flows because the project will be located on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trail systems located in City park. The project will also conform with the Americans with Disabilities Act requiring a maximum slope on all trails of 5%. The plan will conform to Mitigation Measure III, A. 1, 2, & 3 on page IV-17-10 & 11 of MEIR, all of which have been incorporated into the General Plan.
6. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on erosion or unstable soil conditions because the majority of all work will be done on existing street and utility right-of-ways. The remainder of the work will be done on existing maintenance roads and trails in City park land. The project will conform to Mitigation Measure III. A. on page IV-17-10 & 11 of MEIR, all of which have been incorporated into the General Plan.
7. The proposed Non-Motorized Transportation Master Plan will have no impact on subsidence of land because the Modesto Urban Area is not reported to have soils with a great potential for expansion (page IV-17-3 MEIR).

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

8. The proposed Non-Motorized Transportation Master Plan will have no impact because the Modesto Urban Area is generally flat, erosion of soil is minimal (page IV-17-3 MEIR).
9. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on unique geologic features because the three unique geologic features--Dry Creek, Tuolumne River, and Stanislaus River--will have class one bike trails. These trails will be designed to conform with Caltrans Standards by Professional Landscape Architects who will design the trails with preservation in mind. The trails are to be located for the most part on existing maintenance roads and trails.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
IV. WATER				
A. <u>Will the proposal result in increased impacts to:</u>				
1. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Exposure of people or property to water-related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
7. Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on absorption rates, drainage patterns, or the rate and amount of surface run-off will not cause impacts since the project will comply with Mitigation Measure A.1, page IV-9-19 MEIR, which has since been incorporated into the General Plan.
2. The proposed Non-Motorized Transportation Master Plan will have no impact on exposure of people or property to water-related hazards such as flooding because the project will comply with Mitigation Measure III. A-1 and B-2, page IV-10-7 MEIR, which has since been incorporated into the General Plan.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on discharge into surface waters on alteration of surface water quality.
4. The proposed Non-Motorized Transportation Master Plan 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 Non-Motorized Transportation Master Plan 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.

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

6. The proposed Non-Motorized Transportation Master Plan 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.
7. The proposed Non-Motorized Transportation Master Plan will have no impact on flow of groundwater because it will not require new or increased amounts of groundwater since the project is not one that will require groundwater for implementation.
8. The proposed Non-Motorized Transportation Master Plan will have no impact to groundwater quality because the project will be a relatively minor increase in impervious surfaces which will be drained; and the above-referenced mitigation found on page IV-9-19 MEIR will be applied.
9. The proposed Non-Motorized Transportation Master Plan will have no impact on the amount of groundwater available for public water supplies because the project will not result in the use of large amounts of groundwater supplies, because groundwater is not necessary to implement the Plan.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
V. AIR QUALITY				
A. <u>Will the proposal result in increased impacts to:</u>				
1. Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. <u>Discussion</u>				
1. The proposed Non-Motorized Transportation Master Plan will have <u>no impact</u> on or violate any air quality standard or contribute to an existing or projected air quality violation. The project by design is one that encourages non-motorized transportation, a mode that does not produce pollutants that compromise air quality. Project will comply with Mitigation Measure Table 2-2, 1.a, 2. a, b, & c, and Table 2-3 1.a & 2.a, page IV-2-18 and IV-2-19, which have since been incorporated into the General Plan.				
2. The proposed Non-Motorized Transportation Master Plan will have <u>no impact</u> to expose sensitive receptors to pollutants because it is non-motorized transportation.				

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

3. The proposed Non-Motorized Transportation Master Plan will have no impact on air movement, moisture, or temperature, or cause any change in climate because it doesn't generate air movement, produce moisture, or increase or decrease temperature because it is a non motorized system.
4. The proposed Non-Motorized Transportation Master Plan will have no impact because it will not generate any objectionable odors.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
VI. TRANSPORTATION/CIRCULATION				
A. <u>Will the proposal result in increased impacts to:</u>				
1. Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Hazards to safety from design features (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Insufficient parking capacity on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Rail, water borne, or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on increased vehicle trips or traffic congestion. The operation of a non-motorized system, is one that decreases both vehicle trips and traffic congestion.
2. The proposed Non-Motorized Transportation Master Plan will have no impact on hazards to safety from design features included in the project because the project will comply with Mitigation Measure III. C. 3 d., page IV-17-37, which has been incorporated into the General Plan.
3. The proposed Non-Motorized Transportation Master Plan will less than significant impact on adequacy of emergency access because it will conform with Mitigation Measure III. A. 2, page IV-17-11 MEIR, which has since been incorporated into the General Plan.
4. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on parking on site or off-site because no parking is required by this project. In general, no off-street parking would be displaced. Any removal of on-street parking would be done in accordance with City standards.
5. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on hazards or barriers for pedestrians or bicyclists because pedestrian and bicycle safety is one of the major goals of the Plan. The Master Plan recommends an educational program that focused on adult and children safety programs, pages 81-85.
6. The proposed Non-Motorized Transportation Master Plan will have no impact on adopted policies supporting alternative transportation because this project is consistent with Mitigation Measure III, C. 3 d., page IV-1-37, which has since been incorporated into the General Plan.
7. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on rail, water borne, or air traffic because bike lanes going across railroad tracks will conform to Non-Motorized Transportation Master Plan Figure 12, page 48. Bridges across waterways will conform to Non-Motorized Transportation Master Plan Figure 11, page 47.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
VII. BIOLOGICAL RESOURCES				
A. <u>Will the proposal result in increased impacts to:</u>				
1. Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and bird?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Locally designated species (e.g. heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Wetland habitat (e.g. marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan would have a less than significant impact on endangered species because although the site is contained within the "Potential Biological Resource Study Area," Figure 7-1, Riparian Corridor Program, Master EIR, there would be no impacts to endangered species.

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have no impact on locally designated species because the majority of the project is located in public street right-of-ways and utility line right-of-ways, which have no locally designated species. The remainder of the system is located within public park land and trails will be specifically located to avoid conflict with existing trees.
3. There are no locally designated natural communities within the Modesto Urban Area.
4. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on wetland, habitat because the 14-foot standard width corridors would not significantly displace existing vegetation. In the vast majority of cases, bicycle lanes are located within existing right-of-way and presently developed areas.
5. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on wildlife dispersal or migration corridors because the 14-foot standard width corridors would not significantly displace existing vegetation. In the vast majority of cases, bicycle lanes are located within existing right-of-way and presently developed areas.

ENVIRONMENTAL IMPACTS

POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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VIII. ENERGY AND MINERAL RESOURCES

A. Will the proposal result in increased impacts to:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Conflict with adopted energy conservation plans? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Use nonrenewable resources in a wasteful and inefficient manner? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no 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 within the Baseline Developed Area.
2. The proposed Non-Motorized Transportation Master Plan will have no impact on the use of non-renewable resources in a wasteful or inefficient manner because it would not encourage activities which would result in the use of large amounts of fuel, water, or energy.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on mineral resources of value to the state or region because it would not result in the use of fuel, water, or energy in a wasteful manner.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
IX. HAZARDS				
A. <u>Will the proposal result in increased impacts to:</u>				
1. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The creation of any health or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. <u>Discussion</u>				
1. The proposed Non-Motorized Transportation Master Plan will have <u>no impact</u> on risk of accidental explosion or release of hazardous substances because none of these substances are used in the process of construction and/or daily use of bicycle lanes.				

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The City Police Department has indicated the proposed Non-Motorized Transportation Master Plan will have less than significant impact on interference with emergency response or emergency evacuation plans.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on the creation of any health hazards because there would be no health hazards resulting from its development.
4. The proposed Non-Motorized Transportation Master Plan will have no impact on increased fire hazard in areas with flammable brush, grass, or trees. The proposed Plan impacts have been analyzed into Master EIR and the mitigation measures on page IV-14-8, MEIR, which have since been incorporated into the General Plan and would ensure proper fire protection and service standards.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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X. NOISE

A. Will the proposal result in increased impacts to:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Increases in existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on increases in existing noise levels because the system will not generate noise above the General Plan standards shown on page VII-27 of the General Plan.
2. The proposed Non-Motorized Transportation Master Plan will have no impact on exposure of people to severe noise levels because the system will not generate noise above the General Plan standards shown on page VII-27 of the General Plan.

ENVIRONMENTAL IMPACTS

POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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XI. PUBLIC SERVICES

A. Will the proposal result in increased impacts to:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Maintenance of public facilities,
including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Other government services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

- The proposed Non-Motorized Transportation Master Plan will have no impact on fire protection because the system will be consistent with Mitigation Measure III C. 1. & 2., MEIR, page IV-14-9, which has since been incorporated into the General Plan.

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on police protection because the system will be consistent with Mitigation Measure III. C. 1., 2., 3., & 4., MEIR, page IV-13-7, which has since been incorporated into the General Plan.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on schools because it is of a non-residential nature. Because it is of a non-residential nature, it doesn't warrant provision of education service by the school districts.
4. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on maintenance of public facilities, including roads, because the increased maintenance levels for bicycle lanes on public streets and right-of-ways are minimal and will not divert public resources away from other maintenance responsibilities of the City.
5. The proposed Non-Motorized Transportation Master Plan will have no impact on other government services.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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XII. UTILITIES AND SERVICE SYSTEMS

A. Will the proposal result in increased impacts to:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communications systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Local or regional water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on power or natural gas because the project has no need for these services.

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have no impact on communication systems because the project has no need for that service.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on regional water treatment or distribution facilities because the project has no need for that service and will therefore not create an increased demand for water treatment and distribution facilities.
4. The proposed Non-Motorized Transportation Master Plan will have no impact on sewer or septic tanks because the project has no need for that service and will therefore not create an increased demand for sewer or septic tank service.
5. The proposed Non-Motorized Transportation Master Plan will have no impact on storm water drainage because the project will not create effects beyond those analyzed in the Master EIR.
6. The proposed Non-Motorized Transportation Master Plan will have no impact on solid waste disposal because the project will not generate solid waste products and will therefore not create an increased demand for disposal of solid waste.
7. The proposed Non-Motorized Transportation Master Plan will have no impact on local or regional water supplies because the project has no need for water supplies and will therefore not create an increased demand for water supplies.

ENVIRONMENTAL IMPACTS

POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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XIII. AESTHETICS

A. Will the proposal result in increased impacts to:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Create light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have no impact on scenic vistas or scenic highways because the project will create no new additional effects or obstructions or any significant vistas.
2. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on aesthetics because by design, the paths trails, and lanes are designed to be consistent with mandated Caltrans standards.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on light or glare because no lighting fixtures or appurtenances are used in the Plan.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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XIV. CULTURAL RESOURCES

A. Will the proposal result in increased impacts to:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Disturb archaeological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. Discussion

1. No paleontological resources have been identified in the Modesto Urban Area.

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

2. The proposed Non-Motorized Transportation Master Plan will have no impact on unique ethnic cultural values because the project is contained on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trails in City owned parks.
3. The proposed Non-Motorized Transportation Master Plan will have no impact on unique ethnic cultural values because the project is contained on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trails in City owned parks.
4. The proposed Non-Motorized Transportation Master Plan will have no impact on religious or sacred uses because the project is contained on existing street right-of-ways, utility easement right-of-ways, and existing maintenance roads and trails in City owned parks.

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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V. RECREATION

A. Will the proposal result in increased impacts to:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Affect existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan will have less than significant impact on demand for neighborhood or regional parks or other recreational facilities because it is a non-residential project that will neither generate nor remove population.
2. The proposed Non-Motorized Transportation Master Plan will have a less than significant impact and will actually enhance recreational opportunities by linking City parks together, and by providing recreational access opportunities between schools and the two separate campuses of Modesto Junior College.

ENVIRONMENTAL IMPACTS

POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
--------------------------------------	--	------------------------------------	--------------

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

A. Will the proposal result in increased impacts to:

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?

ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. Discussion

1. The proposed Non-Motorized Transportation Master Plan project has 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 the project is entirely contained within an existing City of Modesto Parks and Recreation facility and/or property; and appropriate mitigation is provided.
2. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact on the potential to achieve short-term to the disadvantage of long-term environmental goals.

ENVIRONMENTAL IMPACTS

B. Discussion (continued)

3. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact on the potential to create impacts that are cumulatively considerable because there would be no new cumulative impacts.
4. The proposed Non-Motorized Transportation Master Plan project has a less than significant impact or direct or indirect adverse effects on human beings by project-specific studies which cannot be mitigated to less than significant by proposed mitigation contained in this Initial Study.

XVII. MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT EFFECTS

None.

XVIII. DETERMINATION

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:



Based on the above referenced Initial Study, there is no substantial evidence in light of the whole record that the project will have a significant effect on the environment.

Signature: _____

Fred D. Allen, Jr., Parks Planning
and Development Manager
City of Modesto
Parks and Recreation Department

Date: _____

12.20.96

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99-625

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(537) AS AN ADDITION TO P-D(537), AND AN AMENDMENT TO THE DEVELOPMENT PLAN FOR THE EXISTING PORTION OF P-D(537). (COSTA LIMITED PARTNERS)

WHEREAS, on September 22, 1998, by Ordinance No. 3099-C.S., the City Council approved an application by Costa Limited Partners to rezone property located on the north side of Pelandale Avenue east of Sisk Road from Specific Plan-Overlay, (SP-O), Zone to Planned Development Zone, P-D(532), to allow a multi-screen theater, hotel, restaurants, and retail commercial uses, and

WHEREAS, City Council Resolution No. 98-511 approved the development plan for Planned Development Zone, P-D(532), and contained the conditions of approval thereof, and

WHEREAS, on July 6, 1999, by Ordinance No. 3152, the City Council approved an application by Costa Limited Partners to reclassify a portion of P-D(532) to a new Planned Development Zone, P-D(537), to allow a retail commercial center, and

WHEREAS, City Council Resolution No. 99-339 approved the development plan, conditions of approval and development schedule for Planned Development Zone, P-D(537), and

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on August 23, 1999, to reclassify from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to

P-D(537), an expanded retail commercial center allowing C-3 zone uses, property located on the north side of Pelandale Avenue east of Sisk Road, described as follows:

SP-O to P-D(537)

ALL that certain real property situate in the City of Modesto, County of Stanislaus, State of California and lying in a portion of the Northwest Quarter of the Southwest Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being more particularly described as follows:

COMMENCING for reference at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 2, also being a point on the center line of Pelandale Avenue; thence North 89° 29' 39" East along the centerline of said Pelandale Avenue, a distance of 2120.63 feet to the TRUE POINT OF BEGINNING of this Description; thence leaving last said line and proceeding North 00° 13' 01" West, a distance of 670.38 feet; thence South 89° 38' 18" West, a distance of 799.68 feet; thence South 00° 13' 01" East, a distance of 672.40 feet; to a point on said centerline of Pelandale Avenue; thence North 89° 29' 39" East along last said center line, a distance of 799.69 feet to the Point of Beginning of this Description.

Containing 12.33 acres more or less.

SUBJECT TO all easements and/or rights-of-way of record.

and

WHEREAS, Costa Limited Partners has also applied to amend Planned Development Zone, P-D(537), for a revised development plan for the existing portion of Planned Development Zone, P-D(537), and

WHEREAS, after a public hearing held on December 6, 1999, 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. 99-81, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. The requested rezoning and amendment is in accordance with the community's objectives as set forth in the General Plan, because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers the General Plan Economic Development Goal I-D(2) to provide more employment opportunities.

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 December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council, and

WHEREAS, after said public hearing the Council found and determined that the application of Costa Limited Partners for an addition to Planned Development Zone, P-D(537), and an amendment to the development plan for the existing portion of Planned Development Zone, P-D(537), 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. 3163 -C.S. on the 16th day of December, 1999, reclassifying the above-described property from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to Planned Development Zone, P-D(537).

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(537), as an addition to Planned Development Zone, P-D(537), and an

amendment to the development plan for the existing portion of Planned Development Zone, P-D(537), is hereby approved subject to the following conditions:

1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.
2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.
3. The Chapman/Pelandale intersection shall be signalized when warranted.
4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.
5. 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.
6. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.
7. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.
8. The developer shall install water meters on all new construction.
9. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.
10. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

11. The project should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.
12. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.
13. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.
14. The development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
15. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
16. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases,

a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

17. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the MEIR) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.
18. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.
19. The project shall provide shade trees, where feasible and appropriate, in landscape plans.
20. All development shall conform to the plot plan and elevations titled "The Northgate Village Shopping Center" as amended in red, stamped approved by the Planning Commission on December 6, 1999.
21. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.

22. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan, or an alternate solution for sewer service may be provided if approved by the Engineering and Transportation Director. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.
23. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area of the Kiernan Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of the Fleur de Ville subdivision and the adjacent sections of Pelandale Avenue and Chapman Road to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drain basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.
24. Prior to the issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with the Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.
25. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan 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.
26. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. Interim improvements on the north portion of Chapman Road prior to development of the adjacent properties may

be constructed if approved by the Engineering and Transportation Director.

27. 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.
28. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
29. Fences or walls shall be constructed prior to occupancy and shall be as follows:

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.
30. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
31. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Recreation and Neighborhoods Director, shall be dedicated along all street frontages.
32. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
33. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
34. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
35. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

36. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
37. 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.
38. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.
39. 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.
40. All signs shall comply with the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.
41. 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(537), as an addition to Planned Development Zone, P-D(537):

The entire construction program be accomplished in one phase, construction to begin on or before December 16, 2001, and completion to be not later than December 16, 2002.

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(537), becomes effective.

The foregoing resolution was introduced at a ^{special} meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs


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

MODESTO CITY COUNCIL
RESOLUTION NO. 99-626

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(540). (COSTA
LIMITED PARTNERS)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on August 23, 1999, to reclassify from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(540), to allow for a 17-screen 80,000 square foot theater, including one I-Max type large screen theater, property located on the east side of Chapman Road north of Pelandale Avenue, described as follows:

SP-O to P-D(540)

ALL that certain real property situate in the City of Modesto, County of Stanislaus, State of California and lying in a portion of the Northwest Quarter of the Southwest Quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being more particularly described as follows:

COMMENCING for reference at the West Quarter corner of said Section 2; thence South 00° 14' 29" East along the West line of said Section 2, a distance of 90.10 feet to a point on the South line of the 100-foot-wide right-of-way for the Modesto Irrigation District's Lateral No. 6; thence leaving last said line and proceeding North 89° 38' 18" East along last said right-of-way line, a distance of 1340.49 feet to the TRUE POINT OF BEGINNING of this Description; thence continuing North 89° 38' 18" East along last said right-of-way line, a distance of 780.66 feet to the Northeast corner of Parcel 2 as shown on that map filed for record in the Office of the Recorder of Stanislaus County on April 16, 1999, in Book 49 of Parcel Maps at Page 44; thence leaving last said line and proceeding South 00° 13' 01" East along the East line of said Parcel 2, a distance of 571.50 feet; thence leaving last said line and proceeding South 89° 38' 18" West, a distance of 780.66 feet; thence North 00° 13' 01" West, a distance of 571.50 feet to the Point of Beginning of this Description.

Containing 10.24 acres gross more or less.

Containing 9.67 acres net more or less.

Subject to all easements and/or rights-of-way of record.

and

WHEREAS, after a public hearing held on December 6, 1999, 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. 99-82, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. The requested rezoning and amendment is in accordance with the community's objectives as set forth in the General Plan, because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers the General Plan Economic Development Goal I-D(2) to provide more employment opportunities.

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 December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council, and

WHEREAS, after said public hearing the Council found and determined that the application of Costa Limited Partners for a Planned Development Zone 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. 3164 -C.S. on the 16th day of December, 1999, reclassifying the above-described property from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(540).

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(540), is hereby approved subject to the following conditions:

1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.
2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.
3. The Chapman/Pelandale intersection shall be signalized when warranted.
4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.
5. 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.
6. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.
7. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.
8. The developer shall install water meters on all new construction.

9. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.
10. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.
11. The project should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.
12. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.
13. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.
14. The development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
15. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
16. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and

local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

17. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the MEIR) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.
18. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the

applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

19. The project shall provide shade trees, where feasible and appropriate, in landscape plans.
20. All development shall conform to the plot plan and elevations titled "The Northgate Village Shopping Center" as amended in red, stamped approved by the Planning Commission on December 6, 1999.
21. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.
22. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan, or an alternate solution for sewer service may be provided if approved by the Engineering and Transportation Director. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.
23. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area of the Kiernan Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of the Fleur de Ville subdivision and the adjacent sections of Pelandale Avenue and Chapman Road to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drain basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.
24. Prior to the issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with the Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

25. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan 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.
26. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. Interim improvements on the north portion of Chapman Road prior to development of the adjacent properties may be constructed if approved by the Engineering and Transportation Director.
27. 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.
28. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
29. Fences or walls shall be constructed prior to occupancy and shall be as follows:

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.
30. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
31. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Recreation and Neighborhoods Director, shall be dedicated along all street frontages.
32. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

33. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
34. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
35. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
36. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
37. 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.
38. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.
39. 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.
40. All signs shall comply with the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.
41. 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.

42. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto and the property owner is in effect. In the event, for any reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.
43. The theater at the project site shall not open before March 1, 2001. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto, is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than March 1, 2001.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(540):

The entire construction program be accomplished in one phase, construction to begin on or before March 1, 2003, and completion to be not later than March 1, 2004.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating

to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(540), becomes effective.

The foregoing resolution was introduced at a ^{special} regular meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Planning Division

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-627

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 98-511 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(532). (COSTA LIMITED PARTNERS)"

WHEREAS, the Modesto City Council, by Ordinance No. 3099-C.S., which was introduced on September 22, 1998, finally adopted on October 6, 1998, and which became effective on November 5, 1998, granted Planned Development Zone, P-D(532), to allow a multi-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, City Council Resolution No. 98-511 adopted by the City Council on September 22, 1998, approved the development plan for Planned Development Zone, P-D(532), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3152-C.S., which was introduced on July 6, 1999, finally adopted on July 20, 1999, and which became effective on August 19, 1999, approved an application to reclassify a portion of Planned Development Zone, P-D(532), to a new Planned Development Zone, P-D(537), to allow a retail commercial center, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(532), was filed by Costa Limited Partners on August 23, 1999, to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building, and

WHEREAS, after a public hearing on December 6, 1999, 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. 99-80, that amendment of Planned Development Zone, P-D(532), as proposed, was required by public necessity, convenience and general welfare for the following reason:

1. The requested rezoning and amendment is in accordance with the community's objectives as set forth in the General Plan, because the site is designated Regional Commercial in the General Plan, the project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c) of the General Plan, and it furthers the General Plan Economic Development Goal I-D(2) to provide more employment opportunities.

and

WHEREAS, by Resolution No. 99-80 the Planning Commission recommended to the Council that Planned Development Zone, P-D(532), be amended to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building, 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 December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council, and

WHEREAS, after said public hearing the Council found and determined that the application of Costa Limited Partners for an amendment to Planned Development Zone, P-D(532), 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. 3165-C.S. on the 16th day of December, 1999, amending Section 2 of Ordinance No. 3099-C.S., to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 98-511 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(532). (Costa Limited Partners)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(532), is hereby approved subject to the following conditions:

1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.
2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.
3. The Chapman/Pelandale intersection shall be signalized when warranted.
4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.
5. 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.

6. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dish-washers.
7. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.
8. The developer shall install water meters on all new construction.
9. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.
10. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.
11. The project should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.
12. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.
13. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.
14. The development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
15. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
16. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report

preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the pro-posed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

17. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the MEIR) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.
18. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation pro-gram. The transportation program shall identify the

location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

19. The project shall provide shade trees, where feasible and appropriate, in landscape plans.
20. All development shall conform to the plot plan and elevations titled "The Northgate Village Shopping Center" as amended in red, stamped approved by the Planning Commission on December 6, 1999.
21. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.
22. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan, or an alternate solution for sewer service may be provided if approved by the Engineering and Transportation Director. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.
23. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area of the Kiernan Business Park Specific Plan south of M.I.D. Lateral No. 6 and west of the Fleur de Ville subdivision and the adjacent sections of Pelandale Avenue and Chapman Road to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drain basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.

24. Prior to the issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with the Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.
25. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan 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.
26. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan and the approved site plan shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area. Interim improvements on the north portion of Chapman Road prior to development of the adjacent properties may be constructed if approved by the Engineering and Transportation Director.
27. 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.
28. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
29. Fences or walls shall be constructed prior to occupancy and shall be as follows:

A six-foot-high chain-link fence adjacent to the M.I.D. Lateral No. 6.

30. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
31. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements as required by the Recreation and Neighborhoods Director, shall be dedicated along all street frontages.
32. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.
33. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
34. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
35. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
36. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.
37. 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.
38. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.
39. 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.

40. All signs shall comply with the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.
41. 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(532):

The entire construction program be accomplished in one phase, construction to begin on or before December 16, 2001, and completion to be not later than December 16, 2002.

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.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until companion Ordinance No. 3165-C.S., introduced on December 16, 1999, becomes effective.

The foregoing resolution was introduced at a ^{special} regular meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 99-628

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) FOR THE MODESTO URBAN AREA GENERAL PLAN; AND OF THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) FOR THE KIERNAN BUSINESS PARK SPECIFIC PLAN: A PROPOSAL TO AMEND THE DEVELOPMENT PLAN AND USES FOR PLANNED DEVELOPMENT ZONE, P-D(532), AND APPROVAL OF A DEVELOPMENT AGREEMENT WITH COSTA LIMITED PARTNERS TO DELETE THE THEATER FROM THE ALLOWED USES ON PROPERTY LOCATED ON THE WEST SIDE OF CHAPMAN ROAD NORTH OF PELANDALE AVENUE; A PROPOSAL TO AMEND SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONED, SP-0, TO PLANNED DEVELOPMENT ZONE P-D(537), AS AN ADDITION TO P-D(537), AND APPROVAL OF A DEVELOPMENT AGREEMENT TO EXPAND A RETAIL COMMERCIAL CENTER ON AND TO REVISE THE DEVELOPMENT PLAN FOR THE EXISTING PORTION OF PLANNED DEVELOPMENT ZONE, P-D(537), PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD; A PROPOSAL TO AMEND SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN-OVERLAY ZONE, SP-0, TO PLANNED DEVELOPMENT ZONE, P-D(540), AND APPROVAL OF A DEVELOPMENT AGREEMENT RELATING TO PROPERTY LOCATED ON THE EAST SIDE OF CHAPMAN ROAD NORTH OF PELANDALE AVENUE TO ALLOW FOR A 17-SCREEN 80,000 SQUARE FOOT THEATER, INCLUDING ONE I-MAX TYPE LARGE SCREEN THEATER. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed an amendment to Planned Development Zone, P-D(532), property located on the west side of Chapman Road north of Pelandale Avenue in the City of Modesto, be amended to delete a 16-screen theater from the allowed uses and substitute a 135,200 square foot retail building ("the project"), and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537), in the City of Modesto ("the project"), to allow an expanded retail commercial center , and

WHEREAS, Costa Limited partners has proposed that the zoning designation for the property located on the east side of Chapman Road north of Pelandale Avenue, be amended to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(540), in the City of Modesto ("the project"), to allow for a 17-screen 80,000 square foot theater, including one I-Max type large screen theater, and

WHEREAS, Costa Limited Partners has also proposed entering into revised development agreements with the City of Modesto for P-D(532) and P-D(537), and has proposed entering into a development agreement with the City of Modesto for P-D(540), and

WHEREAS, on November 19, 1999, the City's Community Development Department, by Environmental Assessment Initial Study 99-74, reviewed the proposed amendment to the development plan and uses for Planned Development Zone, P-D(532); reviewed the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537); reviewed

the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to a new Planned Development and reviewed the proposed Development Agreements to determine whether the projects are within the scope of the General Plan Master EIR under Section 21157.1 of the Public Resources Code, and within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR under Section 21166 of the Public Resources Code, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in either EIR; and, further, that no new or additional mitigation measures or alternatives are required, and, therefore, the proposed project is within the scope of the project covered by the EIR's, and

WHEREAS, this matter was considered by 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 December 14, 1999, and continued to December 16, 1999, at 7:00 p.m. to a special meeting of the City Council,

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 development plan and uses for Planned Development Zone, P-D(532); reviewed the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537); reviewed the proposed amendment to the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to a new Planned Development and reviewed the proposed Development Agreements, a copy of which 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. 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 Planned Urbanizing Area.
2. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.
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 substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, and the traffic generated by this project is consistent with what was predicted in the EIR.
5. There are not specific features unique to this project that require project specific mitigation measures. The mitigation measures from the MEIR that apply to this project are listed in Section VI of the initial study and are included as conditions of approval for the project.
6. 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.
7. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.
8. The Initial Study, Environmental Assessment No. EA/CDD 99-74, provides the substantial evidence to support findings 1-7 noted above.

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

The foregoing resolution was introduced at a ^{special} regular meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith,
Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

EA/CDD 99-74

City of Modesto
Initial Study

Northgate Village

EA/CDD 99-74
November 19, 1999

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 for such limited review.

The General Plan Master EIR analyzed the environmental effects of buildout of the General Plan, including the development of regional commercial uses on the project site. In addition, the project, which is located in the Kiernan Business Park Specific Plan, was analyzed in the focused EIR prepared for the specific plan. This EIR, known as the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR (SCH# 94082005), was "tiered" off the General Plan Master EIR, as allowed under Section 21158 of CEQA. The Focused EIR was certified by the City Council on April 1, 1997.

In addition, Section 21166 of Public Resources Code allows the Kiernan Business Park Focused 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.

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. It also provides the substantial evidence for the Section 21166 findings. In making this analysis, the initial study will rely primarily on the General Plan Master EIR. However, since the Kiernan Business Park Specific Plan Focused EIR was tiered off the Master EIR, and provides more detailed analysis for the project site, the initial study will also rely on the Focused EIR analysis where appropriate.

PROJECT DESCRIPTION

- A. Project title:
Northgate Village

- B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353
- C. Contact person, address and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287
- D. Project Location:
The project is located in northern Modesto, on the north side of Pelandale Avenue east of Sisk Road.
- E. Project sponsor:
Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353
- F. General Plan Designation:
Regional Commercial (RC)
- G. Zoning:
Specific Plan-Overlay (SP-O) and Planned Development Zones P-D(532) and P-D(537).
- H. Description of Proposed Project:
The project is a retail commercial center on 54.4 acres, consisting of an 80,000-square-foot multi-screen theater, two large retail stores of approximately 156,000 sq. ft. and 141,000 sq. ft., respectively, other retail stores totaling 158,000 square feet, and restaurant space totaling 48,000 square feet.
- The entitlements being sought for this project are amendments to two existing planned development zones, P-D(532) and P-D(537), and a rezoning from Specific Plan-Overlay Zone to P-D(537) and a new planned development zone.
- I. Surrounding land uses:
The project is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.
- J. Other public agencies whose approval is required:
None.

III. A ANALYSIS OF CONFORMANCE WITH THE GENERAL PLAN MASTER EIR AND KIERNAN BUSINESS PARK FOCUSED 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 and the Kiernan Business Park Focused EIR that was tiered off the General Plan Master EIR.

A. Traffic and Circulation

The General Plan MEIR analyzed impacts to traffic and circulation of buildout of the General Plan, including the project site, on pages IV-1-1 through IV-1-38. Although a number of roadway segments throughout the General Plan area were identified as having significant and unavoidable impacts (the adopted significance standard for the MEIR is a Level of Service worse than LOS "D"), and a statement of overriding considerations was adopted for these impacts, the MEIR did not identify any significant, unmitigable impacts to street segments in the project area.

The Kiernan Business Park Specific Plan Focused EIR also analyzed traffic impacts due to development of this site (pages IV-A-1 through IV-A-48). The Focused EIR assumed a lower traffic generation from the project site than was assumed in the MEIR (see pages IV-A-18 and 19 of the Focused EIR), based on the projected mix of uses at the time the Focused EIR was prepared. The Focused EIR also analyzed a revised circulation system that included a number of changes in street segments in the project area. The Focused EIR found a number of significant but unavoidable impacts to street segments in the project area that were not identified in the MEIR. These impacts were due to the changes in the circulation system previously mentioned. A statement of overriding considerations was adopted in conjunction with certification of the Focused EIR. When the Focused EIR was certified, the General Plan MEIR was simultaneously updated to reflect these revisions.

The applicants have submitted a Traffic Access Analysis prepared by Dowling Associates (dated October 20, 1999, attached) for the current project. Dowling Associates has also compared the traffic impacts of this project with those analyzed in the Focused EIR (see memo dated October 14, 1999, attached).

The Northgate Village project proposes approximately 583,000 square feet of retail, theater and restaurant space, less than the 965,000 square feet anticipated by the Focused EIR (page III-7). According to the Traffic Analysis, however, the specific mix of uses proposed in the project will result in higher traffic generation than was assumed by the Focused EIR (see page 14 of the Traffic Analysis). This traffic generation is still lower than was assumed in the MEIR, as shown in the following table:

	<u>Average</u> <u>Daily Trips</u>	<u>PM Peak</u> <u>Hour Trips</u>
General Plan MEIR	29,548	2,630
Kiernan BP Focused EIR	17,904	1,593
Northgate Village Traffic Analysis	18,855	1,903

The memo indicates that the project would generate 1,593 peak-hour trips, 19.4% greater than was assumed in the Focused EIR. However, Dowling Associates concludes that this increase in traffic will not degrade service levels on any of the intersections analyzed in the Focused EIR to a level considered significant by the City (the City's General Plan standard for a significant traffic impact is a degradation in Level of Service below LOS D). Therefore, there are no significant traffic impacts beyond what were

analyzed in the Master EIR and Focused EIR, and no changes are needed to the Traffic and Circulation Section of either EIR. The following mitigation measures from the Focused EIR will apply to this project:

- A1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.**
- A2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.**
- A3. The Chapman/Pelandale intersection shall be signalized when warranted.**
- A4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.**

B. Degradation of Air Quality

The General Plan MEIR analyzed the air quality impacts of buildout of the General Plan on pages IV-2-1 through IV-2-25. The MEIR concluded that there significant and unavoidable impacts on air quality due to buildout of the General Plan, and a statement of overriding considerations was adopted when the MEIR was certified by the City Council.

The Kiernan Business Park Specific Plan Focused EIR also analyzed air quality impacts due to development of this site (pages IV-B-1 through IV-B-10). The Focused EIR concluded that there would be significant and unavoidable effects on air quality due to development of the Kiernan Business Park, but that these impacts would not be any greater than predicted by the MEIR.

The San Joaquin Valley Unified Air Pollution Control District has commented that this project may have a significant impact on air quality, but that if the land uses, traffic generation rates and emissions are consistent with the General Plan, then the air quality impacts would be no greater than anticipated in the MEIR, and no additional air quality analysis or mitigation would be needed. As stated above, the land uses and traffic generation are consistent with the General Plan. Since emissions for this project are directly related to traffic volume and congestion, they should also be consistent with the General Plan. Therefore, no changes are needed to the Air Quality Section of either the MEIR or Focused EIR. There are no mitigation measures in the MEIR that apply directly to this project.

C. Generation of Noise

The General Plan MEIR analyzed the impact of buildout of the General Plan in regards to generation of noise on pages IV-3-1 through IV-3-33. The MEIR concluded that, with the exception of construction-related noise, all noise impacts in the General Plan could be mitigated to a level of insignificance with the mitigation measures adopted in the MEIR. A statement of overriding findings was adopted for construction-related noise impacts when the MEIR was certified by the City Council.

The Kiernan Business Park Specific Plan Focused EIR also analyzed noise impacts due to development of this site (pages IV-C-1 through IV-C-14). It concluded that there would be no additional noise impacts beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

The current project is consistent with both the General Plan and the Kiernan Business Park Specific Plan in both land use and intensity, and therefore should not generate noise beyond what was analyzed in the MEIR and Focused EIR. Although the project will result in a slight increase in traffic from what was analyzed in the Focused EIR, which would result in slightly higher noise levels, the additional traffic is still within what was analyzed in the MEIR. Consequently, there will be no additional significant impacts in the area of Generation of Noise beyond what were analyzed in the MEIR. The following mitigation measure from the MEIR will apply to this project:

- C1. 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.**

D. Loss of Productive Agricultural Land

The General Plan MEIR (pages IV-4-1 through IV-4-16) discussed the loss of productive agricultural land associated with buildout of the General Plan. The project site is designated as prime agricultural land. On Page IV-4-13, the General Plan MEIR recognizes that loss of agricultural land is a significant and unavoidable effect under CEQA, even with the adoption of all feasible mitigation measures. As such, overriding consideration findings have been adopted for the General Plan.

The project will be located on land already analyzed by the MEIR for loss of productive agricultural land, and there will be no additional loss of agricultural land as a result of the project. Therefore, there will be no additional impacts in the area of Loss of Productive Agricultural Land beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

E. Increased Demand for Water Supplies

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for water supplies on pages IV-5-1 through IV-5-11. The MEIR on page IV-5-7 recognizes that additional water supply to the planned urbanizing area is a

significant, unavoidable effect under CEQA and therefore a statement of overriding consideration has been adopted. Further, page IV-5-8 and 9 of the MEIR contain mitigation measures for development within the General Plan.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for water supplies due to development of this site (pages IV-D-1 through IV-D-4). It concluded that there would be no additional impacts on water supplies beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, the demand for water supplies will be no greater than was anticipated in the MEIR. The City's Engineering and Transportation Department has also indicated that there will be no problems in providing adequate water supply for the project. Therefore, there will be no additional significant impacts in the area of Increased Demand for Water Supplies beyond what were analyzed in the MEIR.

This project is a subsequent project expected by the MEIR and General Plan and as such will be required to comply with the mitigation measures set forth in the MEIR. The following mitigation measures from the MEIR will apply to this project:

- E1. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.**
- E2. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.**
- E3. The developer shall install water meters on all new construction.**

F. Increased Demand for Sanitary Sewer Services

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for sanitary sewer services on pages IV-6-1 through IV-6-9. As stated on page IV-6-7, there are no significant impacts after mitigation related to provision of sanitary sewer service. Page IV-6-7 through IV-6-9 contain mitigation measures which apply to all development within the General Plan.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for sanitary sewer services due to development of this site (pages IV-E-1 through IV-E-3). It concluded that there would be no additional impacts on sanitary sewer services beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, the demand for sanitary sewer services will be no greater than was anticipated in the MEIR. In addition, the City's Engineering and Transportation Department has indicated that there will be no problems in providing adequate sewer

service for the project, and the project developer will construct the necessary sewer lines to serve the project. Therefore, there will be no additional significant impacts in the area of Increased Demand for Sanitary Sewer Services beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

G. Loss of Sensitive Wildlife and Plant Habitat

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to loss of sensitive wildlife and plant habitat on pages IV-7-1 through IV-7-30. Figure 7-1 contains potential biological resource study areas within the General Plan. This project does not fall within one of these areas. Further, the General Plan states that all impacts to sensitive wildlife and plant habitat can be mitigated.

The Kiernan Business Park Specific Plan Focused EIR further analyzed the loss of sensitive wildlife and plant habitat due to development of this site (pages IV-F-1 through IV-F-12), and concluded that there would be no loss of sensitive habitat with development of this site.

Since the project does not propose any expansion of the site beyond what were analyzed in the General Plan and Kiernan Business Park EIR's, there would be no additional impacts in the area of Loss of Sensitive Wildlife and Plant Habitat beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

H. Disturbance of Archaeological and Historic Sites

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to disturbance of archaeological and historic sites on pages IV-8-1 through IV-8-21. Figure 8-1 of the MEIR indicates that the project site is outside of the Archaeological Resource Study Area, and therefore doesn't require additional site specific investigations.. Since the project does not propose any expansion of the site beyond what was analyzed in the MEIR, there would be no additional impacts in the area of Disturbance of Archaeological or Historical Sites beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

I. Drainage, Flooding and Water Quality

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to drainage, flooding and water quality on pages IV-9-1 through IV- 9-23. Table 9-1 of the General Plan MEIR shows flood potential study areas. This project does not fall within one of these potential study areas.

The Kiernan Business Park Specific Plan Focused EIR also analyzed drainage, flooding and water quality impacts due to development of this site (pages IV-G-1 through IV-G-4). It concluded that there would be no additional impacts for drainage, flooding and water quality beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, drainage, flooding and water quality impacts will be no greater than were anticipated in the MEIR. Therefore, there will be no additional significant impacts in the area of Drainage, Flooding and Water Quality beyond what were analyzed in the MEIR. Pages IV-9-17 through 21 of the MEIR set forth mitigation measures related to Drainage, Flooding and Water Quality. These mitigation measures were implemented through the Kiernan Business Park Specific Plan or current City Policy, and no further mitigation is necessary.

J. Increased Demand for Storm Drainage

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for storm drainage on pages IV-10-1 through IV- 10-8. The MEIR concludes that there are no significant and unavoidable effects related to development in the planned urbanizing area.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for storm drainage due to development of this site (pages IV-H-1 through IV-H-4). It concluded that there would be no additional impacts for increased demand for storm drainage beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, storm drainage impacts will be no greater than were anticipated in the MEIR. Furthermore, the project will contain all storm drainage of the project on site, and will construct facilities to drain the adjacent public streets. Therefore, there will be no additional significant impacts in the area of Increased Demand for Storm Drainage beyond what were analyzed in the MEIR. The following mitigation measures from the MEIR will apply to this project:

- J1. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.**
- J2. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.**

K. Increased Demand for Parks and Open Space

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for parks and open space on pages IV-11-1 through IV- 11-11. The MEIR concludes that there are no significant and unavoidable impacts for the provision of parks and open space.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for parks and open space due to development of this site (pages IV-K-1 through IV-K-4). It concluded that there would be no additional impacts for increased demand for parks and open space beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is a retail commercial center, it will not generate any increased demand for parks and open space. Therefore, there will be no additional significant impacts in the area of Increased Demand for Parks and Open Space beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

L. Increased Demand for Schools

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for schools on pages IV-12-1 through IV- 12-11. The MEIR concludes that there are no significant and unavoidable impacts for the provision of schools.

The Kiernan Business Park Specific Plan Focused EIR also analyzed the increased demand for schools due to development of this site (pages IV-J-1 through IV-J-5). It concluded that there would be no additional impacts for increased demand for schools beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is a retail commercial center, it will not generate any increased demand for schools. Modesto City School District and Salida Union School District, the two affected school districts for the project, agree with this assessment of the project's impacts. Therefore, there will be no additional significant impacts in the area of Increased Demand for Schools beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

M. Increased Demand for Police Services

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for police services on pages IV-13-1 through IV- 13-8. The MEIR concludes that there are no significant and unavoidable impacts related to the provision of police services.

Since the project is consistent with the land use assumptions of the General Plan MEIR, the demand for police services will be no greater than was anticipated in the MEIR. The City's Police Department has indicated that there will be no problems in providing adequate police service for the project. Therefore, there will be no additional significant impacts in the area of Increased Demand for Police Services beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

N. Increased Demand for Fire Services

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to increased demand for fire services on pages IV-14-1 through IV- 14-9. The MEIR concludes that there are no significant and unavoidable impacts related to the provision of fire services.

Since the project is consistent with the land use assumptions of the General Plan MEIR, the demand for fire services will be no greater than was anticipated in the MEIR. In addition, the City's Fire Department has indicated that there will be no problems in providing adequate fire service for the project, and the project has been designed to provide adequate fire access in accordance with the City's Fire Department standards. Therefore, there will be no additional significant impacts in the area of Increased Demand for Fire Services beyond what were analyzed in the MEIR. The following mitigation measures from the MEIR will apply to this project:

- N1. The project should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.**
- N2. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.**
- N3. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.**
- N4. The development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.**
- N5. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.**

O. Generation of Solid Waste

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to the generation of solid waste on pages IV-15-1 through IV- 15-10. The MEIR states that there are no significant and unavoidable impacts related to development within the General Plan area for solid waste services.

Since the project is consistent with the land use assumptions of the General Plan MEIR, generation of solid waste will be no greater than was anticipated in the MEIR. Therefore, there will be no additional significant impacts in the area of Generation of

Solid Waste beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

P. Generation of Hazardous Materials

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to the generation of hazardous materials on pages IV-16-1 through IV-16-14. Figure 16-1 of the MEIR shows the potential hazardous contamination study areas within the Urban Area General Plan. This project does not fall within one of these potential hazardous contamination study areas.

The Kiernan Business Park Specific Plan Focused EIR also analyzed impacts from the generation of hazardous materials due to development of this site (pages IV-I-1 through IV-I-2). It concluded that there would be no additional impacts for generation of hazardous waste beyond those identified in the MEIR, and that no additional mitigation measures were needed beyond those contained in the MEIR.

Since the project is consistent with the land use assumptions of the General Plan MEIR and the Focused EIR, the generation of hazardous materials will be no greater than was anticipated in the MEIR. Therefore, there will be no additional significant impacts in the area of Generation of Hazardous Materials beyond what were analyzed in the MEIR. The following mitigation measures from the MEIR will apply to this project:

- P1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.**

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in

other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

- P2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the MEIR) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.
- P3. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

Q. Landslides and Seismic Activity

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to landslides and seismic activity on pages IV-17-1 through IV- 1-11. It concluded that there are no significant impacts due to landslides and seismic activity for development in the Modesto urban area. Since the project is consistent with the land use assumptions of the General Plan MEIR, there would be no additional impacts in the area of Landslides and Seismic Activity beyond what were analyzed in the MEIR. There are no mitigation measures in the MEIR that apply directly to this project.

R. Energy

The General Plan MEIR analyzes the impact of buildout of the General Plan in regards to usage of energy on pages IV-18-1 through IV- 18-6. The MEIR concludes that there are no significant and unavoidable impacts related to energy usage. Since the project is consistent with the land use assumptions of the General Plan MEIR, energy needs will be no greater than were anticipated in the MEIR. The energy providers for the project, Modesto Irrigation District and Pacific Gas and Electric Company, have indicated that there will be no problems in providing energy to the project. Therefore, there will be no additional significant impacts in the area of Energy beyond what were analyzed in the MEIR. The following mitigation measure from the MEIR will apply to this project:

- R1. The project shall provide shade trees, where feasible and appropriate, in landscape plans.**

IV. ANALYSIS OF HOW THERE ARE NO SUBSTANTIAL CHANGES THAT 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 Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans was certified by the Modesto City Council on April 1, 1997. In the period since then, the City has approved several subdivisions in the Pelandale-Snyder and Carver-Bangs Specific Plans to the east of this project. However, this development is consistent with the adopted Specific Plans for these areas, and was accounted for in the analysis of the Kiernan Business Park Focused 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

V. ANALYSIS OF HOW NO NEW INFORMATION, WHICH WAS NOT KNOWN AND COULD NOT HAVE BEEN KNOWN AT THE TIME THE ENVIRONMENTAL IMPACT REPORT WAS CERTIFIED AS COMPLETE, HAS BECOME AVAILABLE

The Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the intervening period, no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified, has become available that would change the conclusions of the EIR.

VI. SUMMARY OF MITIGATION MEASURES FROM THE GENERAL PLAN MASTER EIR THAT APPLY TO THIS PROJECT

- A1. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal at the main driveway from the project onto Pelandale Avenue, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director.

- A2. Prior to occupancy of any structure, the developer shall widen Pelandale Avenue to provide three through lanes in both directions adjacent to the project site, and four through lanes from the project site to Sisk Road.
- A3. The Chapman/Pelandale intersection shall be signalized when warranted.
- A4. A second northbound right-turn lane on the off-ramp approach of the SR99 northbound ramps intersection shall be added.
- C1. 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.
- E1. The developer shall install water conserving fixtures and appliances including shower heads, toilets, faucets, washing machines, and dishwashers.
- E2. The developer shall install water conserving landscape materials and irrigation systems in all common landscape areas.
- E3. The developer shall install water meters on all new construction.
- J1. The project shall provide positive storm drainage facilities to accomplish storm water recharge to groundwater of 80% of the average annual runoff. The recharge/detention basin shall be designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.
- J2. The project shall be designed so that runoff in excess of groundwater recharge in the above mitigation measure shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.
- N1. The project should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.
- N2. The project should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.
- N3. The project should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.
- N4. The development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.

- N5. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.
- P1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

- P2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the MEIR) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.
- P3. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be

minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

- R1. The project shall provide shade trees, where feasible and appropriate, in landscape plans.

VII. CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. 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 Planned Urbanizing Area.
- B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.
- C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.
- D. There are not specific features unique to this project that require project specific mitigation measures. The mitigation measures from the MEIR that apply to this project are listed in Section VI, above.
- E. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, and the traffic generated by this project is consistent with what was predicted in the EIR.
- F. 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 Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.
- G. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.
- H. This initial study provides the substantial evidence to support the above findings.

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

Attachments:

Traffic Access Analysis for the Northgate Village PD Project
Memo from Dowling Associates, Inc. dated October 14, 1995

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 CDD - Steve Mitchell

3

MODESTO CITY COUNCIL
RESOLUTION NO. 99-629

A RESOLUTION APPROVING AN AGREEMENT WITH COSTA LIMITED PARTNERS FOR THE ACCEPTANCE OF REAL PROPERTY BY THE CITY OF MODESTO AND CONSTRUCTION OF A STORM DRAINAGE BASIN BY COSTA LIMITED PARTNERS ON PROPERTY LOCATED NORTH OF PROPOSED P-D(540) AND MODESTO IRRIGATION DISTRICT LATERAL NO. 6

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Costa Limited Partners for the acceptance of real property by the City of Modesto and construction of a storm drainage basin by Costa Limited Partners on property located north of proposed P-D(540) 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 special meeting of the Council of the City of Modesto held on the 16th day of December, 1999, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 99-630

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SECOND REGULAR MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON DECEMBER 14, 1999, AND DECLARING THE RESULTS OF SAID ELECTION FOR MAYOR AND COUNCILMEMBER. (RUN-OFF ELECTION.)

WHEREAS, on Tuesday, June 22, 1999, the Council, by motion, approved, if needed, a run-off election for December 14, 1999, and

WHEREAS, on Tuesday, November 2, 1999, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County to elect a Mayor to the Modesto City Council for a four year term; Councilmembers to Chairs Nos. 1, 3 and 6 for a four year term; Board of Education Members, and to submit to the qualified electors in the City of Modesto Measure G relating to sewer service in the Modesto Urban Area General Plan, and Measures H through O relating to proposed Charter amendments, and

WHEREAS, said election was held in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated November 9, 1999, a copy of which is on file in the office of the City Clerk, and

WHEREAS, at said Regular Municipal Election, a majority vote was not cast for Mayor to the City Council nor for Councilmember for Chair No. 1, and

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the two candidates receiving the highest number of votes for Mayor, Richard A. Lang and Carmen Sabatino, and the two candidates receiving the highest number of votes for Councilmember for Chair No. 1, Bruce Frohman and Pat Dobbs, would have their names on the ballot for a run-off election to be held on Tuesday, December 14, 1999, and

WHEREAS, the Second Regular Municipal Election was held by mail ballot in the City of Modesto on Tuesday, December 14, 1999, to elect a Mayor to the City Council and a Councilmember to Chair No. 1, as mentioned above, and said election was held 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 Second Regular Municipal Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated December 21, 1999, 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 Votes 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 Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (d) For what office each person was voted for.
- (d) The number of votes given in the city to each person.

SECTION 3. That, at said Second Regular Municipal Election, held by mail ballot, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit "A", are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

Carmen Sabatino Mayor to the City Council of the City of Modesto for a term of four years.

Bruce Frohman Councilmember, for a term of four years, Chair No. 1, Modesto City Council.

The foregoing resolution was introduced at a ^{special}~~regular~~ meeting of the Council of the City of Modesto held on the 21st day of December, 1999, 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, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
December 14, 1999

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 21, 1999, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 14, 1999, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Mayor, Modesto City Council		
Carmen Sabatino	16,353	51.3
Richard A Lang	14,810	46.5
Chair 1, Modesto City Council		
Bruce Frohman	16,231	51.0
Pat Dobbs	13,928	43.7

VOTER TURNOUT:

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
City of Modesto Council Seats	87,050	31,820	36.5

JEAN ZAHR
City Clerk/Auditor
City of Modesto

December 21, 1999

STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CITY OF MODESTO
MUNICIPAL RUNOFF ELECTION

-HELD-

TUESDAY, DECEMBER 14, 1999

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 City of Modesto Municipal Runoff Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 17th day of December, 1999.

KAREN L. MATHEWS
County Clerk-Recorder



BY Joyce Goudie
Joyce Goudie
Assistant Registrar
Of Voters

CITY OF MODESTO MUNICIPAL RUNOFF - DECEMBER 14, 1999	R E G I S T E R E D V O T E R S	T U R N O U T	T U R N O U T P E R C E N T A G E S		C I T Y O F M O D E S T O M A Y O R	C A R M E N S A B A T I N O	R I C H A R D A L A N G		C I T Y C O U N C I L C H A I R # 1	P A T D O B B S	B R U C E F R O H M A N
MODESTO 1 - 10	8384	2573	30.6			1372	1141			1163	1262
MODESTO 11 - 20	7418	2943	39.6			1610	1272			1258	1532
MODESTO 21 - 30	6828	2448	35.8			1298	1098			1078	1231
MODESTO 31 - 40	6201	2528	40.7			1275	1187			997	1411
MODESTO 41 - 50	6405	3234	50.4			1577	1566			1308	1741
MODESTO 51 - 60	7547	3005	39.8			1486	1464			1301	1572
MODESTO 61 - 70	8221	2570	31.2			1374	1136			1169	1271
MODESTO 71 - 80	7842	2798	35.6			1450	1300			1290	1369
MODESTO 81 - 90	7031	2556	36.3			1265	1250			1152	1262
MODESTO 91 - 100	7589	2495	32.8			1241	1206			1077	1278
MODESTO 101 - 110	7081	2347	33.1			1237	1074			1048	1195
MODESTO 111 - 120	4281	1594	37.2			786	780			730	786
MODESTO 121 - 124	1424	501	35.1			258	235			254	210
MODESTO 125 - 129	798	228	28.5			124	101			103	111
****TOTALS****	87050	31820	36.5			16353	14810			13928	16231