MODESTO CITY COUNCIL
RESOLUTION NO. 97-1

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(495), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(495). (U. S. RENTALS)

WHEREAS, a verified application for an amendment to Section 26-3-9 of the Zoning Map was filed by U. S. Rentals on September 23, 1996, to rezone from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495), to allow expansion of the U. S. Rentals equipment storage yard, property located on the north side of Yosemite Boulevard between North Riverside Drive and Trask Lane, described as follows:

C-2 and R-3 to P-D(495) as an Addition to P-D(495)

Being a portion of the southwest quarter of Section 26, Township 3 South, Range 9 East Mount Diablo Base and Meridian, being more particularly described as follows:

Parcel B as per parcel map filed December 29, 1971, in book 29 of parcel maps, page 150, Stanislaus County Records.

Including also all of Yosemite Boulevard located between the above described property and the south line of said Section 26.

and,

WHEREAS, after a public hearing on November 18, 1996, 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. 96-61, that rezoning of the

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

1. That the P-D Zone will allow expansion of an existing equipment rental yard business on adjacent property and will contribute to a mixture of uses provided for in the Mixed Use (MU) area designated for this portion of Yosemite Boulevard by the General Plan.

2. That the P-D plot plan, including conditions of approval will assure that this commercial-industrial use will be compatible with the adjacent commercial and residential neighborhoods.

WHEREAS, after a public hearing held on January 7, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of U. S. Rentals for an amendment to Section 26-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 96-61 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3019 -C.S. on the 7th day of January, 1997, reclassifying the above-described property from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495).

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

1. All development shall conform to the plot plan and floor plans titled "Planned Development No. 495 for U.S. Rentals" as amended in red, stamped approved by the City Council on January 1, 1997.

2. Phase I Landscaping

   Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director as follows:

   a. Screen landscaping shall be installed along the north property line. Said landscaping shall extend from the northwest corner of the Phase I expansion area east 118 feet to the existing shop building located on the adjacent existing facility as amended in red on the approved plot plan. A matching ten-foot landscaped setback shall also be provided along the rental yard frontage westerly to the new exit only driveway. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

   Phase II Landscaping

   Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director as follows:

   a. Ten-foot-wide planter with screen landscaping adjacent to the inside of the eight-foot masonry wall along the Glendale Avenue frontage of the property.

   b. Ten-foot-wide planter with screen landscaping along the west property line extending 130 feet south from Glendale Avenue to the Southeast corner of property located at 2434 Glendale Avenue.

3. Phase I Fencing

Fences or walls shall be constructed prior to occupancy and shall be as follows:

a. 118 lineal feet of eight-foot-high solid masonry wall along the north property line of the expanded Phase I portion of the P-D and extending east to the existing shop building located adjacent to the rear property line of 2434 Glendale Avenue.

Phase II Fencing

Fences and walls shall be constructed prior to occupancy and shall be as follows:

a. Eight-foot-high solid masonry wall along north property line and Glendale Avenue. That portion adjacent to Glendale Avenue to be provided in a backup lot configuration with adjacent alternating planters and street tree knockouts in full-width sidewalk.

b. Eight-foot-high solid masonry wall along west property line extending south from Glendale 130 feet to the southeast corner of property located at 2434 Glendale Avenue.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Phase I

Street dedication consistent with standard specifications to provide 57 feet north of center line of Yosemite shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

Phase II

Street dedication consistent with standard specifications to provide 30 feet of right of way south of the center line of Glendale Avenue and corner radius connection with Kingston Lane shall be made prior to the issuance of a building permit or at any time requested by the Public Works and

Transportation Director to alleviate a health, safety, or traffic problem in the area. Street improvements consistent to standard specifications along Glendale Avenue to be developed in a backup lot configuration shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. 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.

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

9. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

11. The premises may be open to the public only between the hours of 7 a.m. and 10 p.m. seven days a week.

12. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

13. Equipment storage yard area not paved shall be treated for dust control. Equipment testing and/or repair shall not be allowed on the north 105-foot portion of the equipment rental yard. This rear area shall be used only for the storage of equipment rental items.

14. No signs shall be permitted above eight feet in height on the north face of the buildings and no signs shall be allowed on the north face of the masonry wall along Glendale Avenue.

15. All signs shall comply with the sign requirements of the C-2 Zone.

16. The cement storage silo shall not exceed a maximum height of 20 feet and shall be of a uniform color with no signs permitted.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(495):

The entire construction program be accomplished in two phases as follows:

Phase I - Construction to begin on or before November 18, 1998, and completion to be not later than November 18, 1999.

Phase II - Construction to begin on or before November 18, 1999, and completion to be not later than November 18, 2000.

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 Zone 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(495), as an addition to Planned Development Zone, P-D(495), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Clerk 7

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-2

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 26-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, AND MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(495), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(495), PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE BOULEVARD BETWEEN NORTH RIVERSIDE DRIVE AND TRASK LANE. (U. S. RENTALS)

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, U. S. Rentals has proposed that the zoning designation for the property located the north side of Yosemite Boulevard between north Riverside Drive and Trask Lane be amended to rezone from General Commercial Zone, C-2, and Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(495), as an addition to Planned Development Zone, P-D(495), property located on the north side of Yosemite Boulevard between north Riverside Drive and Trask Lane, in the City of Modesto ("the project"), and

WHEREAS, on October 21, 1996, the City's Community Development Department by Environmental Assessment 96-132 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no

additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on November 18, 1996, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on October 21, 1996, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

EA NO. 96-132

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this convalescent hospital expansion with a Conditional Use Permit (CUP). 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:
Rezone C-2 to P-D as and addition to P-D(495)

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Sean Tobin, MID-Valley Engineering, Inc., 209-526-4214
900 - H Street, Modesto, CA. 95353

D. Project Location:
2443 Yosemite Boulevard

E. Project sponsor:
US Rentals

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
C-2

H. Description of Proposed Project:
This is an application to rezone, from C-2 to P-D as an addition to P-D(495), a 0.42 acre parcel to allow expansion of the adjacent US Rentals equipment yard.

EXHIBIT A

I. Surrounding land uses:

North - Vacant R-3, Medium High Density Residential Zone
South - Yosemite Boulevard and County area which is zoned M, Industrial
East - Planned Development (495) allowing the existing US Rentals equipment yard
West - C-2, 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,** This rezoning to expand an existing equipment rental yard will tend to increase traffic, however, this increase will be insignificant as compared to to traffic generated by adjacent commercial uses. The additional increment of vehicle trips to the rental yard would not generate enough traffic to significantly impact the area. This 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 rezoning will facilitate expansion of an existing equipment rental yard facility in a commercial area within the City of Modesto. It will not have 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 CUP project is adjacent to and surrounded by urban development. It is located in a commercial zone and adjacent to commercial and industrial uses on three sides. Because of the nature of out door equipment rental yards, some noise will be generated by this use, however, the existing yard has been a compatible use with the adjacent residential uses to the north. The addition of an eight-foot high masonry wall along the north and west property lines of this facility will help to mitigate noise generated by this use. Therefore, no noise impacts will be associated with 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 is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. 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 rezoning will provide for expansion of an equipment rental yard and 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**
This rezoning 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 rezoning 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 rezoning will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. 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 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**
The rezoning and resulting development of this equipment rental yard facility expansion 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 rezoning 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 rezoning will not impact the Modesto City School system, as this is a commercial facility expansion. Besides, 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 rezoning 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 rezoning proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 8 is less than 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**
Development resulting from this rezoning 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 rezoning will result in no 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 rezoning will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**
Development resulting from this rezoning 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 and resulting expansion of the US Rentals equipment yard is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

B. The rezoning 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 the rezoning for expansion of the US Rentals equipment yard 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: _____ Date: 10/21/96

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-3

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TEXT EXTENDING THE DRY CREEK COMPREHENSIVE PLANNING DISTRICT, ADDING A PARK PLANNING DISTRICT, DIVIDING THE EMPIRE NORTH COMPREHENSIVE PLANNING DISTRICT (C.P.D.), AND EXEMPTING THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN FROM CONFORMING TO THE NEOTRADITIONAL PRINCIPLES.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report 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, and 96-639, copies of which are on file in the office of the City Clerk, and

WHEREAS, the Dry Creek Comprehensive Planning District is bounded on the east by the Santa Fe Railroad, and

WHEREAS, the Park Planning Areas Diagram (Figure V-1) of the General Plan does not specify a Park Planning Area for the Empire North Comprehensive Planning District, and

WHEREAS, the Empire North Comprehensive Planning district is bounded by the Santa Fe Railroad, Parker Road, Church

Street, and Summit Way, and

WHEREAS, Policy 4.1 (2) in the Empire North Comprehensive Planning District requires the Comprehensive Plan for this District to address the Neotraditional Planning Principles presented in Section III-C(3) of the General Plan, and

WHEREAS, the City of Modesto Parks and Recreation Department has proposed revising the Empire North and Dry Creek Comprehensive Planning District boundaries by an extension eastward to Church Street to incorporate the entire length of the Dry Creek floodplain area within the City's General Plan into one Comprehensive District, and

WHEREAS, the City of Modesto Parks and Recreation Department has proposed to add the Empire North Comprehensive Planning District to the Park Planning Areas Diagram of the General Plan, and

WHEREAS, the Empire North Unit 1 Specific Plan has proposed that the Empire North Comprehensive Planning District be split into two Comprehensive Planning Districts, north and south of the proposed extension of the Dry Creek Comprehensive Planning District, and

WHEREAS, the Empire North Unit 1 Specific Plan has proposed that said Specific Plan be exempt from addressing the Neotraditional Planning Principles presented in Section III-C(3) of the General Plan, and

WHEREAS, a Draft Focused Environmental Impact Report

(Draft EIR SCH #95122030) was prepared pursuant to Section 21158 of the Public Resources Code for public review and comment for the required 45-day period from July 30, 1996, through September 16, 1996, and

WHEREAS, the Final Focused EIR incorporating all the comments received during the public review period and responses thereto, was released for the required 10-day period on November 22, 1996, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines the Planning Commission certified that it reviewed and considered the findings of the Final Focused Environmental Impact Report (SCH 95122030) prepared for the proposed Empire North Unit 1 Specific Plan, and proposed amendments to the General Plan, and

WHEREAS, pursuant to provisions of the 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 December 2, 1996, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the Empire North Unit 1 Specific Plan, Final Focused EIR, and proposed amendment to the General Plan, and

WHEREAS, after said public hearing, the Modesto City

Planning Commission adopted Resolution No. 96-63, recommending to the City Council an amendment to the General Plan to extend the Dry Creek Comprehensive Planning District, to add a Park Planning District, to divide the Empire North Comprehensive Planning District (C.P.D.), and to exempt the Empire North Unit 1 Specific Plan from conforming to the Neotraditional Principles,

and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on January 7, 1997, 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 items,

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 text extending the Dry Creek Comprehensive Planning District, adding a Park Planning District, dividing the Empire North Comprehensive Planning District, (C.P.D.), and exempting the Empire North Unit 1 Specific Plan from Conforming to the Neotraditional Principles, in the City of Modesto, is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto for the following reasons:

1. **Expand Dry Creek Regional Park.** The transfer of this portion of Dry Creek and its flood plain area, adding it to the Dry Creek Comprehensive Planning District (Regional Park) is necessary for

the long term protection and maintenance of its open-space and habitat values.

2. **Add Empire North Park Comprehensive Planning District to Park Planning Areas Diagram.** The Park Planning Area Diagram, originally adopted into the General Plan in the 1970's does not cover the North Empire Comprehensive Planning District.

   The new Comprehensive Planning District Policy is necessary to reflect the physical design constraints that exist for the northern part of the Empire North CPD that inhibit access to a neighborhood park south of Dry Creek.

3. **Divide the Empire North Comprehensive Planning District into two parts.** A private applicant, Dr. Kenneth Lemings, proposes this Amendment in response to Proposal #1 from the City Parks and Recreation department. Segmenting the Empire North CPD would allow approval of a Specific Plan over the northerly 45 acres (north of Dry Creek).

4. **Neotraditional Policies not applicable to North Portion of Empire North Comprehensive Planning District.** The part of the Empire North CPD located north of Dry Creek has physical constraints which inhibit the application of neotraditional design concepts. these include its relatively small size and no room for development of, or connection to, neighborhood amenities such as shopping and parks.

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds and determines as follows:

That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

BE IT FURTHER RESOLVED that the proposed amendment to the General Plan to revise the Empire North Comprehensive Planning District, Dry Creek Comprehensive Planning District, and Park Planning Areas Diagram, is hereby approved, 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.

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 3020-C.S. prezoning the Empire North Unit 1 Specific Plan Area to Specific Plan-Overlay, SP-O, introduced by the Council on January 7, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Serpa, Mayor Lang
NOES:	Councilmembers:	Fisher, Friedman, McClanahan
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Exhibit III-5

DRY CREEK

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ~~460~~509-acre Comprehensive Planning District contains a significant amount of public land owned by the City of Modesto, along the Dry Creek flood plain. A linear park is anticipated in this Comprehensive Planning District.

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)

- ~~460~~509 acres designated "Open Space"

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:

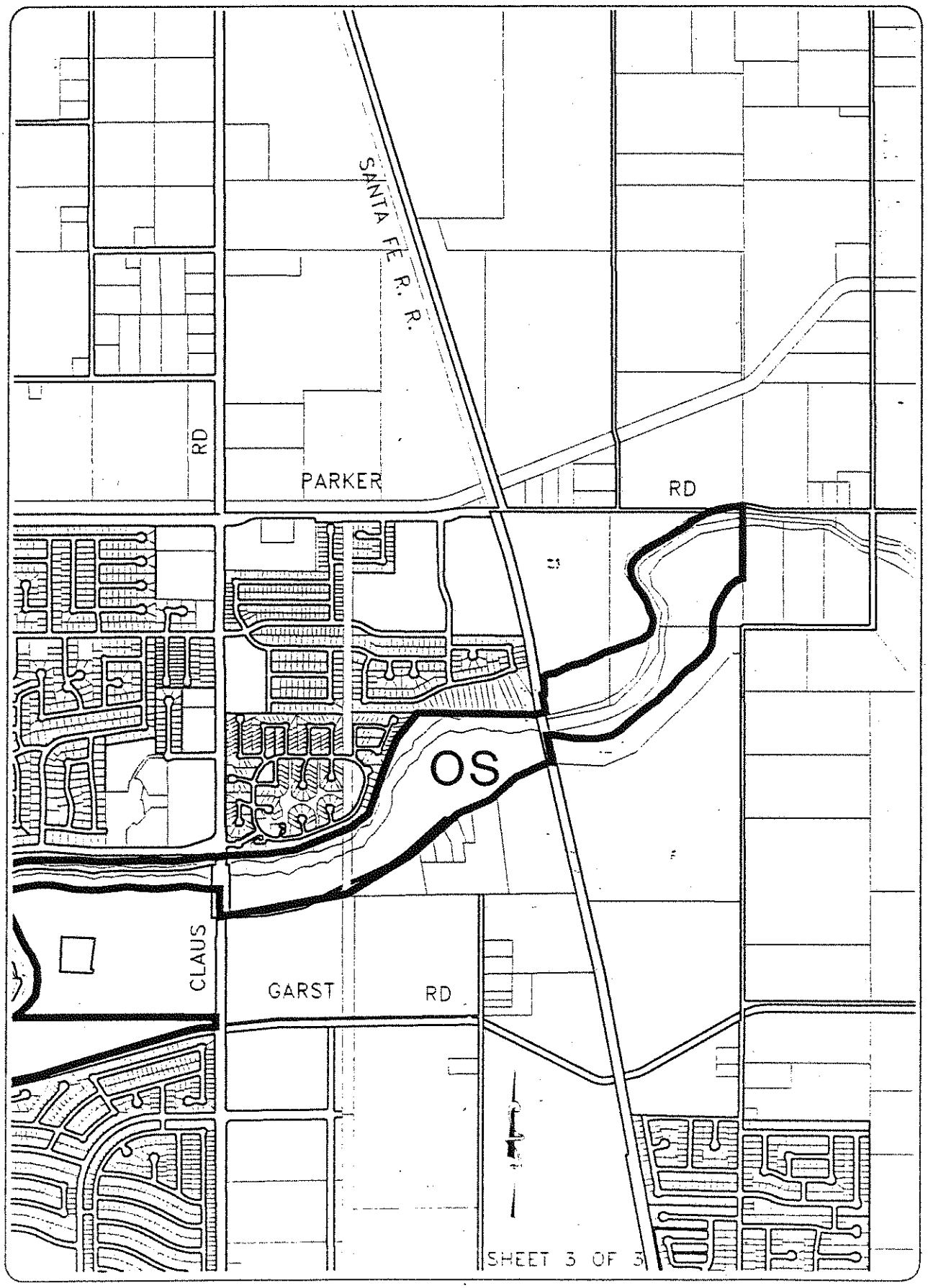
(1) Overall Land Use Policies (Section III-C(1))

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) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed,

DRY CREEK C.P.D.



(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,400 dwelling units.

(2) Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

(3) The Comprehensive Plan for this Comprehensive Planning District should incorporate open space and recreational opportunities along Dry Creek, as an extension of the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII.

(4) Notwithstanding the Park Planning Area on Figure V-5, No. 74, the residential area north of Dry Creek does not need to provide access to any neighborhood parks south of Dry Creek.

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 the Yosemite sanitary sewer trunk. As an interim measure, a tie-in to the existing sanitary sewer lines in Empire may be permitted, as determined by the Public Works and Transportation Department.

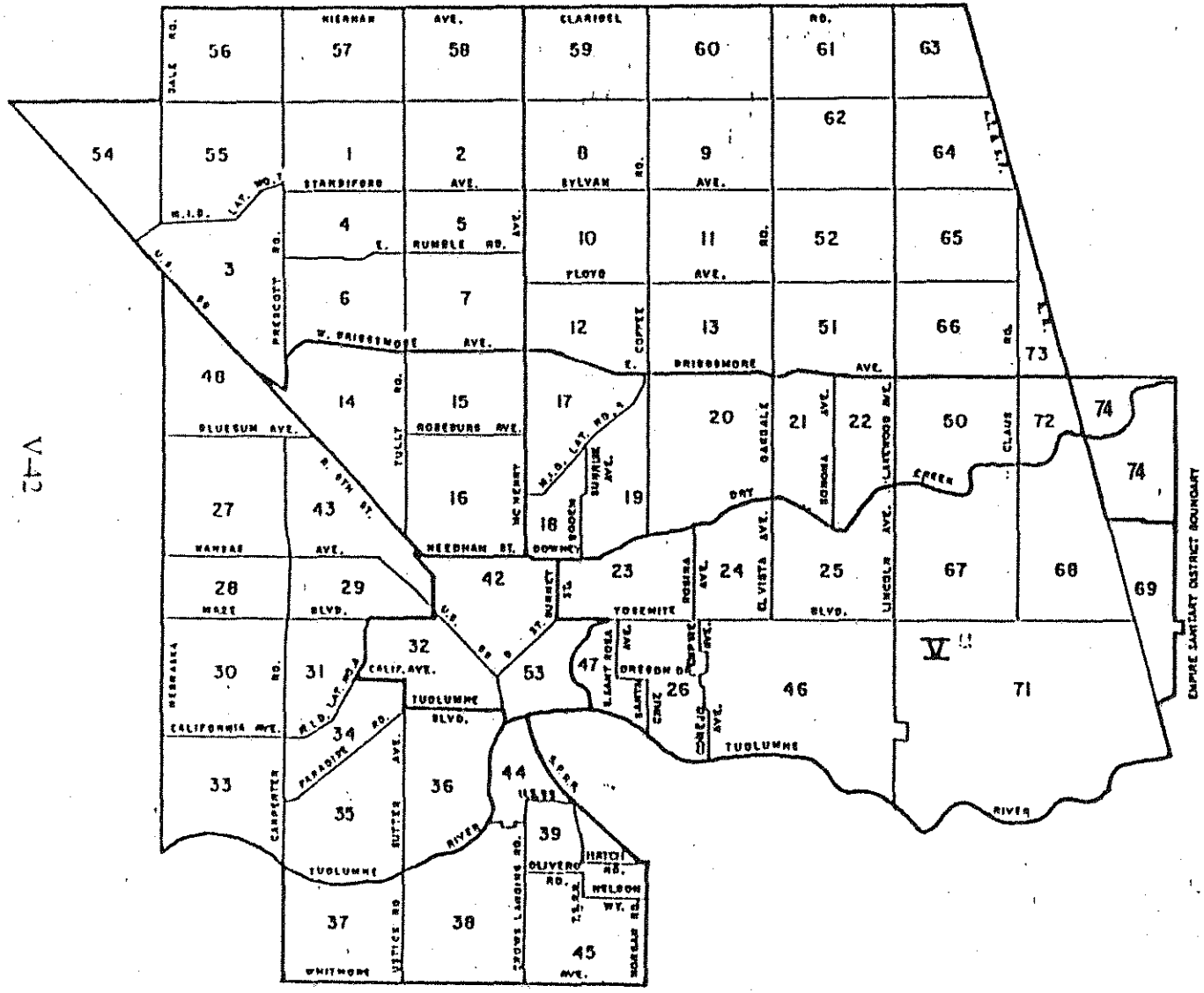
6. Focused EIR:

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 1,400 dwelling units was assumed for the Comprehensive Planning District.

FIGUR. V - 5

PARK PLANNING AREAS



PARK PLANNING AREAS

1 AQUEDUCT
2 H.V. MC HENRY
3 CHRYSLER - 99
4 GOLDSWORTHY
5 WOODROW
6 MUNCY-EVERETT
7 BEARD
8 N.E. MC HENRY
9 BEYER
10 SHERWOOD
11 COFFEE-SYLVAN
12 STANDIFORD
13 FLOYD
14 N.V. CENTRAL
15 ROOSEVELT
16 ENSLEN-J.C.
17 E. MC HENRY
18 HIGH
19 MUIR
20 ROSE PARK
21 E. ORANGEBURG
22 SCENIC EAST
23 LA LOMA
24 E. LA LOMA
25 RIVERSIDE
26 AIRPORT
27 WOODLAND
28 W. MAZE
29 MAZE-VREN
30 VINEYARD
31 TWAIN
32 NEAR WEST SIDE
33 PARADISE WEST
34 BURBANK
35 BELLENITA
36 FAIRWAY
37 FAIRVIEW
38 BRET HARTE
39 SHACKELFORD
40 (DISCONTINUED)
41 (DISCONTINUED)
42 DOWNTOWN
43 N. 99 INDUSTRIAL
44 S. 99 INDUSTRIAL
45 TIDEWATER INDUSTRIAL
46 BEARD INDUSTRIAL WEST
47 GALLO
48 COLLEGE, WEST
49 (DISCONTINUED)
50 LAKEWOOD
51 ORCHARD
52 ROSELLE
53 CENTRAL INDUSTRIAL
54 PELANDALE
55 MC KINNEY COLONY
56 MORROW
57 STANISLAUS
58 KIERNAN
59 CLARIDEL
60 HETCH HETCHY
61 OAKDALE
62 MABLE
63 PLAINVIEW
64 SANTA FE
65 CLAUS
66 HERLE
67 YOSEMITE
68 EMPIRE WEST
69 EMPIRE EAST
70 (DISCONTINUED)
71 BEARD INDUSTRIAL EAST
72 LAKEWOOD EAST
73 HERLE EAST
74 EMPIRE NORTH CPD

EMPIRE NORTH C.P.D.

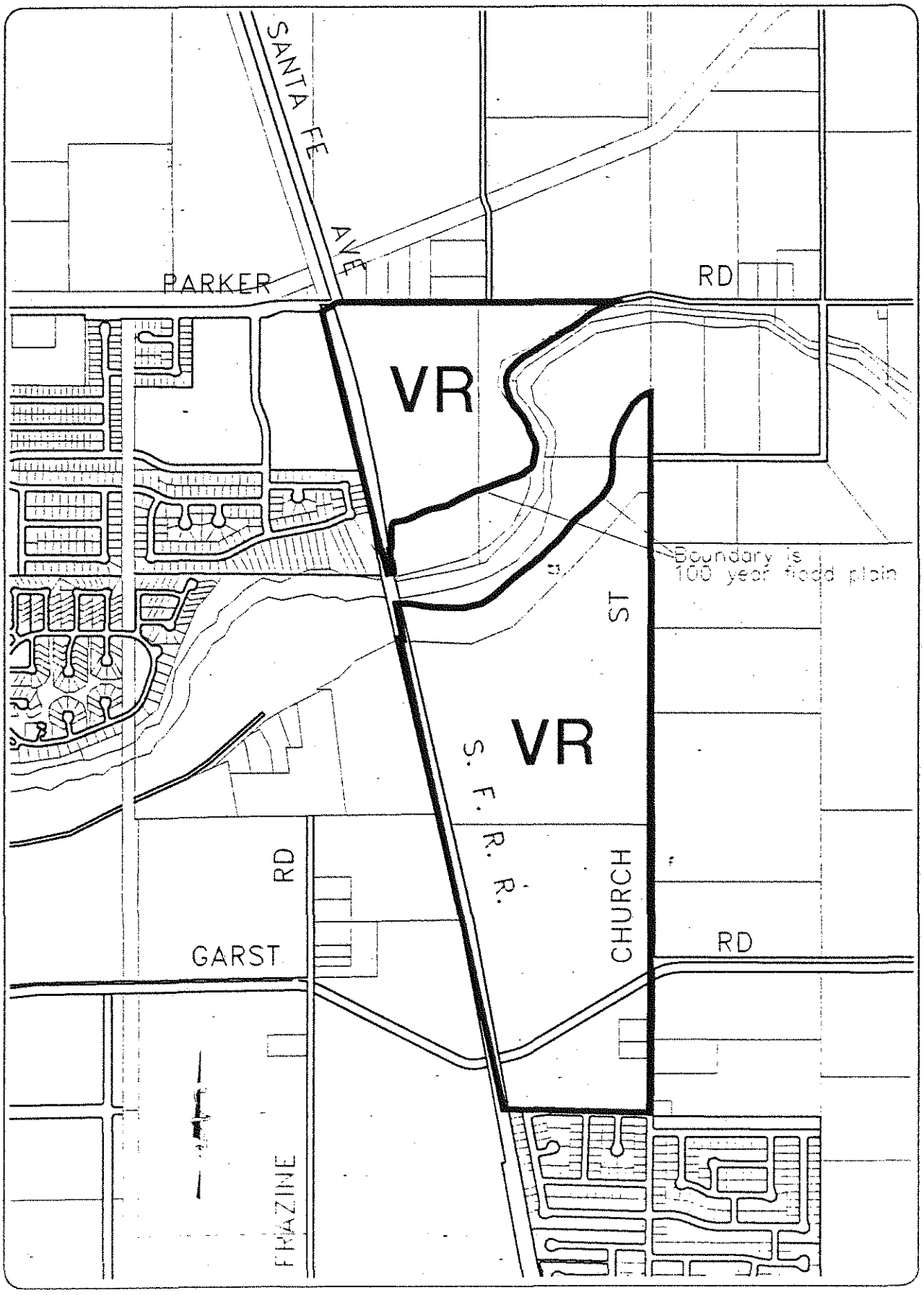


Exhibit III-6

EMPIRE NORTH

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ~~270~~221-acre Comprehensive Planning District proposes predominantly "Village Residential" uses immediately north of existing residential development in Empire. This two-part Comprehensive Planning District is divided by the Dry Creek~~, running through the north end of this Comprehensive Planning District, presents a significant opportunity for recreational and open space opportunities.~~ Comprehensive Planning District which includes the Dry Creek flood plain area.

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)

- ~~270~~221 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

~~Not applicable, as there is only one land use proposed.~~
- 47 acres north of Dry creek CPD designated "Village Residential."
- 174 acres south of Dry Creek designated "Village Residential."

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) Neotraditional Planning Principles (Section III-C(3))
- The Comprehensive Plan north of Dry Creek CPD as follows:

This area may develop without application of neotraditional principles.

- The Comprehensive Plan south of Dry Creek CPD as follows:

This area shall develop according to neotraditional principles as described in Chapter III C, Land Use Policies.

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 1,400 dwelling units.

(2) Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

(3) The Comprehensive Plan for this Comprehensive Planning District should incorporate open space and recreational opportunities along Dry Creek, ~~as an extension of the~~ to be compatible with the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII.

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 the Yosemite sanitary sewer trunk. As an interim measure, a tie-in to the existing sanitary sewer lines in Empire may be permitted, as determined by the Public Works and Transportation Department.

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 1,400 dwelling units was assumed for the Comprehensive Planning District.

b. A biological analysis will need to be prepared.

7. Special Considerations Unique to this Comprehensive Planning District:

~~None.~~

Special considerations are as follows:

a. The Santa Fe Railroad.
b. The Dry Creek and the flood plain.
c. The segmented nature of the CPD.
d. The Eastside Mosquito Abatement District's Airstrip.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-4

A RESOLUTION ADOPTING THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN.

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 August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Empire North Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, the 270-acre Comprehensive Planning District (CPD), entitled "North Empire Comprehensive Planning District", was incorporated into the City's General Plan for the first time, and LAFCO added this area to the City's Sphere of Influence in February, 1996, and

WHEREAS, a single Specific Plan would have been used to implement the entire 270-acre CPD presented in the General Plan, however, the General Plan also allows processing a smaller Specific Plan, "as long as the remaining area within the CPD can still comply with the General Plan policies" presented in Chapter III of the General Plan, and

WHEREAS, the applicant, Dr. Kenneth Lemings, has proposed, and Staff supports, the processing of the 96-acre "Empire North - Unit 1" Specific Plan, leaving approximately 170 acres in the Empire North Comprehensive Planning District to be processed at a later time, and

WHEREAS, the City Parks and Recreation Department has proposed further changes to the General Plan by revising the "Empire North" and "Dry Creek" CPD boundaries to incorporate the entire length of the Dry Creek floodplain area into one Comprehensive Planning District, and

WHEREAS, a Draft Specific Plan dated November 21, 1996, was distributed for public review on or about that date and was made available to the Planning Commission prior to the December 2, 1996, public hearing, and

WHEREAS, a Notice of Preparation was circulated from December 18, 1995, through January 19, 1996, and

WHEREAS, a Draft Focused Environmental Impact Report (Draft EIR SCH #95122030) was prepared pursuant to Section 21158 of the Public Resources Code for public review and comment for the required 45-day period from July 30, 1996, through September 16, 1996, and

WHEREAS, the Final Focused EIR incorporating all the comments received during the public review period and responses thereto, was released for the required 10-day period on November 22, 1996, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines the Planning Commission certified that it reviewed and considered the Final Focused EIR for the Empire North Unit 1 Specific Plan, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 2, 1996, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the adoption of the Draft Specific Plan, and

WHEREAS, by Resolution No. 96-62 adopted on December 2, 1996, the Planning Commission recommended to the City Council the adoption of the Empire North Unit 1 Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on January 7, 1997, 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 that the Council of the City of Modesto finds and determines as follows:

1. That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the proposed Specific Plan is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Empire North Unit 1 Specific Plan, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this resolution shall become effective 30 days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific 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 7th day of January, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Serpa, Mayor Lang
NOES:	Councilmembers:	Fisher, Friedman, McClanahan
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

City of Modesto

Empire North Unit 1 Specific Plan

1997

Adopted January 7, 1997
City Council Resolution No. 97-4

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Acronym List

CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CFF	Capital Facilities fees
City	City of Modesto
CPD	Comprehensive Planning District
District	East Side Mosquito Abatement District
EIR	environmental impact report
FEIR	final environmental impact report
General Plan	Modesto Urban Area General Plan
Master EIR	Master EIR for the City's General Plan
Plan	Empire North Unit 1 Specific Plan
SFRR	Santa Fe railroad
Specific Plan	Empire North Unit 1 Specific Plan
SP-O Zone	Specific Plan Overlay Zone
USFWS	U.S. Fish and Wildlife Service
VELB	Valley Elderberry Longhorn Beetle

Chapter 1. Introduction

A. PURPOSE AND INTENT

The Empire North Unit 1 Specific Plan (Specific Plan or Plan) is part of a comprehensive planning process that serves to implement the City of Modesto's (City's) Urban Area General Plan (General Plan) goals and objectives through development of Comprehensive Planning Districts (CPDs). The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in Government Code Section 65450.

The Specific Plan area is within the Empire North CPD and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-6). Policies and provisions of the Empire North CPD include:

1. containing a maximum of 1,400 dwelling units;

2. maintaining compatibility with the Santa Fe Railroad (SFRR), a significant noise generator;

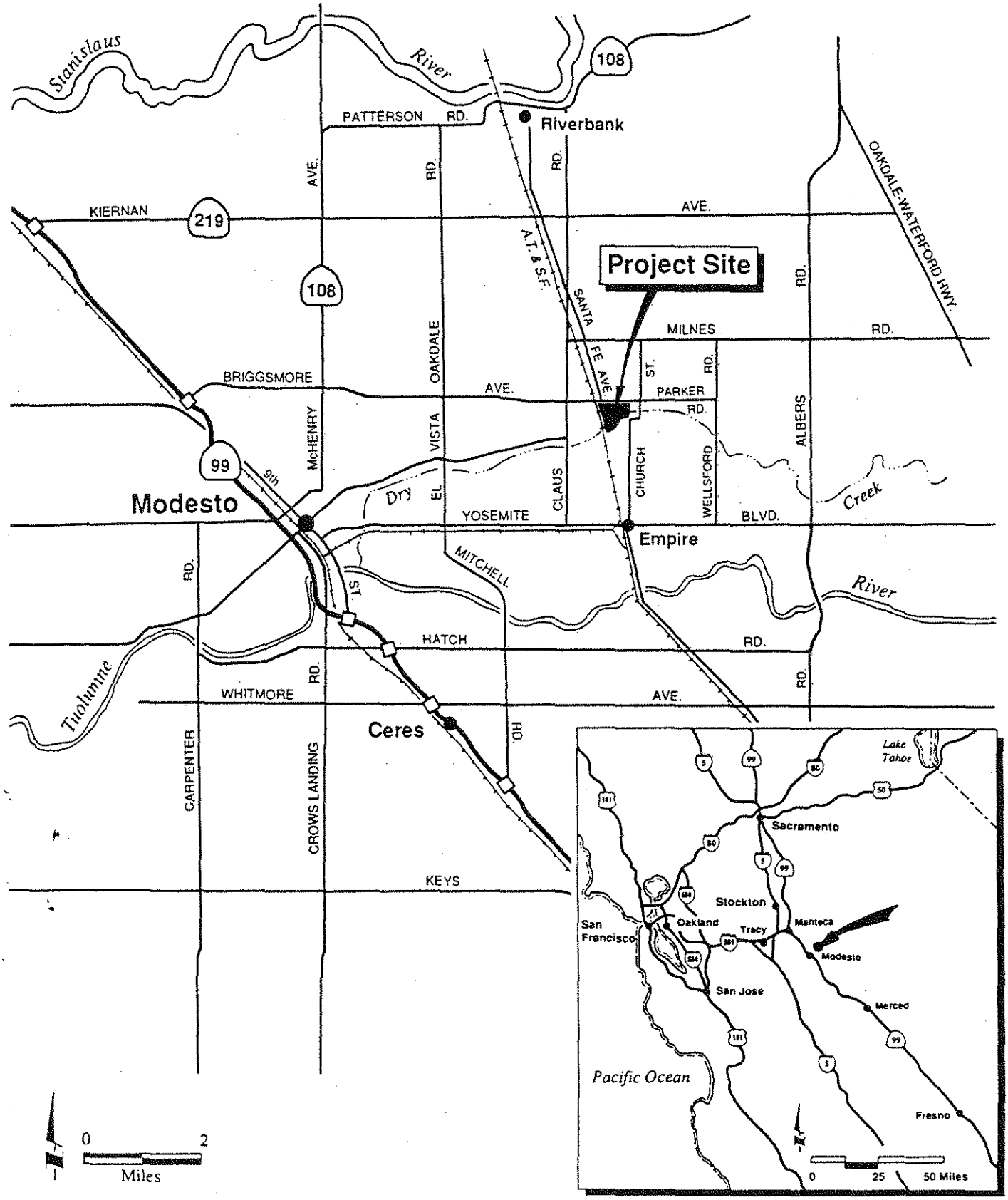
3. incorporating open space and recreation opportunities along Dry Creek, as an extension of the Dry Creek CPD; and

4. implementing adopted City General Plan policies.

The Empire North Unit 1 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 and open space for City residents.

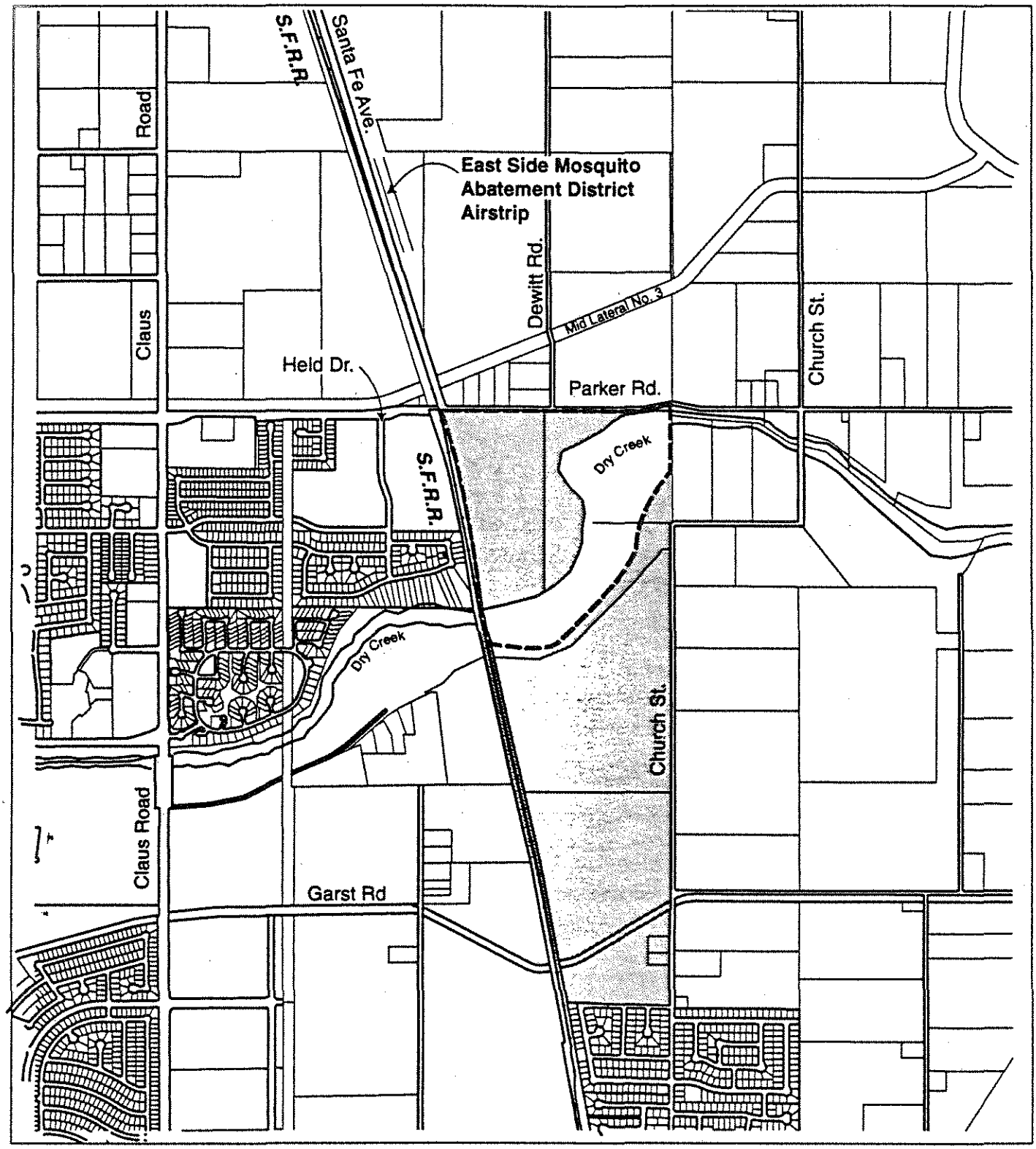
B. PROJECT LOCATION

The Empire North Unit 1 Specific Plan area is located at the eastern edge of the City (Figure 1-1). The Plan area is located approximately 5 miles east of downtown Modesto in unincorporated Stanislaus County adjacent to the City's boundary. The Plan area is within the City's General Plan area and sphere of influence but is outside the city limits. The approximately 96-acre Plan area is held in multiple ownerships and covers the northerly portion of the 270-acre Empire North CPD (Figure 1-2).



Jones & Stokes Associates, Inc.

Figure 1-1
Regional Location



Jones & Stokes Associates Inc.

Figure 1-2
Empire North Unit 1 Specific Plan

The Plan area is bordered by Parker Road on the north, the SFRR on the west, and the southerly bluff line of Dry Creek on the east and south. Two single-family residences and agricultural fields are on the site. Land uses in the vicinity include residential uses to the west, rural residential and agriculture uses to the north and east, open space along Dry Creek to the southwest, and the site of a proposed business park (Village One) to the northwest. A Modesto Irrigation District lateral canal is north of Parker Road.

C. UNIQUE ASPECTS OF THE SPECIFIC PLAN AREA

The unique aspects of the Plan area include Dry Creek, a main tributary of the Tuolumne River, and the proximity of railroad tracks and a local airstrip.

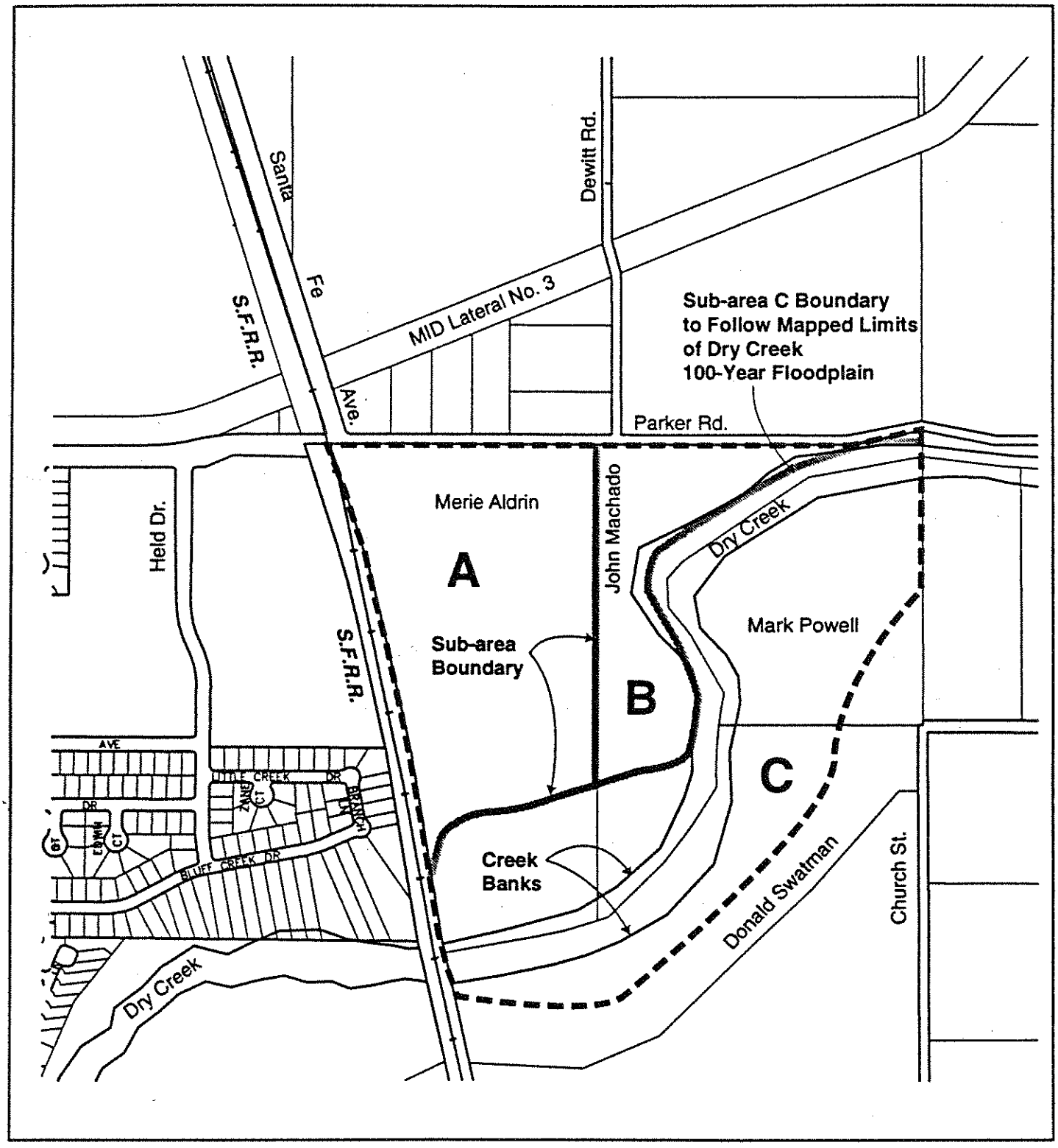
Dry Creek flows westerly, through the Empire North CPD, from the Sierras to its confluence with the Tuolumne river in central Modesto. The portion of the Dry Creek corridor and floodplain that bisects the Empire North CPD has an average width of 800 feet. The creek features include a year round surface flow; a riparian corridor with mature overstory; and a low, broad floodplain. Dry Creek's floodplain covers 48.5 acres. This area is now part of the Dry Creek CPD.

The SFRR right-of-way adjacent to the west boundary of the Specific Plan area has a single set of railroad tracks which are used for both freight and passenger (Amtrak) service. The railroad tracks and the East Side Mosquito Abatement District airstrip to the north are considered significant noise generators.

These characteristics are considered unique in that they do not affect development in most areas of the City and require specialized project design features and mitigation measures. The project's proximity to Dry Creek initiates the application of open space and resource protection policies. The project's proximity to the railroad tracks and the East Side Mosquito Abatement District airstrip initiates the application of noise reduction and safety policies. These policies are found in the Policy Summary section. Related mitigation measures are found in the focused EIR.

D. DESIGNATION OF SUB-AREAS

There are three sub-areas in the Specific Plan, as shown in Figure 1-3. Sub-area A would allow development of up to 171 residential units. Sub-area B also is designated residential development. Sub-area C, within the floodplain of Dry Creek, is designated as Open Space by the General Plan amendment for the easterly extension of the Dry Creek CPD. Residential uses will comply with Village Residential policies of the City's General Plan. The Village Residential land use designation is intended for areas of predominantly single-family residential use but includes multi-family and senior housing uses, with a recommended overall density of 5.1 dwelling units per gross acre. The open space (Sub-area C) designation is consistent with the easterly extension of the Dry Creek CPD,



Jones & Stokes Associates Inc.

Figure 1-3
Empire North Unit 1 Specific Plan:
Ownership Parcels and Sub-areas A, B, and C

which is adjacent to the southwestern corner of the Plan area, and potential linkages with upstream portions of the creek further to the east.

The Plan area is proposed to be annexed to the City and served by urban-level public infrastructure. Access to the site would be from Parker Road, currently a two-lane, publicly maintained 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 and schools, also would be provided by public agencies or special districts.

E. DRY CREEK COMPREHENSIVE PLANNING DISTRICT

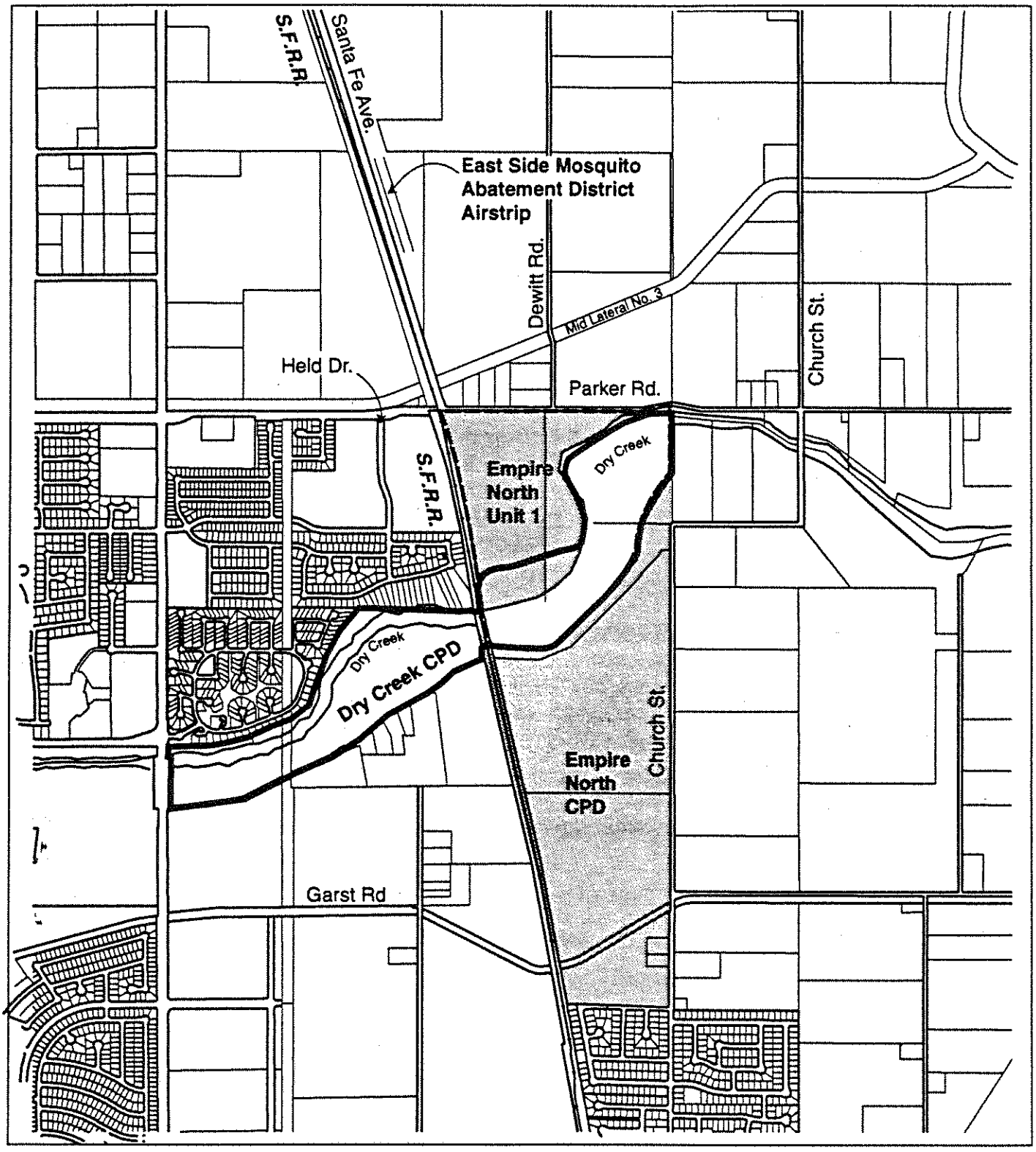
The Dry Creek CPD is a public park and open space corridor along the Dry Creek floodplain, extending from the downtown area to the easterly city limits of the City of Modesto. This CPD was extended, by city general plan amendment, to include the portion of the Dry Creek floodplain that was previously a part of the Empire North CPD. This action has increased the size of the Dry Creek CPD from 460 acres, to 509 acres. All land within the CPD is designated as open space in the Modesto Urban Area General Plan. The park and open space corridor include riparian, open water and foraging habitat for wildlife species as well as regional and local recreation facilities.

The Modesto General Plan specifies that a comprehensive plan be prepared for each CPD. The preparation of a Park Master Plan for the Dry Creek regional park shall suffice as the Comprehensive Plan for the Dry Creek CPD. The exact boundaries of the Dry Creek CPD shall be determined by the Comprehensive Plan. The portion of the Dry Creek CPD that was formerly part of the Empire North CPD is 47.3 acres in size and includes the Dry Creek corridor, riparian area and flat floodplain areas to the north and south. The riparian area along the creek corridor provides habitat for sensitive species and should be retained in a natural state.

The floodplain areas adjacent to the creek corridor and riparian area may be suitable for development of recreation uses. These uses could include the easterly extension of the regional park, a local public park, trails or a private recreation area. Any public or private entity constructing improvements within the designated open space of the Dry Creek CPD would also be responsible for providing access, protection and maintenance.

F. PROJECT OBJECTIVES

Primary objectives of the Specific Plan are to allow development in conformance with the City's General Plan and to streamline the environmental review requirement. A focused EIR for the Specific Plan area, tiered from the City's Master Environmental Impact Report (EIR), also has been prepared. The focused EIR analyzed only the proposed project's additional significant effects on



Jones & Stokes Associates Inc.

Figure 1-4
Empire North and Dry Creek Comprehensive Planning Districts

the environment and any new or additional mitigation measures that were not identified or analyzed in the City's Master EIR. The City's Master EIR has already analyzed and mitigated many of the potential impacts associated with development of the Plan area. The focused EIR will refer to appropriate sections of the City's Master EIR to document mitigation of specific issues. The Specific Plan also will incorporate mitigation of certain environmental impacts into the project standards, and this mitigation will be documented in the focused EIR. All mitigation measures described in the focused EIR have been included in the Specific Plan.

G. STATUTORY AUTHORITY

A comprehensive plan is a policy document used to implement the "Comprehensive Planning District" concept presented in Section III-D of the City's General Plan. The General Plan acknowledges specific plans (as defined by Section 65450 of the California Government Code) as an appropriate form of comprehensive plan to implement CPD policies. Specific Plans are authorized under Section 65450 for the systematic implementation of all or part of a general plan.

The Empire North Unit 1 Specific Plan is intended to facilitate development within the Plan area by: 1) defining the types and distribution of land uses and the location and type of infrastructure, 2) setting development standards, and 3) documenting financing of public improvements. This Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a specific plan include, at minimum, text and diagrams to describe the following:

1. The distribution, location and extent of land uses, including open space, within the plan area.

2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, energy, and other essential facilities proposed to be located within the plan area and needed to support land uses described in the specific plan.

3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.

4. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to implement the specific plan.

5. A statement of the relationship between the specific plan and the city's general plan.

H. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

The City adopted its current General Plan and certified the Master EIR in August 1995. The General Plan identified 25 Comprehensive Planning Districts, including Empire North, within the City's Planned Urbanizing Area. Collectively, the CPDs cover 17,600 acres and represent the City's major urban growth area. The City's General Plan contains a comprehensive range of goals and policies to manage future growth in these districts. In addition to overall community development policies affecting all CPDs (Chapter III), the City's General Plan includes policies for developing its community services and facilities (Chapter V), and managing the City's environmental resources and open space (Chapter VII).

I. SPECIFIC PLAN ADOPTION AND SEVERABILITY

Adoption of the Empire North Unit 1 Specific Plan and certification of the focused EIR establishes the standards, criteria, and mitigation measures for annexation, tentative and final subdivision map approval, prezoning, and development of the Plan area.

Should any regulation, condition, program, or portion of this Specific Plan be ruled invalid or unconstitutional by a California or federal court of competent jurisdiction, such portions will be deemed separate, distinct, and independent provisions. The invalidity of these provisions will not affect the validity of the remaining portions of the Specific Plan or focused EIR.

J. ORGANIZATION OF THE SPECIFIC PLAN

The content of the Specific Plan is consistent with requirements identified in Section 65451 of the California Government Code and City Community Development Guidelines for preparing comprehensive plans. The City guidelines include a list of general plan policies adopted to guide development within the CPDs. Applicable policies have been carried forward and are presented in the Specific Plan. The City's General Plan policies have been grouped according to their focus on community development, community services and facilities, public safety, and environmental resource and open space issues. The Specific Plan is organized into the following chapters:

Chapter 1. Introduction. The purpose, location, description, and unique aspects of the Specific Plan area are presented in this chapter.

Chapter 2. Land Use Designations. This chapter presents community development policies of the City's General Plan and describes the residential and open space uses proposed for the Plan area.

Chapter 3. Standards and Criteria by Which Development Will Proceed. The performance criteria and development standards for complying with City codes and ordinances are described in this chapter.

Chapter 4. Public Facilities. This chapter presents community services and facilities policies of the City's General Plan and describes how these policies will be followed within the Specific Plan area.

Chapter 5. Implementation and Financing. This chapter presents environmental resources and open space policies of the City's General Plan and describes how these policies will be followed in subsequent actions and development of Specific Plan uses.

Chapter 6. List of Preparers. This chapter identifies individuals involved in preparation of the report.

K. STRUCTURE OF POLICIES WITHIN SPECIFIC PLAN

Throughout this Specific Plan document, a variety of policies are presented, in order to comply with State law requirements for Specific Plans.

All Policies pertinent to this Specific Plan are clearly labeled and shown in bold type (for example, "**Policy LU-1**"). Future development and/or public infrastructure construction by the City shall conform to these Policies, where relevant. Unless otherwise specified, all Specific Plan policies apply to all three sub-ares. All other narrative in this Specific Plan is descriptive only and does not form the basis for findings of conformance for subsequent projects.

Chapter 2. Land Use Designations

A. OVERVIEW

The City's General Plan land use designations for Empire North Unit I are Village Residential and Open Space. The northerly portion of the Plan area will remain Village Residential; however, the Dry Creek corridor is designated as Open Space by a General Plan amendment adopted in 1996 for extending the Dry Creek CPD. This Specific Plan implements both the Village Residential and Open Space land use designations. This chapter presents the City's General Plan community development policies that will guide the general distribution and extent of uses within the residentially designated portion of the Plan area.

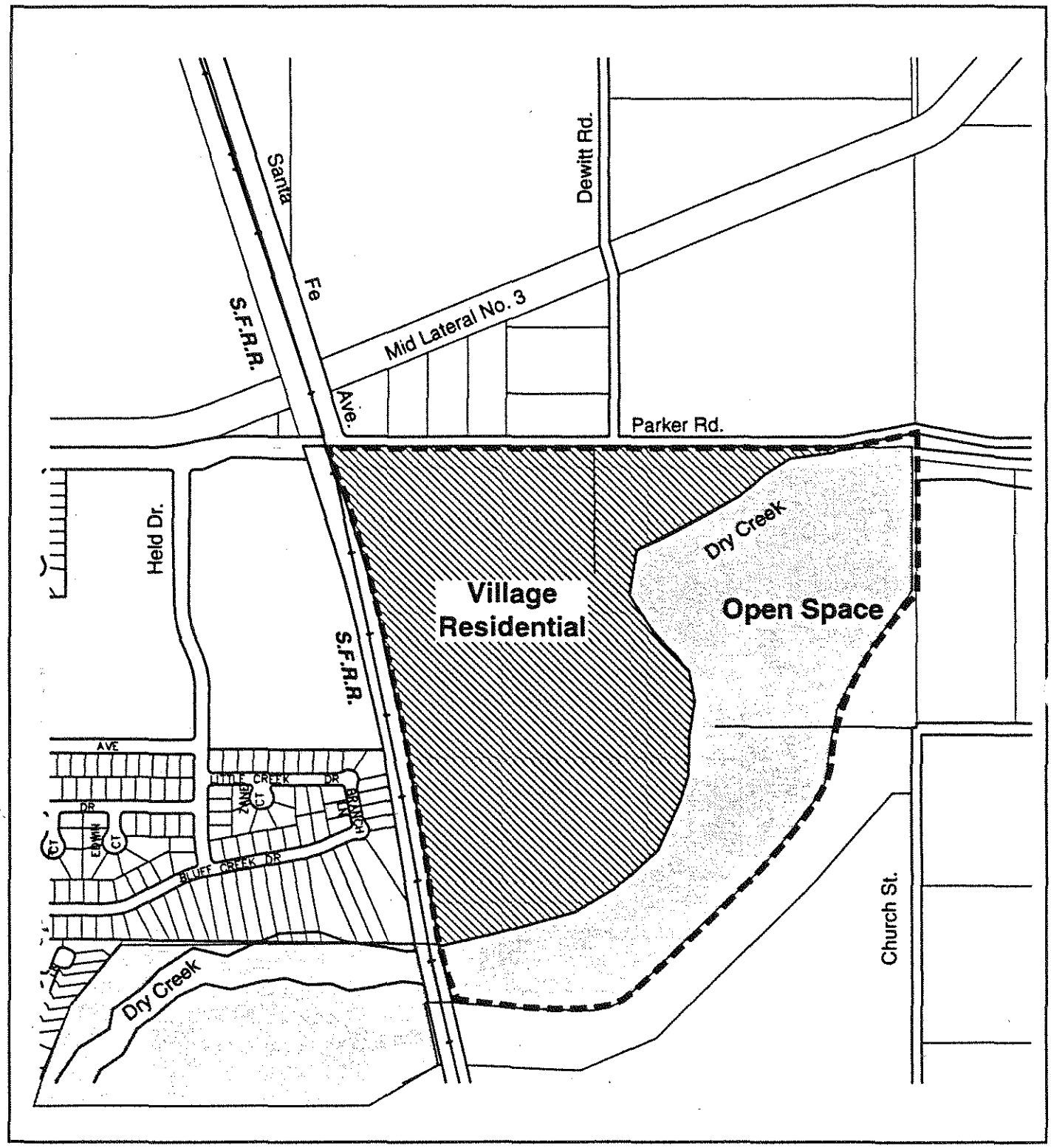
1. Specific Plan Goals

The City's General Plan contains a hierarchy of policies to guide development of residential and open space uses within the Plan area. City community development policies identify the use of CPDs to implement development in planned urbanizing areas. CPD policies provide the next level of guidance, by using CPDs as planning units for unified direction and encouraging cooperation among affected property owners. The policies for the Empire North CPD offer more focused guidance on issues specific to the Plan area. The City's General Plan also contains applicable policies concerning community services and facilities, public safety, and environmental resources and open space, which are presented in subsequent chapters.

The goals of the Specific Plan are to facilitate development of Village Residential uses in Empire North Unit 1 (Figure 2-1), consistent with policies and standards of the City.

2. Relevant General Plan Policies

Empire North Unit 1 will be developed in compliance with applicable City General Plan community development, CPD, and related policies. City General Plan policies regarding land uses implemented through the Specific Plan are identified in Table 2-1. For each of the general plan policies listed in Table 2-1, a corresponding description of how the Specific Plan complies with the policy is provided. The reference in parenthesis at the end of each compliance statement indicates where more detailed information may be found. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.



Jones & Stokes Associates Inc.

Figure 2-1
Specific Land Use Designations

Table 2-1 Relevant General Plan Land Use Policies and Specific Plan Compliance

General Plan Land Use Policy	Specific Plan Compliance
Specific Plans, adopted pursuant to Section 65450 et seq. of the California Government Code, may be used to provide primary policy guidance to future development within their respective geographic areas. Specific Plans may be adopted to implement any of the Land Use Designations presented on the land Use Diagram, and they may be used within any Growth Strategy Designation: Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section B, p. V-7)	This Specific Plan provides policy guidance for future development within the Empire North Unit 1 planning area. The adopted Specific Plan implements Village Residential uses for the Empire North CPD and designates Open Space uses for the Dry Creek CPD extension, within Modesto's Planned Urbanizing Area. (Specific Plan, Chapter 2)
Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners.(Section D, p. III-11)	There are four property owners within the Empire North Unit 1 planning area. Each property owner will be able to follow the unified direction provided in the Specific Plan for development of their respective properties. (Specific Plan, Chapter 2)
Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et seq. of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development. (Section D, p. III-12)	This Specific Plan serves as a Comprehensive Plan, for implementing the policies and provisions of the Empire North Comprehensive Planning District as defined in Chapter III of the Modesto General Plan. (Specific Plan, Chapter 1)
More than one Comprehensive Plan may be processed within a given Comprehensive Planning District, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District. (Section D, p. III-12)	There will be more than One Specific Plan for the Empire North Comprehensive Planning District. This Specific Plan implements residential development for the area north of Dry Creek and the easterly extension of the Dry Creek CPD, which was done as a separate GPA. (Specific Plan, Chapter 1)
Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that Comprehensive Plan, if the City as Lead Agency can make the following finding: No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available. (Section 21157.6(a) of Public Resources Code.) (Section D, p. III-12)	The EIR for the Empire North Unit 1 Specific Plan is a focused EIR and is intended to streamline CEQA review. The City, as lead agency, will make all required findings in accordance with the Public Resources Code at the time of EIR certification. (Specific Plan, Chapter 1)

All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative. (Section D, p. III-13)	The policy requirements presented in the Empire North Comprehensive Planning District narrative (Exhibit III-6) have been applied in this specific plan. (Specific Plan, Chapter 1)
The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII. (Section D, p. III-13)	The Empire North CPD is within the City's Planned Urbanizing Area. The City's Planned Urbanizing Area policies have been addressed in this Specific Plan. (Specific Plan, Chapters 1, 2, 3, 4)

B. GENERAL PLAN LAND USE POLICIES

Empire North Unit 1 will provide additional residential units to house Modesto's growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. The recommended overall density for the Village Residential designation is 5.1 dwelling units per gross acre. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Unit 1 Plan area is not expected to accommodate all these uses; however, development of Unit 1 is not expected to preclude development of any of these uses in the Empire North CPD.

The policy requirements presented in the Empire North CPD (General Plan Exhibit III-6) are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area. The City General Plan includes the following language relating to consistency of comprehensive plan policy with General Plan policy:

> Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with general plan policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

C. LAND USE PLAN SUMMARY

As shown in Table 2-2, the Empire North Unit 1 Specific Plan designates a total of 47.3 acres for Village Residential uses and 48.5 acres as open space in the Dry Creek CPD. The residential uses will be located in Sub-areas A and B and the Dry Creek CPD in Sub-area C.

Table 2-2. Land Use Summary for the Empire North Unit 1 Specific Plan

Area	Acres	Residential Units
Sub-area A - Village Residential	33.5	171
Sub-area B - Village Residential	13.8	70
Sub-area C - Open Space: Dry Creek CPD		
Sub-area C-1 - Floodplain - Aldrin	8.0	
Sub-area C2 - Floodplain - Machado	8.8	
Sub-area C3 - Floodplain - Swatman	13.3	
Sub-area C4 - Floodplain - Powell	18.4	0*
Total residential (Sub-areas A and B)	47.3	241
Total open space (Sub-area C)	48.5	0*
Total Specific Plan area	95.8	241

* Note exception provided by Policy LU-4.

D. LAND USE PLAN DESIGNATIONS

LU-1. Development shall be required to be consistent with Figure 2-1, Specific Plan Land Use Designations and Table 2-1, which are hereby adopted into this Specific Plan. All subsequent development shall conform with these designated land uses.

The following sections describe the policies for Village Residential and Open Space uses that will guide development in the Unit 1 Plan area.

1. Village Residential

LU-2. The Village Residential general plan designation, which is incorporated into this Specific Plan, allows for a maximum of 241 units in subareas A and B , as shown in Table 2-2. Residential unit calculations are based on gross acreage.

LU-3. The Village Residential designation typically includes neo-traditional planning principles in project design. These principles are not considered applicable by the General Plan to Empire North Unit 1 because of the small developable area and configuration and location of the site, which make application of these principles impractical. Certain pedestrian-oriented features, such as walkways and access to Dry Creek open space, are incorporated into the Specific Plan. The majority of residential units in the Plan area will be

single-family dwellings conforming with Article 5, Low Density Residential Zone (R-1), of the City's Planning and Zoning Code.

2. Open Space

The City's General Plan addresses the need for a variety of open space as part of physical urban development. Policies in the City's General Plan concerning open space are intended to preserve natural resources, promote public health and safety, and provide for a River Greenway Program. These policies are applicable to the Stanislaus and Tuolumne Rivers and Dry Creek, a tributary of the Tuolumne River. The Empire North Unit 1 Specific Plan addresses application of open space policies for Dry Creek.

LU-4. The Open Space general plan designation, which is incorporated into this Specific Plan, recommends low-impact recreational facilities, public ownership, and agriculture. In addition, low-density residential uses not exceeding one dwelling unit per 10 acres is a recommended residential density.

A supplemental City General Plan policy for the Empire North CPD states:

> The Comprehensive Plan for the Comprehensive Planning District should incorporate open space and recreation opportunities along Dry Creek, as an extension of the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII.

This policy is being implemented by the General Plan amendment for the Dry Creek CPD extension. River Greenway Program policies include protecting and enhancing visual corridors, incorporating public access points and pedestrian and bicycle paths into residential development, and protecting environmentally sensitive habitat areas from significant disruption of habitat values.

LU-5. The extension of the Dry Creek CPD through the Plan area provides the opportunity to add 48.5 acres to the existing 460-acre park that extends from the downtown area, south of Yosemite Boulevard to the SFR bridge over Dry Creek. Additional information about the extension of the Dry Creek CPD is included in Chapter 4, Section H.2., of this Specific Plan.

3. Specific Plan Overlay Zone

LU-6. The City General Plan contains policies that generally guide development of residential and open space uses and more specific standards and criteria that address the unique aspects of the Specific Plan area. To incorporate these specific criteria into the project design, the Specific Plan applies a Specific Plan-Overlay (SP-O) Zone to the Plan area.

Chapter 3. Standards and Criteria by Which Development Will Proceed

This chapter provides standards and criteria to be followed in the development of Empire North Unit 1, including supplemental development standards in compliance with Section 65451 (a)(3) of the California Government Code. This includes development standards for residential uses (i.e., minimum lot sizes, setbacks and height requirements), performance standards for noise attenuation, flood hazard, public safety and natural resource (biological and archaeological or historical) protection to address the unique features of the Plan area. Relevant General Plan policies addressing flood hazard, noise, and public safety and natural resource issues that affect the Plan area are presented in Table 3-1, followed by standards and criteria for residential development, use of open space, and supporting community facilities and services in the Empire North Unit 1 Plan area. For each of the general plan policies listed in Table 3-1, a corresponding description of how the Specific Plan complies with the policy is provided. The reference in parenthesis at the end of each compliance statement indicates where more detailed information may be found.

Table 3-1 Relevant General Plan Environmental and Cultural Resources Policies and Specific Plan Compliance

General Plan Land Use Policy	Specific Plan Compliance
New urban development shall be approved only when the developer shows it to be protected from "100- year" floods. (Section C, p. VI-3)	The 100-year-flood zone for Dry Creek has been designated as open space and will not be developed for residential uses. (Specific Plan, Chapter 1)
Undeveloped floodway and floodplain areas shall be preserved for non-urban use. (Section C, p. VI-3)	The Dry Creek floodway and flood zone is now part of the Dry Creek CPD and will be preserved for non-urban uses. (Specific Plan, Chapter 1)
The Focused Environmental Impact Report, for any Comprehensive Planning District located within a "Flood Potential Study Area" on Figure VI-2, shall include a Flood Hazard Analysis developed to mitigate all of the Flood Hazard impacts identified in the Master Environmental Impact Report. (Section C, p. VI-3)	The Empire North CPD is within the Flood Potential Study Area and a flood hazard analysis, included in the focused EIR, mitigated all flood hazards identified in the Master EIR. (EIR, Chapter 3)
The results of the Flood Hazard Analysis shall be incorporated into the project design of any Comprehensive Plan. (Section C, p. VI-4)	The Dry Creek flood zone is part of the Dry Creek CPD and designated as open space. (Specific Plan, Chapter 2)

The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses . . . that minimize the exposure of [present and future] community residents to excessive noise." (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (Section G, p. VII-16)	A noise analysis, prepared by a qualified noise specialist, was performed for the focused EIR. The noise analysis, which included development of noise contours, was the basis for mitigation measures, including sound barriers along Parker Road. These noise mitigation measures are included in the EIR and policies to reduce noise impacts are included in the specific plan. (EIR, Chapter 3)
For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram). Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (Section E, p. VII-8)	The Empire North CPD is within the Planned Urbanizing area and a site survey was conducted by a qualified biologist to determine the presence of any sensitive natural communities or species. The site survey did determine the presence of two sensitive species, Valley Elderberry Longhorn beetle (VELB) and Swainson's hawk. Mitigation measures to reduce impacts on these species to a less-than-significant level are included in both the specific plan and the EIR. Follow up surveys to determine whether Swainson's Hawk are nesting on the project site are required in the project EIR. Any significant results from those surveys will be recorded onto the city's existing biological resources map. (EIR, Chapter 3)
All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signage and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8)	Most of the habitat found to contain or potentially contain sensitive species is within the area designated as open space, within the easterly extension of the Dry Creek CPD. A portion of Subarea A contains elderberry bushes, which provide suitable habitat for the VELB. Setbacks from the habitat, to protect the VELB, have been incorporated as mitigation measures in the EIR and are included in the policy summary of the specific plan. These measures are designed to protect habitat that contributes to the long-term conservation of sensitive species and ecosystems. (EIR, Chapter 3)

Where formally listed species are determined present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9)	The VELB is a species listed as threatened under the federal Endangered Species Act. Swainson's hawk is state listed as threatened under the California Endangered Species Act. Mitigation for VELB impacts includes obtaining a Section 10a permit from the USFWS. Mitigation for Swainson's hawk includes complying with California Department of Fish and Game Code Section 2081. These measures will provide for agency consultation in accordance with the state and federal endangered species acts. (EIR, Chapter 3)
Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report. (Section E, p. VII-9)	Other implementation measures to be implemented include avoiding disturbance to nesting Swainson's hawk. (EIR, Chapter 3)
For all proposed development within an archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources. Where proposed development could affect the resources, the City shall consult Table 8-1 in the Master Environmental Impact Report for the steps to be implemented. (Section F, p. VII-10)	The Empire North CPD is within the City's archaeological resource study area. A records search for the area within a 1- mile radius of the site was conducted at the Central California Information Center at Turlock. The search did not locate any formally recorded archeological or historical sites within the search area. A cultural resources surface field reconnaissance was also conducted. Results of the field reconnaissance are documented in the EIR. (EIR, Chapter 3, Section D.) Provisions for consulting Table 8-1 in the Master Environmental Impact Report have been incorporated into the EIR. (EIR, Chapter 3, Section D.)

A. IMPLEMENTATION OF LAND USE AND DEVELOPMENT STANDARDS

This section describes how the Specific Plan meets Government Code Section 65451(a) (3), specifically related to Development Regulations. This section also describes how the Specific Plan assists in the implementation of the Specific Plan Overlay Zone (SP-O Zone) (Article 19, Sections 10-2.1901 through 10-2.1905 of the Modesto Municipal Code).

1. Purpose and Intent of the Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit residential development within the Empire North Unit 1 Specific Plan area.

2. Application of the SP-O Zone

LU-7. The City Zoning map as allowed by Section 10-2.305 of the Modesto Municipal Code, "The Zoning Map", shall indicate SP-O zoning for the area of the Empire North Unit 1 Specific Plan designated for Village Residential Uses.

3. Effect of the SP-O Overlay Zone

LU-8. Development regulations within the Empire North Unit 1 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. 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.

4. Exceptions Adopted by This Specific Plan

LU-9. Any development proposed within 300 feet of the Dry Creek CPD shall conform to the following additional regulations, which shall be included on the tentative subdivision map:

a. Lots adjacent to Dry Creek. **Lots that back up to Dry Creek are not required to have fences. However, if rear-of-lot fencing is built, it shall be of a wrought iron, see-through variety.**

b. Open Space Easements. **The area below the 100-year floodplain line on any subdivision map shall be included in an open space easement and shall be encumbered with the following conditions:**

1. **The easement shall be granted to the City with maintenance of the easement to be assumed by the homeowners of each lot or homeowners association.**

2. **Plant life, including but not limited to trees, shrubs, and grasses shall not be removed except with the prior approval of the City Parks and Recreation Director.**

3. **The "Open Space" area shall be maintained in its natural state.**

4. **The area shall be kept free of trash and refuse and shall be maintained in a visually attractive state.**

5. The 100-year floodplain shall be shown on the final map.

6. The form of the "Open Space Easement" shall be prepared to the satisfaction of the City Attorney and recorded with the final map.

5. Subsequent Exceptions to Development Regulations

LU-10. The Planning Commission may grant exceptions to any of the development regulations listed above, by resolution, based on the following considerations:

a. Exception Guidelines. Exceptions may be granted to achieve the following purposes:

1. To encourage creative and efficient land uses.
2. To encourage mixed or multiple-use projects.
3. To permit variations from the density, height, and other standards in the various zones.

b. Exception Examples. Examples of such exceptions may include, but are not limited to, the following proposals:

1. Lot sizes smaller than 5,000 square feet.
2. Condominiums/community apartment projects/stock cooperatives.
3. Subdivisions with private streets, including gated subdivisions.
4. Senior housing facilities.
5. Residential care facilities.
6. Neighborhood commercial uses.
7. Attached housing.

c. Submittal Requirements. An application to the Planning Commission to adopt further exceptions to development standards shall include the following submittals:

1. A development plan and any elevations, perspectives, or floor plans necessary for project evaluation as determined by the Director.

2. A development schedule.

3. A tentative subdivision map if the project contains residential units.

d. Conditions. In granting any exceptions, the Planning Commission may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health safety or welfare. Examples of conditions are height, signs, lot coverage, yards, and density and parking requirements.

B. ENVIRONMENTAL PROTECTION MEASURES

A focused EIR prepared for Empire North Unit contains mitigation measures that are identified as policies in this Specific Plan. Mitigation measures derived from the focused EIR ensure that environmental impacts are offset to the maximum extent feasible.

1. Noise

Noise from Parker Road and the SFRR will affect the Plan area. Noise impacts from the segment of Parker Road adjacent to the Specific Plan area have been estimated based on 2015 traffic projections for Parker Road west of Santa Fe Avenue. Train noise contours have been taken directly from Figure 3-2 of the General Plan noise element. Figure 3-1 of the Specific Plan depicts noise contours on the project site from traffic on Parker Road and train passages on the SFR track along the west side of the project site. Noise from these sources exceed the City's standard of 60 dB-L_{dn} for residential development and the 65-dB L_{dn} threshold that triggers additional study for projects exposed to noise.

Noise from aircraft using the East Side Mosquito Abatement District (District) airstrip to the northwest also affects the Plan area. A study has been conducted to evaluate aircraft noise impacts on the Plan area. Because of the type of aircraft used and the low volume of operations, noise contours or single-event noise levels could not be developed. However, the study concludes that significant noise impacts would occur in the Plan area.

EP-1. *Interior Noise Reduction.* Design of the proposed residential building shells will be evaluated to ensure that interior noise levels resulting from traffic, trains, and aircraft are 45-dB L_{dn} or less. Special construction design features needed to meet this interior noise level will be specified. Although design features (e.g., acoustical insulation) are available to address interior noise resulting from aircraft flyovers, design features to address significant exterior noise impacts from aircraft are not available.

The following Specific Plan Noise Policy shall be implemented to inform new residents of noise from the airstrip; however, this measure will not reduce the impact of exposure to noise from the airstrip to a less-than-significant level.

EP-1(a). The Avigation Easement required by Policy EP-7 shall also provide notice to future residents in Sub-area A regarding potential noise impacts caused by the airstrip.

2. Biological Resources

Development associated with the Specific Plan could result in potentially significant impacts on sensitive plant and wildlife habitats and species in the Plan area, including impacts on VELB located in Sub-area C and loss of Swainson's Hawk foraging habitat in A and C. Impacts on biological resources shall be mitigated by implementing the following Specific Plan Environmental Protection Policies, listed below; note that *either* EP-2 or EP-3 needs to be implemented.

EP-2. Development within Sub-area C will avoid VELB habitat (i.e., elderberry shrubs) by prohibiting construction activities within 20 feet of elderberry shrubs. The tentative map will be designed to show the setback of 20 feet from the elderberry shrubs where no construction or disturbance shall occur. The City will ensure that this setback is shown on the tentative map and that construction and disturbance are prohibited in the setback during site development,

OR

EP-3. As an alternative to EP-2, Section 10a permits under the federal Endangered Species Act will be obtained by the proponent of any development that could affect VELB in Sub-area C. A Section 10a permit allows take of a listed species if a VELB mitigation plan (as outlined in Appendix E of the focused EIR) is prepared and implemented.

Potential impacts on habitat for Swainson's hawk shall be mitigated by implementing the following policies.

EP-4. A qualified biologist, as approved by DFG, shall be retained to conduct a Swainson's hawk survey within one year before commencing development within any of the three sub-areas of the site. If nesting Swainson's hawks could be affected by the project, nest monitoring by a qualified biologist during construction, as required by DFG, shall be conducted. Construction activities will be modified to avoid disturbance. Follow-up surveys should be conducted each construction year.

EP-5. Mitigation for the loss of Swainson's hawk foraging habitat, resulting from development of Sub-areas A or C, may consist of providing replacement habitat, payment of in-lieu fees for land acquisition in compliance with California Department of Fish and Game Code Section 2081, or other measures acceptable to DFG and the City (see Appendix E of the focused EIR).

3. Archaeological or Cultural Resources

Development of Sub-area B of the Empire North Unit 1 area could result in potential impacts on archaeological or historical resources. The following Specific Plan Environmental Protection Policy, shall be followed to reduce such impacts.

EP-6. A preliminary surface field reconnaissance will be conducted in Sub-area B prior to submittal of the tentative map for this area to identify any areas containing prehistoric deposits. Impacts to areas of significant resources that could be affected by development will be mitigated by adhering to the procedures presented in Table 8-1 of the Master EIR.

4. Public Safety

Analysis of aviation related public safety issues is based on the Shutt Moen Associates report (1996) and describes how development of the Empire North Unit 1 near the East Side Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to the operation of the District airstrip near proposed residential development are: 1) hazards to flight, 2) safety on the ground, and 3) exposure to hazardous materials. The following Specific Plan Environmental Protection Policies, shall be followed to address aviation-related public safety impacts.

EP-7. An avigation easement shall be dedicated in Sub-area A that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77.

EP-8. The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.).

The minimum open space for the emergency landing strip should be approximately 75 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles, structures, and overhead lines.

Chapter 4. Public Facilities

A. OVERVIEW

This chapter describes development of the transportation and circulation, wastewater collection and treatment, water delivery, stormwater drainage, solid waste disposal, energy, parks and recreation, schools, community services (e.g., fire, police, and other services), and infrastructure necessary to support residential development in the Plan area. Relevant City General Plan community services and facilities policies are presented in Table 4-1. For each of the general plan policies listed in Table 4-1, a corresponding description of how the Specific Plan complies with the policy is provided. The reference in parenthesis at the end of each compliance statement indicates where more detailed information may be found. Specific Plan policies have been developed to ensure compliance with the General Plan.

B. TRANSPORTATION AND CIRCULATION

Specific Plan and focused EIR preparation included a traffic analysis, performed under the direction of the City Public Works and Transportation Department, to determine the impacts of development on the transportation and circulation system of the region. This analysis assessed existing conditions (1996), near-term interim development conditions without the project, near-term interim development conditions with the project, and year 2025 conditions with the project (without the Briggsmore Avenue/Parker Road realignment). The following intersections were analyzed during the p.m. peak hour: Parker Road/Church Street, Parker Road/Santa Fe Avenue, Parker Road/Held Drive, Parker Road/Claus Road, and Claus Road/Orangeburg Avenue.

1. Distribution, Location, Extent, and Intensity

The primary access to the Specific Plan area is from Parker Road. Parker Road is designated as a four-lane, Class C expressway in the Modesto General Plan. This Specific Plan will improve Parker Road to a four-lane minor arterial street standard, as shown on Figure 4-1. The Public Works and Transportation Department has determined that these improvements are sufficient to address the traffic impacts of this project, based on the traffic analysis contained in the Empire North Unit 1 Focused EIR.

The Public Works and Transportation Department has also determined that these improvements will not inhibit the ultimate development of Parker Road as an expressway, because the close

Table 4-1. Relevant General Plan
Community Services and Facilities Policies and Specific Plan Compliance

General Plan Land Use Policy	Specific Plan Compliance
Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V. (Section D, p. III-13)	The Empire North Unit 1 Specific Plan addressed sanitary sewer service for proposed new development. Provisions for extension of City sanitary sewer service to serve the site are described in the specific plan. (Specific Plan, Chapter 4)
During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand. (Section C, p. V-12)	The Empire North Unit 1 Specific Plan policies include: measures approved by the City to reduce potable water demand for the project; additional water conservation measures contained in City policies; and consideration of water conservation programs considered necessary and appropriate by the City. (Specific Plan Policies)
The City of Modesto will require each new development project to be served with public sanitary sewers. (Section D, p. V-15)	The Empire North CPD shall be served by the City's sanitary sewer service. Provisions for the extension of sewer services to serve the project site have been incorporated in the specific plan. (Specific Plan Policies)
The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities. General Plan Figure V-3 presents a diagram that indicates the sanitary sewer trunks necessary to serve each Comprehensive Planning District listed in Chapter III. (Section D, p. V-15)	The extension of wastewater facilities necessary to serve the project are consistent with the sanitary sewer trunk system shown in General Plan Figure V-3. (Specific Plan, Chapter 4)
All of the Storm Water Drainage Policies for the Baseline Developed Area apply within the Planned Urbanizing Area. (Section E, p. V-16)	The City's Storm Water Drainage Policies for the Baseline Developed Area have been incorporated in the Empire North Unit 1 Specific Plan. (Specific Plan Policies)
The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Section E, p. V-17)	The Empire North CPD shall be served by a positive storm drainage system adequate to discharge storm waters to surface waters of the state. The Empire North Unit 1 Specific Plan includes policies to require compliance with the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Specific Plan Policies)
The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Section E, p. V-17)	The Empire North Unit 1 Specific Plan includes a policy to require that storm drainage facilities shall recharge 80% of the average annual runoff to groundwater, using recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Specific Plan Policies)

Table 4-1. Continued

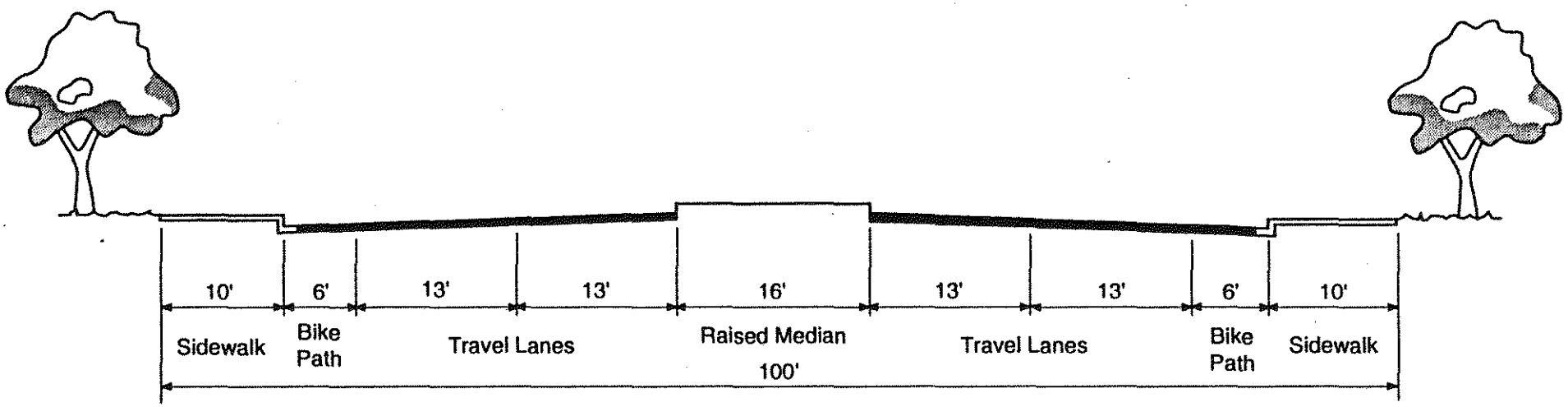
New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c. shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph. (Section E, p. V-17)	The Empire North Unit 1 Specific Plan includes a policy to require that runoff in excess of groundwater recharge shall be discharged to waters of the state. (Specific Plan Policies)
The policies and standards for the development of the park system within the Planned Urbanizing Area differ in several respects from those in the Baseline Developed Area. These policies and standards will be implemented through each "Comprehensive Plan", in conjunction of the relevant "Comprehensive Planning District" policies presented in Chapter III. (Section G, p. V-21)	The Empire North Unit 1 Specific Plan includes provisions for extending the City's park system into the Empire North CPD. These provisions are consistent with City policies and standards for parks and with relevant policies for the Empire North CPD. (Specific Plan, Chapter 1)
The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area. (Section K, p. V-29)	The City fire marshall has determined that adequate fire stations, apparatus, equipment and personnel are available to provide emergency response to the project area. (EIR, Chapter 3)
Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities. (Section K, p. V-29)	No fire station sites or facilities are proposed within the specific plan area. Development of the specific plan area would not preclude coordination of fire station sites or facilities with other public facilities. (EIR, Chapter 3)
The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards: (a) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95% of all cases. (1) The first fire emergency response unit arrives within 6 minutes of dispatch. (2) A full alarm assignment arrives within 10 minutes of dispatch. (3) A second alarm assignment arrives within 15 minutes of dispatch. (b) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2. (Section K, p. V-30)	The Specific Plan area will be served by the City of Modesto Fire Department. The fire department emergency response system and staffing levels will be expanded to adequately serve the specific plan area, consistent with City facility and service standards. (EIR, Chapter 3)
In conjunction with the processing of a Comprehensive Plan within the Planned 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. (Section L, p. V-32)	The Empire North CPD is within the City's Planned Urbanizing Area. The Specific Plan contains a solid waste disposal policy that states that the city will provide collection and disposal services for all solid waste. This is based on a determination that adequate capacity exists for the solid waste that would be generated by the project. (Specific Plan Policies)
New 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. (Section D, p. VI-4)	Development within the specific plan area shall comply with minimum fire-flow requirements, which shall be determined as part of tentative map approval. (Specific Plan, Chapter 3)

Table 4-1. Continued

Within the Planned Urbanizing Area, development of new parkland and open space shall be accomplished through the application of specified performance standards presented in Section V-G(3). (Section B, p. VII-2)	Development within the Empire North Unit 1 Specific Plan area shall provide for parkland and open space as specified in City performance standards. (Specific Plan, Chapter 4)
Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan. The Comprehensive Traffic Study shall include the following components: (a) Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director. (b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area.(Section B, p. V-10)	The Empire North Unit 1 Specific Plan Focused EIR contains a comprehensive traffic study, as directed by the Public Works Director. The study includes analysis and mitigation measures to ensure that the City's level of service standards are maintained for Parker Road and intersections within the CPD. Other external roadway segments and intersections were also analyzed to determine project impacts. Mitigation measures to maintain the City's level of service standards for those external roadway segments and intersections analyzed have been incorporated into the EIR and also are included as policies in the specific plan. (EIR, Chapter 3, Section A)
Developers of residential projects that are subject to the following policies (39 through 43, below) should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc., will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities. (Section H, p. V-24)	The project applicant has contacted Modesto City Schools to discuss potential school impacts of the project. The preliminary discussion included the potential housing mix and the need for a school mitigation plan. The potential school impacts of the project are analyzed in the Empire North Unit 1 Specific Plan Focused EIR. (EIR, Chapter 3, Section H)
Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the preparation of the required Focused Environmental Impact Report. (Section H, p. V-24)	The Empire North Unit 1 Specific Plan Focused EIR was routed to the Modesto City School District for review and comment. The School District's comments and responses will be included in the final focused EIR. (EIR, Chapter 3, Section H)

Table 4-1. Continued

Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA. (Section H, p. V-25)	The Sylvan Union School District and Modesto City School District provided the City with information needed to evaluate school impacts in letters sent in response to the City's Notice of Preparation for the Empire North Unit 1 Specific Plan Focused EIR. The Modesto City School District has also provided additional information in a letter commenting on the Draft EIR. (EIR, Appendix B and Chapter 3, Section H)
If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the Focused EIR shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc. (Section H, p. V-25)	The project applicant has been directed by the City to develop a school mitigation plan acceptable to the Sylvan Union School District and Modesto City School District. Preparation of the mitigation plan is a condition of approval for the project and is included as a policy in the specific plan. (EIR, Chapter 3)
The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means. If the City does not receive said written notification prior to a deadline set by the City, the City Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities. (Section H, p. V-25)	The Sylvan Union School District and Modesto City School District provided the City with their requirements for mitigating school impacts. The City has directed the project applicant to prepare a mitigation plan addressing school impacts. The school districts will provide written notification of mitigation upon acceptance of the applicant's school mitigation plan. (EIR, Chapter 3)
Policies 39 through 43 shall apply when: (a) A residential project seeks the approval of a General Plan Amendment, rezoning, prezoning, annexation, Comprehensive Plan, or other legislative act; (b) The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram; (c) A school district has imposed school mitigation fees pursuant to Government Code Section 53080; and (d) A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding. (Section H, p. V-25)	The conditions referred to in the corresponding general plan policy are applicable to the Empire North Unit 1 Specific Plan. (No Reference)



4-Lane Minor Arterial Street Standards for
Parker Road Project Frontage

Jones & Stokes Associates Inc.

Figure 4-1
Parker Road Cross Section with Improvements

proximity of Dry Creek to Parker Road in this area means that the additional right-of-way needed for the expressway will have to be developed on the north side of Parker Road. Development of this expressway will be a responsibility of the City and County, using a variety of funding sources, including Capital Facilities Fees which will be collected in conjunction with development in this Specific Plan.

The internal street system for all subsequent development in this Specific Plan will be designed in accordance with Section 3 of the City of Modesto Standard Specifications.

The following Specific Plan Public Facilities Policies shall be followed to provide safe and adequate transportation facilities for those residing in the development and affected by it.

2. Transportation Policies

PF-1.Parker Road shall be improved as shown in Figure 4-1.

PF-2. Improvements and access points for Parker Road shall be coordinated with the facilities and plans of the California Department of Transportation, Stanislaus County, and any other relevant jurisdiction.

PF-3. Specific Plan public street rights-of-way, necessary to implement the circulation and transportation policies of the City's General Plan, shall be dedicated to the City.

PF-4. Specific Plan streets shall be designed with adequate widths and corner radii to allow fire equipment and school buses to negotiate the streets.

PF-5. Neighborhood street networks shall allow for local trips to be completed as much as possible without the use of collector or arterial streets.

PF-6. The development shall follow guidelines for private property access to arterial and collector street systems.

PF-7. Access to Parker Road shall be aligned with existing access points on the north side of Parker Road or should be offset at least 400 feet.

PF-8. Residential areas shall include safe and convenient pedestrian facilities to encourage walking as an alternative mode of transportation.

PF-9. An adequate and safe bicycle system shall be provided to connect the Specific Plan area with shopping and employment areas in and adjacent to the City, including rights-of-way on new public streets.

C. WASTEWATER COLLECTION AND TREATMENT

Wastewater collection and treatment is a community service essential to protect the public health and environment. The objective of the City's wastewater system is to meet increasingly strict wastewater regulations in a cost-effective manner. As water continues to become scarce in California, reclaiming wastewater will create opportunities to optimize the region's water resources. (City of Modesto 1995.)

1. Distribution, Location, Extent, and Intensity

Development in this Specific Plan will be served by the City of Modesto's sanitary sewer system. Connection to this system will include a lift station at Parker Road in the northwest corner of the site, with a 8-inch diameter force main to the 8-inch sanitary line at Held Drive and Parker Road. Individual development projects within the Specific Plan area will have a sewer system developed in accordance with Section 6 of the City of Modesto Standard Specifications.

The Specific Plan Wastewater Policy, listed below, shall be followed to provide for the needs of future residents and those residing in the surrounding area and ensure the longevity of the wastewater system and available resources.

2. Wastewater Policy

PF-10. Residential uses shall be served by public sanitary sewers and will be connected to the service system developed for the Specific Plan area. This system includes a lift station at Parker Road in the northwest corner of the site, with a forced main to the 8-inch sanitary line at Held Drive and Parker Road. This line discharges into the Lakewood Sanitary Sewer Trunk at Orangeburg Avenue and Pepper Tree Lane via the 8-, 12-, and 18-inch lines on Orangeburg Avenue.

Only such wastes that can be treated by the wastewater system, without upsetting or interfering with the system, or threatening to do so, shall be discharged to sanitary sewers.

D. WATER DELIVERY

The City, Modesto Irrigation District, and Del Este Water Company have developed a new surface water supply, ultimately a 60 million-gallon-per-day water treatment plant. This will be used to stabilize the City's historical groundwater overdraft. This conjunctive groundwater-surface water management plan will allow Modesto to continue to serve current customers and plan for future expansion. (City of Modesto 1995.)

1. Distribution, Location, Extent, and Intensity

Water for development in this Specific Plan will be provided by the City of Modesto. The primary connection to the municipal water system will be through a 10- or 12-inch diameter line located in Parker Road. Individual developments within this Specific Plan will have water delivery systems developed in accordance with Section 5 of the City of Modesto Standard Specifications.

2. Water Delivery Policies

PF-11. Measures approved by the City to reduce potable water demand shall be included in the water system design.

PF-12. The Specific Plan shall incorporate additional water conservation measures contained in City policies and consider water conservation programs considered necessary and appropriate by the City.

PF-13. The City shall supply all required municipal water to the Unit 1 Plan area.

E. STORMWATER DRAINAGE

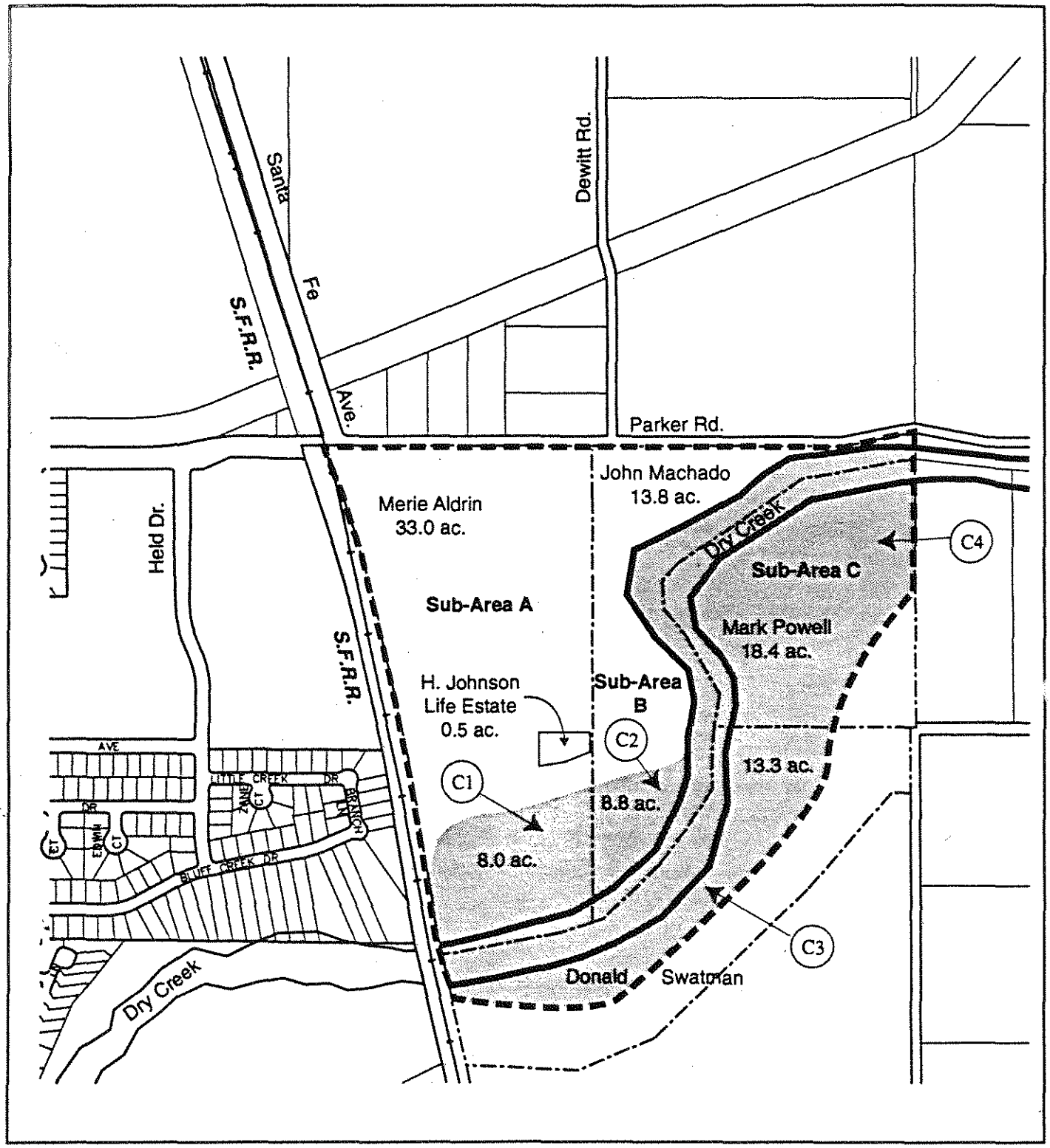
Dry Creek, an unregulated, intermittent stream, flows through the Plan area. Dry Creek is a tributary of the Tuolumne River, joining it approximately 5.5 miles downstream of the SFRR bridge. Flow in Dry Creek is highly variable, with peak discharge occurring during winter storms and no flow periods in summer. Sub-area C of the development is contained in a 100-year floodplain as shown in Figure 4-2.

1. Distribution, Location, Extent, and Intensity

Development in this Specific Plan will be served by a positive storm drainage system. The system will be developed in accordance with the Specific Plan Stormwater Drainage Policies contained in the Specific Plan Policies section of this Specific Plan. Individual development projects in this Specific Plan will develop the storm drainage system in conformance with these Policies and with Section 7 of the City of Modesto Standard Specifications.

2. Stormwater Drainage Policies

PF-14. The Specific Plan drainage includes positive storm drainage systems, which may include catch basins, pipe lines, channels, recharge/detention basins, and pumping facilities



Specific Plan Boundary

Floodplain per
FEMA-FIRM Panel 295

C1 Portions of Property Ownerships
Located within the 100-Year
Floodplain Limits of Dry Creek

Creek Bank

Property Lines

1"=600'

Jones & Stokes Associates Inc.

Figure 4-2
Floodplain Boundary

which discharge stormwater to surface waters of the state. These drainage facilities shall comply with the drainage facility requirements presented in Table 9-1 of the City's Master EIR.

PF-15. Storm drainage facilities shall recharge 80% of average annual stormwater runoff, using recharge/detention basins designed to comply with federal and state surface water and groundwater quality regulations.

PF-16. Stormwater runoff that does not recharge the groundwater shall be discharged to waters of the state. This discharge will not cause the receiving waters to exceed the undeveloped storm hydrograph.

PF-17. Water pollution from urban storm runoff will be prevented (as established by the Central Valley Regional Water Quality Control Board for surface discharges and the U.S. Environmental Protection Agency for underground injection).

PF-18. The 100-year floodplain of Dry Creek shall be designated as open space and prohibit:

a. **the addition of structures, landscaping (e.g., berms), or other appurtenances in the Dry Creek floodplain that would reduce storage capacity of the floodplain for stages equal to or less than the 100-year flood event.**

b. **the addition of structures, landscaping, or other appurtenances in the Dry Creek floodway that would reduce the conveyance capacity of the floodway or cause reductions in the velocity of streamflow at stages equal to or less than the 100-year flood event.**

F. SOLID WASTE DISPOSAL

Section 41780, Division 30, of the Public Resources Code, requires that 25% of solid waste be diverted away from landfills by 1995, and 50% by 2000. While it is up to each municipality to determine how to accomplish this, suggested methods of waste reduction include source reduction, recycling, composting, and transformation. These methods can take a variety of forms, including composting at the waste generation site, education, curbside recycling, and multi-media campaigns.

1. Distribution, Location, Extent, and Intensity

Solid waste disposal for this Specific Plan will be provided pursuant to Chapter 5 of Title V of the Modesto Municipal Code. Individual development in this Specific Plan area will comply with the standards and regulations contained in Chapter 5 of Title V.

2. Solid Waste Disposal Policies

PF-19. The City will provide collection and disposal services for all solid waste.

PF-20. Solid waste reduction measures shall be incorporated into residential development design.

PF-21. Residential design shall incorporate additional solid waste reduction measures contained in City policies and will comply with other solid waste reduction programs that are considered necessary and appropriate by the City.

G. ENERGY

The California Environmental Quality Act (CEQA) identifies energy conservation as a goal in community development (City of Modesto 1995). The Specific Plan Energy Policies, listed in the Specific Plan Polices section, will meet the needs of the residents and help to conserve energy.

1. Distribution, Location, Extent, and Intensity

Electric service for this Specific Plan will be provided by Modesto Irrigation District. Gas service will be provided by Pacific Gas and Electric Company. Telephone service will be provided by Pacific Bell. Cable television service will be provided by Post-Newsweek Cable.

Development in this Specific Plan will provide for the extension of these utilities in compliance with Section 8 of the City of Modesto Standard Specification, and with the standards of the individual utility companies.

2. Energy Policies

PF-22. Electricity will be provided by Modesto Irrigation District.

PF-23. Natural gas will be purchased from Pacific Gas and Electric Company.

PF-24. The shade trees included in the residential area landscape plans will be planted as proposed.

H. OPEN SPACE AND PARKS

In Modesto, open space is provided through a comprehensive network of regional, community, and neighborhood parks. The neighborhood and community park needs of future residents of the Plan area are discussed below. Regional park needs are expected to be met primarily by the Dry Creek CPD, adjacent to the south of the Plan area, as described in Chapter 1, Section E of the Specific Plan. City standards for neighborhood and community parks are described in the following section.

1. Neighborhood and Community Park Standards

The City of Modesto General Plan includes standards for both neighborhood and community parks. These standards are as follows.

- **Planned Urbanizing Area - Neighborhood Park Standards.** The City will endeavor to provide at least one neighborhood park within each residential neighborhood. The park should be centrally located within the neighborhood and have a service radius of one half to three quarters of a mile.

  The park should have one connector street frontage and the remaining sides should front on residential streets.

  The minimum size for a neighborhood park shall be SEVEN ACRES or the total acreage based on ONE ACRE OF PARK LAND PER ONE THOUSAND POPULATION within the neighborhood, whichever is greater.

- **Planned Urbanizing Area - Community Park Standards.** The Community Park Service Area is that area within a radius of approximately one to one-and-one-half miles of the park site. The park should have one major street frontage and the remaining sides should front on residential streets. Parks should not backup to residential lots.

  The minimum size for a community park should be FORTY ACRES or the total acres based on TWO ACRES OF COMMUNITY PARK LAND PER ONE THOUSAND POPULATION within the Community Park Service Area.

2. Dry Creek CPD

The City's General Plan policies related to natural resources and open space are intended to preserve and protect wildlife and habitat values, as well as provide public access to open space in a natural state. These General Plan policies are most applicable to Sub-area C of the Plan area, which includes the creek course, riparian corridor, and adjacent floodplain area, and which is

generally located between the bluff lines along the north and south side of Dry Creek. This area is approximately 48.5 acres in size and is the easternmost portion of the Dry Creek CPD. The entire Dry Creek CPD, which is 509 acres in size and extends along the creek into the downtown area, is designated Open Space in the City's General Plan. The Dry Creek CPD is described in more detail in Chapter One.

The City's General Plan CPD policy for the project site indicates that the project should incorporate open space and recreational opportunities along Dry Creek, as an extension of the Dry Creek CPD. The Dry Creek CPD extension has been accomplished by a general plan amendment. The Dry Creek CPD references the riparian habitat preservation and access policies, which are required to be incorporated into the regional park CPDs (page IV-11-11 of the City's Master EIR and page VII-4 of the City's General Plan).

3. Open Space and Parks Policies

PF-25. The developers of projects within the plan area will be required to pay Capital Facilities fees to the City, prior to issuance of building permits. This requirement, which is included in the specific plan policies, is intended to provided funding for land acquisition and park construction by the City.

PF-26. Any private entity or public agency constructing improvements within the designated open space of the Dry Creek CPD will incorporate protection and enhancement measures into their development plan for the area designated as the Dry Creek CPD. These measures include a riparian protection and maintenance plan with a trail diagram, dedication requirements to guarantee permanent access to Dry Creek open space, a maintenance and operations program, and trail and accessway standards. These measures shall be consistent with the open space policies presented in Action VII-B-G and VIIB-2 of the General Plan.

I. SCHOOLS

The project proponent for one parcel within the Specific Plan has held independent conversations with the Modesto City Schools and the Sylvan Union School District, indicating that at least a portion of the Specific Plan area may be proposed senior housing. Exact definitions of "senior housing" have not yet been provided to the City or the affected school districts. The following Specific Plan school policy is hereby established.

1. Schools Policy

PF-27.. A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello Roos District shall be required prior to final map or development plan approval.

J. FIRE, POLICE, AND OTHER SERVICES

1. Service Policy

PF-28. Fire and police services will be provided by the City, as well as service and maintenance for parks, water, sewer, public streets, and general city government services.

Chapter 5. Implementation and Financing

A. PLAN IMPLEMENTATION

As shown in Table 5-1, the Empire North Unit 1 Specific Plan defines the implementation measures that will guide development within the Plan area.

The portion of the Plan area proposed for residential use is divided into two subareas. Development of Sub-area A is expected to precede development of Sub-area B. No phasing within these sub-areas is proposed. Infrastructure for each sub-area will be developed concurrently with residential development on a pay-as-you-go basis.

Offsite Improvement Policy

I-1. The only offsite improvements are widening of Parker Road and extension of a City sewer line, from Held Road to the Plan area. These improvements will be made concurrently with development.

1. Actions Required for Implementation of the Empire North Unit 1 Specific Plan

The following actions are required prior to development of land uses proposed in the Specific Plan:

a. Approval of tentative and final subdivision maps.

b. Adoption of prezoning prior to annexation.

c. Annexation of the Specific Plan area to the City and Modesto Municipal Sewer District, and simultaneously detaching this property to other applicable districts.

2. Tentative and Final Subdivision Map Approvals

I-2. Implementation of residential uses in the Plan area will require processing of a tentative map. The tentative map process is governed by the City's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq.). Tentative and final subdivision map approval requires conformance to the requirements of the Specific Plan and must be consistent with the mitigation measures of the final focused EIR. Residential development projects may be submitted for development plan review following final subdivision map approval.

3. Implementation of Land Use and Development Standards

I-3. Residential land use and development standards for Empire North Unit 1 will be regulated through the City Planning and Zoning Ordinance R-1 classification, as modified by the SP-O Zone. R-1 will be the Principal Underlying Zone for designated residential areas, in accordance with Article 19, Sections 10-2.1901-05 of the City Planning and Zoning Ordinance. See Policies LU-2 and LU-3 for more details.

4. Specific Plan Amendment Process

From time to time, certain amendments to the Specific Plan may become necessary in the judgement of the City.

I-4. The following steps shall be completed to amend the Empire North Unit 1 Specific Plan:

a. **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.**

b. **Documentation of the need for amendments should indicate the economic, social, or 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.**

c. **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 certified final EIR (FEIR). Depending on the nature of the amendment, supplemental environmental analysis may**

be necessary (according to CEQA legislation [Section 15162 of the State CEQA Guidelines]).

d. 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.

e. Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of the State Government Code).

B. FINANCING

The major offsite infrastructure improvements necessary for development of the Plan area are limited to a sewer line extension and improvements to Parker Road. These improvements are expected to be built by the City and repaid by property owners when development occurs. All financing of onsite improvements required to implement development in the Plan area will be provided concurrently with development of the sub-areas on a pay-as-you-go basis.

1. Purpose of Financing Strategy

The Modesto Urban Area General Plan contains the following policy statement:

> Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public funding including schools, for any development project which serves to implement the subject comprehensive plan. If new public facilities are required which will also serve the broader community, the comprehensive plan should include options for broad-based funding mechanisms.

The financing strategy addresses this policy, focusing on the specific needs of Empire North Unit 1.

2. Characteristics of Empire North Unit 1 That Simplify the Financing Strategy

Empire North Unit 1 has several characteristics that simplify public facility funding issues. They are as follows:

a. Its Relatively Small Size. Due to the small size of Empire North Unit 1 (approximately 96 acres), there are no significant public facility deficiencies that cannot be remedied through the typical subdivision process.

b. Few Property Owners and Independent Facility Requirements. There are only two property owners with developable area in Unit 1. Only one owner is proposing development concurrent with the Specific Plan. Each of the properties will be able to provide facilities and develop independent of one another. For this reason, coordination among property owners is not necessary to ensure adequate facilities in the project area. When seeking development approvals, each property owner, upon adoption of the Specific Plan, will be bound to the following set of agreements:

1. Infrastructure improvements shall be built according to the location, size, capacity, and design described in the Specific Plan.

2. Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other property owners benefiting from such improvements.

3. Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra cost of direct benefit to an owner other than the one making the improvements.

4. Each property owner shall be responsible for the costs of all improvements actually shown on a tentative map subdivision application.

c. Adjacent to Existing Urban Development. Empire North directly fronts on Parker Road. Development will require improvements along this street, but generally speaking, no significant offsite road widenings will be necessary. Similarly all other urban facilities are available to the site. Therefore, the normal subdivision process of the City of Modesto will ensure the timely provision of urban services to each development project.

d. Minimal Offsite Requirements. The following offsite requirements are required for the buildout of Empire North Unit 1:

Sanitary Sewer - increased pipe capacity between the Plan area and Held Road.

Water - none, water is available at the site.

Streets - no street improvements in addition to the Parker Road frontage are required.

Traffic Signals - no additional traffic signals are required

Storm Drainage - no offsite facilities are required.

Schools - no offsite school improvements are required.

3. Public Facility Funding Sources Are Sufficient

The Empire North Unit 1 Specific Plan provides a sufficient level of direction for public improvement and community facility requirements. Infrastructure improvements and their specifications are presented in the Specific Plan.

F-1. The following financing measures will be used to provide infrastructure in Empire North Unit 1.

Facility	Funding Source	Net Cost to City	Specifications
Streets: onsite	Developer dedication and improvement of all onsite streets, unless they are private.	Not applicable, as the developers will provide 100% financing for these improvements	See Chapter 4, section B and Figure 4-1
Streets: offsite	Capital Facilities fees (CFF)	None; City staff believes CFF is sufficient to pay project's fair share of offsite improvements	See Chapter 4, section B
Sanitary Sewer	Existing City fees, developer requirements	None because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed sewer facilities	See Chapter 4, section C
Water	Existing City fees, developer requirements	None because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed water facilities	See Chapter 4, section D
Stormwater Drainage*	Existing City fees, developer requirements	None because development will provide 100% financing for these improvements	See Chapter 4, section E

Schools	Developer agreement with school districts	None because collection of school fees is the responsibility of the affect school district	See Chapter 4, section I
Parks	Developer agreement, CFF	None because developer dedication of open space and payment of CFF will cover costs	See Chapter 4, section H
Landscaping within Public Rights-of-way*	Developer requirements, homeowners association	None, because the developers provide for the landscaping	See Figure 4-1 and refer to the City Parks and Recreation Department

* See Policy F-2 (f) regarding maintenance of these facilities

4. Miscellaneous Administrative Policies

F-2. The following policies will be used to implement this long-range financing strategy:

a. Property Owner Financing and Construction of Improvements. **Unless specifically excepted, each property owner will finance and construct improvements presented in the Specific Plan that are directly on or fronting the property; including frontage improvements, utilities, sewer, and water.**

b. Sizing and Timing of Facilities. **The above-referenced facilities will be sized by each property owner in accordance with the Specific Plan for the benefit of the downstream users. In the event that properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owner. Each property will reimburse the other for their oversize expense at the time of filing a final subdivision map.**

c. Citywide Fees. **The existing Citywide fees for new construction will prevail for development within the Specific Plan area and are intended to pay for all off-site community facilities unless otherwise excepted.**

d. Citywide Fee Credits. **Property owners may receive credits to the payment of Citywide fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.**

e. *Repayment for Oversizing.* **Accounting for facility oversizing will be handled by the property owners in accordance with standard accounting practices. Repayment will be enforced by the City at the signing of the aforementioned final subdivision map.**

f. *Community Facilities District.* Maintenance of landscaping within public rights-of-way, except for street trees, shall be accomplished through the establishment of a Mello Roos Community Facilities District.

Chapter 6. List of Preparers

This Final Specific Plan has been prepared by Jones & Stokes Associates under contract to the City of Modesto Community Development Department. The individuals who contributed to this report are listed below.

A. CITY OF MODESTO

Brian Smith - Principal Planner
Steven Nish - Associate Planner
Pat Foran - Assistant Parks and Recreation Director
Ed Von Borstel - Deputy Public Works/Transportation Director
Helen Wang - Transportation Planner
George Osner - Development Services Manager
David Cervantes - Senior Deputy City Attorney
Bill Nichols - Strategic Planning Manager

B. JONES & STOKES ASSOCIATES, INC.

1. Management Team

Al Herson	Principal-in-Charge
George Williamson	Specific Plan Project Manager
Lisa Larrabee	Focused EIR Project Manager
Christine Engel	Project Coordinator

2. Technical Team

Angie Raygani	Traffic Engineer
Dave Buehler	Noise Specialist
Ed Whisler	Biologist
Chris Rogers	Biologist
Chris Konrad	Hydrologist

Trish Posten	Archaeologist
Bill Norton	Archaeologist
Monique Magolske	Community Services

3. Production Team

Susan E. Davis	Editor
Faye Ong	Editor and Word Processor
Christy Anderson	Graphic Artist

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-5

CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN AND A GENERAL PLAN AMENDMENT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Modesto ("City"), on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following effects as significant but mitigable, and provided substantial evidence in the record to support the necessary findings on the following effects for projects within the Planned Urbanizing Area such as the Empire North Unit 1 Specific Plan:

Effect	Page in MEIR
Increased Demand for Sanitary Sewers	IV-6-1
Loss of Sensitive Wildlife and Plant Habitat	IV-7-1
Disturbance of Archaeological or Historical Sites	IV-8-1
Drainage, Flooding, and Water Quality	IV-9-1
Increased Demand for Storm Drainage	IV-10-1
Increased Demand for Parks and Open Space	IV-11-1
Increased Demand for Schools	IV-12-1
Increased Demand for Police Services	IV-13-1
Increased Demand for Fire Services	IV-14-1
Generation of Solid Waste	IV-15-1
Generation of Hazardous Materials	IV-16-1
Landslides and Seismic Activity	IV-17-1
Energy	IV-18-1; and,

WHEREAS, the MEIR identified the following effects as Unavoidable Significant Effects:

Effect	Page in MEIR
Traffic and Circulation Needs	IV-1-1
Degradation of Air Quality	IV-2-1
Generation of Noise	IV-3-1
Loss of Productive Agricultural Land	IV-4-1
Increased Demand for Water Supplies	IV-5-1
Increased Demand for Storm Drainage	IV-9-1

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable effect identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan as an anticipated subsequent project, and

WHEREAS, a Notice of Preparation of a Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan was circulated from December 18, 1995 through January 19, 1996, and

WHEREAS, a Draft Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan (Draft EIR SCH #95122030) was prepared for public review and comment for the required 45-day period from July 30, 1996, through September 16, 1996, and

WHEREAS, a Final Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan ("Focused EIR") incorporating all the comments received during the public review period and responses thereto was released for the required 10-day period on November 22, 1996, and

WHEREAS, the Planning Commission held a public hearing on December 2, 1996, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the certification of the Focused EIR, and

WHEREAS, the information contained in the Focused EIR was reviewed and considered by the Planning Commission prior to taking action on the Empire North Unit 1 Specific Plan and General Plan Amendment, and

WHEREAS, the City Council held a public hearing on January 7, 1997, and considered the adequacy of the Focused EIR, the Mitigation Monitoring Program and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the Focused EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Empire North Unit 1 Specific Plan and the General Plan amendment.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As required by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Focused EIR. As permitted by Section 21158(b) of the Public Resources Code, the Focused EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

Effects Not Further Examined

(1) Loss of Agricultural Land
(2) Degradation of Air Quality
(3) Increased Demand for Water Supplies
(4) Increased Demand for Sanitary Sewer Services
(5) Increased Demand for Storm Drainage
(6) Increased Demand for Police Services
(7) Increased Demand for Fire Services
(8) Generation of Solid Waste
(9) Generation of Hazardous Materials
(10) Land Slides and Seismic Activity
(11) Energy

With regard to the above effects, the City finds, based on substantial evidence in the record that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the City makes one of the following findings, as permitted by Section 21158(b), regarding each of the above effects. These effects were either:

(1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or

(3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Effects Examined in the Focused EIR.

It was determined through the scoping process that the following effects should be addressed in the Focused EIR as potential project-specific effects on the environment:

(1) Traffic and Circulation Needs
(2) Generation of Noise
(3) Loss of Sensitive Wildlife and Plant Habitat
(4) Disturbance of Archeological or Historical Sites
(5) Drainage, Flooding, and Water Quality
(6) Increased Demand for Parks and Open Space
(7) Public Safety
(8) Increased Demand for Schools

Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the Focused EIR:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, making feasible the mitigation measures or alternatives identified in the Environmental Impact Report.

With respect to significant effects which were subject to a finding under paragraph (3), the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment:

(1) The property owner for Sub-area B refused to allow field archaeologists access to his property at the time the Focused EIR was being prepared. Because Sub-area B is located within a potential archeological resource study area, the potential remains for encountering cultural resources.

(2) Uncontrolled public access, such as creating informal trails or steep slopes and campfires, and littering would degrade the natural environment of Dry Creek. The General Plan (Section VII(B)(6)) requires special protection and enhancement measures for the riparian corridor along Dry Creek.

The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) Surveys revealed elderberry shrubs, potential habitat for valley elderberry longhorn beetle (VELB), (a species listed as threatened under the Federal Endangered Species Act) along the railroad berm at the west edge of the Project site. These elderberry shrubs could be affected by development in Sub-area C.

(2) Based on student yield factors and development of the 96-acre Plan area at the permitted General Plan density of 5.1 units per acre, approximately 241 total units, the Project would generate 96 students for grades K-6, 24 students for grades 7-8, and 48 students for grades 9-12. However, the District has determined that school impacts would not occur for portions of the Project designated for seniors.

(3) Construction of the Project during the nesting season (March-August) could disturb nesting Swainson's hawks, a species listed as threatened under the California Endangered Species Act, in the Plan area or adjacent to the Plan area and could cause them to abandon the nest site or could cause nesting failure.

(4) Implementing the Project would remove approximately 33.5 acres of suitable Swainson's hawk foraging habitat within 1 mile of a potential Swainson's hawk nesting site.

The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Focused EIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the following significant effects on the environment.

(1) Portions of the project site are adjacent to Santa Fe Railroad tracks. Outdoor noise levels would exceed City standards along the west edge.

(2) Noise generated by aircraft departing from the Eastside Mosquito Abatement District would be significant.

(3) Development of Empire North Unit 1 Specific Plan near the Eastside Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to the operation of the District airstrip near proposed residential development include hazards to flight and safety on the ground.

(4) No formal standards exist regarding the overflight of residential structures by aircraft carrying insecticides. The aircraft carry the insecticides Altosid and Malathion. Some forms of Altosid are eye irritants; Malathion is harmful if swallowed, inhaled, or if there is eye or skin contact. Therefore, if a load of Malathion were accidently released over the project site, the effects on the residents could be harmful.

The City finds, based on substantial evidence in the record, that the following additional effects on the environment by the Project are not significant.

(1) Increase in traffic under near-term conditions.

(2) Increase in traffic under 2025 conditions.

(3) Increased traffic noise levels at existing residences.

(4) Exposure of new residences in the Specific Plan area to traffic noise.

(5) Potential disturbance of southwestern pond turtles.

(6) Potential for flooding.

(7) Potential increase in runoff to groundwater and degradation of Dry Creek water quality.

(8) Safety on the ground in the Runway Protection Zone.

(9) Development of the Specific Plan would result in increased demand for parks and open space and generate the need to construct new parks facilities.

a. With regard to the effects that are significant but mitigable, the City of Modesto adopts new and additional mitigation measures, and as permitted by Section 21158(a) of the Public Resources Code. These Mitigation Measures are presented in the Executive Summary, attached hereto as Exhibit 3 and incorporated by reference herein, and are presented in Exhibit 2, the Final Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan, a copy of which is on file in the office of the City Clerk.

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City adopts the Statement of Overriding Considerations, attached hereto as Exhibit "4" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the Final Focused EIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the Focused EIR.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Focused EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section 15126(d) of the CEQA Guidelines. As Empire North Unit 1 Specific Plan is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR for Empire North Unit 1 Specific Plan.

7. Proposed Modifications to the Master EIR. Section 21157.6 of the Public Resources Code permits the Focused EIR for Empire North Unit 1 to modify the General Plan Master EIR, by including updated information. Chapter 4 (p. 4-1) of the Focused EIR presents this information, in the form of Modifications, as follows:

Modification #	Topic
1	Disturbance of Archaeological or Historical Sites
2	Hazardous Materials
3	Hazardous Materials
4	Hazardous Materials
5	Hazardous Materials
6	Hazardous Materials

These six (6) Modifications, set forth in Exhibit 5 attached hereto, are hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Section 21081.6(b) of the Public Resources Code provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary and the Focused EIR into the Empire North Unit 1 Specific Plan. Therefore, said mitigation monitoring program is hereby adopted.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan as accurate and adequate. The City Council further certifies that the Focused EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Serpa, Mayor Lang
NOES:	Councilmembers:	Fisher, Friedman, McClanahan
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Exhibit 3

-- oOo --

Executive Summary

Executive Summary

This focused environmental impact report (EIR) for the Empire North Unit 1 Specific Plan (Specific Plan) has been prepared for the City of Modesto (City) pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Specific Plan area is within the Empire North comprehensive planning district (CPD) and subject to CPD policies and provisions of the Modesto Urban Area General Plan (City's General Plan). The City's Master EIR, which identified Empire North as a subsequent project, was certified by the Modesto City Council on August 15, 1995, and is hereby incorporated by reference into this focused EIR.

A. PROJECT DESCRIPTION

The Empire North Unit 1 project is a specific plan that calls for 241 dwelling units on approximately 47 acres and a General Plan amendment that designates approximately 48 acres within the Empire North CPD, currently designated Village Residential, as Open Space. The project is divided into three subareass: Subarea A is proposed to accommodate approximately 171 units, and Subarea B is proposed to accommodate approximately 70 units. Subarea C, located within the floodplain, is proposed as open space and also would accommodate recreation and flood control uses.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table ES-1 summarizes the project impacts and proposed mitigation measures that are in addition to the required mitigation measures identified in the Master EIR.

C. AREAS OF KNOWN CONTROVERSY

During public review of the draft EIR, concerns were raised about a number of topics but those comments have not been interpreted as relating to areas of controversy; rather, in most cases, the comments sought clarification on issues.

D. ISSUES TO BE RESOLVED

The primary issues to be resolved by the City include the decision to mitigate significant environmental impacts of the project including noise, cultural resources, biological, parks and open space, and schools. In addition, the EIR identifies that noise from the railroad and aircraft flying over the site and safety from aircraft flying over the site are significant impacts and are not mitigable. The City will need to make a decision about the project in light of these impacts.

Table ES-1. Summary of Impacts and Mitigation Measures

I. Impacts That Are Significant but Mitigable

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate (see Sections II and III of this table). The following section of this table presents the impacts of this project that are mitigable to a less-than-significant level, the mitigation measures, and the monitoring requirements.

Impact	Mitigation Measure(s)	Mitigation Monitoring
I-A. The property owner for Sub-area B refused to allow field archaeologists access to his property at the time this focused EIR was being prepared. Because Sub-area B is located within a Potential Archaeological Resource study area, the potential remains for encountering cultural resources.	**I-A. A preliminary surface field reconnaissance will be conducted in Sub-area B, prior to submittal of the tentative map for this area, to identify any areas containing prehistoric deposits. Impacts to areas of significant resources that could be affected by development will be mitigated through adhering to the procedures presented in Table 8-1 of the Master EIR. (Page 3-31 of this EIR).**	**I-A.** This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. Impacts on significant cultural resources, if any, in Sub-area B shall be mitigated prior to submittal of the tentative map, consistent with Table 8-1 in the Master EIR.

Impact	Mitigation Measure(s)	Mitigation Monitoring
I-B. Uncontrolled public access, such as creating informal trails or steep slopes and campfires, and littering would degrade the natural environment of Dry Creek. The General Plan (Section VII(B)(6)) requires special protection and enhancement measures for the riparian corridor along Dry Creek.	I-B. Any private entity or public agency constructing improvements within the designated open space of the Dry Creek CPD will incorporate protection and enhancement measures into their development plan for the area designated as the Dry Creek Comprehensive Planning District. These measures include a riparian protection and maintenance plan with: a trail diagram; dedication requirements to guarantee permanent access to Dry Creek open space; a maintenance and operations program, and; trail and accessway standards. A full description of these measures is found in Chapter 3, Section F of this EIR. (Page 3-39 of this EIR).	I-B. This mitigation measure is incorporated into the Empire North Unit I Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. These measures must be included in any development plans submitted to the City.

II. Impacts that are Significant but Whose Mitigation Falls Outside the Jurisdiction of the City of Modesto

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed as described in Section I of this table; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are mitigable to a less-than-significant level; the mitigation measures presented, however, are the responsibility of another agency. The City of Modesto will ensure that those mitigation measures are implemented, nonetheless, through the mitigation monitoring requirements as presented below.

Impact	Mitigation Measure(s)	Mitigation Monitoring
II-A. Surveys revealed elderberry shrubs, potential habitat for valley elderberry longhorn beetle (VELB) (a species listed as threatened under the federal Endangered Species Act), along the railroad berm at the west edge of the project site. These elderberry shrubs could be affected by development in Sub-area C.	Either of the following measures shall mitigate the identified potential impacts.	
	II-A(1). Development will avoid VELB habitat (i.e., elderberry shrubs) by prohibiting construction activities within 20 feet of elderberry shrubs. The tentative map will be designed to show the setback of 20 feet from the elderberry shrubs in which no construction or disturbance shall occur. (Page 3-24 of this EIR).	**II-A(1).** Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.
	OR	
	II-A(2). Section 10a permits under the federal Endangered Species Act will be obtained by the proponent of any development that could affect VELB in Sub-area C. A Section 10a permit allows take of a listed species if a VELB mitigation plan (as outlined in Appendix E of the focused EIR) is prepared and implemented. (Page 3-24 of this EIR).	**II-A(2).** Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

Impact	Mitigation Measure(s)	Mitigation Monitoring
II-B. Based on student yield factors and development of the 96-acre Plan area at the permitted General Plan density of 5.1 units per acre, approximately 241 total units, the project would generate 96 students for grades K-6, 24 students for grades 7-8, and 48 students for grades 9-12. However, the District has determined that school impacts would not occur for portions of the project designated for seniors.	**II-B.** A Mello Roos district application for annexation shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to thedistrict shall be required prior to final map or development plan approval.	**II-B.** This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.
II-C. Construction of the project during the nesting season (March-August) could disturb nesting Swainson's hawks, a species listed as threatened under the California Endangered Species Act, in the Plan area or adjacent to the Plan area and could cause them to abandon the nest site or could cause nesting failure.	**II-C.** A qualified biologist, as approved by DFG, shall be retained to conduct a Swainson's hawk survey within 1 year before commencing development of the site. If nesting Swainson's hawks could be affected by the project, nest monitoring by a qualified biologist during construction, as required by DFG, will be conducted. Construction activities will be modified to avoid disturbances. Follow-up surveys should be conducted each construction year. (See page 3-24 of this EIR for a complete description of the requirement of this mitigation measure).	**II-C.** Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. Approval from DFG shall be required prior to submittal of a tentative map or development plan.

Impact	Mitigation Measure(s)	Mitigation Monitoring
II-D. Implementing the project would remove approximately 33.5 acres of suitable Swainson's hawk foraging habitat within 1 mile of a potential Swainson's hawk nesting site.	**II-D. Mitigation may consist of providing replacement habitat, payment of in-lieu fees for land acquisition in compliance with the California Fish and Game Code Section 2081 (see Appendix F of the focused EIR), or other measures acceptable to the DFG and the City. (Page 3-25 of this EIR).**	**II-D. Primary responsibility for implementing and monitoring this mitigation measure rests with the U.S. Fish and Wildlife Service. Satisfaction of this mitigation measure, prior to development, shall be a requirement of the Specific Plan. This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.**

III. Impacts That Are Significant and Not Mitigable

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed as described in Section I of this table; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted (Section II of this table); or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level; in some instances, the mitigation measures are infeasible and, in other instances, there are mitigation measures available that could be implemented but they would not reduce the impacts to a less-than-significant level.

Impact	Mitigation Measure(s)	Mitigation Monitoring
III-A. Portions of the project site are adjacent to Sante Fe Railroad tracks. Outdoor noise levels would exceed City standards along the west edge.	**III-A. No feasible mitigation measures are available. (Page 3-13 of this EIR).**	**III-A. Not applicable.**
III-B. Noise generated by aircraft departing from the Eastside Mosquito Abatement District would be significant.	**III-B. No feasible mitigation measures are available. (Page 3-14 of this EIR).**	**III-B. Not applicable.**

Impact	Mitigation Measure(s)	Mitigation Monitoring
III-C. Development of Empire North Unit 1 near the Eastside Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to operation of the District airstrip near proposed residential development include hazards to flight and safety on the ground.	III-C(1). An avigation easement shall be dedicated that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77. (Page 3-18 of this EIR).	III-C(1). This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. The City of Modesto Community Development Department shall ensure that the easement is shown on the tentative map. This mitigation measure will reduce impacts, but not to a less-than-significant level.
	III-C(2). The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.). The minimum open space for the emergency landing strip should be approximately 75 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles, structures and overhead lines. (Page 3-44 of this EIR).	III-C(2). This mitigation measure is incorporated into the Empire North Unit 1 Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented. City staff shall review the tentative map to ensure that a suitable alternative landing site is provided in Sub-area A as defined in the Specific Plan. This mitigation measure will reduce impacts, but not to a less-than-significant level.

Impact	Mitigation Measure(s)	Mitigation Monitoring
III-D. No formal standards exist regarding the overflight of residential structures by aircraft carrying insecticides. The aircraft carry the insecticides Altosid and Malathion. Some forms of Altosid are eye irritants; Malathion is harmful if swallowed, inhaled, or if there is eye or skin contact. Therefore, if a load of Malathion were accidentally released over the project site, the effects on the residents could be harmful.	III-D. No feasible mitigation measures are available. (Page 3-43 of this EIR).	III-D. Not applicable.

IV. Impacts Found Not to Be Significant

Impact	Rationale
IV-A. Increase in traffic under near-term conditions	IV-A. All critical facilities would operate at an acceptable LOS under near-term with-project conditions. (Page 3-7 of this EIR).
IV-B. Increase in traffic under 2025 conditions	IV-B. The City has determined that the proposed project will have no additional significant effect on future traffic conditions beyond those that were evaluated in the Master EIR: the 2025 with-project LOS F conditions do not indicate a further degradation of the 2025 LOS F without-project conditions. (Page 3-8 of this EIR).
IV-C. Increased traffic noise levels at existing residences	IV-C. Because the project-related traffic noise increase would not be perceptible. (Page 3-13 of this EIR).
IV-D. Exposure of new residences in the Specific Plan area to traffic noise	IV-D. The Specific Plan states that soundwalls will be constructed along the north boundaries of the plan area to reduce noise from traffic. The Specific Plan also states that special construction features will be specified for building shells to ensure that noise from exterior sources is reduced to 45 dB-L_{dn} or less inside houses. (Page 3-13 of this EIR).

Impact	Rationale
IV-E. Potential disturbance of southwestern pond turtles	**IV-E.** Water quality will be protected in accordance with the Master EIR. (Page 3-34 of this EIR).
IV-F. Potential for flooding	**IV-F.** The Empire North Unit 1 project conforms to all of the relevant drainage, flooding, water quality, and storm drainage standards, and policies contained in the City's General Plan. The Empire North Unit 1 Specific Plan restricts construction of structures in the 100-year floodway or placement of any material that would decrease storage in the 100-year floodplain. (Page 3-34 of this EIR).
IV-G. Potential increase in runoff to groundwater and degradation of Dry Creek water quality	**IV-G.** The City's General Plan and the Empire North Unit 1 Specific Plan require the project to construct a positive drainage system that recharges 80% of runoff to groundwater and limits discharge to Dry Creek to pre-development levels. The drainage system will prevent runoff generated by the Empire North Unit 1 project from contributing to increased flooding in Dry Creek. Sediment control basins, required by the City's General Plan policies as part of drainage plans for new developments, and policies for the detention/recharge facilities included in the positive drainage system required by the City's General Plan and the Specific Plan will reduce water quality impacts (i.e., additional pollutant loading in runoff) to less-than-significant levels. (Page 3-34 of this EIR).
IV-H. Safety on the ground in the Runway Protection Zone	**IV-H.** The nearest portion of the project site lies approximately 146 feet beyond the end of the District's airstrip southern Runway Protection Zone (RPZ). (Page 3-43 of this EIR).
VI-I. Development of the Specific Plan would result in increased demand for parks and open space and generate the need to construct new parks facilities.	**IV-I.** Developers of projects within the Empire North Unit 1 area will be required to pay capital facilities fees (which includes parks) prior to issuance of a building permit. (Page 3-36 of this EIR).

Exhibit 4

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Statement of Overriding Findings

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan and through the extensive public participation, the City Council has determined that the Empire North Unit No. 1 Specific Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Specific Plan are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are four of the Issue Areas, identified in the Final Focused EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Empire North Unit No. 1 Specific Plan will cause significant and unavoidable impacts on the following Issue areas:

1. Generation of Noise - Generated by the Railroad [External noise levels].

Portions of the project site are adjacent to Santa Fe Railroad tracks. Outdoor noise levels would exceed City standards along the west edge.

a) Finding No. 1-1

Portions of the project site are adjacent to Parker Road and the SF railroad tracks. The distances to the 60- and 65-dB-L_{dn} noise contours from traffic on Parker Road have been calculated based on 2015 traffic projections. The 60dB-L_{dn} contour is calculated to be 108 feet from the roadway centerline and the 65-dB-L_{dn} contour is calculated to be 5 feet from the roadway centerline. The distance to the train noise contours was taken directly from Figure 3-2 in the City's General Plan noise element. Train and traffic noise contours are depicted in Figure 3-8 of the Empire North Unit 1 Focused EIR. The 60- and 65-dB-L_{dn} traffic and railroad noise contours extend into the project site along the west and north edges. For new single-family residential development within the 65-dB-L_{dn} contour, the City's General Plan requires developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

1. Where feasible and consistent with the General Plan policy, incorporate setbacks and/or locate less sensitive uses between a noise source and noise-sensitive uses.

2. Provide (to the extent feasible and consistent with General Plan

policy) berms, barriers, or other techniques to shield noise-sensitive uses.

3. Incorporate construction techniques to achieve an interior noise limit of 45-dB-L_{dn} (these potential techniques are presented in CCR Title 24 standards).

Substantial Evidence:

Page 3-12, Final Focused Environmental Impact Report, Empire North Unit 1 Specific Plan.

b) Finding No. 1-2

Exterior noise intrusion guidelines have evolved from several studies. The Focused EIR adopts a level of 65 dB as representing the threshold for what is considered significant residential intrusion, under the assumption that a typical California dwelling will provide 20 dB or more of acoustic noise reduction.

Substantial Evidence:

Page 3-12, Final Focused Environmental Impact Report, Empire North Unit 1 Specific Plan.

c) Conclusions:

The soundwall along Parker Road will reduce exterior traffic noise to less than 60 DB-L_{dn}. However, it is considered impractical to construct a soundwall along the train track that will reduce train noise to less than 60 dB-L_{dn}. The soundwall is considered impractical due primarily to the difference in elevation between the tracks and the project site. The train tracks are several feet higher than the elevation of the west project boundary, where the soundwall would be constructed. To effectively block sound, soundwalls are typically constructed to a height of one to two fee above the elevation of the noise source, in this case the wheels and engines of passing trains. The soundwall at the west project boundary would potentially need to be constructed to a height of 12 or more feet and approximately 2,100 feet in length, creating an imposing and costly visual barrier. Even with a soundwall, noise would affect the site from trains crossing the trestle over Dry Creek. It, therefore, would be impractical to construct a soundwall adjacent to the trestle. For these reasons a soundwall is not included as feasible mitigation for this project.

The Specific Plan also states that special construction features will be specified for building shells to ensure that noise from exterior sources is reduced to 45 dB-L_{dn} or less inside houses to conform with Uniform

Building Code section 1208A.8.2. Although the exterior traffic noise impact will be reduced to a less-than-significant level and interior sound levels will be reduced to less than 45 dB-L_{dn} exterior noise from train passages are not expected to be reduced to less than 60 dB-L_{dn}. The external exposure of new residents, outside of new dwelling units, to railroad noise is therefore considered significant and unavoidable.

2. Generation of Noise - Generated by Airstrip.

Noise generated by aircraft departing from the Eastside Mosquito Abatement District would be significant.

a) Finding No. 2-1

At its nearest point, the project site is 1,346 feet from the southern end of the District's airstrip. The airstrip is classified as a restricted (i.e., private use) airport. Its orientation is parallel to Santa Fe Avenue and the adjacent AT & SF rail line. The asphalt runway is 1,500 feet in length, but only 1,400 feet are usable. Chemical loading is performed in one of the buildings located at the airstrip.

The airfield is used from mid-March through the end of October. During the 34-week season, operations will continue 7 days per week and average up to 40 operations per day (an operation is defined as a landing or a take-off) during a wet year. Operations can begin before sunrise, as early as 4 a.m., and typically end by 2:30 p.m. The areas sprayed are located in the region surrounding the airstrip.

Currently, about 80-90% of the aircraft operations (landings and take-offs) are to the north (i.e. away from the project site) and 10-20% to the south. In an average year, only about 700 operations will pass over the project site. Essentially, all of these operations are take-offs.

Substantial Evidence:

Page 3-14, Final Focused Environmental Impact Report, Empire North Unit 1 Specific Plan.

b) Finding No. 2-2

Single-event noise involves the measurements (or estimation) of the acoustic contribution of an individual aircraft flyover. Although no universally-accepted standards exist for determining the suitability of residential land uses based on noise from individual aircraft events, guidelines reflecting annoyance or intrusion have been applied in circumstances where cumulative noise was deemed to be an inconclusive or misleading descriptor.

Thus, single-event noise analyses is considered an important descriptor in evaluating human active-ties such as speech interruption and sleep disturbance.

For evaluation of single-event noise impacts, the metric of aircraft noise is maximum noise level (L_{max}) in units of dBA. there is no direct means of converting the previously noted SEL dB to L_{max}. However, based on field measurements at other airports, SEL levels for light aircraft can be expected to be 5-10 dB higher than L_{max}. Using this as a guide, L_{max} for take-offs are estimated to be between 85 dB and 90 dB. The L_{max} for landings would be between 72 dB and 77 dB. Under the assumption that residential units would provide at least 20 dB of noise level reduction, estimated interior noise levels (with windows closed) are expected to be in the range of 52 to 57 dB for any landings that cross the site. Similarly, interior noise levels from take-offs would be in the range of 65 to 70 dB which is in excess of the 65 dB interior interference standard. Section 1208A.8.3 of the Uniform Building Code requires acoustic analysis for structures impacted by airport noise structures. Up to three operations per average day during the District's operational season at this noise level may be anticipated.

Substantial Evidence:

Page 3-16, Final Focused Environmental Impact Report, Empire North Specific Plan.

c) Finding No. 2-3

The analysis of single-event noise suggests the potential for aircraft noise intrusion at the proposed project site is small, when structural Noise Level Reduction is supported by closed windows and air conditioning. However, during seasons when windows could be expected to remain open, annoyance effects can be expected to be significant. Early morning departures could awaken some project residents. This would be particularly true for operations conducted before 7 a.m. during mild weather conditions when windows might be left open overnight. Single-event noise levels associated with departures at the District's Airstrip may exceed exterior noise level guidelines (i.e., 85 dB) at the project site. Therefore, the proposed project could expose in residents to significant levels of single-event noise, unless the effects are mitigated. Assuming noise level reduction of 20 dB or better, interior noise levels at the project site due to aircraft operations may exceed published guidelines of intrusion or annoyance. Therefore, the proposed project could expose its residents to significant levels of annoyance due to single-even noise, unless the effects are mitigated.

Substantial Evidence:

Page 3-17, Final Focused Environmental Impact Report, Empire North Specific Plan.

d) Finding No. 2-4

In his letter dated September 16, 1996, John Wilbanks, Principal with the RRM Design Group, commented on behalf of Mr. John Machado, Property Owner of Sub-area B. Mr. Wilbanks requested clarification that the project impacts are not mitigable are specifically associated with Sub-area A, and that Sub-area B would not be subject to the required mitigation.

Sub-area B is located further to the east than Sub-area A and would not be subject to the adverse noise impacts associated with train trips along the Santa Fe Railroad tracks to the west. However, Section 1208A.8.2 of the Uniform Building Code, requiring interior noise levels to be no more than 45 dB, does apply to all areas of the City.

Substantial Evidence:

Page 3-17, Final Focused Environmental Impact Report, Empire North Specific Plan.

e) Finding No. 2-5

The following mitigation measure will inform new residents of noise from the airstrip; however, this measure will not reduce the impact of exposure to noise from the airstrip to a less-than-significant level.

A. Create an Avigation Easement. An avigation easement shall be dedicated and shown on the tentative map that informs prospective buyers of the exposure to noise from the use of the District's airstrip. The City of Modesto Community Development Department shall ensure that the easement is dedicated as part of final map approval.

The minimum open space for the emergency landing strip should be approximately 75 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles structures and overhead lines. The avigation easement shall be dedicated to the Eastside Mosquito Abatement District and shall lapse if the District's airport on Santa Fe Drive is closed.

Substantial Evidence:

Page 3-18, Final Focused Environmental Impact Report, Empire North Specific Plan.

f) Conclusions

The exposure of new residences to railroad noise from trains traveling on the SF railway and aircraft noise from the District's airstrip would remain significant. The evaluation concluded that residential uses in areas adjacent to the airstrip could be exposed to single-event noise levels that exceed standards for annoyance, and that the only mitigation measure that will fully mitigate this impact is the relocation of the District's operations to another site, which is considered financially infeasible. Another measure that could mitigate the impact of single-event noise is to extend the runway to the north by approximately 1,000 feet, which would permit aircraft to safely turn before departing over the Specific Plan area under most conditions. This mitigation measure, however, also is considered financially infeasible.

3. Public Safety: Hazards to Flight and Safety on the Ground.

Development of Empire North Unit 1 near the Eastside Mosquito Abatement District airstrip could result in safety impacts. Safety issues related to operation of the District airstrip near proposed residential development include hazards to flight and safety on the ground.

a) Finding No. 3-1

1. Hazards to Flight. Generally, the development of single-family and multiple-family residences is unlikely to produce hazards to aircraft in flight. In the Specific Plan area, power distribution and telecommunications lines will be placed underground. However unusually tall antennas or trees installed by residents could be significant exceptions. Without mitigation, the project has the potential to create a significant hazard to flight.

2. Safety on the Ground.

a. Runway Protection Zone (RPZ). The nearest portion of the project site lies approximately 146 feet beyond the end of the District's airstrip southern Runway Protection zone (RPZ). Therefore, the project would not exceed the standard of significance for this criterion.

b. Inner Safety zone. The District's airstrip would fall within the Inner Safety Zone boundaries recommended for the

smallest category of airport. The boundaries of this zone were defined for smaller general aviation airports, not specifically for restricted use airports with very low levels of operations. This concept, when applied to the District's airstrip, means that the actual distribution and level of aircraft operations should be considered. Thus, because direct overflights of the site are minimal (three on an average day), application of the land use standards for the Inner Safety Zone is moderated. However, the risk associated with direct impact of the aircraft, subsequent fire, and the release of toxic chemicals combined with the potential limited mobility of some residents should be considered. Although the probability of an accident is low, the potential consequences, if an accident did occur, are significant. It is therefore concluded that this project will exceed the threshold of significance for this criterion.

c. The significant and unavoidable aircraft safety impacts are also specific to Sub-area A and no statement in the EIR attributes these impacts, or assigns related mitigation measures, specifically to Sub-area B.

Substantial Evidence:

1. Hazards to Flight. Federal Aviation Regulations (FAR) Part 77, "Objects Affecting Navigable Airspace", contain the principal criteria for determining whether objects are hazards to flight safety. The criteria address:

   a) physical obstructions, (i.e., poles, antennas, buildings, and towers),
   b) electrical interference,
   c) lighting,
   d) glare,
   e) smoke, and
   f) bird strikes.

   Hazards to flight are a primary concern in the Runway Protection Zone (described below).

2. Safety on the Ground. The following standards are used to determine land uses near airfields. These standards are applied through federal and state designated safety areas (California Department of Transportation 1993):

   a) The Runway Protection Zone. The Runway Protection Zone (RPZ) described in FAA Advisory Circular 150/5300-

13 is intended to enhance the protection of people and property on the ground. Residential uses and places of public assembly are prohibited. This trapezoidal area extends to 1,200 feet from the end of the paved runway surface. Since the project site is at 1,300 feet south of the runway, the project is not located within the "Runway Protection Zone."

b) The Inner Safety Zone. The Inner Safety Zone as illustrated in Figure 9G of the Caltrans Airport Land Use Planning Handbook (1993) limits residential uses to very low densities, such as 10 acres or more per dwelling unit. This rectangular area extends 1,500 feet from the end of the RPZ.

b) Finding No. 3-2

In their letter of September 16, 1996, LAFCO asked whether or not the City had considered relocation of the Eastside Mosquito Abatement District airstrip in the General Plan. The City's General Plan addresses broad-based urban and planned urbanizing issues for City development and does not specifically reference the relocation of the airstrip. In the preliminary planning for his project, the applicant contacted a local realtor, who advised him that relocating the airstrip would cost more than $1,000,000. Since only the portion of the Empire North Comprehensive Planning District north of Dry Creek is adversely affected by the flights from the airstrip, future development in that area would have to amortize airstrip relocation costs.

In addition, the decision to relocate the airstrip is solely within the purvie of the Eastside Mosquito Abatement District. It is understood that the manager of the Modesto City/County Airport believes that the best location for the Eastside Mosquito Abatement District is at the Modesto City/County Airport. At the Modesto City/County Airport, the Eastside Mosquito Abatement District would be able to provide service without significant impact on uses surrounding the airport, would be able to avail themselves of existing fire and spill prevention and response equipment, and could take advantage of existing airport facilities. The Eastside Mosquito Abatement District has chosen not to relocate to the Modesto City/County Airport as they wish to continue to operate independently and without responsibility to any other agency or entity.

Further it is understood that there has never been an off-site accident at the Eastside Mosquito Abatement District airstrip, and the time and effort involved in attempting to effect any of these alternatives is effort which is spent to mitigate an impact which has never occurred in the past and therefore could most reasonably be expected not to occur in the far

distant future. As such, and based upon all the foregoing, there are many reasons why it is infeasible to require this project to relocate the Eastside Mosquito Abatement District airstrip.

It is important to note that substantial mitigation measures including the emergency landing strip and the avigation easement have been put in place to attempt to mitigate the safety and noise impacts related to the airstrip to the maximum extent feasible. While it would be reasonable to state that there mitigation measures have reduced a level of impact of the airstrip on this project to a level of less than significant, due to the fact that there is still a possibility that some of type of accident may occur in the future affecting this site, it has been determined that this impact is still significant and unavoidable. The ability of this project, which is rather small in nature, relocating the entire airstrip is clearly infeasible and no additional mitigation is offered.

Substantial Evidence:

1. Page 3-43, Final Environmental Impact Report, Empire North Specific Plan.

2. In attempting to relocate the Eastside Mosquito Abatement District airstrip, it will be necessary to find an acceptable site, sell the existing site, construct entirely new facilities, which would most likely be at a higher level that currently exists, and to determine that at the new location there would be no significant impacts for construction of the airstrip at that location. As the current runway is approximately 1,500 feet in length, a parcel of land upon which to relocate the airstrip would need to be around 40 acres minimum (1,320' x 1,320'). The airstrip could be put on the property diagonally. Forty acres of land could cost between $320,000 and $480,000 based upon a per acre price of $8,000 to $12,000 per acre. Construction of the airstrip, buildings, environmental review and permitting could easily cost an additional $400,000 to $500,000, thereby bringing the total relocation cost to around $1 million. In addition, it will be necessary to obtain permits from the Stanislaus County Board of Supervisors and other entities prior to the relocation of the airstrip. With all of the costs associated with moving the airstrip to a new isolated location, and the difficulty with finding a site that would satisfy the Eastside Mosquito Abatement District, meet all of their needs, and ultimately be acceptable, it does not seem feasible to pursue this option any further.

c) Conclusions:

The following Mitigation Measures will be incorporated into the Specific

Plan. However, they will not fully mitigate the identified Public Safety Impacts:

- Create an Avigation Easement. An avigation easement shall be dedicated that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77 surfaces. The City of Modesto Community Development Department shall ensure that the surfaces are determined prior to final map approval and the easement is dedicated on the final map approval. The minimum open space for the emergency landing strip should be approximately 25 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles structures and overhead lines. The avigation easement shall be dedicated to the Eastside Mosquito Abatement District and shall lapse if the District's airport on Santa Fe Drive is closed.

- Provide Alternative Landing Sites. The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.). City staff shall review the tentative map to ensure that suitable alternative landing site is provided in Sub-area A.

4. Public Safety: Overflight of Residential Areas by Airplanes Containing Insecticides.

a) Finding No. 4-1

The aircraft operated by the Eastside Mosquito Abatement District carry the insecticides Altosid and Malathion. Some forms of Altosid are eye irritants; Malathion is harmful if swallowed, inhaled, or if there is eye or skin contact. Therefore, if a load of Malathion were accidentally released over the project site, the effects on the residents could be harmful.

Substantial Evidence:

Page 3-43, Final Focused Environmental Impact Report, Empire North Specific Plan.

b) Conclusions:

The following Mitigation Measures will be incorporated into the Specific Plan. However, they will not fully mitigate the identified Public Safety Impacts:

- Create an Avigation Easement. An avigation easement shall be dedicated that adopts restrictive covenants limiting the heights of trees and structures in accordance with FAR Part 77 surfaces. The City of Modesto Community Development Department shall ensure that the surfaces are determined prior to final map approval and the easement is dedicated on the final map approval. The minimum open space for the emergency landing strip should be approximately 25 feet wide and 300 feet long. The area should be generally level (free of landscaping berms) and free of trees, poles structures and overhead lines. The avigation easement shall be dedicated to the Eastside Mosquito Abatement District and shall lapse if the District's airport on Santa Fe Drive is closed.

- Provide Alternative Landing Sites. The tentative map for Sub-area A shall be designed to provide an alternative emergency landing site adjacent to the railroad; additional protection could be afforded along the extended runway centerline where no sensitive land uses would be allowed (e.g., houses, community centers, assisted living facilities, etc.). City staff shall review the tentative map to ensure that suitable alternative landing site is provided in Sub-area A.

B. General Overriding Considerations

1. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

a) Finding No. 1

In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of housing types within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area and made the requisite overriding consideration findings.

Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Empire North Unit No. 1 Specific Plan is in an area which contains two additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to the proximity of this project to an existing airstrip and the proximity of this project to a railroad. Due to these external sources, there are significant and unavoidable impacts related to safety and noise which cannot be feasibly mitigated to a level of insignificance.

The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. This General Plan specifically recognizes the development of this area is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of housing, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and thriving community and find that the need to implement the General Plan

and its supporting goals and policies are benefits associated with this project.

Substantial Evidence

1. Land Use Diagram (Figure III-1), Modesto Urban Area General Plan.

2. Housing Element (Chapter IV), Modesto Urban Area General Plan, August 15, 1995.

2. The Project Proposed Provides a Diversity of Housing Types

a) Finding No. 1

The residential subdivision proposed for the Alldrin parcel provides differing housing types which will assist in implementing the Modesto Urban Area General Plan. The project as proposed contains 119 single-family residential units, 18 duplex units and approximately 24 condominium units which may assist in providing affordable housing which is a goal of the Modesto Urban Area General Plan. The project also provides an approximately two-acre assisted-living facility site. Based upon these different housing types provided within the project, the project furthers the goals and policies in the Modesto Urban Area General Plan by providing a diversity of housing types. The City Council hereby finds and declares that this provision of diverse housing types assists in meeting the goals and policies of the Modesto Urban Area General Plan and that the benefits of providing these diverse housing is associated with this project.

Substantial Evidence

1. Tentative Subdivision Map, submitted to the City on 10/24/96, and recommended for approval by the Planning Commission on December 2, 1996 (Dr. Kenneth Lemings, applicant).

2. Housing Element (Chapter IV), Modesto Urban Area General Plan, August 15, 1995.

3. Provision of Senior Housing

Finding No. 1

The project as proposed includes a two-acre assisted-living facility site. Based upon evidence in the record and a knowledge of the Modesto area, assisted-living housing is a demonstrated need within the City of

Modesto. Further, the project proponent has a history of entitling an assisted-living facility in the City of Modesto which has been successful by the construction and operation of the Bethel Retirement Center. This type of facility is needed and is a benefit associated with this plan. The Council hereby finds and declares that the provision of the assisted-living facility site in this project is a distinct benefit associated with the project.

Substantial Evidence

1. Tentative Subdivision Map, submitted to the City on 10/24/96, and recommended for approval by the Planning Commission on December 2, 1996 (Dr. Kenneth Lemings, applicant).

2. Housing Element (Chapter IV), Modesto Urban Area General Plan, August 15, 1995.

4. Provision of Open Space

a) Finding No. 1

When the City of Modesto General Plan was adopted in 1995, this property was added to the General Plan as an area where development would be permitted. As part of that adoption, the City of Modesto did not extend the Dry Creek Regional Park through the project site. The Dry Creek Regional Park will be a community-wide amenity which will allow access in certain areas to Dry Creek and will benefit owners residing near Dry Creek along with other members of the community. As such, a specific component of this project is the opportunity for the addition of a substantial amount of acreage to the Dry Creek Regional Park and the continuation of the Dry Creek Regional Park to the City's easternmost ultimate boundary. The benefits of this General Plan Amendment are city-wide in nature and will benefit the entire community. As such, the City Council hereby finds and declares that the adding of area to the Dry Creek Regional Plan is a benefit associated with this project.

Substantial Evidence

1. Land Use Diagram (Figure III-1), Modesto Urban Area General Plan, August 15, 1995.

5. Provision of Recreational Amenities

a) Finding No. 1

The project as proposed provides a community center and pathways to the Dry Creek Regional Park. These are amenities which specifically benefit the project as proposed. Many projects in the City of Modesto,

although adjacent to creekways and other natural features, have not in the past provided substantial public access to these features. This project includes provision of access to Dry Creek and as such creates a benefit to the future residents of this area. As such, the City Council hereby finds and declares that the benefit of providing access to Dry Creek for this project is a benefit associated with this project.

Substantial Evidence

1. Tentative Subdivision Map, submitted to the City on 10/24/96, and recommended for approval by the Planning Commission on December 2, 1996 (Dr. Kenneth Lemings, applicant).

6. Project Provides Emergency Landing Site for Mosquito Abatement District Airstrip

a) Finding No. 1

Included in the project is an emergency landing strip for the Eastside Mosquito Abatement District Airstrip. This airstrip has been in place for many years and in the past has frustrated development attempts around it. Through a report prepared by an airport consultant, this project has included an emergency landing strip which will assist in making the overall area of the Eastside Mosquito Abatement District Airstrip safer for all. The emergency landing strip is a substantial benefit which this project provides and which assists in providing safety to more than just the residents of the proposed project. As such, the City Council hereby finds and declares that the provision of an emergency landing strip for the Eastside Mosquito Abatement District Airstrip is a benefit associated with this project.

Substantial Evidence

1. "Evaluation of Anticipated Impacts of the Eastside Mosquito Abatement District Airstrip on the Proposed Empire North Unit 1 Specific Plan", prepared by Shott Moen Associates, July 1996.

2. "Final Focused Environmental Impact Report for the Empire North Unit 1 Specific Plan", November 15, 1996 (Section G, Chapter IV).

7. Conclusion.

Based on all of the foregoing, the City Council of the City of Modesto hereby finds and declares that the benefits associated with this project, as set forth in items 1 through 6 above, outweigh the significant and unavoidable environmental consequences associated with the project and approves the project subject to

the mitigation measures contained in the Final Environmental Impact Report certified for this project.

Exhibit 5

-- oOo --

Modifications to the Master EIR

Chapter 4. Additions, Deletions, and Other Proposed Modifications to the City's Certified Master EIR

This focused EIR includes the following modifications to the previously certified Master EIR for the City's General Plan. Additions to specific text in the City's Master EIR are identified with italics.

A. PROPOSED MODIFICATIONS

I. Disturbance of Archaeological or Historical Sites

The standards of significance for the disturbance of archaeological resources set forth in the City's Master EIR are hereby revised to reflect the standards set forth in Public Resources Code Sections 5020.1 and 5924.1 and 36 CFR 60.4, as identified in Chapter 3 under "Disturbance of Archaeological Resources".

II. Hazardous Materials

The following changes have been made based on a request in the Stanislaus County Department of Environmental Resources comment letter on the NOP.

Section IV. 16.III.A.1, the first paragraph has been revised to read as follows:

> In the event that site inspection . . . The City shall notify the *County Department of Environmental Resources* . . .

Section IV. 16.III.A.1, second paragraph, the last sentence has been revised to read as follows:

> Permitting or work in areas . . . with the City *and approved by the County Department of Environmental Resources.*

Section IV. 16.III.A.1, fourth paragraph, the first sentence has been revised to read as follows:

> In accordance with OSHA requirements . . . file with the City *and County Department of Environmental Resources* . . .

Section IV. 16.III.A.3. has been revised to add the following sentence at the end of the paragraph:

> *In addition, the hazardous waste generator shall notify the County Department of Environmental Resources for a copy of 'Guidelines for Generators of Hazardous Waste" and to confirm compliance with State and Federal hazardous waste generator statues.*

Section IV. 16.III.A.3., the last sentence has been revised to read as follows:

> The City Fire Department . . . hazardous materials *and waste* transportation . . .

MODESTO CITY COUNCIL
RESOLUTION NO. 97-6

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED MCHENRY MANSION GRAVITY SEWER LINE AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled McHenry Mansion Gravity Sewer Line, has been completed by B-Zap-B Corporation, in accordance with the contract agreement dated June 25, 1996.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion Gravity Sewer Line be accepted from said contractor, B-Zap-B Corporation; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $98,333.17 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 January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-7

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $14,000 TO FULLY FUND MCHENRY MANSION GRAVITY SEWER LINE

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

FROM: 621 480 F733 6010; $14,000 (Reclamation Partnership)

TO: 621 480 F730 6040; $14,000 (McHenry Mansion Gravity Line)

Due to unforeseen extra work on underground utilities, additional funds are needed to compensate the Contractor for the extra work costs and to cover additional staff time required to administer the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-8

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVENTY-FIVE (75) PORTABLE RADIOS FROM MOTOROLA CORPORATION LAND MOBILE DIVISION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of seventy-five (75) portable radios is hereby waived.

BE IT FURTHER RESOLVED that purchase of seventy-five (75) portable radios from Motorola Corporation Land Mobile Division for a not to exceed price of $58,346.62.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-9

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES FOR COMPLETION OF A REVISED DRAFT EIR FOR THE KIERNAN BUSINESS PARK AND CARVER-BANGS SPECIFIC PLANS

WHEREAS, in January 1995, a Draft Specific Plan and Draft EIR for the Kiernan Business Park was prepared; and,

WHEREAS, the Draft Specific Plan and Draft EIR were sent out for public review from August 1, 1996 through October 1, 1996; and,

WHEREAS, as a result of the public review, on September 16, 1996, the City Manager authorized a contract with Environmental Science Associates (ESA) in the amount of $15,000 to prepare the Final EIR, covering both the Kiernan Business Park and Carver-Bangs Specific Plans; and,

WHEREAS, the contract with ESA was subsequently amended by the City Manager to increase the contract amount to $16,480 for additional work to respond to comments received by Caltrans on the Draft EIR; and,

WHEREAS, with the inclusion of the Carver-Bangs Specific Plan, this contract amendment of $17,145 is for the purpose of performing the work needed for recirculation, bringing the total contract amount to $33,625.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Environmental Science Associates for $17,145 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-10

A RESOLUTION APPROVING AN ADDENDUM TO THE NEGATIVE DECLARATION FOR THE JENNINGS ROAD WASTEWATER TREATMENT FACILITY BIOSOLIDS COMPOSTING PROJECT, SCH NO. 94112036.

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Jennings Road Wastewater Treatment Facility Biosolids Composting project might have a significant effect on the environment, and

WHEREAS, on January 17, 1995, the City Council adopted Resolution No. 95-30 approving the Negative Declaration for the proposed project, and

WHEREAS, the City of Modesto's Public Works and Transportation Department has proposed an Addendum to the Negative Declaration for the Jennings Road Wastewater Treatment Facility Biosolids Composting project, a copy of said Addendum is attached, and

WHEREAS, the purpose of the Addendum is to address four aspects of the proposed project, which were found by the Integrated Waste Management Board as needing clarification in the Negative Declaration as submitted. These aspects are:

1. Traffic
2. Acreage
3. Compost Feedstock
4. Tonnage

and

WHEREAS, City staff has determined that the issues addressed in the project's Initial Study and the Addendum thereto do not constitute a substantial change in the circumstances under which the project is undertaken, or do not contain new information of substantial importance that would prompt the need to conduct further CEQA review.

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

SECTION 1. The City Council certifies that it has reviewed and considered the proposed Addendum to the Negative Declaration and the previously approved Negative Declaration for the Jennings Road Wastewater Treatment Facility Biosolids Composting project.

SECTION 2. The City Council hereby finds on the basis of the information contained in the project's Initial Study and the Addendum, a copy of which is attached hereto, that pursuant to Public Resources Section 21166 and CEQA guidelines 15162 and 15164 that there is no need to prepare a subsequent EIR or a subsequent Negative Declaration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

ADDENDUM TO A NEGATIVE DECLARATION FOR THE JENNINGS ROAD WASTEWATER TREATMENT FACILITY BIOSOLIDS COMPOSTING PROJECT SCH#94112036

PROJECT:

Jennings Road Wastewater Treatment Facility Biosolids Composting Project

APPLICANT:

City of Modesto Public Works and Transportation Department
PO Box 642
Modesto, CA 95353

I. PROJECT DESCRIPTION:

This Document is prepared as an addendum to the Negative Declaration (SCH#94112036) prepared in 1993 for the Jennings Road Wastewater Treatment Facility Biosolids Co-composting Project. The Negative Declaration for this project discussed the two project components. Component 1 of the project is annexation of the project site into the City limits. The site consists of 51.18 acres at the City's existing Wastewater Treatment Facility at 7007 Jennings Road in Stanislaus County. The City owns approximately 4,000 acres of land on Jennings Road, including 1,100 acres of treatment ponds, and 2,900 acres of ranch land. The 51.18 acres is contiguous to an existing 10-acre parcel that was annexed to the City of Modesto in 1969 for the purpose of erecting buildings and equipment necessary to the treatment process.

Component 2 of the project is the development of a biosolids composting operation on approximately 15 acres in the northwest corner of the 51.18-acre site. Biosolids are a byproduct of specially treated, stabilized, disinfected water that may have originated from household wastewater, industrial wastewater, and storm runoff. The co-composting process will enable the City to meet the pathogen reduction requirements established by the Environmental Protection Agency's 40CFR Part 503 regulations for Class A biosolids.

Following an engineering analysis of the proposed project site, it was determined that 30 acres of the 51.18 acres covered by the Negative Declaration should be used for co-composting operations. The process described by the Negative

Declaration to be used in this component of the project is windrow composting. Site preparations include grading, compaction, surfacing of work areas, installation of drains, fences, an electrical system, fire suppression, and water lines. Materials to be composted include biosolids, which will be removed from the wastewater treatment systems and transferred to the co-composting site. The biosolids will be "bulked up" to provide better aeration, by the addition of yard trimmings, leaves, garden refuse, or other compostable feedstocks, such as wood chips, rice hulls, or other materials, including manures, plant wastes from the food processing industry, and other green materials as defined in the composting regulations. These materials will be delivered to the composting site by approximately 30-40 trucks. A tub grinder, windrow turner, skip loaders, power screen, water truck, and other miscellaneous equipment will be used in processing the materials.

The biosolids/bulking mixture will be allowed to compost for a period of 14-21 days, and managed to meet the EPA regulations for Class A material. The operations will be managed to minimize odor, dust, and vectors. When the active composting is completed, the biosolids co-compost will be cured, screened, and sold for use as a soil amendment.

The initial average daily throughput of feedstocks from the City is anticipated to be approximately 200 tons (400 cubic yards) of combined materials. Initial peak loading is expected to be approximately 450 tons (900 cubic yards) per day. The requested permitted daily peak capacity is 500 tons (1,000 cubic yards), with an annual throughput of approximately 130,000 tons (260,000 cubic yards). The combined annual volume of compost to be produced is expected to range from 68,000 to 171,000 cubic yards of finished product.

II. ENVIRONMENTAL SETTING:

The project site is flat, and has historically been used for agriculture, specifically as pasture, which has been irrigated with wastewater. Surrounding uses include the Secondary Wastewater Treatment Facility, field crops, almonds, and irrigated pasture/cattle grazing. A fixed-film reactor is located on the northwest corner of the 51.18-acre site. The northernmost portion of the site is bordered by the access road for the Wastewater Treatment Facility. The 51.18-acre site is buffered from Jennings Road by a 48-acre field, which is currently being fallowed.

The Wastewater Treatment Facility/Ranch is operated under a Discharge Permit from the Regional Water Quality Control Board, and a Water Discharge Permit, which allow for the direct land application of biosolids and for the use of effluent water for irrigation. The Treatment Facility/Ranch have full tailwater control, and all excess water/stormwater is returned to the treatment system.

III. BACKGROUND:

The purpose of this Addendum is to address four aspects of the proposed project, which were found by the Integrated Waste Management Board as needing clarification in the Negative Declaration as submitted. These aspects are:

A. Traffic
B. Acreage
C. Compost Feedstock
D. Tonnage

IV. DISCUSSION:

A. Traffic

The traffic counts cited in the adopted Negative Declaration inadvertently referred to truck trips rather than individual trucks. The proposed number of vehicles requested on the permit (30-40 green waste trucks) is within the range of vehicles analyzed for in the Negative Declaration (20-40 trucks). Thus, this correction does not result in an increase in traffic, nor does it alter the finding of no significant impact.

B. Acreage

The Negative Declaration was prepared for the annexation of a 51.18–acre parcel to the incorporated area so that the fixed film reactor that occupies the northwest corner of the parcel and any future improvements or processing operations conducted at the site are within the City limits. To provide further clarification, approximately 30 acres of this 51.18–acre parcel will be used for co-composting activities, not 15 acres as stated in the Negative Declaration. The 51.18–acre parcel is part of a 2,900–acre ranch owned by the City and permitted for wastewater treatment and land application of effluent and biosolids. There are no nearby sensitive receptors. This modification does not change the finding of no significant impact.

C. Compost Feedstock

In addition to biosolids from the secondary wastewater treatment plant, the Negative Declaration identified yard trimmings, leaves and garden refuse as wastes to be composted at the project facility. Wood chips, rice, or other dry materials were listed as other potential bulking agents. Since the Negative Declaration was certified as complete, feedstocks from other sources were added to the list of wastes to be utilized in the composting process. Poultry or cow manure may be used in the event that an

additional source of nitrogen is required. Once the biosolids co-composting operations are underway for City feedstocks, the City would evaluate the economic feasibility of accepting feedstocks from other sources, including green materials from other communities, manures, plant wastes from the food processing industry, and other green materials as defined in the regulations.

As noted in the Negative Declaration, the co-compost operations will be managed in such a manner as to minimize litter, odor, dust, and vectors. The facility is part of a 2,900–acre ranch owned by the City, and there are no nearby sensitive receptors. The additional potential feedstocks would not substantially change the project, or alter the finding of no significant impact.

D. Tonnage

The initial average daily throughput of feedstocks from the City is anticipated to be approximately 200 tons (400 cubic yards) of combined materials. Initial peak loading is expected to be approximately 450 tons (900 cubic yards) per day. The requested permitted daily peak capacity is 500 tons (1,000 cubic yards). The annual throughput at this capacity would be approximately 130,000 tons (260,000 cubic yards). The combined annual volume of compost to be produced is expected to range from 68,000 to 171,000 cubic yards of finished product (52,000 – 130,000 tons/year range at 2 cubic yards per ton, with an assumed 1/4 - 1/4 shrinkage).

V. DETERMINATION:

It is the determination of the City of Modesto that the issues addressed above do not constitute a substantial change in the circumstances under which the project is undertaken, or new information of substantial importance that would prompt the need to conduct further CEQA review.

VI. CERTIFICATION:

Brian R. Smith

Brian R. Smith,
Principal Planner

City of Modesto
NOTICE OF DETERMINATION

Filed with Stanislaus County Clerk
FILED
95 JAN 20 AM 9:09
KAREN MATHEWS, COUNTY CLERK
BY _____ DEPUTY

To: Stanislaus County Clerk
From: City of Modesto
Subject: Notice of Determination, Environmental Review

E.A. No. 94-97

Project Title Jennings Road Reorganization No. 2
State Clearinghouse Number (If submitted to State Clearinghouse) SCH 94112036
Contact Person — Telephone Number Alice Tulloch — 577-5470
Project Location West of Jennings Road at Zeering Road, Stanislaus County
Project Description Reorganization to the City of Modesto 51.18 acres of pasture land owned by the City of Modesto for expansion of the sewer treatment facility

This is to advise that the City of Modesto has made the following determinations regarding the above described project:

1. The project has been [X] approved [ ] disapproved
   Agency City Council
   Resolution No. 95-29, 30, Ord. 2940-C.S.
   Date January 17, 1995

2. The project [ ] will [X] will not have a significant effect on the environment.

3. [ ] An Environmental Impact report was prepared for this project pursuant to the provisions of CEQA and was certified by the decision-making body. A copy is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

   [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

4. Findings of Significant Effect and Mitigating Measures
   [ ] Statement attached
   [X] Not applicable

5. A Statement of Overriding Considerations [ ] was [X] was not adopted for this project.

Date Received for Filing

William P. Nichols
Signature

Secretary, Environmental Assessment Committee
Title

180/000-00115-6/11/81R

CALI RNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (including county):

Jennings Road Reorganization #2
Stanislaus County

Project Description:

Reorganization to the City of Modesto 51.18 acres of pasture land, currently owned by the City of Modesto for the purpose of expansion of the sewer treatment facility.

Findings of Exemption (attach as necessary):
An Initial Study was conducted by the City of Modesto. This analysis determined that this project will not have a significant adverse effect upon the environment.

After consideration, there is no evidence before the agency that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. This project is in a remote area that is currently being used for disposal of treated wastewater. No trees will be removed and no known habitats will be disturbed.

The evidence before the lead agency rebuts the presumption of adverse effect upon wildlife resources.

Certification:
I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

(Chief Planning Official)

Title: Sec'y, Environmental Assess. Committee

Lead Agency: City of Modesto

Date: January 20, 1995

Section 711.4, Fish and Game Code
DFG:12/90

MODESTO CITY COUNCIL
RESOLUTION NO. 97-11

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER FOR PSYCHOLOGICAL SERVICES

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 Police SWAT activations and hostage negotiations, consult on cases with the Investigative Services Division and provide crisis debriefing be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-12

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE REVENUE OF $202,176 AND APPROPRIATE FUNDS FOR THE OPERATION OF THE COMPREHENSIVE TRAFFIC SAFETY PROGRAM GRANT

WHEREAS, an application to the State Office of Traffic Safety for the Comprehensive Traffic Safety Program grant was approved in the amount of $202,176; and

WHEREAS, funds must be recognized as revenue and will be appropriated into the Bureau of Operations Department account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended estimating General Fund revenue of $202,176 and appropriating funds into Organization #1961 for employee services (salaries, benefits and overtime pay).

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 January, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-13

Print

A RESOLUTION APPROVING THE EXECUTION OF A GRANT AWARD AVAILABLE THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

WHEREAS, in August 1996, the Modesto Police Department made application to the U.S. Department of Justice for the Local Law Enforcement Block Grant Program in the amount of $301,367.

WHEREAS, the Program is of 24-month duration, and it included program areas of procuring technology to enhance law enforcement and initiating or enhancing crime prevention programs.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant award in the amount of $301,267 in grant funds through the Local Law Enforcement Block Grant Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant award 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 January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmember:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-14

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTABLISH A NEW ORGANIZATION #1980 "FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM" WITH ESTIMATING REVENUES OF $301,367; $500 FROM INTEREST EARNINGS ON UNSPENT APPROPRIATIONS AND $33,485 OF MATCHING FUNDS TO BE TRANSFERRED FROM THE SPECIAL FUND FOR CAPITAL OUTLAY

WHEREAS, in August of 1996, the Police Department made application in the amount of $335.352 to the U.S. Department of Justice for the Local Law Enforcement Block Grant Program which would run for a 24-month duration. This program would procure technology to enhance law enforcement and initiating or enhancing crime prevention programs; and

WHEREAS, the award application was approved in the amount of $301,367; and

WHEREAS, matching funds of $33,485 transferred in from the Special Fund for Capital Outlay (Police Computer Imaging Project) plus $500 from interest earnings on unspent appropriations will make up the shortfall. Also estimating revenue of $31,367 and interest of $500, and appropriating $335,352 for expenditures per the Grant Award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to establish a new Organization #1980 "Federal Local Law Enforcement Block Grant Program" with a "trust" which can receive interest and conforms with Special Condition #8 of the grant.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of January 7, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-15

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET ESTIMATING REVENUES OF $301,367 FROM A GRANT AWARD; $500 FROM INTEREST EARNINGS ON UNSPENT APPROPRIATIONS AND $33,485 OF MATCHING FUNDS TO BE TRANSFERRED FROM THE SPECIAL FUND FOR CAPITAL OUTLAY (POLICE COMPUTER IMAGING PROJECT)

WHEREAS, in August of 1996, the Police Department made application in the amount of $335.352 to the U.S. Department of Justice for the Local Law Enforcement Block Grant Program which would run for a 24-month duration. This program would procure technology to enhance law enforcement and initiating or enhancing crime prevention programs; and the award application was approved in the amount of $301,367; and

WHEREAS, matching funds of $33,485 transferred in from the Special Fund for Capital Outlay (Police Computer Imaging Project) plus $500 from interest earnings on unspent appropriations will make up the shortfall. Also estimating revenue of $31,367 and interest of $500, and appropriating $335,352 for expenditures per the Grant Award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated below:

Revenue:

010-190-1980-3505	$301,367	Local Law Enforcement Block Grant
010-700-7000-9130	$ 33,485	Transfer in from Special Fund for Capital Outlays
010-510-9510-610	$ 500	Interest Earnings

Appropriations:

010-190-1980-0200	$160,367	Professional Services
010-190-1980-5000	$174,985	Capital Non-CIP
130-700-7000-7041	$ 33,485	Transfer Out to General Fund for Local Law Enforcement Block Grant
130-190-H002-6070	$(33,485)	Police Computer Imaging

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 January 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Dale Egyman for
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-16

Print

A RESOLUTION APPROVING THE SELECTION OF CONSULTANTS TO PROVIDE ON-CALL SERVICES TO PREPARE FOCUSED ENVIRONMENTAL IMPACT REPORTS AND PERFORM OTHER RELATED ENVIRONMENTAL REVIEW TASKS

WHEREAS, future growth in the City's Planned Urbanizing Area will take place through Specific Plans; and

WHEREAS, the General Plan requires the preparation of Focused Environmental Impact Reports, concurrent with each Specific Plan; and

WHEREAS, Focused EIRs are completely funded by the private applicant; and

WHEREAS, establishing a list of prequalified, on-call consultants will streamline the development process, further standardize and improve the City's format and analytical approach to EIRs. Therefore, on October 22, 1996, the City issued a Request for Qualifications, and on November 12, 1996, received eleven submittals in response; and

WHEREAS, the Consultant Selection Committee recommends the selection of Environmental Science Associates, EIP Associates, and Cotton/Beland Associates to exclusively provide environmental consulting services for the City.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the firms of Environmental Science Associates, EIP Associates, and Cotton/Beland Associates are selected to provide on-call services to prepare Focused Environmental Impact Reports and perform other related environmental tasks, and said selection is hereby approved for a period of two years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-17

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP TO EXPAND THE SCOPE OF SERVICES TO INCLUDE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) TRAIL EXTENSION TO MITCHELL ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and RRM Design Group for expansion of the scope of services to include preparation of construction documents for the Tuolumne River Regional Park trail extension to Mitchell Road, for an additional sum of $3,346 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 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-18

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF EDWARD STALEY FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE JANUARY 7, 1997

WHEREAS, Edward Staley was appointed a member of the Community Qualities Forum on June 7, 1994; and

WHEREAS, Edward Staley has tendered his resignation from the Community Qualities Forum, effective January 7, 1997; and

WHEREAS, Edward Staley has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Edward Staley 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 Edward Staley for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-19

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ROCCI LAMANTIA FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE JANUARY 7, 1997

WHEREAS, Rocci LaMantia was appointed a member of the Citizens Advisory Committee on Recycling on January 4, 1994; and

WHEREAS, Rocci LaMantia has tendered his resignation from the Citizens Advisory Committee on Recycling, effective January 7, 1997; and

WHEREAS, Rocci LaMantia 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 Rocci LaMantia from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Rocci LaMantia for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of Janaury, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-20

Print

A RESOLUTION APPOINTING A MEMBER 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. Grace Lieberman is hereby appointed to the Culture Commission, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-21

Print

A RESOLUTION APPOINTING A MEMBER 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. Debra Donaghy is hereby appointed to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-22

Print

A RESOLUTION APPOINTING A MEMBER TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Andrew Mendlin is hereby appointed to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2001.

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 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-23

Print

A RESOLUTION REAPPOINTING MEMBERS TO THE AFFIRMATIVE ACTION 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. Joseph Martinez and Nancy Bronstein are hereby reappointed to the Affirmative Action Commission, with term expirations of January 1, 1999.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Affirmative Action 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 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-24

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

SECTION 1. Donald Monaco is hereby reappointed to Airport Advisory Committee, with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-25

Print

A RESOLUTION REAPPOINTING MEMBERS 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. James Aja and Frank Satariano are hereby reappointed to the Board of Building Appeals, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-26

A RESOLUTION REAPPOINTING A MEMBER 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. Leonard Choate is hereby appointed to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-27

Print

A RESOLUTION REAPPOINTING MEMBERS TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

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

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

SECTION 1. Bradley Hahn, Tom Slater, and Michael Navarro are hereby reappointed to the Citizens Redevelopment Advisory Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Citizens Redevelopment Advisory Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-28

A RESOLUTION REAPPOINTING MEMBERS 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. Peter Smith and Michael Krajewski are hereby reappointed to the Culture Commission, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-29

A RESOLUTION REAPPOINTING MEMBERS TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

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

SECTION 1. Eric Benson, Francis Ruggieri, and Andre David are hereby reappointed to the Downtown Improvement District Advisory Board, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Downtown Improvement District Advisory Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of Janaury, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-30

Print

A RESOLUTION REAPPOINTING MEMBERS TO THE GREATER MODESTO COMMUNITY FOUNDATION

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. Lowell Clark and Lee Hampson are hereby reappointed to the Greater Modesto Community Foundation, with term expirations of Janaury 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Greater Modesto Communiuty Foundation, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-31

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

SECTION 1. Barbara Parrill is hereby reappointed to the Landmark Preservation Commission, with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed 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 7th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-32

Print

A RESOLUTION REAPPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Peter Pen, Joan Recca, and Fred Hawkins are hereby reappointed to the Community Qualities Forum, with term expirations of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to each of the reappointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-33

Print

A RESOLUTION CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY AND RULES AND REGULATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 3-4.06 of the Modesto Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City of Modesto is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Modesto caused by a flooding along Dry Creek and the Tuolumne River commencing on or about Friday, January 2, 1997, at which time the City Council of the City of Modesto was not in session; and

WHEREAS, the Director of Emergency Services of the City of Modesto did proclaim the existence of a local emergency within the City of Modesto on January 2, 1997; and

WHEREAS, the Modesto City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency,

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that said proclamation by the Director of Emergency Services is hereby ratified and that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City

Council of the City of Modesto.

BE IT FURTHER RESOLVED by the City Council that the following rules and regulations issued by the Director of Emergency Services since the proclamation of the existence of a local emergency in the City of Modesto, California, are reasonably related to the protection of life and property as affected by such emergency and are hereby confirmed:

1. The evacuation orders described in Exhibit "A" which is attached hereto and made a part hereof.

2. The issuance of "no-fee" building permits for the purposes of rehabilitating or repairing flood damaged structures to persons owning or occupying said structures.

3. Allowing a one (1) weeks' credit to City utility customers whose utility services were directly impacted by the flooding. The credit would apply to customers who were unable to use water, wastewater, and/or garbage service because they had been evacuated from their homes; and those customers whose water, wastewater, and/or garbage service were interrupted or unavailable as a direct result of the flooding. If the flooding conditions persist into a second week, or beyond, for any customer, City Finance Department staff is authorized to grant additional weeks credits as deemed appropriate by the City of Modesto Finance Director.

4. All other rules and regulations issued by the Director of Emergency Services on matters reasonably related to

the protection of life and property as affected by said emergency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

EVACUATION ORDERS

Evacuation orders were issued by the Emergency Operation Center Incident Commander to residents of designated homes or residential structures in the following described areas in the City of Modesto:

1. Scenic to Yosemite
   Burney to Claus

2. Edgebrook to La Loma
   to Phoenix

3. Santa Cruz to Tioga
   South of Monterey

4. Crows Landing to Carpenter
   Hatch to Tuolumne

5. Yosemite to La Loma
   El Rio to James

6. Sutter westerly to the City limits
   Pelton to the Tuolumne River

MODESTO CITY COUNCIL
RESOLUTION NO. 97-34

A RESOLUTION ADOPTING TITLE 19, CALIFORNIA CODE OF REGULATIONS, DIVISION 2 AS THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM OF THE CITY OF MODESTO FOR RESPONSE TO POTENTIAL CONDITIONS OF DISASTER OR OF EXTREME PERIL TO THE SAFETY OF PERSONS AND PROPERTY.

WHEREAS, the State Office of Emergency Services pursuant to Government Code Section 8607 et seq. has engaged in authorized rule-making and has adopted by regulation a Standardized Emergency Management System (SEMS) set forth at Title 19, California Code of Regulations, Division 2, Sections 2400-2450 (the regulations); and

WHEREAS, the regulations are intended to standardize response to potential emergencies involving multiple jurisdictions or agencies including local government, such as the Modesto City Fire and Police Departments by requiring the use of basic principles and components of emergency management, including the Incident Command System, multi-agency coordination, the operations area concept and established mutual aid systems; and

WHEREAS, as of December 1, 1996, when a local agency, such as the Fire or Police Department, is included in a Governor's State of Emergency Proclamation, that agency must be in compliance with the SEMS regulations in order to be eligible for State funding or reimbursement of personnel costs incurred as a result of undertaking measures to save lives and to protect the

public health, safety and property; and

WHEREAS, the City has used the Standardized Emergency Management System since December 1, 1996; and

WHEREAS, both the City Council and the Fire Chief and staff have reviewed the regulations and find that their substance and procedure serve as a basis for an Incident Command System within the City to respond consistent with other local and State agencies to life and property saving incidents.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts in total those regulations set forth at Title 19, California Code of Regulations, Division 2, Section 2400-2450 and be it further resolved that the City Clerk is directed to file a certified copy of this Resolution when fully executed with the State Office of Emergency Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-35

Print

A RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS FOR THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) IN RELATION TO THE JANUARY FLOODS OF 1997.

WHEREAS, in order for the City to file claims for the purpose of obtaining certain financial Federal Assistance under Federal Public Law 93-288, it is necessary to authorize selected City officials to execute for and on behalf of the City of Modesto numerous documents, forms, and letters detailing the nature and justification of claims in relation to the incident known as the "January Floods of 1997",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following City officials are hereby authorized to execute and submit documents required by the Federal Emergency Management Administration (FEMA) and the California State Office of Emergency Services (OES), on an ongoing basis, for the purpose of filing claims for reimbursements for disaster assistance due to the incident known as the "January Floods of 1997":

J. Edward Tewes, City Manager

Paul Baxter, Deputy City Manager

Kevin Riper, Finance Director

Jim Pregler, Purchasing Officer

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-36

A RESOLUTION APPROVING REVISIONS TO INDEMNIFICATION PROVISIONS IN SERVICE AGREEMENTS BETWEEN THE CITY OF MODESTO AND MODESTO GARBAGE COMPANY INC. AND GILTON SOLID WASTE MANAGEMENT INC.

WHEREAS, by Res. 96-691 and Res. 96-692, the Council of the City of Modesto approved, at the December 16, 1996 City Council meeting, service agreements with Modesto Garbage Company Inc. and Gilton Solid Waste Management Inc., respectively, for the collection of solid waste, including garbage, industrial garbage, containerized green waste, commingled garbage/recyclables, recyclable materials and salvageable waste.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revisions to indemnification provisions in said service agreements between the City of Modesto and Modesto Garbage Company Inc. and Gilton Solid Waste Management Inc. be, and are hereby approved.

BE IT FURTHER RESOLVED that the execution of said revisions to indemnification provisions in service 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 14th day of January, 1997, by Councilmember Dobbs, 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, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-37

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR THE LEASE OF SUITE H, COOK MARKETPLACE, 500 NINTH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement for Suite H, Cook Marketplace, 500 Ninth Street between the City of Modesto and Theodore M. Cook for $696.21 per month be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-38

Print

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for the use of a small parcel of land at the City/County Airport for weather equipment between the City of Modesto and Atmospherics Inc. for a rental fee of $200 per month be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-39

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND PETERSON CONSULTING TO PROVIDE CONSULTATION AND LOBBYING SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for a not to exceed amount of $36,000 between the City of Modesto and Peterson Consulting Inc. to provide consultation and lobbying services for the Waste-to-Energy project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-40

Print

A RESOLUTION AMENDING SALES PRICE LIMITS AND LOAN TERMS FOR THE DOWN PAYMENT ASSISTANCE PROGRAM.

WHEREAS, since 1994, the Community Development Department has operated a Down Payment Assistance Program (DPAP), which provides loans to low and moderate income households for the purchase of new homes, and

WHEREAS, the guidelines for the DPAP program set the sales price limits at which new homes are considered affordable, and

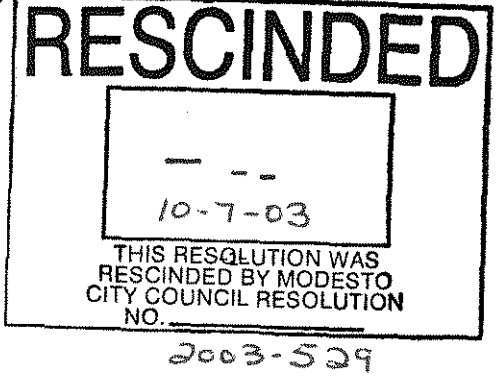
WHEREAS, the DPAP program is currently available only in new subdivisions, and City staff has recommended changes to the DPAP program as set forth in a report to the Council dated January 14, 1997, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, said matter was considered by the Council at its meeting of January 14, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves the following revisions as recommended by City staff:

1. That sales price limits shall be raised to $115,000 for three bedroom homes and $125,000 for four bedroom homes.

2. That loan terms shall be adjusted so that payments are only deferred for the first five years, with payments beginning in year six and the loans fully amortized (including accrued interest) in either an additional ten years (for Redevelopment) or fifteen years (for HOME/CDBG).



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-41

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANCO FOR THE PURCHASE OF 2401 POWELL STREET #3 FOR STANCO'S TRANSITIONAL HOUSING PROGRAM AS APPROVED IN THE FY 96-97 HOME PROGRAM ALLOCATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a loan agreement between the City of Modesto and STANCO for the purchase of 2401 Powell Street #3 for $18,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said loan 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 January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-42

A RESOLUTION DESIGNATING STANCO AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AND APPROVING A $15,000 GRANT FOR CHDO OPERATING EXPENSES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE HOME AGREEMENT

WHEREAS, the City receives an annual grant from HUD under the HOME Investment Partnerships Program; and

WHEREAS, HOME regulations require that at least 15% of the annual grant allocation be reserved for housing to be developed, sponsored, or owned by Community Housing Development Organizations (CHDOs); and

WHEREAS, STANCO is applying for CHDO designation and is also requesting $15,000 grant for operating expenses.

THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that STANCO be designated a CHDO, that STANCO be granted $15,000 for operating expenses, and that the City Manager be authorized to execute HOME agreement, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said CHDO designation, grant, and signature authorization 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 January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-43

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL ESTATE SALES CONTRACT AGREEMENT FOR THE PURCHASE OF 2700 GARVEY AVENUE FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (PROPERTY DISPOSITION PROGRAM) AND AUTHORIZE THE ASSIGNMENT OF PURCHASE AGREEMENT TO THE STANISLAUS COUNTY AFFORDABLE HOUSING COPROPRATION (STANCO)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a real estate sales contract agreement for the purchase of 2700 Garvey Avenue from HUD and an assignment of purchase agreement to STANCO be, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement and assignment 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 January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-44

A RESOLUTION WAIVING FEE FOR USE OF THE CENTRE PLAZA AND PROVIDING MODESTO POLICE DEPARTMENT SECURITY FOR FLOOD AID CONCERT

WHEREAS, the floods of 1997 have caused many homes to be flooded and sent many local citizens to the American Red Cross for assistance; and

WHEREAS, a group of citizens has developed a benefit concert to be presented at the Modesto Centre Plaza on January 17, 1997 to help replenish the American Red Cross' depleted coffers.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto the waiver of the Centre Plaza fees and the Modesto Police Department security costs, is hereby approved.

BE IT FURTHER RESOLVED that the execution of said waiver of fees and costs 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 January, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-45

A RESOLUTION REAPPOINTING VIRGINIA GLESER 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Virginia is hereby reappointed to the Citizens Housing & Community Development Committee, with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-46

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIXTEEN POLICE VEHICLES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of sixteen police vehicles is hereby waived.

BE IT FURTHER RESOLVED that purchase of sixteen police vehicles for a not to exceed price of $380,721.81 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 21th day of January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-47

A RESOLUTION AMENDING THE 1996-97 CAPITAL IMPROVEMENT PROGRAM THROUGH A REDUCTION IN PROJECT COST ($18,273) AND AN ADVANCEMENT OF $60,000 FROM THE 1997-98 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, in June of 1996, the Council approved a Capital Improvement Program that included a new project for 1997-98, "Financial/Human Resources System Upgrade to Client-Server" for $537,602, to be paid out of Fund 130, Special Fund for Capital Outlay; and

WHEREAS, since budget adoption, the Information Network Services Division has already acquired a new base RS/6000 to serve part of the City's non-financial data processing needs, plus a small portion of the computing power that will be required for the system upgrade; which will reduce the acquisition costs by $18,273; and

WHEREAS, the vendor has agreed to deliver the new client/server software to the City with a 21% down payment, or $60,000 which requires an advancement from the 1997-98 budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program is hereby amended as shown below:

From:		To:	
Reserve		Financial/Human Resources Reserve	
#130-800-8000-8003	$(60,000)	#130-120-H828-6070	$ 60,000

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 day of January 21, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-48

A RESOLUTION WAIVING FORMAL BID PROCEDURES, APPROVING AN AMENDMENT TO THE AGREEMENT WITH AMERICAN MANAGEMENT SYSTEMS, AND AUTHORIZING THE PURCHASE OF CLIENT/SERVER-BASED FINANCIAL/HUMAN RESOURCES SOFTWARE FROM AMERICAN MANAGEMENT SYSTEMS FOR $292,000, PLUS TAX

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Client/Server-based Financial/Human Resources software are hereby waived.

BE IT FURTHER RESOLVED that the purchase of Client/Server-based Financial/Human Resources software from American Management Systems for $292,000, plus tax, is hereby approved.

BE IT FURTHER RESOLVED that an amendment to the agreement with American Management Systems, 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 January, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-48A

A RESOLUTION ACCEPTING THE BID OF CAL-LINE EQUIPMENT FOR FURNISHING ONE TRAILER-MOUNTED STUMP CUTTING MACHINE

WHEREAS, Resolution No. 96-648, adopted by the Council of the City of Modesto on November 26, 1996 approved the call for bids on January 8, 1997 for furnishing one trailer-mounted stump cutting machine; and

WHEREAS, the bids received for one trailer-mounted stump cutting machine, were opened at 11:00 a.m. on January 8 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Cal-Line Equipment for a total amount of $21,838.64 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cal-Line 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 28th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-49

A RESOLUTION ACCEPTING THE PROJECT TITLED "PUBLIC FACILITIES DISTRICT NO. 11 - INSTALLATION OF CURB, SIDEWALK AND STREET IMPROVEMENTS AT VARIOUS LOCATIONS" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "Public Facilities District No. 11 - Installation of Curb, Sidewalk, and Street Improvements at Various Locations", has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated May 21, 1996.

NOW, THEREFORE, BE IT RESOLVED that the "Public Facilities District No. 11 - Installation of Curb, Sidewalk and Street Improvements at Various Locations 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 $84,139.20 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 28th day of January, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-50

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT STATE ROUTE 108 (McHENRY AVENUE) AND LEVELAND LANE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and Caltrans for the Construction of a Traffic Signal at State Route 108 (McHenry Avenue) and Leveland Lane be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-51

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND McCAW COMMUNICATIONS FOR THE LEASE OF A CELLULAR SITE IN DAVIS PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and McCaw Communications for the lease of a cellular site in Davis Park be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-52

A RESOLUTION DESIGNATING THE WEEK OF MARCH 31 THROUGH APRIL 4, 1997, AS CITY OF MODESTO SAFETY WEEK AND AUTHORIZING THE CITY'S PARTICIPATION IN THE FIRST ANNUAL STANISLAUS COUNTY MULTI-AGENCY EMPLOYEES' SAFETY FAIR.

WHEREAS, Stanislaus County's CEO-Risk Management Division included in its annual work plan the development of an Employee Safety Fair to reinforce existing training and safety committee teamwork with its overall safety program, and

WHEREAS, the County's Risk Manager approached the City to explore the possibility of City-County collaboration in the development of said Safety Fair, and

WHEREAS, said Safety Fair is scheduled for April 2 and 3, 1997, from 7:00 a.m. to 7:00 p.m. at the Modesto Centre Plaza, and

WHEREAS, employees will be scheduled in two (2) hour blocks, allowing each employee to receive one (1) hour of a variety of safety training, with supervisors and managers receiving an additional one-half hour of accident investigation training, and

WHEREAS, employees will also have the opportunity to tour a vendor fair displaying the latest techniques and equipment for loss control, and

WHEREAS, CalOSHA regulations require the City and County to provide safety training to their respective employees,

and the training is fairly standard for similar occupations within the City-County organizations, and

WHEREAS, costs of the Safety Fair are estimated at $40,000, to be offset by $10,000 in vendor revenue, and contributions of $25,000 from the County and $5,000 from the City towards the costs of the Safety Fair,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council hereby designates the week of March 31 through April 4, 1997, as City of Modesto Safety Week.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City's participation in the First Annual Stanislaus County Multi-Agency Employees' Safety Fair scheduled for April 2 and 3, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-53

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DIRK HOEK FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE JANUARY 28, 1997

WHEREAS, Dirk Hoek was reappointed a member of the Landmark Preservation Commission on January 25, 1995; and

WHEREAS, Dirk Hoek has tendered his resignation from the Landmark Preservation Commission, effective January 28, 1997; and

WHEREAS, Dirk Hoek 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 Dirk Hoek from the Landmark Preservation Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Dirk Hoek 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 28th day of January, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-54

A RESOLUTION ESTABLISHING A FEE FOR ALL FIRE FIGHTER TRAINEE APPLICANTS.

WHEREAS, the Personnel Department, during the budget review process for Fiscal Year 1996-97, identified an opportunity for partial cost recovery for the recruitment process of Fire Fighter Trainee (as set forth on the attached Cost of Service Worksheet), and

WHEREAS, City staff has identified that recruitment for Fire Fighter Trainee is the single largest recruitment done by the City, and

WHEREAS, said recruitment nets the smallest number of hires in proportion to the number of applicants of any recruitment done by the City, and

WHEREAS, City staff has recommended establishing a fee in the amount of $12.50 per applicant to cover processing and out-of-pocket costs from the time of application through the scoring of the written exam for all Fire Fighter Trainee applicants, and

WHEREAS, said fee will not cover the costs of conducting the physical agility exam nor the oral board qualifications exam, and

WHEREAS, fees have been utilized by a number of other public agencies in California and are legal as long as they do not exceed cost (in accordance with Proposition 4).

WHEREAS, the proposed fee has been reviewed and approved by the City's internal Fees Task Force Committee at its January 17, 1997, meeting, and the Financial Policy Committee on January 21, 1997.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee in the amount of $12.50 is hereby established to cover processing and out-of-pocket costs from the time of application through the scoring of the written exam for all Fire Fighter Trainee applicants, as set forth on the attached Cost of Service Worksheet. 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 4th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Lawrence Ast
MICHAEL D. MILICH, City Attorney

PERSONNEL DEPARTMENT
COST OF SERVICE WORKSHEET

TYPE OF FEE: Application for Fire Fighter Recruitment through Written Exam

This fee will cover the cost of processing an application through notification of passing or failing the written exam.

STAFFING COSTS

POSITION:	PER HOUR*:	COST FOR 1300 APPLICANTS:
Personnel Analyst	$36.85	$1298.85
Administrative Clerk II	$21.94	$2742.74
Administrative Clerk I	$17.63	$141.07
Administrative Technician	$25.44	$305.29
TOTAL:		$4487.95

(*Costs for staffing include benefits and indirect costs.)

MISCELLANEOUS COSTS:

CATEGORY:	TOTAL COST:
Advertising:	$ 75.00
Printing:	$1170.00
Test Rental:	$8101.50
Scantron Answer Sheets:	$ 120.66
Facility Rental:	$ 650.00
Miscellaneous Supplies:	$1781.02
TOTAL:	$11898.18

STAFFING AND MISCELLANEOUS COSTS:	$16386.13
COST PER APPLICANT @ 1300 APPLICANTS:	$ 12.61
RECOMMENDED FEE:	$ 12.50

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-55

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE ONE-TON DUAL REAR-WHEELED PICKUP DUMP TRUCK FROM LASHER AUTO CENTER, TWO CAB AND CHASSIS WITH HYDRAULIC DUMP BODIES FROM COUNTRY FORD TRUCKS, ONE VAN WITH COMPARTMENTS FROM OAKLAND TRUCK CENTER, INC., AND SEVENTEEN VARIOUS PICKUP TRUCKS AND ONE CARGO VAN FROM THE STATE OF CALIFORNIA CONTRACT, FOR A COMBINED TOTAL COST OF $423,688.17

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twenty-six various vehicles is hereby waived.

BE IT FURTHER RESOLVED that the purchase of one one-ton dual rear-wheeled pickup dump truck from Lasher Auto Center, two cab and chassis with hydraulic dump bodies from Country Ford Trucks, one van with compartments from Oakland Truck Center, inc., and seventeen various pickup trucks and one cargo van from the State of California contract, for a combined total cost of $423,688.17 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-56

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING FOUR VARIOUS CAB AND CHASSIS AND TRUCK VEHICLES

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 the purchase of four various cab and chasssis and truck vehicles, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 24, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RES. NO. 97-57

A RESOLUTION APPROVING THE SUBMITTAL OF A REVISED MODESTO CITY-COUNTY AIRPORT PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE IMPROVEMENT PROJECTS DURING FISCAL YEAR 1998 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVISED PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO

WHEREAS, in January 1994, the City of Modesto submitted a multi-year application to the Federal Aviation Administration for Airport Improvement Program Funding to complete improvement projects between Fiscal Years 1995-2000, and

WHEREAS, the Federal Aviation Administration has informed the City of Modesto that the Modesto City-County Airport will be allocated $500,000 for Fiscal Year 1997, and

WHEREAS, the scope of work approved in the January, 1994 preapplication for two projects has now been revised, and

WHEREAS, it is estimated that the two projects will cost approximately $555,555 and that local participation will require $55,555,

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 revised preapplication for federal funds in the amount of $500,000 to complete the Airport's improvement projects for Fiscal Year 1997.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 4th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Jean Adams

JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-58

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PRESCOTT ESTATES HOME OWNERS ASSOCIATION FOR CONSTRUCTION OF A FENCE ALONG THE NORTHERN PORTION OF THE PROPERTY LINE BETWEEN PRESCOTT ESTATES AND FRIENDLY VILLAGE MOBILE HOME PARK TO BE FUNDED WITH FISCAL YEAR 1996-97 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $30,000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Prescott Estates Home Owners Association for construction of a fence along the northern portion of the property line between Prescott Estates and Friendly Village Mobile Home Park to be funded with Fiscal Year 1996-97 Community Development Block Grant Funds in the amount of $30,000 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 4th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-59

A RESOLUTION PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY CAUSED BY FLOODING ALONG DRY CREEK AND THE TUOLUMNE RIVER.

WHEREAS, Section 3-4.06 of the Modesto Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City of Modesto is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven (7) days, and

WHEREAS, by Proclamation, dated January 2, 1997, the Director of Emergency Services of the City of Modesto proclaimed the existence of a local emergency finding that conditions of extreme peril to the safety of persons and property had arisen within said City, caused by flooding along Dry Creek and the Tuolumne River, and

WHEREAS, by Resolution No. 97-33, adopted on January 7, 1997, the City Council confirmed the existence of a local emergency and rules and regulations issued by the Director of Emergency Services, and

WHEREAS, the Council is required to proclaim the termination of the local emergency at the earliest possible date that conditions warrant, and

WHEREAS, the City Council, at its regularly scheduled weekly Council meetings, has reviewed and determined the need for continuing the local emergency, and

WHEREAS, at the Council Meeting of February 11, 1997, the Director of Emergency Services reported to the City Council that conditions currently warrant the termination of the local emergency,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby proclaims that conditions currently warrant the termination of the local emergency which was caused by flooding along Dry Creek and the Tuolumne River, and, said local emergency is, therefore, officially terminated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-60

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TRAFFIC SIGNAL ACCESSORIES

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 the purchase of traffic signal accessories, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 3, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-61

A RESOLUTION ACCEPTING THE BID OF AMERINE SYSTEMS, INC. FOR THE RIVER ROAD LIFT STATION PROJECT

WHEREAS, the bids received for the River Road lift station project were opened at 11:00 a.m. on January 28, 1997, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Amerine Systems in the amount of $133,266.00, 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, 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 February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-62

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $55,000 TO FULLY FUND THE RIVER ROAD LIFT STATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Variable Speed Influent/Effluent Pump (621-480-D321-6040)	$55,000
TO:	Rehab. Pepsi Cola Lift Station (521-480-F734-6040)	$55,000

Original budgeting did not include relocating the station. The transfer will provide funding for this added construction cost.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 11th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-63

Print

A RESOLUTION ACCEPTING THE BID OF MITCHELL'S MODESTO HARLEY DAVIDSON FOR SEVEN LAW ENFORCEMENT MOTORCYCLES

WHEREAS, Resolution No. 96-649, adopted by the Council of the City of Modesto on November 26, 1996, authorized bids to be opened for furnishing seven law enforcement motorcycles; and

WHEREAS, the bids received for the seven law enforcement motorcycles, were opened at 11:00 a.m. on January 8, 1996, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Mitchell's Modesto Harley Davidson for the total amount of $126,642.19 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mitchell's Modesto Harley Davidson, be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February 11, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-64

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO UTILITY JEEP CHEROKEES FROM LASHER AUTO CENTER FOR $42,973.06

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of two utility Jeep Cherokees are hereby waived.

BE IT FURTHER RESOLVED that the purchase of two utility Jeep Cherokees from Lasher Auto Center $42,973.06, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-65

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET FOR ORGANIZATION #5814 TO PROVIDE FUNDING FROM FLEET RESERVE FUND #720-800-8000-8003 IN THE AMOUNT OF $44,500.00 FOR THE PURCHASE OF TWO UTILITY JEEP CHEROKEES

WHEREAS, staff has determined a need for two additional vehicles due to the reorganization plan for the Fire Department; and

WHEREAS, the Fleet Reserve Fund will advance funds in the amount of $44,500.00 for the purchase of the vehicles and reimbursement to the fund will be made by the Fire Department through the equipment rental process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to provide appropriations from the Fleet Reserve Fund #720-800-8000-8003 in the amount of $44,500 to be budgeted in Account #720-480-5814-5000.

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 day of February 11, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-66

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 80,000 POUNDS OF GRANULAR ACTIVATED CARBON (GAC) FROM NORTHWESTERN CARBON THROUGH THE CITY OF FRESNO CONTRACT FOR A TOTAL COST $75,502.93

WHEREAS, the City of Fresno has entered into a contract with Northwestern Carbon to provide granular activated carbon (GAC); and

WHEREAS, the carbon is available for $.8927 per pound plus sales tax through a contract with the City of Fresno.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of granular activated carbon are hereby waived.

BE IT FURTHER RESOLVED that purchase of granular activated carbon from Northwestern Carbon through the City of Fresno contract for $75,502.93 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-67

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF THE REPAIR OF ONE GROVE CRANE, MODEL RT515 BY COAST CRANE COMPANY FOR A TOTAL COST $29,063.36

WHEREAS, the City of Modesto Public Works and Transportation Department-Fleet Services has requested the repair of one Grove Crane, Model RT515; and

WHEREAS, a new crane would cost approximately $350,000; and

WHEREAS, the current 1992 Grove Crane, Model RT515 has been in service at the Wastewater Treatment Plant for 14 years and repairing the crane should extend its life by approximately 10 years; and

WHEREAS, Coast Crane Company was selected to perform the work because they are the only authorized manufacturers representative for this equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of repair services on one Grove Crane, Model RT515 are hereby waived.

BE IT FURTHER RESOLVED that purchase of repair services on one Grove Crane, Model RT515 from Coast Crane for $29,063.36 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-68

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO DEC ALPHA-WORKSTATIONS AND RELATED EQUIPMENT FROM AVNET COMPUTER FOR A TOTAL COST $58,210.11

WHEREAS, the City of Modesto Public Works and Transportation Department-Utility Division has requested the purchase of two DEC Alpha-Workstations and related equipment to upgrade the Supervisory Control and Data Acquisition (SCADA); and

WHEREAS, the Purchasing Division solicited informal bids from authorized DEC dealers only because it is compatible with existing DEC equipment; and

WHEREAS, Avnet Computer is the lowest responsive and responsible bidder with a bid of $58,210.11 for two DEC Alpha-Workstations and related equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of are hereby waived.

BE IT FURTHER RESOLVED that purchase of two DEC Alpha-Workstations for $58,210.11 from Avnet Computer is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-69

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE MID-YEAR OF FISCAL YEAR 1996-97 AND RE-ESTIMATING REVENUE

WHEREAS, the mid-year 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 1996-97;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 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 day of February 11, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Service Credit	010	140	1430	9990	(11,696)	(9,000)	(20,696)
Appropriation	Contingency Reserve	010	800	8000	8003	4,337,955	9,000	4,346,955

This adjustment is to for additional service credits expected due to the establishment of North Beyer Mello-Roos Community Facility District.

Revenue	Developer's Share of Project	080	140	1435	4058	0	3,000	3,000
Appropriation	College-West Neighborhood EIR	080	140	1435	1407	0	3,000	3,000

This adjustment is for establishing the College-West Neighborhood EIR and recognizing reveune from the Developer.

Appropriation	Business Expense	010	010	0101	0208	28,000	14,000	42,000
Appropriation	Contingency Reserve	010	800	8000	8003	4,346,955	(14,000)	4,332,955

The Financial Policy Committee from the meeting on January 21, 1997, recommended an increase to business expense for the City Council.

Appropriation	Overtime	010	020	0202	0130	0	921	921
Appropriation	Part-time	010	020	0235	0140	0	147	147
Appropriation	Overtime	010	030	0301	0130	303	91	394
Appropriation	Part-time	010	030	0301	0140	1,236	152	1,388
Appropriation	Overtime	010	040	0401	0130	0	78	78
Appropriation	Overtime	010	050	0501	0130	0	105	105
Appropriation	Overtime	010	120	1223	0130	1,020	116	1,136
Appropriation	Overtime	010	120	1232	0130	432	496	928
Appropriation	Overtime	010	140	1401	0130	4,000	6,526	10,526
Appropriation	Overtime	010	140	1405	0130	1,000	2,737	3,737
Appropriation	Part-time	010	160	1601	0140	91,592	55	91,647
Appropriation	Overtime	010	180	1822	0130	22,926	875	23,801
Appropriation	Overtime	010	180	1832	0130	655,554	27,384	682,938
Appropriation	Overtime	010	190	1901	0130	10,700	3,190	13,890
Appropriation	Overtime	010	190	1921	0130	95,572	9,865	105,437
Appropriation	Meal Allowance	010	190	1921	0134	0	170	170
Appropriation	Part-time	010	190	1921	0140	232,856	4,044	236,900
Appropriation	Overtime	010	190	1941	0130	105,000	15,537	120,537
Appropriation	Overtime	010	190	1942	0130	0	1,128	1,128
Appropriation	Meal Allowance	010	190	1942	0134	0	20	20
Appropriation	Overtime	010	190	1961	0130	737,190	99,864	837,054
Appropriation	Meal Allowance	010	190	1961	0134	0	450	450
Appropriation	Part-time	010	190	1961	0140	27,414	471	27,885
Appropriation	Overtime	010	190	1962	0130	25,000	10,085	35,085
Appropriation	Overtime	010	190	1963	0130	0	3,262	3,262
Appropriation	Overtime	010	190	1964	0130	1,800	922	2,722
Appropriation	Meal Allowance	010	190	1964	0134	0	70	70
Appropriation	Overtime	010	310	3111	0130	0	51	51
Appropriation	Overtime	010	310	3112	0130	30,318	6,947	37,265
Appropriation	Meal Allowance	010	310	3112	0134	0	270	270
Appropriation	Part-time	010	310	3112	0140	335,655	2,106	337,761
Appropriation	Part-time	010	310	3117	0140	107,390	1,002	108,392
Appropriation	Overtime	010	320	3212	0130	13,096	3,695	16,791
Appropriation	Meal Allowance	010	320	3212	0134	0	130	130
Appropriation	Part-time	010	320	3212	0140	70,728	251	70,979
Appropriation	Part-time	010	370	3712	0140	333,913	90	334,003
Appropriation	Overtime	010	410	4112	0130	1,150	855	2,005
Appropriation	Meal Allowance	010	410	4112	0134	0	20	20
Appropriation	Overtime	010	420	4212	0130	18,300	100	18,400
Appropriation	Overtime	010	420	4213	0130	0	41	41
Appropriation	Overtime	010	430	4301	0130	0	322	322
Appropriation	Overtime	010	450	4512	0130	43,517	61	43,578

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Overtime	010	460	4612	0130	30,166	17,529	47,695
Appropriation	Meal Allowance	010	460	4612	0134	330	600	930
Appropriation	Overtime	010	480	4801	0130	0	103	103
Appropriation	Part-time	010	480	4804	0140	12,125	65	12,190
Appropriation	Contingency Reserve	010	800	8000	8003	4,332,955	(222,999)	4,109,956
Appropriation	Overtime	113	140	1456	0130	1,267	588	1,855
Appropriation	Contingency Reserve	113	800	8000	8003	142,430	(588)	141,842
Appropriation	Overtime	117	140	1458	0130	52	313	365
Appropriation	Contingency Reserve	117	800	8000	8003	5,282	(313)	4,969
Appropriation	Overtime	610	480	5012	0130	114,761	32,614	147,375
Appropriation	Meal Allowance	610	480	5012	0134	800	950	1,750
Appropriation	Part-time	610	480	5012	0140	39,420	939	40,359
Appropriation	Contingency Reserve	610	800	8000	8003	6,700,210	(34,503)	6,665,707
Appropriation	Overtime	621	480	5201	0130	3,925	257	4,182
Appropriation	Meal Allowance	621	480	5201	0134	0	10	10
Appropriation	Overtime	621	480	5212	0130	40,682	11,902	52,584
Appropriation	Meal Allowance	621	480	5212	0134	750	110	860
Appropriation	Part-time	621	480	5212	0140	0	1,273	1,273
Appropriation	Overtime	621	480	5213	0130	18,984	10,675	29,659
Appropriation	Meal Allowance	621	480	5213	0134	0	10	10
Appropriation	Overtime	621	480	5214	0130	4,662	2,148	6,810
Appropriation	Meal Allowance	621	480	5214	0134	0	130	130
Appropriation	Overtime	621	480	5215	0130	3,029	405	3,434
Appropriation	Overtime	621	480	5217	0130	2,913	145	3,058
Appropriation	Part-time	621	480	5217	0140	16,740	93	16,833
A priation	Overtime	621	480	5222	0130	455	1,392	1,847
A priation	Meal Allowance	621	480	5222	0134	0	20	20
Appropriation	Contingency Reserve	621	800	8000	8003	758,661	(28,570)	730,091
Appropriation	Overtime	628	480	5312	0130	18,360	3,240	21,600
Appropriation	Meal Allowance	628	480	5312	0134	750	280	1,030
Appropriation	Part-time	628	480	5312	0140	0	402	402
Appropriation	Overtime	628	480	5313	0130	3,484	7,666	11,150
Appropriation	Meal Allowance	628	480	5313	0134	0	200	200
Appropriation	Contingency Reserve	628	800	8000	8003	832,079	(11,788)	820,291
Appropriation	Overtime	631	480	5412	0130	2,256	164	2,420
Appropriation	Contingency Reserve	631	800	8000	8003	(1,783)	(164)	(1,947)
Appropriation	Part-time	651	160	1672	0140	33,270	56	33,326
Appropriation	Contingency Reserve	651	800	8000	8003	1,686,574	(56)	1,686,518
Appropriation	Overtime	711	120	1272	0130	55	849	904
Appropriation	Contingency Reserve	711	800	8000	8003	226,408	(849)	225,559
Appropriation	Overtime	720	480	5812	0130	2,564	97	2,661
Appropriation	Contingency Reserve	720	800	8000	8003	2,076,045	(97)	2,075,948
Appropriation	Overtime	731	030	0372	0130	0	81	81
Appropriation	Contingency Reserve	731	800	8000	8003	36,860	(81)	36,779
Appropriation	Overtime	780	350	3512	0130	10,873	522	11,395
Appropriation	Part-time	780	350	3512	0140	132,644	1,010	133,654
Appropriation	Contingency Reserve	780	800	8000	8003	170,981	(1,532)	169,449
Appropriation	Overtime	885	190	1970	0130	22,500	377	22,877
Appropriation	Contingency Reserve	885	800	8000	8003	401,226	(377)	400,849

This adjustment is for costs related to the flood damage response by the City of Modesto.

R ue	Transfer In to General Fund	010	700	7000	9720	144,267	(144,267)	0
Revenue	Indirect Cost	010	510	9510	4908	1,930,245	144,267	2,074,512
Appropriation	Transfer ou from Fund 720	720	700	7000	7010	144,267	(144,267)	0
Appropriation	Indirect Cost	720	480	5812	0251	0	144,267	144,267

This adjustment is to change the classification of indirect costs from a transfer out to an expense in the Fleet Fund.

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Vacation	751	030	6650	0111	2,917,567	21,521	2,939,088
Appropriation	Sick Leave	751	030	6650	0112	1,101,478	9,119	1,110,597
Appropriation	CTO	751	030	6650	0113	393,090	64	393,154
Appropriation	Holiday	751	030	6650	0114	1,142,926	934	1,143,860
Appropriation	Holiday CTO	751	030	6650	0115	225,513	995	226,508
Appropriation	M/C Leave	751	030	6650	0116	313,618	404	314,022
Appropriation	Jury Duty	751	030	6650	0117	28,202	107	28,309
Appropriation	Military	751	030	6650	0118	34,177	513	34,690
Appropriation	Bereavement	751	030	6650	0119	58,240	628	58,868
Appropriation	WorkersComp Safety	751	030	6650	0120	152,203	2,974	155,177
Appropriation	WorkersComp Sick	751	030	6650	0121	54,278	368	54,646
Revenue	EBF Leave Accrual	751	030	6650	4913	695,482	(2,652)	692,830
Appropriation	Contingency Reserve	751	800	8000	8003	3,014,496	(40,279)	2,974,217

This adjustment is accounting cleanup to reconcile precisely the total leave usage in the EBF Fund to the budget for leave usage in the individual departments.

Revenue	Transfer In from Fund 113	010	700	7000	9113	0	(21,790)	(21,790)
Appropriation	Contingency Reserve	010	800	8000	8003	4,109,956	(21,790)	4,088,166
Revenue	Transfer In from Fund 113	070	700	7000	9113	75,675	(571)	75,104
Appropriation	Contingency Reserve	070	800	8000	8003	138,646	(571)	138,075
Revenue	CDBG-Operating Grant	113	140	1452	3513	552,358	10,725	563,083
P ue	Emergency Shelter Grant	113	140	1452	3518	0	67,000	67,000
A priation	Loan Principle Payouts	113	140	1452	0497	0	67,000	67,000
Revenue	CDBG-Operating Grant	113	140	1454	3513	452,000	274	452,274
Appropriation	Professional Services	113	140	1454	0235	25,000	5,000	30,000
Appropriation	Direct Grants	113	140	1454	0496	455,000	(32,726)	422,274
Revenue	CDBG-Operating Grant	113	140	1455	3513	180,073	(8,514)	171,559
Appropriation	Loan Principle Payouts	113	140	1455	0497	91,870	(8,514)	83,356
Revenue	CDBG-Operating Grant	113	140	1456	3513	554,535	16,598	571,133
Revenue	Interest	113	140	1456	6101	900	1,855	2,755
Appropriation	Miscellaneous Service	113	140	1456	0260	0	41,611	41,611
Appropriation	TA Cleanup	113	140	1456	0318	25,000	15,000	40,000
Revenue	CDBG-Operating Grant	113	140	1462	3513	1,091,968	(129,770)	962,198
Appropriation	Transfer Out to Fund 010	113	700	7000	7010	21,790	(21,790)	0
Appropriation	Transfer Out to Fund 070	113	700	7000	7070	75,675	(571)	75,104
Appropriation	Highway Village	113	480	H831	6040	0	35,000	35,000
Appropriation	Contingency Reserve	113	800	8000	8003	141,842	(141,842)	0
Appropriation	Miscellaneous Service	115	140	1466	0260	0	207,389	207,389
Appropriation	Loan Principle Payouts	115	140	1466	0497	796,229	(331,222)	465,007
Revenue	CDBG-Operating Grant	115	140	1466	3513	1,088,308	296,497	1,384,805
Appropriation	Contingency Reserve	115	800	8000	8003	(420,330)	420,330	0
Appropriation	Miscellaneous Service	116	140	1467	0260	0	141,699	141,699
Appropriation	Loan Principle Payouts	116	140	1467	0497	242,047	21,972	264,019
Revenue	CDBG-Operating Grant	116	140	1467	3513	164,720	91,699	256,419
Appropriation	Contingency Reserve	116	800	8000	8003	71,972	(71,972)	0
Appropriation	Loan Principle Payouts	118	140	1468	0496	67,000	(67,000)	0
Revenue	Emergency Shelter Grant	118	140	1468	3518	67,000	(67,000)	0
Revenue	HOME-Operating Grant	117	140	1459	3517	180,083	997	181,080
A riation	Loan Principle Payouts	117	140	1459	0497	180,083	997	181,080
A priation	Loan Principle Payouts	117	140	1458	0497	153,800	15,000	168,800
Appropriation	CDBG-Temporary Locations	117	140	1458	0491	25,000	(15,000)	10,000

This adjustment is to account for reestimating carryover revenues and appropriations in the CDBG program.

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Professional Services	010	480	4802	0235	85,708	12,996	98,704
Appropriation	Promotion Expense	010	480	4802	0237	61,790	1,700	63,490
Appropriation	Advertising	010	480	4802	0230	69,978	4,349	74,327
Appropriation	Contingency Reserve	010	800	8000	8003	4,088,166	(19,045)	4,069,121

This adjustment is per Council direction to do public education prior to distribution of the second toters..

Appropriation	Pavement Maintenance	070	430	H063	6040	178,000	180,000	358,000
Appropriation	Curb/Sidewalk Repairs	070	430	H061	6040	81,000	100,000	181,000
Revenue	Transfer In from Fund 051	070	700	7000	9051	100,000	280,000	380,000
Revenue	Local Transportaiton Allocation	051	510	9510	1213	480,000	320,000	800,000
Appropriation	Transfer Out to Fund 070	051	700	7000	7070	100,000	280,000	380,000
Appropriation	Contingency Reserve	051	800	8000	8003	8,919	40,000	48,919
Revenue	LTF - Sales Tax	651	510	9510	3158	2,405,792	(8,027)	2,397,765
Revenue	STAF-Transit Operating Grant	651	510	9510	3161	297,580	8,027	305,607
Revenue	LTF-Transit Capital Grant	651	510	9510	3204	151,000	65,000	216,000
Revenue	FTA-Transit Capital Grant	651	510	9510	3604	4,645,697	264,000	4,909,697
Appropriation	Contingency Reserve	651	800	8000	8003	1,686,518	329,000	2,015,518
Revenue	LTF - Sales Tax	652	510	9510	3158	774,009	(98,759)	675,250
Revenue	LTF-Transit Capital Grant	652	510	9510	3204	0	12,800	12,800
Revenue	County Transit Alloc - Oper Grant	652	510	9510	3301	131,816	(15,724)	116,092
Revenue	UMTA Transit Operating Grant	652	510	9510	3525	56,782	194,483	251,265
Revenue	FTA-Transit Capital Grant	652	510	9510	3604	87,870	(28,800)	59,070
Appropriation	New CIP	652	160	H993	6040	0	64,000	64,000

S .aus Area Association of Goverments (SAAG) has identified additional revenue to be made available to the City as specified in the Transportation Development Act and also includes upward revenue adjustments of $329,000 in the Bus Fund.

Appropriation	Salaries	010	180	1802	0110	332,151	(647)	331,504
Appropriation	Benefits	010	180	1802	0160	58,631	(149)	58,482
Appropriation	Salaries	010	180	1822	0110	298,885	(219)	298,666
Appropriation	Benefits	010	180	1822	0160	49,483	(48)	49,435
Appropriation	Salaries	010	180	1832	0110	5,986,513	(26,758)	5,959,755
Appropriation	Benefits	010	180	1832	0160	1,712,115	(5,907)	1,706,208
Appropriation	Salaries	010	190	1901	0110	283,673	(244)	283,429
Appropriation	Benefits	010	190	1901	0160	61,177	(53)	61,124
Appropriation	Salaries	010	190	1921	0110	2,450,533	(3,644)	2,446,889
Appropriation	Benefits	010	190	1921	0160	458,897	(809)	458,088
Appropriation	Salaries	010	190	1941	0110	1,861,406	(8,079)	1,853,327
Appropriation	Benefits	010	190	1941	0160	468,142	(1,787)	466,355
Appropriation	Salaries	010	190	1961	0110	6,833,745	(23,970)	6,809,775
Appropriation	Benefits	010	190	1961	0160	1,622,870	(5,451)	1,617,419
Appropriation	Salaries	010	190	1962	0110	743,447	(2,661)	740,786
Appropriation	Benefits	010	190	1962	0160	126,646	(617)	126,029
Appropriation	Salaries	010	190	1963	0110	369,915	(1,077)	368,838
Appropriation	Benefits	010	190	1963	0160	51,327	(253)	51,074
Appropriation	Transfer Out to Fund 130	010	700	7000	7130	1,051,794	82,373	1,134,167
Revenue	Transfer In from Fund 010	130	700	7000	9010	1,051,794	82,373	1,134,167
Appropriation	Contingency Reserve	130	800	8000	8003	2,933,144	82,373	3,015,517

T. .justment is to transfer budgeted but unspent salary and benefit in appropriations in the Fire and Police Departments to the Special Fund for Capital Outlay.

Revenue	DBCP Settlement	610	480	5014	8121	0	748,171	748,171
Appropriation	Contingency Reserve	610	800	8000	8003	6,678,907	748,171	7,427,078
Appropriation	Equipment Rental	615	480	5051	0216	75,600	(21,009)	54,591

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Debt Service Interest	615	480	5051	0452	0	1,627	1,627
Appropriation	Debt Service	615	480	5051	0451	120,418	19,382	139,800
Revenue	DBCP Settlement	615	480	5052	8121	0	1,184,604	1,184,604
Appropriation	Contingency Reserve	615	800	8000	8003	2,944,693	1,184,604	4,129,297
Revenue	DBCP Settlement	616	480	5062	8121	0	1,184,604	1,184,604
Appropriation	Contingency Reserve	616	800	8000	8003	(923,948)	1,184,604	260,656

These Water Fund adjustments are for settlement proceeds for DBCP and for an operating lease converted to a lease purchase option.

Appropriation	CIP-Flood Restoration	621	480	H832	6040	0	1,000,000	1,000,000
Appropriation	Contingency Reserve	621	800	8000	8003	730,091	(1,000,000)	(269,909)

This adjustment is to track all expenses for restoring the Wastewater treatment and collection system in the aftermath of the flood.

Appropriation	Repair & Maintenance	010	160	1601	0223	17,390	7,610	25,000
Appropriation	Office Supplies	010	160	1601	0301	3,500	1,200	4,700
Appropriation	Tool, Shop & Field Supplies	010	160	1601	0308	5,000	2,000	7,000
Appropriation	Contingency Reserve	010	800	8000	8003	4,069,121	(10,810)	4,058,311

These adjustments are due to graffiti vandalism on traffic signs, increase communications with citizens regarding traffic matters, and tools that have been stolen from the corporation yard.

R[illegible]ue	Miscellaneous Revenue	731	030	0372	8155	27,000	(27,000)	0
A[illegible]priation	Professional Services	731	030	0372	0235	10,500	(8,000)	2,500
Appropriation	Contingency Reserve	731	800	8000	8003	36,779	(19,000)	17,779
Revenue	Transfer In from Fund 736	733	700	7000	9736	0	10,000	10,000
Appropriation	Contingency Reserve	733	800	8000	8003	261,533	10,000	271,533
Appropriation	Transfer Out to Fund 733	736	700	7000	7733	0	10,000	10,000
Appropriation	Contingency Reserve	736	800	8000	8003	445,269	(10,000)	435,269
Revenue	Miscellaneous Revenue	751	030	0351	8155	0	36,930	36,930
Appropriation	Professional Services	751	030	0351	0235	8,500	8,000	16,500
Appropriation	Contingency Reserve	751	800	8000	8003	2,974,217	28,930	3,003,147

This adjustment is to recognize rebates from Total Benefits Solution in the EBF (Employees Benefit Fund) and not in the Risk Management Fund. Staff is also recommendiing the transfer of estimated working capital of $10,000 from the Health Insurance Fund to the Liability Fund.

Appropriation	Professional Services	010	320	3212	0235	8,881	3,000	11,881
Revenue	Tree Grant	010	320	3212	4070	21,000	3,000	24,000

This adjustment is for educational material from Tree Grant revenue.

Revenue	Parking Revenue	670	340	3412	4080	85,000	(85,000)	0
Revenue	Parking Revenue	670	340	3413	4080	0	85,000	85,000
Revenue	Services	670	340	3412	4081	22,000	(10,000)	12,000
Revenue	Services	670	340	3414	4081	0	10,000	10,000
Revenue	Commissions	670	340	3412	4082	152,500	(5,000)	147,500
R[illegible]ue	Commissions	670	340	3414	4082	0	5,000	5,000
R[illegible]ue	Rents	670	340	3412	6218	421,000	(46,000)	375,000
Revenue	Rents	670	340	3414	6218	0	46,000	46,000
Revenue	Rents	670	340	3412	6218	375,000	(20,000)	355,000
Revenue	Parking Revenue	670	340	3413	4080	85,000	(28,000)	57,000
Revenue	Commissions	670	340	3414	4082	0	5,000	5,000
Revenue	Rents	670	340	3414	6218	46,000	(13,000)	33,000

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Contingency Reserve	670	800	8000	8003	51,942	(56,000)	(4,058)

This adjustment is to reduce Centre Plaza revenues that did not materialize for the first half of the fiscal year.

Revenue	Muni Green Fees	660	330	3311	4601	398,632	48,776	447,408
Revenue	Dryden Green Fees	660	330	3311	4602	804,264	(199,334)	604,390
Revenue	Creekside Green Fees	660	330	3311	4603	784,264	97,615	881,879
Revenue	Muni Green Concessions	660	330	3311	4611	20,000	(4,370)	15,630
Revenue	Dryden Concessions	660	330	3311	4620	17,000	(3,600)	13,400
Revenue	Creekside Concessions	660	330	3311	4621	25,000	1,800	26,800
Revenue	Muni Pro Rent	660	330	3311	4622	35,000	(8,200)	26,800
Appropriation	Professional Services	660	330	3315	0235	1,419,744	(92,000)	1,327,744
Appropriation	Professional Services	660	330	3311	0235	27,281	4,500	31,781
Appropriation	Phone Creekside	660	330	3316	5540	2,000	5,000	7,000
Appropriation	Creekside Irrigation Pipe	660	330	H835	6070	0	12,000	12,000
Appropriation	Cart Path Project	660	330	H025	6040	0	(60,000)	(60,000)
Appropriation	Dryden Restoration	660	330	H834	6040	0	786,440	786,440
Revenue	Transfer In from Fund 130	660	701	7001	9130	0	786,440	786,440
Appropriation	Contingency Reserve	660	800	8000	8003	(83,520)	63,187	(20,333)
Appropriation	Contingency Reserve	130	800	8000	8003	3,015,517	(786,440)	2,229,077
Appropriation	Transfer Out to Fund 660	130	701	7001	7660	0	786,440	786,440

These Golf Fund adjustment are for implementation of the Golf Advisory Committee recomendations for flood related activities, elimination of a CIP project, and lower than expected rounds in the first half of the fiscal year.

Appropriation	Miscellaneous Services	010	180	1832	0260	0	15,000	15,000
Appropriation	Miscellaneous Services	010	190	1965	0260	0	10,000	10,000
Appropriation	Miscellaneous Services	010	190	1942	0260	0	10,000	10,000
Appropriation	Miscellaneous Services	010	140	1405	0260	15,000	5,000	20,000
Appropriation	Miscellaneous Services	010	310	3112	0260	0	10,000	10,000
Appropriation	Transfer Out to Fund 130	010	700	7000	7130	1,134,167	500,000	1,634,167
Revenue	Transfer In from Fund 060	010	700	7000	9060	127,500	25,000	152,500
Appropriation	Contingency Reserve	010	800	8000	8003	4,058,311	(575,000)	3,483,311
Appropriation	Transfer Out to Fund 010	060	700	7000	7010	127,500	25,000	152,500
Appropriation	Contingency Reserve	060	800	8000	8003	31,187	(25,000)	6,187
Revenue	Transfer In from Fund 010	130	700	7000	9010	1,134,167	500,000	1,634,167
Appropriation	Contingency Reserve	130	800	8000	8003	2,229,077	500,000	2,729,077

This adjustment is for various transfers for more monies received in Traffic Safety Fund to be moved to General Fund and for expected appropriation savings transferred out to the Special Fund for Capital Outlay.

Attachment A
Detail Schedule of Revenues and Appropriations

Type of Account	Description	Fund	Agency	Orgn	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Revenue	Jury & Subpoena Fees	010	030	0301	8110	175	2,000	2,175
Revenue	Assessment Payoff Fee	010	120	1223	4087	0	400	400
Revenue	Map checking fees	010	140	1401	4000	5,411	1,000	6,411
Revenue	Zoning Fees	010	140	1401	4008	38,000	7,000	45,000
Revenue	Unabated Hazard Recovery	010	180	1832	4044	0	600	600
Revenue	Bingo Permits	010	190	1901	2204	65,000	(32,500)	32,500
Revenue	Jail Booking Fee Recovery	010	190	1901	4045	20,000	7,000	27,000
Revenue	Asset Forfeitures	010	190	1901	7202	0	3,236	3,236
Revenue	Fingerprint Fees	010	190	1921	4024	12,500	10,000	22,500
Revenue	Special Police Protection	010	190	1921	4025	28,000	(5,000)	23,000
Revenue	Repossession Release	010	190	1921	4030	3,800	(800)	3,000
Revenue	ABC State Grant	010	190	1941	3507	50,000	(50,000)	0
Revenue	Prop 172 Sales Tax Allocation	010	190	1961	3172	400,400	(70,000)	330,400
Revenue	Vehicle Releases	010	190	1961	4028	66,000	20,000	86,000
Revenue	Safety Response Reimbursement	010	190	1961	4029	40,000	5,000	45,000
Revenue	Crime Bill Grant	010	190	1962	3175	750,000	(200,000)	550,000
Revenue	Abandoned Vehicle Allocation	010	190	1965	3118	160,000	(30,000)	130,000
Revenue	John Thurman Field Rental	010	310	3115	6208	2,040	3,500	5,540
Revenue	Street Trees	010	320	3212	4070	5,000	16,000	21,000
Revenue	Trust Deposits Forfeited	010	380	3810	7201	0	9,000	9,000
Revenue	Removal Permits	010	410	4112	2207	0	500	500
Revenue	Traffic Signal Maint Agreement	010	450	4512	4052	2,000	4,000	6,000
Revenue	State Highway Maint. Agreement	010	460	4612	4051	18,152	11,848	30,000
Revenue	Sales and Use Tax	010	510	9510	1201	17,300,000	170,000	17,470,000
R ue	Garbage Franchise	010	510	9510	1307	940,000	(40,000)	900,000
I ue	Business License Mill Tax	010	510	9510	1404	4,800,000	90,000	4,890,000
Revenue	Motor Vehicle License Fees	010	510	9510	3119	6,813,434	75,000	6,888,434
Revenue	General City Fines	010	510	9510	7101	48,250	5,000	53,250
Revenue	Parking Fines	010	510	9510	7113	342,997	(65,000)	277,997
Revenue	Sale of Personal Property	010	510	9510	8104	11,000	2,000	13,000
Revenue	Special District Assets	010	510	9510	8116	13,000	1,000	14,000
Revenue	Refunds & Damage Recovery	010	510	9510	8122	80,000	252,111	332,111
Revenue	Miscellaneous	010	510	9510	8131	7,210	2,300	9,510
Appropriation	Contingency Reserve	010	800	8000	8003	3,483,311	205,195	3,688,506

These are miscellaneous adjustments to General Fund Revenue revenue as described in the staff report and schedule B.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-70

A RESOLUTION INCREASING THE MEMBERSHIP IN THE CITIZENS' ADVISORY COMMITTEE ON RECYCLING (CACOR) FROM EIGHT MEMBERS TO ELEVEN MEMBERS

WHEREAS, the Citizens Advisory Committee on Recycling (CACOR) currently consists of eight members, including a Councilmember, a garbage company representative, and six residents who are familiar with methods of waste reduction and recycling; and

WHEREAS, the Committee members have requested additional Committee members to assist in numerous projects and special events.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the membership in the Citizens' Advisory Committee on Recycling (CACOR) is hereby increased from eight to eleven members.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997 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:	Cogdill, Dobbs, Friedman, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-71

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE WASTEWATER MASTER PLAN FINAL MASTER ENVIRONMENTAL IMPACT REPORT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Environmental Science Associates for environmental consulting 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 11th day of February, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-72

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGE HIGHLANDS PHASE 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Inland Village, a general partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.18 acres, known as Village Highlands Phase 1 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 Village Highlands Phase 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the 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 11th day of February, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

RESOLUTION APPROVING FINAL SUBDIVISION MAP

1	Attorney
1	Engineering
1	Planning
1	Parking & Traffic
1	Bank
1	Subdivider
6	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-73

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION WHICH COVERS A TERM FROM FEBRUARY 4, 1997, THROUGH AUGUST 4, 2000.

WHEREAS, representatives of the City and the Modesto City Employees Association (MCEA) have met and conferred in good faith concerning wages, hours and other terms and conditions of employment for employees represented by the MCEA, and

WHEREAS, the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association (MCEA) covers a term from February 4, 1997, through August 4, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association which covers a term from February 4, 1997, through August 4, 2000, is hereby approved. A copy of said MOU is on file in the office of the City Clerk.

05/08/97

OP0N4DAJ/CA/rh

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

05/08/97

OP0N4DAJ/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-74

A RESOLUTION APPROVING THE VESTING TENTATIVE MAP OF "THE BLUFFS" SUBDIVISION, LOCATED ON THE SOUTH SIDE OF PARKER ROAD EAST OF THE SANTA FE RAILROAD TRACK IN THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN.

WHEREAS, the vesting tentative map of The Bluffs Subdivision was filed in the office of the Secretary of the Planning Commission on February 1, 1996, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the Modesto High School Districts, the Empire School District, and Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, City services, including sewer and water facilities, are available, and

WHEREAS, the area can be served by elementary schools in the Empire School District and by Fire Station #9 at 4025 Fara Biundo, one mile distant, and

WHEREAS, the proposal is to subdivide the 39.8 acres of the Empire North Specific Plan Area south of Parker Road, east of the Santa Fe Railroad tracks and north of Dry Creek, which is the first subdivision proposed in the Empire North Comprehensive Planning District, and

WHEREAS, the development pattern calls for Village Residential (VR) which allows for mixed residential land uses,

and this proposed subdivision will be a gated community with all internal streets and common areas to be private and maintained via a homeowner's association, and

WHEREAS, the sole access will be from Parker Road about 570 feet east of the Santa Fe Avenue and Parker Road intersection, and the south side of Parker Road will be landscaped and maintained by the homeowner's association, as will all other nonresidential private areas within the property, and

WHEREAS, a public hearing was held by the Planning Commission on December 2, 1996, 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, the Modesto City Planning Commission adopted Resolution No. 96-65, recommending to the City Council approval of the Vesting Tentative Map for The Bluffs Subdivision, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 11, 1997, 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 for the purpose of receiving public comment on the proposed approval of the Vesting Tentative Map for The Bluffs Subdivision,

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

1. That the proposed vesting subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.

2. That the discharge of waste from the proposed vesting subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. That the City of Modesto has prepared the Final Focused Environmental Impact Report for the City of Modesto Empire North Unit 1 Specific Plan.

4. That The bluffs Subdivision, a residential project, meets the requirements of CEQA Guidelines Section 15182.

5. That no EIR or Negative Declaration need be prepared for The Bluffs Subdivision, a residential project, undertaken pursuant to and in conformity to the City of Modesto Empire North Unit 1 Specific Plan.

BE IT FURTHER RESOLVED by the City Council that the vesting tentative map of The Bluffs Subdivision approved by the City Council on February 18, 1997, and on file in the office of the Secretary of the Planning Commission, is hereby approved as shown in red on the face of the map and subject to the following conditions:

1. That the subdivision area shall be annexed to the City prior to the recording of the final map.

2. That all street dedication be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to

improvement plans. The internal streets shall be private.

3. That public utility easements, as required by the utility companies serving the subdivision, shall be dedicated by the final map.

4. That direct vehicular and pedestrian access between Santa Fe Railroad Tracks and adjacent subdivision lots shall be prohibited by appropriate notes on the final map.

5. That prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a Homeowner's Association which shall guarantee continued maintenance of common facilities in the development. Said documents shall be recorded concurrently with the final subdivision map.

6. That the covenants, conditions and restrictions pertaining to the development shall provide, among other things, that utility service equipment and facilities may be installed on or through dwelling units to serve other dwelling units in the project as required by utility companies serving the project, and that said utility companies shall have a right of access to all lots and buildings where necessary to perform necessary maintenance and repair.

7. That public utility easements, including a blanket easement over the common area, as required by the utility companies serving the project shall be dedicated by the final map.

8. That provisions for water and sanitary sewer services to individual units shall be made in a manner to be approved by the Director of Engineering. Maintenance of all sanitary sewers outside of the street right-of-way shall be by the Homeowner's Association.

9. That 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, it agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a subdivision. The City of Modesto shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

10. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.

11. That prior to recordation of a final subdivision map, the subdivider shall contact the United States Postal Service for review and establishment of a mail delivery plan.

12. That prior to recordation of a final map, the U.S. Army Corps of Engineers shall be notified as to 404 permit requirements.

13. An "Avigation Easement", prepared to the satisfaction of the City Attorney, shall be dedicated to the City, prior to final map approval. This easement shall serve to inform all future property owners in the subdivision of the potential noise and safety impacts which may be present from the nearby operation of the East Side Mosquito Abatement District Airstrip.

14. Prior to final map approval, the developer shall provide documentation, to the satisfaction of the City Attorney and the Community Development Director, that the final map design conforms with all of the Polices of the Empire North Unit 1 Specific Plan.

15. Prior to recordation of a final map, annexation to the school's Mello-Roos District shall be completed.

16. Prior to recordation of a final map, the developer shall secure and establish a funding source for both capital improvements and ongoing maintenance

of the landscaped areas, including but not limited to a Mello-Roos Community Facilities District.

17. Prior to recordation of a final map, the developer shall indicate an access road to the property to the east. This road shall be within the southern portion of the property but must meet City standards as to its location.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-75

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE EMPIRE NORTH UNIT 1 FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 95122030): APPROVAL OF THE VESTING TENTATIVE MAP OF "THE BLUFFS" SUBDIVISION, LOCATED IN THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN AND THE INITIATING OF PROCEEDINGS FOR THE EMPIRE NORTH REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on January 7, 1997, the Modesto City Council adopted Resolution No. 97-5, Certifying the Final Focused Environmental Impact Report ("EIR"), for the following project: A General Plan Amendment, Specific Plan, Prezoning, Annexation and Tentative Subdivision Maps for the development of the 96-acre project area, and

WHEREAS, a Notice of Determination, No. 97-2, was prepared by the Community Development Department and was filed with the County Recorder on January 8, 1997, and

WHEREAS, the City Council set a duly noticed public hearing to be held on February 11, 1997, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was continued to February 18, 1997, at 7:00 p.m., for the purpose of considering the application of Dr. Kenneth Lemings for approval of "The bluffs" Vesting Tentative Subdivision Map within the Empire North Specific Plan Area and to initiate proceedings and request the Stanislaus Local Agency Formation Commission to take proceedings for "The Bluffs" Reorganization within the Empire North Specific

Plan area to the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered a Notice of Determination, Environmental Assessment No. 97-2, for the proposed project, and the Council hereby makes the following findings:

1. That the proposed project is contemplated and described in the Empire North Unit 1 Focused Environmental Impact Report (SCH 95122030) 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 Focused EIR, and no new or additional mitigation measures are required.

3. That as per Section 21083.3 of the **Public Resources Code**, no new document or findings are required by the California Environmental Quality Act (CEQA).

A copy of said Notice of Determination, No. 97-2, 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 February, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

97-2

CITY of MODESTO

Community Development Department

NOTICE OF DETERMINATION

FILED

97 JAN -8 AM 10:01

KAREN MATHEWS, COUNTY CLERK

BY _____ DEPUTY

TO: __X__ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

__X__ County Clerk
County of Stanislaus
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

Empire North Unit No. 1 Specific Plan and General Plan Amendment
Project Title

No. 95122030	Steve Nish, Associate Planner	(209) 577-5280
State Clearinghouse No.	Contact Person	Area Code/Phone/Ext.

Located in East Modesto, on the east side of the Santa Fe Railroad, between Parker Road and the south boundary of the 100-year flood plain of Dry Creek - Stanislaus County
Project Location (include county)

Project Description: General Plan Amendment, Specific Plan, Prezoning, Annexation and Tentative Subdivision Maps for the development of the 96-acre project area. Uses proposed for this area are: Residential up to a total of 241 dwelling units, and Open Space and recreational uses for the Dry Creek floodplain area. The General Plan Amendment is to: extend the Dry Creek Comprehensive Planning District, add the Empire North Comprehensive Planning District to the Park Planning Areas Diagram, divide the Empire North Comprehensive Planning District into two parts, and exempt the Specific Plan area north of Dry Creek from Neotraditional planning policies. A Focused EIR was prepared which identified two impacts related to project development which are not fully mitigable: noise impacts to outdoor residential areas from the Santa Fe railroad, and safety and noise impacts to residential areas from the Eastside Mosquito Abatement District aircraft.

This is to advise that on January 7, 1997, the City of Modesto, the lead agency, certified a Final Focused EIR (SCH #95122030) and approved the General Plan Amendment, Specific Plan, and Prezoning for the above-described project. In taking this action, the City Council, on January 7, 1997, approved and adopted a Final Focused EIR for the project and made the following determinations:

1. A Final Focused EIR (SCH # 95122030), prepared pursuant to CEQA Section 21158, has identified potentially new or additional significant effects on the environment that were not adequately examined in the master environmental impact report for the Modesto Urban Area General Plan (SCH#92052017).

2. Mitigation measures were identified in the Final Focused EIR and made a condition of approval of the proposed subsequent project in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

3. Because there is evidence in light of the whole record before the City that the project, including identified mitigation measures, will have a significant effect on the environment in two specific areas:

a. Noise impacts of the Santa Fe Railroad to exterior residential areas, and

b. Potential Safety and Noise impacts to project residential areas from Eastside Mosquito Abatement District aircraft,

the City Council adopted a Statement of Overriding Considerations for the project pursuant to CEQA Section 21081 (a) (3). The City Council also adopted a Mitigation Monitoring Program in accordance with CEQA Section 21081.6

4. As part of the adoption of the Final Focused EIR, the City Council finds that the Final Focused EIR reflects the independent judgment of the City.

This is to certify that the Final Focused EIR (SCH# 95122030), and Master EIR (SCH#92052017), 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, 901 11th Street, Modesto, CA 95354.

Brian R. Smith	1/8/97	Principal Planner
Signature (Public Agency)	Date	Title

FILED
97 JAN -8 AM 10:01
KAREN MATHEWS, COUNTY CLERK
BY _____ DEPUTY

MODESTO CITY COUNCIL
RESOLUTION NO. 97-76

Print

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR "THE BLUFFS" REORGANIZATION (WITHIN THE EMPIRE NORTH SPECIFIC PLAN AREA) TO THE CITY OF MODESTO. (COUNCIL INITIATED - UNINHABITED)

WHEREAS, certain property owners have requested the City to apply on their behalf to the Stanislaus County Local Agency Formation Commission for a reorganization, 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 Bluffs" Reorganization to the City of Modesto, the first reorganization proposed in the Empire North Comprehensive Planning District, and

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and each subject agency, 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, the area proposed to be annexed is within the sphere of influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, it is desired to provide that the proposed

reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto;

(b) The detachment of said territory from the Stanislaus Consolidated Fire Protection District; and

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

WHEREAS, the reason for this proposed "The Bluffs" Reorganization to the City of Modesto is as follows:

1. The proposed reorganization is required by public convenience or necessity because the Empire North Comprehensive Planning District and the Empire North Unit One Specific Plan are consistent with the City of Modesto Urban Area General Plan.

2. The proposed reorganization will result in an orderly planned use of land resources because the proposed "The Bluffs" Subdivision and the Empire North Unit One Specific Plan implement a Community Growth Policy of the General Plan to provide sufficient land supply; namely, it promotes the expansion of the Modesto Urban Area toward the east to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the east side of Modesto.

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

WHEREAS, the Modesto Community Development Department, Development Services Division, 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 Empire North Specific Plan, adopted by the

Council of the City of Modesto on January 7, 1997.

2. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the reorganization of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency Formation Commission, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused Environmental Impact Report, 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 the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with "The Bluffs" Reorganization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Description

THE BLUFFS REORGANIZATION
TO THE CITY OF MODESTO

DESCRIPTION

All that certain real property situate in portions of Sections 18 and 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

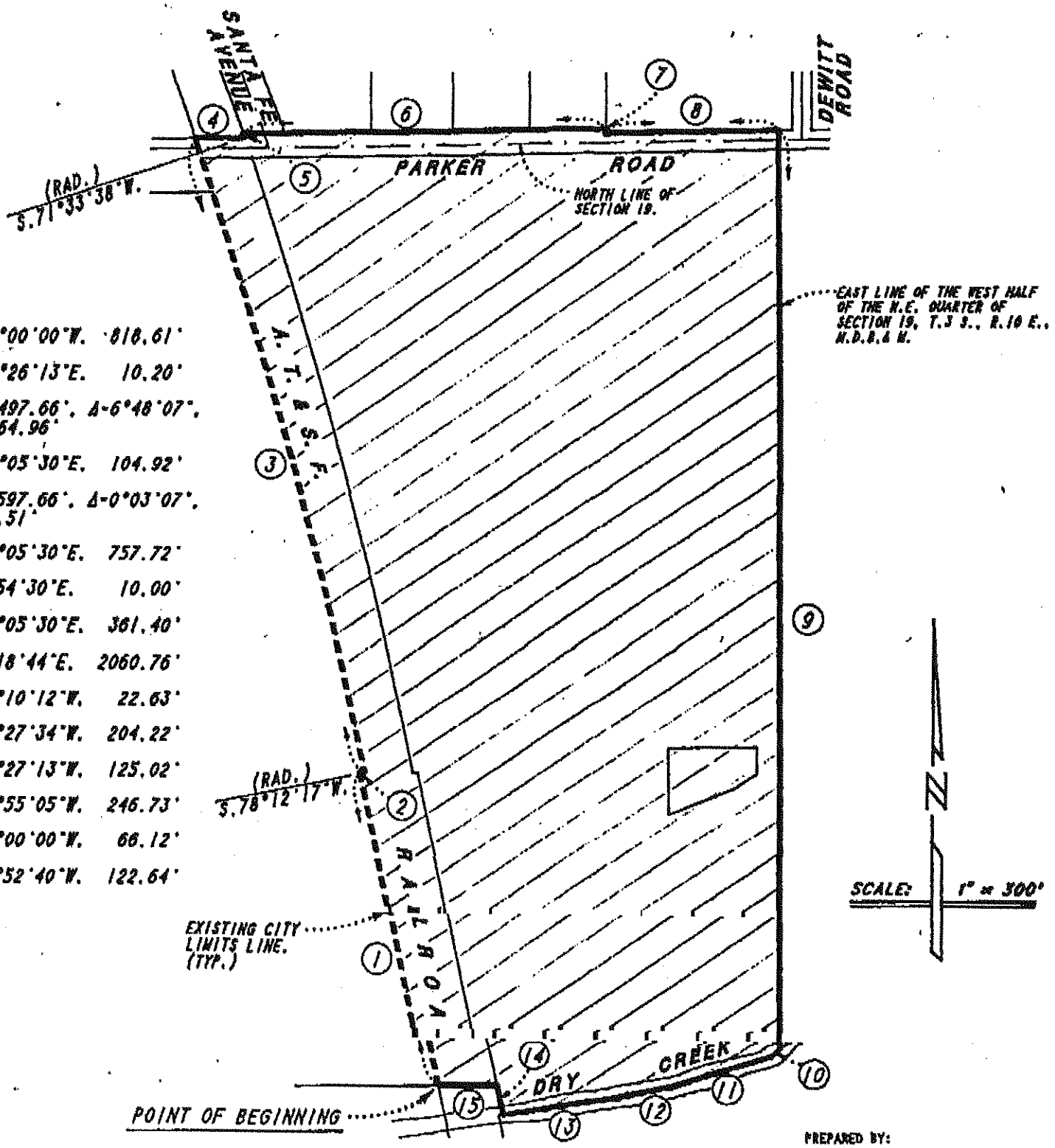
BEGINNING at the southeasterly corner of the "Claus-Parker Governmental Reorganization" to the City of Modesto, being also the southeast corner of Parcel "B" as shown on map filed for record in Book 37 of Parcel Maps, Page 90, Stanislaus County Records; thence North 12°00'00" West along the easterly line of said "Claus-Parker Governmental Reorganization", being also the easterly line of said Parcel "B" and the westerly line of the 120 foot wide A.T. and S.F. Railroad right-of-way, a distance of 818.61 feet to the south line of Parcel "A" as shown on map filed for record in Book 36 of Parcel Maps, Page 2, Stanislaus County Records; thence North 89°26'13" East along said south line of Parcel "A", being also said easterly line of "Claus-Parker Governmental Reorganization", a distance of 10.20 feet to a point on the westerly line of the 100 foot wide A.T. & S.F. Railroad right-of-way said point being on a non-tangent curve from which a radial line bears South 78°12'17" West to the center; thence Northerly 1364.96 feet along said non-tangent curve, being said westerly line of the A.T. & S.F. Railroad and the easterly lines of said Parcel "A" and said "Claus-Parker Governmental Reorganization" and northerly extensions thereof, concave to the west, having a radius of 11,497.66 feet and a central angle of 6°48'07" to the north right-of-way line of 40 foot wide Parker Road; thence North 89°05'30" East along said north line of Parker Road, parallel with and 20.00 feet north of the south line of said Section 18, a distance of 104.92 feet to the easterly right-of-way line of said 100 foot wide A.T. & S.F. Railroad, said point being on a non-tangent curve from which a radial line bears South 71°33'38" West to the center; thence Northerly 10.51 feet along said non-tangent curve, being also said easterly line of A.T. & S.F. Railroad, concave to the west, having a radius of 11,597.66 feet and a central angle of 0°03'07" to the westerly extension of the south lines of Parcels 1, 2, 3 and 4 as shown on map filed for record in Book 3 of Parcel Maps, Page 88, Stanislaus County Records; thence North 89°05'30" East along said south lines of Parcels 1, 2, 3 and 4 and the westerly extension thereof, a distance of 757.72 feet to the southeast corner of said Parcel "4"; thence South 0°54'30" East along the southerly extension of the east line of said Parcel "4" a distance of 10.00 feet to the north right-of-way line of 40 foot wide Parker Road; thence North 89°05'30" East along said north line of Parker Road, parallel with and 20.00 feet north of said south line of Section 18, a distance of 361.40 feet to the northerly extension of the east line of the west half of the northeast quarter of said Section 19; thence South 0°18'44" East along said east line of the west half of the northeast quarter of Section 19 and the northerly extension thereof, a distance of 2060.76 feet to the centerline of Dry Creek; thence westerly along said centerline of Dry Creek the following four courses: South 49°10'12" West 22.63 feet, South 72°27'34" West 204.22 feet, South 78°27'13" West 125.02 feet, and South 80°55'05" West 246.73 feet to the easterly right-of way line of said 120 foot wide A.T. & S.F. Railroad; thence North 12°00'00" West along said easterly line of A.T. & S.F. Railroad a distance of 66.12 feet to the easterly extension of the south line of said Parcel "B"; thence South 89°52'40" West along said easterly extension of the south line of Parcel "B" a distance of 122.64 feet to the point of beginning.

Containing: 46.42 acres

J. Steven Reichmuth

THE BLUFFS REORGANIZATION TO THE CITY OF MODESTO

LOCATED IN PORTIONS OF SECTIONS 18 AND 19,
T.3 S., R.10 E., M.D.B.& M.
STANISLAUS COUNTY CALIFORNIA



(1)	N.12°00'00"W.	818.61'
(2)	N.89°26'13"E.	10.20'
(3)	R=11497.66', Δ=6°48'07", L=1364.96'	
(4)	N.89°05'30"E.	104.92'
(5)	R=11597.66', Δ=0°03'07", L=10.51'	
(6)	N.89°05'30"E.	757.72'
(7)	S.0°54'30"E.	10.00'
(8)	N.89°05'30"E.	361.40'
(9)	S.0°18'44"E.	2060.76'
(10)	S.49°10'12"W.	22.63'
(11)	S.72°27'34"W.	204.22'
(12)	S.78°27'13"W.	125.02'
(13)	S.80°55'05"W.	246.73'
(14)	N.12°00'00"W.	66.12'
(15)	S.89°52'40"W.	122.64'

PREPARED BY:
DELAMARE-FULTE
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7450

Exhibit "B"

Plan for Providing Services

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Stanislaus Consolidated Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 9.

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 developer 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 will be the responsibility of the developer and be integrated into the development of the project.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-77

Print

A RESOLUTION ACCEPTING THE 1996 PROJECT TO CAPE SEAL VARIOUS CITY STREETS AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the 1996 project to Cape Seal various City streets, has been completed by Western States Surfacing, Inc., in accordance with the contract agreement dated June 4, 1996.

NOW, THEREFORE, BE IT RESOLVED that the 1996 project to cape seal various City streets, be accepted from said contractor, Western States Surfacing, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $330,575.64 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-78

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 34,000 ROLLS OF BLUE BAGS FOR RECYCLING FROM CARLISLE PLASTICS FOR $41,983.62

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 34,000 rolls of blue bags for recycling are hereby waived.

BE IT FURTHER RESOLVED that the purchase of 34,000 rolls of blue bags for recycling from Carlisle Plastics for $41,983.62, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-79

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH BLACK AND VEATCH FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE DESIGN OF THE CANNERY SEGREGATION PIPELINE, REPLACEMENT OF THE EMERALD TRUNK SEWER, HEADWORKS AND GRIT REMOVAL FACILITIES AT THE PRIMARY WATER QUALITY CONTROL PLANT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Black and Veatch for the preparation of plans and specifications for the design of the cannery segregation pipeline, replacement of the Emerald trunk sewer, headworks and grit removal facilities at the Primary Water Quality Control Plant be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-80

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW CIP PROJECT AND APPROPRIATING $300,000 FROM WASTEWATER RESERVES TO THE FLOOD HAZARD MITIGATION PROJECT

WHEREAS, the floods of January 1997 caused the Tuolumne River to flood the Water Quality Control Plant causing the entire sewage generated within the Modesto service area to be discharged into the river; and

WHEREAS, Black & Veatch has been asked to develop a flood hazard mitigation assessment developing plans and specifications that will prevent raw sewage from being discharged into the Tuolumne River in the event of a flood of similar magnitude. It is anticipated that the Federal Emergency Management Agency will reimburse the City for this design work as a part of the flood hazard mitigation; and and

WHEREAS, this design work is estimated to cost approximately $300,000 and an amendment to the 1996-97 Capital Improvement Program Budget is needed to establish a new CIP project for the design work only.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended to as follows:

Wastewater Fund	*Increase (Decrease)*
#621-800-8000-8003 Contingency Reserve	$(300,000)
#621-480-H829-6010 Black & Veatch - Design	$ 300,000

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 day of February 18, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-81

A RESOLUTION APPROVING AN AGREEMENT WITH TAUSSIG AND ASSOCIATES TO ESTABLISH A MELLO-ROOS COMMUNITY FACILITIES DISTRICT FOR THE NORTH BEYER PARK PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Taussig and Associates to establish a Mello-Roos Community Facilities District for the North Beyer Park 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 18th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-82

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET FOR THE STRATEGIC PLANNING FUND TO RECOGNIZE $10,000 IN REVENUE FOR DEVELOPER'S SHARE OF PROJECT, AND TRANSFERRING $10,000 FROM CONTINGENCY RESERVE FUND #080-800-8000-8003 INTO PROJECT ACCOUNT #080-140-1436-1408

WHEREAS, on December 16, 1996 the City Council selected Taussig and Associates to establish and administer Mello-Roos Community Facilities Districts; and

WHEREAS, a Final Map for the North Beyer Park Specific Plan will be recorded in the near future and the Community Facilities District needs to be formed, covering the lots created by the Final Map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to recognize $10,000 in revenue for developer's share of project, and transferring $10,000 from Contingency Reserve Fund #080-800-8000-8003 into project account #080-140-1436-1408.

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 day of February 18, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-83

Print

A RESOLUTION APPROVING SUBMISSION OF A REVISED ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) RESULTING FROM A SUPPLEMENTAL APPORTIONMENT.

WHEREAS, on June 18, 1996, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Funds, and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, SAAG has informed the City of Modesto of an additional $405,895 of Local Transportation funding, and

WHEREAS, of said amount the sum of $6,928 is designated for non-motorized projects, and the remaining $398,967 will be used for Street projects in the Gas Tax Fund ($320,000) and for the Bus Maintenance Facility in the Bus Service Fund ($78,967), and

WHEREAS, an additional $8,027 of State Transit Assistance funding is also available towards operating assistance in the Bus Service Fund, and

WHEREAS, Council action authorizing a supplemental claim is required by SAAG prior to 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 said Supplemental Transportation Development Act claim 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 $405,895 of Local Transportation funding and an additional $8,027 of State Transit Assistance funding resulting from a supplemental apportionment is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-84

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM TO CREATE NINE NEW PROJECTS

WHEREAS, staff successfully applied for the Federal Congestion Management and Air Quality grant funds in the amount of $685,792. $282,800 will be budgeted equally in the FY97-98 and FY98-99 Capital Improvement Program; and

WHEREAS, these funds pay approximately 88.53% of these project expenses and the 11.47% match is covered by $40,000 of LTF Funds, and $17,205 of CFF Street Funds, all which will be transferred from the Contingency Reserves of these funds into the Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program 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 day of , by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-85

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM LTF RESERVES FUND #051 AND FUNDS FROM CFF RESERVES FUND #141 TO THE 1996-97 CAPITAL IMPROVEMENT PROGRAM BUDGET

WHEREAS, staff successfully applied for the Federal Congestion Management and Air Quality grant funds in the amount of $685,792. $282,800 will be budgeted equally in the FY97-98 and FY98-99 Capital Improvement Program; and

WHEREAS, these funds pay approximately 88.53% of these project expenses and the 11.47% match is covered by $40,000 of LTF Funds, and $17,205 of CFF Street Funds, all which will be transferred from the Contingency Reserves of these funds into the Gas Tax Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program 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 day of , by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-86

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM TO CREATE TWO NEW PROJECTS (PREFERENTIAL PARKING FOR CARPOOLERS AND CITY'S RIDESHARE PROGRAM) IN THE AMOUNT OF $54,875 AND REMOVE FUNDS IN THE AMOUNT OF $5,340

WHEREAS, staff successfully applied for the Federal Congestion Management and Air Quality grant funds (CMAQ) in the amount of $54,875 for the Preferential Parking for Carpoolers and City of Modesto Rideshare Program projects; and

WHEREAS, CMAQ funds pay approximately 88.53% of these project expenses and the 11.47% match is covered by the $5,340 REMOVE grant; therefore, these projects will not require any City participation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended as indicated below:

Gas Tax Fund

Revenues	*Increase (Decrease)*
#070-510-9510-3144 REMOVE Grant	$ 3,900
#070-510-9510-3139 TSM Grant	$ 3,477
#070-510-9510-3504 CMAQ Federal Funding	$52,838

Expenditures	
#070-160-H921-6040 Preferential Parking For Carpoolers	$30,315
#070-160-H922-6040 Rideshare Program	$29,900

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 18th day of February, 1997 , by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-87

Print

A RESOLUTION ACCEPTING THE MASTER PLAN FOR THE CITY OF MODESTO'S NON-MOTORIZED TRANSPORTATION, CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, AND DIRECTING THE FILING OF A NOTICE OF DETERMINATION RELATING TO SAID PROJECT.

WHEREAS, the Parks and Recreation Department assumed the administration of the City of Modesto's Non-Motorized Planning effort from the Community Development Department in an effort to stimulate the use of non-motorized transportation as a viable transportation alternative, and

WHEREAS, the Master Plan for Modesto's Non-Motorized Transportation has been prepared by Brady & Associates, Inc., who worked closely with City staff as well as a technical advisory committee consisting of staff from various City departments, the Stanislaus Area Agency of Governments (SAAG), and Caltrans, and

WHEREAS, following two public hearings to solicit input and gather feedback, the Draft Plan was released to the public on June 1, 1996, incorporating said public input, and

WHEREAS, another public workshop was held on June 13, 1996, and the Draft Plan was then submitted to the City Council Transportation Policy Committee on July 22, 1996, and

WHEREAS, after incorporating comments and recommendations from these meetings into the Draft Plan, the plan was submitted to the Planning Commission on October 7, 1996, and

WHEREAS, an Initial Study was prepared for the project pursuant to Appendix I of the CEQA Guidelines in December 1996, and thereafter City staff concluded its study determining that there is no substantial evidence that the project will have a significant effect on the environment, and

WHEREAS, the Council certifies that at its meeting of February 18, 1997, it reviewed and considered the Findings of City staff, which resulted in a negative declaration in regard to the environmental impact relating to the development of a Non-Motorized Transportation Master Plan for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Master Plan for Non-Motorized Transportation for the City of Modesto prepared by Brady And Associates, Inc., and finds that it is consistent with the California Bicycle Transportation Act requirements,

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the Master Plan for Non-Motorized Transportation for the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-88

A RESOLUTION APPOINTING JEROME BEAMISH TO THE LANDMARK PRESERVATION COMMISSION, TERM TO EXPIRE ON JANUARY 1, 1999

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. Jerome Beamish 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 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 February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-89

Print

A RESOLUTION APPOINTING JOHN RUDESILL TO THE GOLF COURSE ADVISORY COMMITTEE, TERM TO EXPIRE ON JANUARY 1, 2000

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. John Rudesill is hereby appointed to the Golf Course Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Golf Course Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-90

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 93-267.

WHEREAS, upon request, copies of various maps and prints are made available to the public by various departments of the City, and

WHEREAS, the Council has previously established fees and charges for obtaining said maps and prints, and

WHEREAS, City staff has recommended an increase in said fees and charges to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on February 25, 1997, to consider the recommended changes,

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

SECTION 1. FEES AND CHARGES: The fees and charges set forth on Exhibit "A", which is attached hereto and made a part hereof as if set forth herein, are hereby established for copies of various maps and prints listed thereon which are obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall be charged to governmental agencies which obtain copies of maps and prints.

SECTION 3. REPEALS. Resolution No. 93-267 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

FEES AND CHARGES
FOR COPIES OF VARIOUS MAPS AND PRINTS
OBTAINED FROM THE CITY OF MODESTO

PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A.	Mylar	$ 8.60
B.	Sepia	$ 1.40
C.	Blue-line	$ .90
D.	Original Photocopy	$ .25
E.	Additional Photocopies	$ .10

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

Fee	$ .90/map, drawing, photo, etc.

MYLAR REPRODUCTION

The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee	$8.60/map, drawing, photo, etc.

PLAIN PAPER COPY FROM MICROFILM

The cost of producing a plain paper copy from microfilm on equipment maintained by the Engineering Division shall be on a per image basis, plus sales tax.

Fee	$4.75/image

Standard Specifications - Original Issue	$45.00
Standard Specifications - Annual Update	$30.00
Mail Standard Specifications	$10.00
Mail Plan Specifications	Cost of UPS & Packaging

EXHIBIT "A"

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-91

A RESOLUTION ALLOWING THE SALE OF ELECTRONIC DATA AND ESTABLISHING A FEE TO BE CHARGED BY ALL CITY DEPARTMENTS FOR THE SALE OF ELECTRONIC DATA AND RESCINDING RESOLUTION NO. 92-250.

WHEREAS, various departments within the City of Modesto are, from time to time, requested to sell electronic computer data which may be in the form of either tapes or floppy disks, and

WHEREAS, the sale of such data falls under the provisions of Section 6256 of the Government Code, and

WHEREAS, City staff recommends that all departments within the City be allowed to sell computer data and charge a fee for said data, and

WHEREAS, City staff has recommended an increase in the minimum fee to be charged for the sale of electronic data to reflect increased costs, and

WHEREAS, the following conditions and fees shall be applicable to all such City departments preparing and selling such data:

1. Any sale of electronic data shall be in accordance with the provisions of Section 6255, et seq. of the Government Code.

2. Fees chargeable for preparing and selling data shall include:

a. The actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the date in transmittable form; the minimum amount to be charged being the sum of $18.00.

b. The cost of the media (disk), if furnished by the City.

c. The sum of $42.00 per megabyte (approximately 250 pages of data) sold. The fee per megabyte of data shall be prorated for fractions of megabytes, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Modesto that all departments within the City shall be allowed to sell electronic data and charge a fee for said data to include the actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form in a minimum amount of $18.00, together with the cost of the tape or disk if furnished by the City, and the sum of $42.00 per megabyte of proration thereof for fraction of megabyte provided.

BE IT FURTHER RESOLVED that Resolution No. 92-250 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

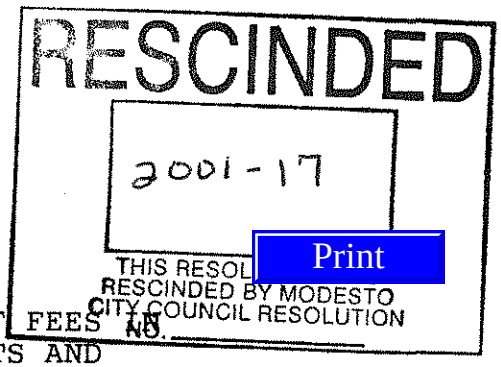
AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 97-92

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 93-262.

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

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

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by

the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code,

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

BE IT FURTHER RESOLVED that Resolution No. 93-262 adopted by the City Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Resolution # 97-92

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

	TYPE PERMIT[6]	BASIC PERMIT[5] & INSP.	STAKING[1]	CRACK FILLING	PAVING[1]	CODE OR RES. REFERENCE
1.	Curbs and curb cuts	$82.00/lot[7]	4.50/l.f.	----	by City	7-1.108
2.	Sidewalks	$38.50/lot[7]	----	----	----	7-1.108
3.	Sewer Service from lot to sewer lateral	$48.50/each	----	$.72/l.f. of trench	$6.80/s.f.[9]	5-6.08; 7-2.22
4.	Sewer Laterals[2]	$1.44/l.f.	0.72/l.f.	$.72/l.f. of trench	$6.80/s.f.[9]	5-6.08; 7-2.22
5.	Storm Drains (through curb)	$32.50/each	----	----	----	7-1.108
6.	Utilities[3] Major Const.	$68.00/each	----	$.72/l.f. of trench	$6.80/s.f.[9]	7-2.27; 7-2.22
7.	Utilities[3] Service and Repair	$68.00/each	----	included in permit fee	$6.80/s.f.[9]	7-2.27; 7-2.22
8.	Street Closures (temporary)	$109.50/each	----	----	----	7-2.14
9.	Street Lights	$72.50/each	----	$.72/l.f. of trench	----	7-1.108

10.	Rock Wells or Storm Drain Connections	$72.50/each	----	$.72/l.f. of trench	----	7-1.108
11.	Street Construction	$77.50/lot[7]	----		----	7-1.108
12.	Improvements[8]	$67.00/lot[7]	----	$.72/l.f. of trench	----	7-1.108
13.	Other work not listed[10]	To be calculated	----	----	----	7-1.108
14.	Install refractor steel pole	$55.00/each	----	----	----	7-1.108
15.	Added refractor steel pole	$13.50/each	----	----	----	7-1.108
16.	Install mast arm wood pole	$125.00/each	----	----	----	7-1.108
17.	Added mast arm wood pole	$102.50/each	----	----	----	7-1.108
18.	Investigation of site[4]	To be calculated	----	----	----	7-1.108 7-2.27
19.	Install luminaire, standard pole	$20.50/each	----	----	----	7-1.108
20.	Soil Core Sample	$85.00/each	----	----	----	7-1.108

(1) Where no fee is shown, the work is to be performed by others as needed.

(2) Small laterals or extensions designed and drawn by the City shall pay an additional $3.75/l.f.

(3) Utility relocation required for City projects is not subject to a charge.

(4) Whenever any work is started in the public right of way for which a permit is required without first obtaining an encroachment permit, a special investigation shall be made before a permit is issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this resolution. The minimum investigation fee shall be the same as the minimum fee set forth for the specific type of work performed.

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

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

(6) Permits are required for all work done in all public rights of way, including public utility easements.

(7) For lots greater than 100′ frontage, each 100′ or part thereof is considered to be one "lot", (distance to be measured to nearest 100 feet).

(8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.

(9) Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the City Engineer.

(10) To be calculated by the Public Works and Transportation Director in each instance, based on the actual cost of doing the work including overhead.

AMENDED
on Mar. 22, 2011
By Resolution 2011-104

MODESTO CITY COUNCIL
RESOLUTION NO. 97-93

A RESOLUTION ESTABLISHING FILING FEES FOR SUBDIVISION AND PARCEL MAPS AND RESCINDING RESOLUTION NO. 93-264.

Print

WHEREAS, Section 4-4.106 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish filing fees for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, City staff has recommended an increase in the filing fees for the processing of tentative and final subdivision and parcel maps, and other procedures to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended increases in the filing fees for the processing of tentative and final subdivision and parcel maps and other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures required and authorized by Chapter 4 of Title IV of the Modesto Municipal Code are hereby established as follows:

(a)	Reversion to acreage	$190.50
(b)	Final parcel map checking fee	$385.00
(c)	Final (subdivision) map checking fee for subdivisions of 10 or less lots	$385.00

(d)	Final (subdivision) map checking fee for subdivisions of 10 or more lots	$385.00
	Plus per each lot in excess of 10	$ 7.85
(e)	Parcel map improvement plan check fee	$240.00
(f)	Subdivision improvement plan check fee for subdivisions of 10 or less lots	$335.00
(g)	Subdivision improvement plan check fee for subdivisions of 10 or more lots	$335.00
	Plus each lot in excess of 10	$ 11.50
(h)	Property owners' association document checking fee	$185.00
(i)	Certificate of compliance	$137.00
(j)	Summary right of way abandonment	$207.00
(k)	Microfilming fee for subdivision map and improvement plans	
	Initial Page	$ 4.00
	Additional Pages	$ .75

SECTION 2. REPEALS. Resolution No. 93-264 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

RESCINDED
2000-581
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-94

A RESOLUTION REVISING SEWER SERVICE CHARGES AND RESCINDING RESOLUTION NOS. 90-734, 93-266, AND 96-301.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, the Council recognizes the need to rehabilitate and expand the Wastewater Treatment System to promote economic development and to protect the environment, and

WHEREAS, a review of sewer service charges has been made to include charges for schools and dumping of septic waste at the sewage treatment plant.

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial" shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

Density Category	Property Sq. Ft. Per Dwelling Unit
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks" shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	$11.29
Each dwelling unit in a duplex	8.82
One additional dwelling unit or mobile home on a lot	8.82
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	7.26

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as

S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	Sewer Service Charges Per 1000 Gals. of Water Used
Group 1	$1.86
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
Group 2	2.17
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
Group 3	2.64
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	
Group 4	3.17
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1	

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	$23.45
Group 2	27.02
Group 3	33.12
Group 4	39.74

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 60/100ths ($1.60) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $762.74 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $90.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $83.04 per one

thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. SEWER SERVICE CHARGES FOR SCHOOL SERVICE.

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

Domestic Use - ADA (Average daily attendance) x c.f./pupil/month x 12 months x $\frac{\$ .58}{133.69 c.f.}$

Where:

K-6 Schools	- 10 cu.ft./pupil/month
K-8 Schools	- 13 cu.ft./pupil/month
7-8 Schools	- 24 cu.ft./pupil/month
High Schools	- 36 cu.ft./pupil/month
College	- 36 cu.ft./pupil/month

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

Empire Union School District	Grade Range
Capistrano Elementary	K-5
Christine Sipherd Elementary	K-5
Bernard Hughes Elementary	K-5

Modesto City School District	
Harriet Kirschen Elementary	K-6
Elihu Beard Elementary	K-6
Fred C. Beyer High	9-12
Grace Davis High	9-12
Downey High	9-12
Enslen Elementary	K-6
Catherine Everett Elementary	K-6
Franklin Elementary	2-6
John C. Fremont Elementary	K-6
William H. Garrison Elementary and Joseph M. Kelly Center	K-6
Lakewood Elementary	K-6
La Loma Junior High	7-8
Alberta Marton Elementary	K-6
Modesto High	9-12
John Muir Elementary	K-6
Robertson Road Elementary	K-6
Roosevelt Junior High	7-8
Rose Avenue Elementary	K-6
Sonoma Elementary	K-6
Elliot Alternative Education Center	9-12
Mark Twain Junior High	7-8
Wilson Elementary	K-6
Burbank Elementary	K-6
Salida Union School District	
Mildred Perkins Elementary	K-5
Stanislaus Union School District	
Chrysler Elementary	K-6
Eisenhut Elementary	K-6
Muncy Elementary	K-6
Prescott Junior High	7-8
Agnes Baptist Elementary	K-6
Sylvan Union School District	
Coleman F. Brown Elementary	K-6
Sherwood Elementary	K-6
Somerset Junior High	7-8
Standiford Elementary	K-6
Stockard Coffee Elementary	K-6
Sylvan Elementary	K-6
Woodrow Elementary	K-6

Yosemite Community College District Modesto Junior College - East Campus	College
Central Catholic High	9-12
St. Stanislaus Elementary	K-8
Our Lady of Fatima Elementary	K-8

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

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

(d) All other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.

SECTION 6. SEWER SERVICE CHARGES FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The sewage dumping charge will be calculated at the current rates using the industrial rates and the following formula:

Biological Oxygen Demand (BOD); 3,680 MG/L
Suspended Solids (SS): 20,430 MG/L
Loads of Septic Waste to Plant: 4,211
Approximate Gallons of Septage 1992-93: 12,767,375

Flow Charge at current rate for industrial users per 1,000 gallons $740.52 per million gallons	$ 0.74
BOD Surcharge: (3,680-200) x 0.001 x 8.34 x 87.58/1,000	$ 2.54
SS Surcharge: (20,430-200) x 0.001 x 8.34 x 80.62/1,000	$13.60
Clean Septic Pit Twice per week - Equipment Operator and Vactor Truck	
Operator (116) 2 min x $15.8040 hr x 2.71 (benefits and overhead)/60 min/hr	$ 1.43
Vactor truck 2 min x $20.74/60 min/hr	$ 0.69
Total Dump Charges per 1,000 gallons of sewage	$19.00

SECTION 7. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

(a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).

(b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control

Plant headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.

(c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.

(d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.

(e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge of concentrated sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 8. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 9. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to

reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	$6.99
Each dwelling unit in a duplex	3.34
One additional dwelling unit or mobile home on a lot	3.34
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	3.34
Billing Fee	0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 10. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the

Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 11. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

Land Use	Intensity of Development Factor (IDF)
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

ARN	Square Footage of Property
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

Square Footage of Property	Monthly Charge
0-3500 SF	$1.65
3501-7000 SF	3.23
7000 + SF	4.85

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.58. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.58.

(g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city

street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 12. EFFECTIVE DATE. This resolution shall become effective May 1, 1997.

SECTION 13. RESCINDING PRIOR RESOLUTIONS. Upon the effective date of this resolution, Modesto City Council Resolution No. 90-734, 93-266, and 96-301 are hereby by rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-95

Print

A RESOLUTION ESTABLISHING A SEWER BOND REDEMPTION CHARGE AND WATER CONNECTION CHARGE INSPECTION FEES AND RESCINDING RESOLUTION NO. 92-262.

WHEREAS, Section 5-6.04 of the Modesto Municipal Code provides for a fee for inspection of property to determine the acreage to be used in determining the sewer bond redemption charge imposed by said section, and

WHEREAS, Section 11-1.05(d)(3) of the Modesto Municipal Code provides for a fee for inspection of property to determine area of a parcel to be used in determining water connection charges, and

WHEREAS, the Council has previously adopted such fees, and

WHEREAS, City staff has recommended an increase in said fees to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended fees increase,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes a Sewer Bond Redemption Charge Inspection Fee in the amount of $37.00 to be charged for each inspection of property to determine the acreage to be used in determining the sewer bond redemption charge imposed by Section 5-6.04 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby establishes a Water Connection Charge Inspection fee in the amount of $37.00 to be charged for each inspection of property to determine the square foot area to be used in determining the water connection charge imposed by Sections 11-1.05(a) and 11-1.05(b) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that Resolution No. 92-262 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-96

Print

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE AND RESCINDING RESOLUTION NO. 93-259

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee for property that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to reflect increased construction costs, and

WHEREAS, the Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall pay to the City a fee of $33.00 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 93-259 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-97

A RESOLUTION ESTABLISHING CONDITIONS FOR PAYMENT IN INSTALLMENTS OF SEWER BOND REDEMPTION CHARGES AND SUBTRUNK EXTENSION CHARGES FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS, CHURCHES AND OTHER SIMILAR RELIGIOUS INSTITUTIONS AND RESCINDING RESOLUTION NO. 92-267.

WHEREAS, Sections 5-6.05(a) and 5-6.07 of the Modesto Municipal Code provide that this Council may establish conditions under which sewer bond redemption charges and subtrunk sewer extension charges required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments, and

WHEREAS, periodically this Council receives requests from owners of single-family residential dwellings and from churches and other similar religious institutions for permission to pay sewer bond redemption charges and subtrunk sewer extension charges in installments, and

WHEREAS, City staff has recommended an increase in the fee to process said installment payments to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby establishes the following conditions under which sewer bond redemption charges and subtrunk extension

charges (hereinafter called "charges") for single-family residential dwellings, churches and other similar religious institutions required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments:

1. A written request must be made by the property owners, churches and other similar religious institutions for the payment of charges in installments. Said request must be made on or before the date on which the charges are payable.

2. A fee of Twenty-five and 50/100ths ($25.50) Dollars shall be paid at the time the request is made to cover the cost of processing the spreading of the charges and interest, including the cost of recording the notice that the charges and interest have been paid.

3. Charges may be spread up to a maximum of two (2) years.

4. All or part of the charges that are due and payable may be spread.

5. Deferred charges shall bear interest on the unpaid balance at the rate of twelve (12%) percent per annum.

6. Deferred charges and interest shall be added to the sewer service charges established by Section 5-6.02 of the Modesto Municipal Code in as nearly equal installments as possible and shall be payable in accordance with the provisions

of Section 5-6.11 of the Modesto Municipal Code, except that they shall not be entitled to a discount for advance payment.

7. There shall be recorded in the office of the County Recorder of Stanislaus County a notice of the charges and interest which are spread.

8. After all charges and interest have been paid in full, a notice of such payment shall be recorded in the office of the County Recorder of Stanislaus County.

BE IT FURTHER RESOLVED that Resolution No. 92-267 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-98

A RESOLUTION ESTABLISHING AN ADVANCE DEPOSIT FOR SEWER SERVICE AND RESCINDING RESOLUTION NO. 92-265.

WHEREAS, Section 5-6.02.1 of the Modesto Municipal Code provides that an advance sewer deposit shall be required for each premise where the City does not provide water, and

WHEREAS, Section 5-6.02.1 of the Modesto Municipal Code further provides that the Council may establish from time to time by resolution advance sewer deposits, and

WHEREAS, City staff has recommended changes to the advance deposit for sewer service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 5-6.02.1 of the Modesto Municipal Code, hereby establishes an advance sewer deposit of Twenty-five and no/100ths ($25.00) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 92-265 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-99

A RESOLUTION ESTABLISHING A RECONNECTION CHARGE FOR SEWER SERVICE AND RESCINDING RESOLUTION NO. 92-256.

WHEREAS, Section 5-6.15 of the Modesto Municipal Code provides that in cases where bills for sewer service shall become delinquent, the Public Works and Transportation Director may disconnect the premises from the sewage system, and

WHEREAS, Section 5-6.15 of the Modesto Municipal Code further provides that the City Council may establish charges for reconnection of premises to the sewage system by resolution duly adopted by the Council, and

WHEREAS, City staff has recommended changes in the reconnection charge for sewer service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 5-6.15 of the Modesto Municipal Code, hereby establishes a charge of Four Hundred Fifty and no/100ths ($450.00) Dollars for reconnection of any premises to the sewage system which have been disconnected from said sewage system because of the failure of any user to pay any sewer service charge prior to delinquency thereof.

BE IT FURTHER RESOLVED that Resolution No. 92-256 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-100

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 93-261.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect current costs of providing service, and

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of fees and charges for water service to be charged to consumers for water services in the City of Modesto:

SCHEDULE OF FEES AND CHARGES
FOR WATER SERVICES

Modesto Municipal Code Reference	Name of Fee or Charge and Itemization	Fee or Charge
11-1.04	Water service installation charges	
	1" service	$1,108.00
	1-1/2" service	1,130.00
	2" service	1,156.00
	4"-6" service	2,131.00
	8" service	2,347.00
	10" or larger service	COST
	Connection to existing main	2,820.00
11-1.04	Additional Charge for each water service installation involving pavement removal and/or replacements.	$ 439.00
	Water system fee - for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 12" and larger lines and fire hydrants installed at minimum spacing.	.05*
	Water system fee - for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10" and larger lines and fire hydrants installed at minimum spacing.	.05
11-1.05(a)	Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	18.00
	Water single check valve, 4 in.	390.00
	Water single check valve, 6 in.	479.00
	Water single check valve, 8 in.	688.00

	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(b)	Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.	18.00
	Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.	50.00
	Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.	50.00
	Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge	8.3%
11-1.05(c)(4)	Fire hydrant installation, each	$2,635.00
	Fire hydrant line to main per lineal foot	3.00
	Additional charge for each hydrant installation involving pavement removal and/or replacement.	439.00
	Fire main test	90.00
11-1.06(e)	Meter installation cost	
	Each 1" meter, New Service	$ 115.00
	Each 1" meter with traffic lid, New Service	176.00
	Each 1" meter, Retrofit Service	520.00
	Each 1" meter with traffic lid, Retrofit Service	600.00
	Each 1-1/2" meter	484.00
	Each 1-1/2" meter with traffic lid	545.00
	Each 2" meter	520.00
	Each 2" meter with traffic lid	582.00

	Each 4" meter	1,820.00
	Each 6" meter	2,400.00
	Each 8" meter	3,350.00
	Each 10" or larger meter	COST
11-1.09	Fire hydrant charge for construction water used.	COST OF WATER
11-1.09	Deposit to install meter on fire hydrant for construction water	500.00
11-1.14(e)	Water bill delinquent charge. (LATE CHARGE)	4.35
11-1.14(e)	Water disconnection NOTICE.	10.00
11-1.14(e)	Water Disconnect	10.00
11-1.14(e)	Water Reconnect	10.00
11-1.14(e)	Unauthorized Reconnect	25.00
11-1.14(e)	Lock Breakage	50.00 (plus lock)
11-1.14(e)	Disconnect Waterline at main for non-payment	375.00
	Collection Agency Fee For use of collection agency to collect on unpaid utility bills (sewer and water)	16.50
	Utility Credit Check For relieving customer of deposit requirement. This is a computer check through a private credit agency	1.80

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)

BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after May 1, 1997.

BE IT FURTHER RESOLVED that Resolution No. 93-261, adopted by the Council May 4, 1993, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

RESCINDED
2000-45
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-101

A RESOLUTION ESTABLISHING CHARGES FOR METERED WATER SERVICES AND UNMETERED WATER SERVICES, ESTABLISHING DISCOUNTS FOR SENIOR AND DISABLED CITIZENS, AND RESCINDING RESOLUTION NOS. 90-735, 93-260, AND 94-99.

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

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

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

Ready to Serve Charge:
On and After April 1, 1994

Size of Meter	Monthly Rate March 1, 1994
¾"	$ 14.35
1 "	19.10
1½"	23.73
2 "	28.63
3 "	38.18
4 "	49.65
6 "	74.63
8 "	95.32
10 "	114.91
12 "	134.56
The charge for each additional 100 cf over 1,680 cf on a monthly rate	.86

Commodity Charge:

For the first one thousand six hundred eighty (1,680) cubic feet of water delivered through a water meter, per monthly period the monthly ready-to-serve charge shall apply for each meter size. For all water over one thousand six hundred eighty (1,680) cubic feet delivered through a water meter per monthly period, the charge shall be eighty-six ($.86) cents per one hundred (100) cubic feet.

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

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

SECTION 2. CHARGES FOR UNMETERED WATER SERVICES. The charge for all water delivered from an unmetered service after March 1, 1994, shall be as follows:

Lot Area	Monthly Rate March 1, 1994
3,500 SF, or less	$18.80
3,501 to 7,000 SF	21.68
7,001 to 10,500 SF	24.30
10,501 to 14,000 SF	26.91
14,001 to 17,500 SF	32.40
17,501 to 21,000 SF	37.99
For each 3,500 SF or fraction thereof over 21,000	5.11

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

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

SECTION 3. CHARGES FOR UNMETERED WATER SERVICES TO SCHOOLS.

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

Domestic Use - ADA (Avg. daily attendance) x c.f./pupil/month x 12 months x $\frac{\$2.90}{1000 \text{ c.f.}}$

Where:

K-6 Schools	- 10 cu. ft./pupil/month
K-8 Schools	- 13 cu. ft./pupil/month
7-8 Schools	- 24 cu. ft./pupil/month
High Schools	- 36 cu. ft./pupil/month
College	- 36 cu. ft./pupil/month

(b) Irrigation

140,000 cu. ft./acre/year x no. of acres x $2.90/1000 c.f.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Criteria to receive the discount is as follows:

1. Must be 60 years old.

2. Must live alone or with spouse.

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

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

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

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

7. All applicants must complete an application.

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

BE IT FURTHER RESOLVED that Resolution Nos. 90-735, 93-260, and 94-99 are hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-102

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR A PERMIT FOR MONITORING WELLS OR EMERGENCY EXTRACTION WELLS AND RESCINDING RESOLUTION NO. 93-258.

WHEREAS, the City Council has adopted Section 5-1.503 of Chapter 1 of Title V of the Modesto Municipal Code which authorizes an application fee for a permit for monitoring wells and emergency extraction wells, and

WHEREAS, application for the permit will generate certain costs which must now be compensated for, and

WHEREAS, City staff has recommended changes to the schedule of fees for monitoring wells or emergency extraction wells, and

WHEREAS, the City Council held a public hearing at a regular meeting on February 25, 1997, to consider the recommended changes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fee for the above described permit shall be a fixed charge of Forty-two and no/100ths ($42.00) Dollars, plus a fixed charge of Ninety-six and no/100ths ($96.00) Dollars for each well installed.

BE IT FURTHER RESOLVED that Resolution No. 93-258 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-103

A RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND STAND-BY SERVICE TO THE COUNTY OF STANISLAUS AND RESCINDING RESOLUTION NO. 93-257.

WHEREAS, the County of Stanislaus, a political subdivision of the State of California, maintains in said County a County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, and

WHEREAS, water is used in large quantities at said Hospital, which water is ordinarily supplied from water pumps or plants owned and operated by said County, and

WHEREAS, in event that the said plants owned and/or operated by said County should break down or for some reason become incapable of operation, it will be necessary for said County to secure water from some other source to supply said Hospital, and

WHEREAS, to insure a ready supply of water at all times it becomes necessary to have a supply in readiness at all times, which readiness to supply water at all times is hereinafter referred to as stand-by service, and

WHEREAS, the City of Modesto, a municipal corporation of Stanislaus County, California, is possessed of a supply of water and can furnish water to said County for the use of said Hospital and can likewise furnish stand-by service for the same, and

WHEREAS, the said County desires said City to furnish water for said Hospital when the same may be needed and to likewise furnish stand-by service for the same, and

WHEREAS, Section 11-1.08 of the Municipal Code authorizes the Council to establish by resolution the rate to be charged for providing water services to governmental agencies,

WHEREAS, the City Council held a public hearing at its regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that stand-by water service be supplied by the said City of Modesto for the said County Hospital, Stanislaus Medical Center, located at 830 Scenic Avenue, in the City of Modesto, for the sum of $46.60 monthly, payable whether any water belonging to the City of Modesto is used at said Hospital or not. In the event said City does furnish water for said County Hospital, said water shall be so furnished at the rate of $8.00 per day or fraction thereof, in addition to the stand-by charge stated above.

BE IT FURTHER RESOLVED that in the event the said County desires the services of said City as aforesaid, all requests for the same shall be directed to the office of the Public Works and Transportation Director of said City of Modesto between the hours of 8:00 a.m. and 5:00 p.m. on all working days

and to the City of Modesto Pump Control Station, telephone number 577-5325, at all other hours.

BE IT FURTHER RESOLVED that Resolution No. 93-257 adopted by the Council on May 4, 1993, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Freidman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-104

A RESOLUTION ESTABLISHING AN ADVANCE DEPOSIT FOR WATER SERVICE AND RESCINDING RESOLUTION NO. 92-252.

WHEREAS, Section 11-1.13 of the Modesto Municipal Code provides that an advance deposit shall be required for each water service, and

WHEREAS, Section 11-1.13 of the Modesto Municipal Code further provides that the City Council may establish from time to time by resolution advance water deposits, and

WHEREAS, City staff has recommended changes in the advance deposit for water service to reflect increased costs, and

WHEREAS, the City Council held a public hearing at a regular meeting on February 25, 1997, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, in accordance with the authority contained in Section 11-1.13 of the Modesto Municipal Code, hereby establishes an advance water deposit of Twenty-five and no/100ths ($25.00) Dollars for water service.

BE IT FURTHER RESOLVED that Resolution No. 92-252 adopted by the Council on May 19, 1992, is hereby rescinded effective April 30, 1997.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after May 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-105

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR REPAINTING STREET LIGHT STANDARDS

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 repainting street light standards, for up to five years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-106

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE DIGITAL 800 MHZ RADIO SYSTEM

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 one digital 800 MHZ radio system, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-107

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE SET OF REACTOR ARMS

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 one set of reactor arms to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-108

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR ONE ROTARY MOWER

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 one rotary mower to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 18, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-109

A RESOLUTION ACCEPTING THE WOODLAND AVENUE LIFT STATION ODOR CONTROL PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Woodland Avenue lift station odor control project, has been completed by Conco-West, Inc., in accordance with the contract agreement dated March 19, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Woodland Avenue lift station odor control project 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 $49,250.00, 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 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-110

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF AERIAL SURVEYING SERVICES FOR THE CARPENTER ROAD LOW ALTITUDE MAPPING PHOTOGRAMMETRY (LAMP) PROJECT FROM TOWILL, INC. FOR $22,095.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of aerial surveying services for the Carpenter Road low altitude mapping photogrammetry project are hereby waived.

BE IT FURTHER RESOLVED that the purchase of aerial surveying services for the Carpenter Road low altitude mapping photogrammetry (LAMP) project from Towill, Inc. for $22,095.00, 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 February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-111

A RESOLUTION APPROVING AN AGREEMENT WITH STATE OF CALIFORNIA, STATE LANDS COMMISSION FOR THE INSTALLATION OF ONE SIXTY-INCH AND TWO EIGHTEEN-INCH DIAMETER SANITARY SEWER PIPELINES CROSSING THE TUOLUMNE RIVER

BE IT RESOLVED by the Council of the City of Modesto that the agreement with State of California, State Lands Commission for the installation of one sixty-inch and two eighteen-inch diameter sanitary sewer pipelines crossing the 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 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-112

A RESOLUTION APPROVING AN AGREEMENT WITH CALVARY TEMPLE ASSEMBLY OF GOD OF MODESTO FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Calvary Temple Assembly of God of Modesto for the purchase of right of way needed for the Coffee/Briggsmore intersection widening 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 February, 1997, by Councilmember Fisher, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-113

A RESOLUTION APPROVING AN AGREEMENT WITH CALVARY TEMPLE ASSEMBLY OF GOD OF MODESTO FOR AUTHORIZATION TO ENTER UPON LAND FOR THE PURPOSE OF CONSTRUCTION OF IMPROVEMENTS IN CONJUNCTION WITH THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Calvary Temple Assembly of God of Modesto for authorization to enter upon land for the purpose of construction of improvements in conjunction with the Coffee/Briggsmore intersection widening 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 February, 1997, by Councilmember Fisher, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-114

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH SKYTREK AVIATION FUELS, INC. FOR THEIR OPERATIONS AT THE MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Skytrek Aviation Fuels, Inc. for their operations at Modesto City-County Airport 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 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-115

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:

Custodian I

Custodian II

The job specifications for the classification of Custodian I (Range 101), as shown on the attached Exhibit "A", and Custodian II (Range 107) 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Custodian

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after February 25, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

FEBRUARY 1997
NO. 6822

CITY OF MODESTO

CUSTODIAN I

This position is an entry level custodial position. Positions may be filled by regular, permanent employees or with permanent, part-time employees. Progression from Custodian I to II will be based on competency and organizational needs.

DEFINITION

To perform routine custodial duties related to the care, maintenance, and cleaning of assigned buildings and facilities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Custodian Supervisor, Maintenance Worker II, or Custodian II positions.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Clean and sanitize restroom facilities and fixtures including sinks, urinals and toilets; clean and sanitize drinking fountains.

Sweep, vacuum, mop, wax, strip, and polish floors; vacuum and shampoo carpets.

Dust and polish furniture, woodwork, fixtures, and equipment.

Wash windows, mirrors and walls.

Clean desks and counter tops and other vertical and horizontal surfaces.

Empty, clean and sanitize waste receptacles.

Replenish supplies in restrooms, kitchens and other areas as required.

Move and arrange furniture and equipment and set-up rooms for conferences and meetings.

Replace fluorescent and incandescent lamps; clean lighting fixtures and replace lenses.

Clean air vents and replace filters as required.

Pick up papers and other debris.

EXAMPLES OF DUTIES, Continued:

Work irregular shifts as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, and equipment used in custodial work.

Safe work practices.

Ability to:

Clean and care for assigned areas and equipment.

Use a variety of custodial equipment, supplies and materials.

Use and work from ladders.

Understand and follow oral and written directions.

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

Perform manual labor, meaning lifting and carrying up to seventy-five (75) pounds of weight.

Work independently in the absence of direct supervision.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

None; Some custodial experience is desirable.

Training:

Completion of formal or informal education at a level which provides the ability to read and write at a level required by the job.

QUALIFICATIONS, Continued

License or Certificate

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

Note: this position may be required to pass a full background investigation

FEBRUARY 1997
NO. 6820

CITY OF MODESTO

CUSTODIAN II

This position is distinguished from the Custodian I by the independence of direct supervision on a regular basis, by the direction given to Custodian I's, temporary or non-paid personnel, and the performance of the full range of custodial duties and performance of grounds and facility maintenance tasks.

DEFINITION

To perform the full range of custodial duties related to the care, maintenance, and cleaning of assigned buildings and facilities; to perform a wide range of grounds and facility maintenance duties.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Custodian Supervisor or Maintenance Worker II; provides direction to Custodian I's, temporary or non-paid personnel.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Clean and sanitize restroom facilities and fixtures including sinks, urinals and toilets; clean and sanitize drinking fountains.

Sweep, vacuum, mop, wax, strip, and polish floors; vacuum and shampoo carpets.

Operate and maintain a full range of power equipment such as buffers, extractors, pressure washers and carpet cleaners.

Dust and polish furniture, woodwork, fixtures, and equipment.

Wash windows, mirrors and walls.

Clean desks and counter tops and other vertical and horizontal surfaces.

Empty, clean and sanitize waste receptacles.

Replenish supplies in restrooms, kitchens and other areas as required.

Move and arrange furniture and equipment and set-up rooms for conferences and meetings.

Replace fluorescent and incandescent lamps; clean lighting fixtures and replace lenses.

EXAMPLES OF DUTIES, Continued:

Clean air vents and replace filters as required.

Pick up papers and other debris.

Assist in the training of subordinate staff.

Plant, prune and maintain shrubbery around public facilities.

Patch, prepare and paint walls, ceilings, doors and other areas associated with public buildings. Remove and/or paint over graffiti on interior and exterior of public buildings.

Perform minor building maintenance repairs. Report major building maintenance problems.

Maintain and repair tables and chairs.

Work irregular shifts as required.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, and equipment used in custodial work, grounds maintenance work and in the painting and repair of public buildings.

Safe work practices.

Ability to:

Clean and care for assigned areas and equipment.

Use a variety of custodial equipment, supplies and materials.

Use a variety of grounds maintenance equipment, supplies and materials.

Use a variety of tools and equipment used in the painting and repair of public buildings.

Use and work from ladders.

Ability to, Continued:

Understand and follow oral and written directions.

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

Give direction to Custodian I's or other subordinates.

Perform manual labor, meaning lifting and carrying up to seventy-five (75) pounds of weight.

Work independently in the absence of direct supervision.

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 custodial or grounds/facility maintenance experience, preferably in large commercial buildings or public buildings.

Training:

Completion of formal or informal education at a level which provides the ability to read and write at a level required by the job.

License or Certificate

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

Note: Persons in this position must pass a full background investigation.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-116

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH SALARY RANGES FOR CUSTODIAN I AND CUSTODIAN II.

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 February 25, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Custodian I (Range 101) and Custodian II (Range 107), and deletes Custodian.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 25, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of February, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective February 25, 1997

RANGE	TITLE
101	Custodian I
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 & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator

116	Code Enforcement Officer II
	Equipment Operator
	Fire Prevention Technician I
	Meter Reader/Repair Worker
	Motor Sweeper Operator
	Traffic Technician
	Traffic Painter
	Traffic Sign Worker
	Water Line Worker
	Wastewater Collection System Operator
117	Electrical Technician II
	Storm Water Inspector
118	Tree Trimmer
	Senior Storeskeeper
	Street Trees Crewleader
	Parking Lot Maintenance Crewleader
	Parks Crewleader
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
120	Welder/Fabricator
	Senior Equipment Operator
	Fire Prevention Technician II
	Equipment Mechanic
	Assistant Electrician
	Traffic Painter Crewleader
	Accountant I
	Assistant Lab Technician
	Systems Technician
	Meter Reader Crewleader
121	

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-117

A RESOLUTION GRANTING THE APPEAL OF MID-VALLEY ENGINEERING, ON BEHALF OF LEONARD SORANNO, TO A DECISION OF THE PLANNING COMMISSION AND APPROVING AN AMENDMENT TO SECTION 2 OF RESOLUTION NO. 88-578, AS AMENDED BY RESOLUTION 91-42, TO PROVIDE FOR AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(450), FOR A FREESTANDING SIGN FOR THE WALGREEN DRUG STORE AT THE SOUTHEAST CORNER OF CARVER AND STANDIFORD AVENUE.

WHEREAS, Planned Development Zone, P-D(450), was approved by the City Council by Ordinance No. 2599-C.S., which became effective on September 8, 1988, to allow all permitted and conditional P-O zone uses, a restaurant, and multi-family condominium units on property located at the southeast corner of Standiford Avenue and Carver Road, and

WHEREAS, Modesto City Council Resolution No. 88-578 approved the Development Plan for Planned Development Zone, P-D(450), subject to certain conditions of approval contained therein, and

WHEREAS, City Council Resolution No. 91-42, adopted on January 22, 1991, approved plans for the Walgreen Retail Drug Store, on the corner location previously approved for a restaurant and/or office, and limits the signs allowed in the non-residential portion of P-D(450) to those of the Highway Commercial, C-3 Zone, which zone does not allow a free-standing sign for the subject free-standing use, and

WHEREAS, a verified application for an amendment to

P-D(450) was filed by Leonard Soranno, on December 17, 1996, for an eight-foot-high, 47.5 square-foot free-standing monument sign at the corner of Carver Road and Standiford Avenue, and

WHEREAS, said application was set for a public hearing before the Planning Commission on February 10, 1997, 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, thereafter, the Planning Commission adopted Resolution No. 97-05 denying the request of the applicant for the reasons set forth in said Planning Commission Resolution, and

WHEREAS, by letter dated February 13, 1997, which was received by the City Clerk on February 14, 1997, from Dennis E. Wilson, on behalf of Leonard Soranno, an appeal was filed with the City Council to the decision of the Planning Commission, which denied the request for an amendment to P-D(450), for a free-standing monument sign to identify the Walgreen Retail Drug Store location, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place located in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:00 p.m., on March 4, 1997, at which date and time evidence both oral and documentary was taken and introduced, and

WHEREAS, after said duly noticed public hearing, the

Council of the City of Modesto found and determined that said appeal of Dennis E. Wilson, on behalf of Leonard Soranno, to the decision of the Planning Commission to allow a six-foot-high, 47.5 square-foot free-standing sign with lower monument at the corner of Carver Road and Standiford Avenue, should be granted as consonant with public necessity, convenience and general welfare for the following reasons:

1. By lowering the requested overall height from eight feet to six feet, and by limiting the monument base to two feet in height, the proposed sign will provide adequate identification for the retail use.

2. The requested sign contains a maximum of 48-square feet in area and is of the "monument" style mandated in the City's most recent sign code change.

3. The limitation placed on wall signs allowed on the applicant's building assures that there will not be excessive signage on the site.

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

SECTION 1. That the appeal of Dennis E. Wilson, on behalf of Leonard Soranno, to the decision of the Planning Commission, to allow a six-foot-high, 47.5 square-foot free-standing monument sign at the corner of Carver Road and Standiford Avenue, is hereby approved, subject to condition number 18 set forth below.

SECTION 2. That Section 2 of Modesto City Council Resolution No. 88-578, entitled "A Resolution Granting the Appeal of Mid-Valley Engineering on Behalf of Summerview Associates

Approving the Development Plan for Planned Development Zone, P-D(450), Property Located on the Southeast Corner of Standiford Avenue and Carver Road, and Overruling the Decision of the Planning Commission (Summerview Associates)", as amended by Resolution No. 91-42, is hereby amended to read as follows:

"SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(450), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "The Commons and a Restaurant", as amended in red, stamped approved by the City Council on July 12, 1988, and the plan stamped approved by the City council on January 22, 1991.

   a. That the residential buildings adjacent to the east and south property lines shall be one story. These buildings shall have no doors opening to the rear yards.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the property line south of building No. 2. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Eight-foot high wood fence with decorative masonry pilasters along the east and south property lines. There shall be approximately a 6'8"-foot board on top of a 1'4"-foot masonry base.

b. Eight-foot decorative masonry wall shall be installed along the south and east property lines of the restaurant property.

4. That a six-foot high solid screening shall be installed on the second floor landing on the south end of building No. 2. A six-foot high solid screening shall also be installed along on the top half of the staircase to this landing.

5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

6. The developer shall dedicate street right-of-way required by the Engineering Services Director to complete Standiford Avenue to major street standards and Carver Road to collector street standards. Said dedication shall be made prior to the issuance of a building permit or at any time requested by the Engineering Services 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 Services Director. Improvements shall be constructed in accordance with the approved plans.

8. All private streets and parking areas shall be constructed in accordance with the standard structural section for residential streets as contained in the City of Modesto Standard Specifications.

9. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the Standiford Avenue and Carver Road frontages. The number shall be as determined by the Engineering Services Director.

10. Both commercial curbcuts shall be 41 feet in width.

11. That the applicant shall participate in 30 percent of the cost of traffic mitigations as provided by the traffic study prepared for the project at the southwest corner of Standiford Avenue and Carver Road.

12. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering Services Director.

13. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering Services Director. Easements for irrigation lines to remain shall be dedicated.

14. That on-site drainage shall be stored and disposed of on-site as approved by the Engineering Services Director. All off-site rockwells shall be subject to the Rockwell Maintenance Fee.

15. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.

16. All utilities shall be underground and cable television service shall be stubbed into all units.

17. 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.

18. All signs for the residential development shall comply with the sign requirements of the R-3 Zone, and the retail store shall comply with the sign requirements of the C-3 Zone except as follows:

a. One free-standing monument sign with a maximum of 48-square feet, an overall maximum height of six-feet, and a monument base of a maximum height of two-feet shall be allowed.

b. There shall be no additional wall signs placed on the building other than those that already exist.

19. Prior to the issuance of a building permit for any structure, the proposed tentative subdivision and parcel maps shall be recorded.

20. Prior to City Council approval of a final subdivision map, the subdivider shall submit evidence in a form satisfactory to the City Attorney that there has been created a Homeowner's Association to guarantee common facility and private property maintenance in accordance with the approved plans.

21. That the developer shall defend, indemnify, and hold harmless the City of Modesto or its agents, officers, and employees from any claim, action or proceeding against the City of Modesto or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Modesto or its advisory agency, appeal board, or legislative body concerning a P-D Zone, which action is brought within the time period provided for in Section 1094.6 of the Code of Civil Procedure and Section 21167 of the Public Resources Code of the State of California. The City of Modesto shall promptly notify the developer of any claim, action or proceedings and shall cooperate fully in the defense."

SECTION 3. That all other provisions of Resolutions Nos. 88-578 and 91-42 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 4th day of March, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-118

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING COMPUTERS AND RELATED EQUIPMENT

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 computers and related equipment to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 7, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-119

A RESOLUTION ACCEPTING THE "H" STREET SEWER PROJECT FROM FIRST STREET TO FIFTH STREET AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the "H" Street sewer project from First Street to Fifth Street, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the "H" Street sewer project from First Street to Fifth Street be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $139,685.79, 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 March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-120

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $18,500 TO FULLY FUND THE "H" STREET SEWER PROJECT FROM FIRST STREET TO FIFTH STREET

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: 621-480-E568-6040 $18,500
Woodland Lift Station Standby Generator

TO: 621-480-F736-6040 $18,500
Replace "H" Street Sewer/1st to 5th

A layer of concrete and unstable sugar sand in the soil beneath the asphalt surface were encountered resulting in additional removal work, resulting in extra costs to the project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 4th day of March, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-121

A RESOLUTION ACCEPTING THE SCENIC DRIVE WATERLINE PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Scenic Drive waterline project has been completed by Clyde Wheeler Pipeline, in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Drive waterline project be accepted from said contractor, Clyde Wheeler Pipeline; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $150,922.14, 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 March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(8)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97- 122

A RESOLUTION AMENDING PARAGRAPH NO. 3 OF RESOLUTION NO. 88-649, AS AMENDED, RELATING TO EXEMPTIONS FROM AND DEFERRAL TO CAPITAL FACILITIES FEES FOR AFFORDABLE OWNER-OCCUPIED HOUSING

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 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, and 95-393, and

WHEREAS, non-profit developers of owner-occupied single-family homes have requested that the CFF program be amended to provide for more favorable terms for low income home buyers to be granted CFF exemptions/deferrals, and

WHEREAS, development fees were identified in the City's Consolidated Plan as a barrier to affordable housing, and

WHEREAS, the consideration of exemptions and deferrals of CFF was cited as a strategy that City would pursue to reduce affordable housing barriers, and

WHEREAS, the Community Development and Housing Committee has recommended that a home buyer earning fifty-five (55%) percent or less of median area income be granted a full CFF exemption provided there is no resale for ten (10) years and if

resale occurs within the ten (10) year period, that the full CFF would be due with no interest thereon, and

WHEREAS, the Community Development and Housing Committee has recommended that a home buyer earning between fifty-five (55%) percent and eighty (80%) percent of median area income be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6), with no interest accruing during the deferral period and that the CFF would be paid over a ten-year period with a five (5%) percent interest rate on the unpaid balance, and

WHEREAS, the City Council considered this matter at its meeting of March 4, 1997, as recommended by City Staff and the Community Development and Housing Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Paragraph No. 3. Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, and 95-393, is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

(a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:

(1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.

(2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.

(3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

(4) Any alteration or addition to a residential structure, except to the extent that additional units are created.

(5) Any replacement or reconstruction of a residential structure existing on November 21, 1989, that has been destroyed or demolished since that time.

(6) Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten (10%) percent or more,

changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.

(7) Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

(8) Any single-family affordable housing unit constructed by any person or entity on a not-for-profit basis. As used in this subparagraph, the term "single-family affordable housing unit" shall mean a single-family home purchased by a home buyer earning fifty-five (55%) percent or less of Median Area Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a full CFF exemption provided there is no resale for ten (10) years. If a resale should occur within the 10-year period, the full CFF exemption would be due, with no interest thereon. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing

shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit and whether or not the development would be on a not-for-profit basis. If approved by the City Council, the benefit of the CFF exemption would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

(b) Any alteration or change of use of an existing building shall not trigger the payment of capital facilities fees, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for non-residential structures is created, capital facilities fees shall be due for the additional units or square footage only.

(c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

(1) There shall be two (2) categories of qualified projects defined as follows:

(a) Category A qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $50,000.00.

(b) Category B qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $150,000.00. Category B qualified projects shall also include industrial/warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $50.000.00.

(2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed $5,000.00.

(3) The property owner and/or developer in the case of "Category A qualified projects" may enter into a Deferred Payment Agreement with the City to pay ten (10%) percent of those fees at the time the building permit is issued with the remaining ninety (90%) percent to be paid in equal installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty (20%) percent of those fees at the time the building permit is issued with the remaining eighty (80%) percent to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall

be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital facilities fees due through property tax assessment.

(4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

(d) Rather than paying capital facilities fees at the time a building permit is issued for the construction of a single-family affordable housing unit the developer may elect to defer payment of all or a portion of those fees on the following.

(1) Any single-family affordable housing unit constructed by any person or entity on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "single-family affordable housing unit" shall mean a single-family home purchased by a home buyer earning between fifty-five (55%) percent and eighty (80%) percent of Median Area Income as determined from time to time by the United States Department of Housing and Urban

Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid over a 10-year period with a five (5%) percent interest rate on the unpaid balance. The deferral authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit and whether or not the development would be on a not-for-profit basis. If approved by the City Council, the benefit of the CFF deferral would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

Clerk (9)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-123

A RESOLUTION ESTABLISHING TOURNAMENT FEE SCHEDULE AND POLICY AT THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 96-628.

WHEREAS, the Council of the City of Modesto finds that the tournament fee schedule and policy at its Modesto Nine-Hole Municipal Golf Course, Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course, as set forth in City Council Resolution No. 96-628, needs to be revised,

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

SECTION 1. TOURNAMENT FEE SCHEDULE AND POLICY. The Council hereby approves the tournament fee schedule and policy as set forth in Exhibit "A" attached hereto.

SECTION 2. AFFILIATED GOLF CLUB WAIVER OF MANDATORY RESTAURANT FEE AND PRO SHOP FEE. The five affiliated golf clubs Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club, Muni Niners, and SIRS are exempted from paying any mandatory restaurant fees and pro shop fees. All regular green fees, range fees and car rental fees apply.

SECTION 3. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on on the date of adoption.

SECTION 4. REPEALS. Resolution No. 96-628 adopted on November 19, 1996, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE MARCH 4, 1997

	FEE PER PLAYER		
	Regular Tee Time Style	Full Shotgun Tee Time Style	Modified Shotgun Tee Time Style
CREEKSIDE & DRYDEN			
Weekday	$26.00	$47.00	$47.00
Weekends	30.00	52.00	52.00
MUNI			
Weekday	$16.00	$29.00	N/A
Weekend	19.00	33.00	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 ($16.00 weekdays/$20.00 weekends at Creekside/Dryden and $8.00 weekdays/$10.00 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 ($20.00 weekdays/$25.00 weekends at Creekside/Dryden and $10.00 weekdays/$12.00 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 ($20.00 weekdays/$25.00 weekends); cart rental ($13.00 at Creekside/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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-124

A RESOLUTION AMENDING EXHIBIT "H" OF RESOLUTION NO. 96-366 TO APPROVE A REVISED SCHEDULE OF SALARY RANGES FOR EXECUTIVE MANAGEMENT.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 96-366. Exhibit "H" entitled "City Of Modesto Schedule of Salary Ranges in City Service For FY 96-97 Effective June 25, 1996", attached to Resolution No. 96-366, is hereby amended as shown on the amended Exhibit "H" entitled, "City Of Modesto Schedule of Salary Ranges in City Service For FY 96-97 Effective March 4, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "H" changes the salary range for Finance Director from $5,785-$7,231 to $6,230-$7,787 per month.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after March 4, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 3/4/97

Executive Management

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	City clerk/auditor	25.3398	31.6748	2,027.18	2,533.98	4,409.12	5,511.41
1406		25.9733	32.4666	2,077.86	2,597.33	4,519.35	5,649.19
1407		26.6226	33.2783	2,129.81	2,662.26	4,632.34	5,790.42
1408		27.2882	34.1102	2,183.06	2,728.82	4,748.16	5,935.18
1409		27.9704	34.9630	2,237.63	2,797.04	4,866.85	6,083.56
1410		28.6697	35.8371	2,293.57	2,866.97	4,988.51	6,235.66
1411		29.3864	36.7330	2,350.91	2,938.64	5,113.23	6,391.54
1412		30.1211	37.6513	2,409.68	3,012.10	5,241.05	6,551.32
1413	Personnel Director	30.8741	38.5926	2,469.93	3,087.41	5,372.10	6,715.12
1414		31.6459	39.5574	2,531.68	3,164.59	5,506.40	6,882.98
1415		32.4371	40.5464	2,594.97	3,243.71	5,644.06	7,055.07
1416		33.2480	41.5600	2,659.84	3,324.80	5,785.15	7,231.44
1417		34.0792	42.5990	2,726.34	3,407.92	5,929.79	7,412.23
1418		34.9312	43.6640	2,794.50	3,493.12	6,078.04	7,597.54
1419	Finance Director	35.8045	44.7556	2,864.36	3,580.45	6,229.98	7,787.48
1420	Parks & Recreation Director	36.6996	45.8745	2,935.97	3,669.96	6,385.73	7,982.16
	Fire Chief						
1421		37.6171	47.0214	3,009.37	3,761.71	6,545.38	8,181.72
1422	Police Chief	38.5575	48.1969	3,084.60	3,855.75	6,709.01	8,386.26
	Community Development Director						
1423	Public Works and	39.5214	49.4018	3,161.71	3,952.14	6,876.72	8,595.90
	Transportation Director						
1424	Deputy City Manager	40.5094	50.6368	3,240.75	4,050.94	7,048.63	8,810.79
	City Attorney						
1425		41.5221	51.9026	3,321.77	4,152.21	7,224.85	9,031.06
1426		42.5602	53.2003	3,404.82	4,256.02	7,405.48	9,256.84
1427		43.6242	54.5303	3,489.94	4,362.42	7,590.62	9,488.26
1428	City Manager	44.7148	55.8935	3,577.18	4,471.48	7,780.37	9,725.47
1429		45.8327	57.2909	3,666.62	4,583.27	7,974.90	9,968.61
1430		46.9785	58.7231	3,758.28	4,697.85	8,174.26	10,217.82
1431		48.1530	60.1913	3,852.24	4,815.30	8,378.62	10,473.28
1432		49.3568	61.6960	3,948.54	4,935.68	8,588.07	10,735.10
1433		50.5907	63.2384	4,047.26	5,059.07	8,802.79	11,003.48
1434		51.8555	64.8194	4,148.44	5,185.55	9,022.86	11,278.57
1435		53.1519	66.4399	4,252.15	5,315.19	9,248.43	11,560.54

EXHIBIT "H"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-125

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO TRANSFER $13,200 FROM THE WATER CONTINGENCY RESERVE #610-800-8000-8003 AND $8,800 FROM THE SEWER CONTINGENCY #621-800-8000-8003 AND ESTABLISH A NEW WATER FUND CAPITAL PROJECT, XEROX PRINTER/RS6000 IN ACCOUNT #610-480-H156-6040

WHEREAS, the Council authorized the purchase of a business/dog licensing software which is scheduled to be operational on March 14, 1997. The Council also approved an upgrade to the financial/human resource software, with conversion anticipated in July 1997; and

WHEREAS, in order to print the City's bar-coded utility bill from a client server environment, specialized channel switching equipment for the Xerox laser printer is required at a cost of $18,504. A 486PC is also required at a cost of $3,496.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as follows:

	Increase (Decrease)
Wastewater Fund	
#621-800-8000-8003 Continency Reserve	(8,800)
#621-700-7000-7610 T/O to Water Fund	8,800
Water Fund	
#610-800-8000-8003 Contingency Reserve	(13,200)
#610-480-H156-6040 Xerox Printer/RS6000	22,000
Reserves	
#610-700-7000-9621 T/I from Wastewater Fund	8,800

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 day of March 4, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-126

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING RECYCLED JANITORIAL PAPER PRODUCTS

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

SECTION 1. The specification for the furnishing recycled janitorial paper products, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 31, 1997, 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 3. 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 March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-127

A RESOLUTION ACCEPTING THE BID OF FULLER FORD FOR ONE SHOP TRUCK/VAN WITH COMPRESSOR; PACIFIC UTILITY EQUIPMENT COMPANY FOR TWO TRUCKS WITH AERIAL LIFTS; AND OAKLAND TRUCK CENTER FOR ONE BIN LOADER/ROLL-OFF TRUCK AND AUTHORIZING THE PURCHASE FOR A COMBINED TOTAL OF $343,336.09

WHEREAS, Resolution No. 97-56, adopted by the Council of the City of Modesto on February 4, 1997, authorized bids to be opened for furnishing four various vehicles; and

WHEREAS, the bids received for the four various vehicles, were opened at 11:00 a.m. on February 24, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Fuller Ford , Pacific Utility Equipment Company and Oakland Truck Center for the combined total amount of $343,336.09 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Fuller Ford for one shop truck/van with compressor; Pacific Utility Equipment Company for two trucks with aerial lifts; and Oakland Truck Center for one bin loader/roll-off truck, be accepted and the preparation of a 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 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-128

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH GROTHE & SMITH ARCHITECTS FOR THE DESIGN OF THE WASTEWATER COLLECTION/ELECTRICAL MAINTENANCE BUILDING

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Grothe & Smith Architects for the design of the Wastewater Collection/Electrical Maintenance Building 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 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-129

A RESOLUTION APPROVING A LEASE AGREEMENT AND ADDENDUM TO THE LEASE WITH AT&T WIRELESS SERVICES OF CALIFORNIA, INC. FOR THE LEASE OF 700± SQUARE FEET OF LAND IN BEYER PARK FOR A CELLULAR TELEPHONE ANTENNA

BE IT RESOLVED by the Council of the City of Modesto that the lease agreement and addendum to the lease with AT&T Wireless Services of California, Inc. for the lease of 700± square feet of land in Beyer Park for a cellular telephone antenna be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement and addendum to the lease by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-130

A RESOLUTION APPROVING AN AGREEMENT FOR A LOCAL PROGRAMMING GRANT IN THE AMOUNT OF $700 WITH MORRIS E. SMITH, JR.

BE IT RESOLVED by the Council of the City of Modesto that an agreement for a local programming grant in the amount of $700 with Morris E. Smith be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-131

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT WITH FRED ANDERSON THAT PROVIDES FOR COST OVERRUNS FOR THE JOHN THURMAN FIELD RENOVATION PROJECT TO ALLOW AN AUTHORIZED REPRESENTATIVE TO ACT ON FRED ANDERSON'S BEHALF

BE IT RESOLVED by the Council of the City of Modesto that an amendment to the agreement with Fred Anderson that provides for cost overruns for the John Thurman Field Renovation Project to allow an authorized representative to act on Fred Anderson's behalf, if for reasons of health or death, Fred Anderson is unable to do so 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 11th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-132

A RESOLUTION APPOINTING RAY FELLER TO THE BOARD OF ZONING ADJUSTMENT, TO FILL THE SEAT RESERVED FOR A MEMBER OF THE PLANNING COMMISSION, TERM TO EXPIRE ON JANUARY 1, 1998

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. Ray Feller is hereby appointed to the Board of Zoning Adjustment to fill the seat reserved for a member of the Planning Commission.

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 11th day of March, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-133

A RESOLUTION DENYING THE APPEAL OF TIMOTHY A. MILLER, PROJECT MANAGER, J. C. WILLIAMS COMPANY, TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO THE VILLAGE ONE SPECIFIC PLAN AND PRECISE PLAN FOR AREA 27, INCLUDING DOWNZONING FROM R-3 TO R-1 UNDERLYING ZONING, PROPERTY LOCATED NORTH OF MERLE AVENUE, WEST OF FUTURE ROAD "R" AND SOUTH OF FUTURE BELHARBOUR DRIVE (EAST OF ROSELLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA).

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted Village One Specific Plan, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, which Specific Plan has been amended by Resolutions adopted from time-to-time, and

WHEREAS, the City Council by Ordinance No. 2873-C.S., which became effective on January 13, 1994, adopted a Precise Plan for Area No. 27 and Underlying Zoning for Area No. 27, which required the southern quarter (9.0 acres) of the property to carry an underlying zoning of multi-family residential, R-3, zoning, and

WHEREAS, the J.C. Williams Company filed an application proposal to eliminate approximately 4.2 acres of multi-family land use from Precise Plan Area 27 to develop a 72-lot, single-family subdivision on 19.6 acres on the north side of Merle Avenue, west of future Road "R", called Center Court Subdivision, which comprises the east half of Precise Plan Area 27, located on

the north side of Merle Avenue west of future Road "R", and

WHEREAS, an application package has been filed to amend the underlying zoning of 4.2 acres within the Precise Plan from the multi-family designation to a single-family designation, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered on this application, and

WHEREAS, the Planning Commission by its Resolution No. 97-10 denied the application for the amendment due to its incompatibility with the existing Precise Plan and the Village One Specific Plan, as well as determining that the proposed amendment violated the spirit of the Housing Element of the General Plan, as well as the affordable housing policies of the Village One Specific Plan, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the application was filed with the Office of the City Clerk by letters date-stamped received on February 17, 1997, and March 11, 1997, from Timothy A. Miller, Project Manager, J.C. Williams Company, expressing concern relating to the proposed change in land use and the deferred construction of Road "R", and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City

Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 18, 1997, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the Specific Plan and Precise Plan Amendment for Area 27 of the Village One Specific Plan, to amend underlying zoning of 4.2 acres within the Precise Plan from a multi-family designation to a single-family designation, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 97-10, and quoted below:

1. The proposed Precise Plan for Area 27 does not conform to the Specific Plan in that it deviates from the previously established land use mix, and the street layout and development specifications.

2. The proposed reduction in density of 4.2 acres from R-3 to R-1 underlying zoning is not necessary as an integral step toward development under the Village One Specific Plan and further inhibits the provision of affordable housing in the Village One and City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Timothy A. Miller, Project Manager, J.C. Williams Company, to the decision of the Planning Commission denying the application for Specific Plan and Precise Plan Amendment for Area 27 of the Village One Specific Plan, property located on the south side of Merle Avenue west of future Road "R", is denied for the reasons set forth above, and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan

NOES: Councilmembers: Dobbs, Serpa, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-134

A RESOLUTION DENYING THE APPEAL OF TIMOTHY A. MILLER, PROJECT MANAGER, J. C. WILLIAMS COMPANY, TO A PLANNING COMMISSION DECISION DISAPPROVING THE VESTING TENTATIVE SUBDIVISION MAP OF CENTER COURT SUBDIVISION, PROPERTY LOCATED NORTH OF MERLE AVENUE, WEST OF FUTURE ROAD "R" AND SOUTH OF FUTURE BELHARBOUR DRIVE (EAST OF ROSELLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA).

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted Village One Specific Plan, a 1,780-acre area of land adjoining the northeast portion of the City of Modesto, within its Sphere of Influence, which Specific Plan has been amended by Resolutions adopted from time-to-time, and

WHEREAS, the City Council by Ordinance No. 2873-C.S., which became effective on January 13, 1994, adopted a Precise Plan for Area No. 27 and Underlying Zoning for Area No. 27, which required the southern quarter (9.0 acres) of the property to carry an underlying zoning of multi-family residential, R-3, zoning, and

WHEREAS, the vesting tentative map of the Center Court Subdivision was filed in the office of the Secretary of the Planning Commission on December 16, 1996, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, the J.C. Williams Company filed a proposal to eliminate approximately 4.2 acres of multi-family land use from Precise Plan Area 27 to develop a 72-lot, single-family

subdivision on 19.6 acres on the north side of Merle Avenue, west of future Road "R", and

WHEREAS, copies of said vesting tentative map were sent to the Sylvan Elementary School and Modesto High School Districts, Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, City services, including sewer and water facilities, are available, and

WHEREAS, the area can be served by elementary schools in the sylvan School District and by Fire Station No. 9 at 4025 Fara Biundo Avenue, one mile distant, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 10, 1997, 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, the Planning Commission by its Resolution No. 97-11 determined that the proposed subdivision in Precise Plan Area 27 is inconsistent with the currently approved Village One Specific Plan proposed land use density at this site and policy articulated in Section IV B 2(c) of the Specific Plan relating to construction of connector streets, and disapproved the Vesting Tentative Map of Center Court Subdivision, and

WHEREAS, an appeal to the decision of the Planning

Commission's disapproval of the application was filed with the Office of the City Clerk by letters date-stamped received on February 17, 1997, and March 11, 1997, from Timothy A. Miller, Project Manager, J.C. Williams Company, expressing concern relating to the proposed change in land use and the deferred construction of Road "R", and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 18, 1997, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the disapproval of the Vesting Tentative Subdivision Map of Center Court Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 97-11, and quoted below:

1. That the proposed vesting subdivision, together with the provisions for its design and improvements, is not consistent with the General Plan and applicable Specific Plan of the City of Modesto.

2. That the vesting tentative subdivision map of Center Court Subdivision, is not in conformance with the approved Village One Specific Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Timothy A. Miller, Project Manager, J.C. Williams Company, to eliminate approximately 4.2

acres of multi-family land use from Precise Plan Area 27 to develop a 72-lot, single family subdivision on 19.6 acres on the north side of Merle Avenue, west of future Road "R", is hereby denied for the reasons set forth above, and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan

NOES: Councilmembers: Dobbs, Serpa, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-135

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE FAIRVIEW VILLAGE SPECIFIC PLAN TO CHANGE FUNDING OF CERTAIN PUBLIC FACILITIES FROM AN ASSESSMENT DISTRICT TO A CITY MELLO-ROOS COMMUNITY FACILITIES DISTRICT.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan, which has been amended from time to time by resolution, and contains Community Development policies, including the Fairview Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, on December 12, 1995, the City Council by Resolution No. 95-585 adopted the Fairview Village Specific Plan, and

WHEREAS, on October 8, 1996, the City Council by Resolution No. 96-545 amended the Policies and Procedures for the use of Mello-Roos Community Facilities Districts, and

WHEREAS, staff review of a proposal to amend the Fairview Village Specific Plan to change funding of certain public facilities from an Assessment District to a City Mello-

Roos Community Facilities District has determined that the proposed amendment is an administrative action which would result in no physical changes to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Guidelines Section 159061(b)(3), and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Fairview Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, and

WHEREAS. after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-12, recommending to the City Council Amendment No. 1 to the Fairview Village Specific Plan to incorporate changes in financing for installation and ongoing maintenance of infrastructure within the Specific Plan area from various assessment districts to a single, City Mello-Roos Community Facilities District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 1997, 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 Fairview Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, as recommended by the Planning Commission in its Resolution 97-12, is consistent with the City of Modesto Urban Area General Plan and is required for the following reasons:

1. Administrative Convenience. The two districts (Storm Drainage Improvement District and Landscape and Lighting District, can be folded into one.

2. Right to Vote on Taxes Act (Proposition 218). The Citizens Initiative for a Constitutional Amendment (Jarvis III) passed November, 1996. The initiative creates new standards for determining special benefits in assessment districts. These standards are contested and somewhat ambiguous. In the event of a legal challenge, the City would face a new, more difficult burden of proof.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Fairview Village Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, 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 18th day of March, 1997, 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:	Cogdill, Dobbs, Fisher, friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto

Fairview Village Specific Plan

~~1995~~

Adopted by Modesto City Council by Resolution 95-585, December 12, 1995

Specific Plan Amendment No. 1 consolidating some infrastructure financing into a City Mello-Roos Community Facilities District was adopted by the Modesto City Council by Resolution No. 97- , on 1997.

~~Adopted December 12, 1995~~
~~City Council Resolution No. 95-585~~

5. Water

a) Funding Sources: Existing City fees and developer requirements.

b) Net Cost to City: None. Citywide user fees, which are updated from time to time, are sufficient to pay for needed water facilities.

c) Specifications: Water Section of the Infrastructure Element (2.3.4).

6. Stormwater Drainage

Revi text

a) Funding Sources: Developer requirements and a Mello-Roos Community Facilities District ~~"Storm Drainage District," to be established.~~

b) Net Cost to City: None. Development will provide 100% financing for these improvements.

c) Specifications: Storm Drainage Section (2.3.3) of the Infrastructure Element (2.3.3). The property owners will provide for the design and construction of the landscaped drainage basins, in conformance with applicable City standards and criteria, and, as part of the subdivision map application, will dedicate these areas to the appropriate City agency or department.

7. Schools

Revise Text

a) Funding Sources: Separate agreement with the School District and Mello-Roos ~~Assessment~~ District (Separate from and not associated with any Mello-Roos District established by the City) In addition to financing construction costs and bond issuance costs, a Mello-Roos can be used to finance furniture, fixtures, equipment and operating and maintenance expenses as well as legal and financial consulting costs associated with establishing the district. Formation of a Mello-Roos district involves the issuance of tax exempt bonds. Debt service on the bonds is repaid from a special tax levied annually on property owners within the district. Because it is a tax rather than an assessment, there is no requirement that the tax be tied to the benefit received.

Community Facilities

b) Net Cost to City: None; the applicant will reach full agreement with Modesto City Schools to insure funding and to mitigate all impacts to the School District.

c) Specifications: Separate agreement with the Modesto City School District; (1) The Specific Plan ensures that the school mitigation agreement between the Modesto City School District and the applicant shall be executed prior to the submittal of the first subdivision map within the Plan Area; (2) Prior to any transfer of property to the Modesto City School District, a Phase I Environmental Audit should be prepared for the project site by a qualified consultant, in conformance with the general guidelines and standard practice established in the American Society for Testing and Materials' (ASTM) Standard Practice E1527-94, and focusing on the past use of pesticides on site, the presence of any underground storage tanks, and the presence of soil and/or groundwater contamination resulting from the pesticide use; (3) Any contamination problems identified would need to be remediated through the development of a remediation plan for the project site; and (4) The remediation plan must be approved in advance by the appropriate authorities.

8. Parks

a) Funding Sources: Developer requirements and Capital Facilities Fees.

b) Net Cost to City: None. Development will provide 100% financing for City part.

c) Specifications: Neighborhood Parks in the Open Space Section of the Land Use Element (2.2.5); (1) The Parks and Recreation Department, in coordination with the School District, shall be responsible for the design and construction of all planned improvements; (2) The central neighborhood park area shall be dedicated to the City Parks and Recreation Department as part of a tentative subdivision map application by owners of the Sub-Area B property; and (3) The City shall provide for the maintenance of the new central neighborhood park and that cost is not included as part of the ~~L&LMD~~ Mello-Roos Community Facilities District budget, as discussed below. Revise Text

9. Landscape Maintenance

a) Funding Sources: Developer requirements and d Mello-Roos Community Facilities Distri ~~Landscape and Lighting Assessment District. The Landscape and Lighting Maintenance District (L&LMD) will levy flexible assessments on the property owners within the Plan Area. The L&LMD also is flexible in the sense that it can expand and contract depending on necessary expenditures. Typically, L&LMD assessments are based on the estimated benefit received, not on the value of the parcel. Voter approval is not required but formation of the L&LMD can be protested. There is no authority to issue bonds (secured by liens against property) in order to finance the improvements up front, and assessment revenues may only be accrued for a specified period of time, such as up to five years. It is possible, however, to issue assessment notes, secured by annual collection of revenues, to finance the improvements up front.~~ Mello-Roos Community Facilities District

b) Net Cost to City: None. The ~~Landscape and Lighting~~ District will pay for all necessary maintenance that is not normally included in the City's scope of responsibility. Mello-Roos Community Facilities Revise text

c) Specifications: To be developed as the District is established; (1) According to City policy, the Fairview Specific Plan Area shall receive standard landscape and lighting maintenance services from the City, to the level that they do not diminish service capabilities to other parts of the City; (2) The Plan Area ~~L&LMD~~ would supplement those services and would be managed through the appropriate City department, such as Public Works and Transportation; and (3) The categories of landscape improvements whose maintenance costs are included as part of the ~~L&LMD~~ budget are as follows: (a) Landscaped medians, if constructed, on Hatch Road, Carpenter Road, and Whitmore Avenue; (b) Stormwater drainage basins; (c) Landscape setbacks along lots adjacent to expressways and arterials; (d) Sewer outfall easement, if landscaped; and (e) The TID, if appropriate. Mello-Roos CFD

Mello-Roos Community Facilities District

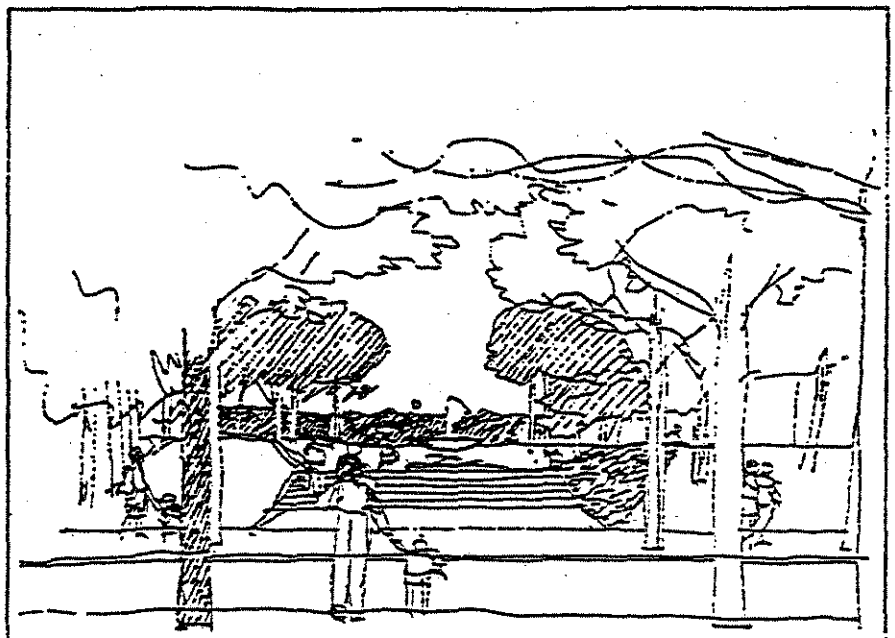


Figure 2.5: The Neighborhood Central Park

2. Street and Drainage Basin Landscape

The connector streets and the stormwater drainage basins located along each of the connectors are another important part of the Plan Area landscaping. As stated above, the overall visual character of the Fairview Village neighborhoods is defined largely by the alignment and landscape character of the entry streets and street adjacent landscape areas. Variations in the final design of the landscaped drainage basins are an opportunity to provide an added level of individuality to each neighborhood area. For example, one of the drainage basins may be an ellipse that is landscaped as an open green, while another may be a tree-filled square defined by connector streets that either intersect at the corners or at the mid-point of the square.

The landscaping along the connectors and in the detention basin areas will be a major aesthetic feature of Fairview Village and will be a primary concern during the final planning and design of each increment of build out. The street and drainage basin landscape becomes a network of green space that conserves energy and that provides a high quality environment for pedestrians, bicyclists and all others who move about through the Village, including motorists. Landscaping, including tree planting, will be allowed in the drainage basins only if appropriate to the technical operating characteristics of the drainage basins. Landscape improvements and maintenance costs will be funded through a ~~Landscape and Lighting Maintenance District (L&LMD), as discussed in the Implementation Element of the Plan (3.2.4, item 9).~~ Mello-Roos Community Facilities District.

Revise text

The Fairview Village property frontage along Hatch and Carpenter Roads and along Whitmore Avenue will be improved, as development occurs, to include a landscaped setback. Along Hatch and Carpenter Roads, which are "Class C" Expressways, well designed soundwalls will be provided to mitigate noise levels, as identified in the General Plan. High quality landscaping shall be designed for the setback area to create a unified edge along these two expressways and to complement and break down the scale of what otherwise could be the dominant linear character of the soundwalls.

Along Whitmore Avenue, which is a Minor Arterial, the landscape setback also shall be designed to provide a consistent, high quality visual identity for the edge of the Plan Area. A consistently designed masonry wall will be used to prevent unwanted access into development parcels along Whitmore. Maintenance of all the landscape setback areas along the Fairview Village side of the three edge roadways will be maintained through ~~the above referenced L&LMD~~. a Mello-Roos Community Facilities District. Revise text

3. Utility Easement

Complementary to the landscaped circulation and landscaped drainage basins network is a diagonal, 40 foot sewer easement that is described in detail in the infrastructure section of the Plan. This easement crosses several of the connectors and is an opportunity for an off-street linear trail and bicycle route. A basic level of landscape improvements will be provided for the sewer easement that makes it an amenity for the Village. Subject to tentative map design, all landscape improvements for secondary, recreational uses shall be compatible with the primary function of the easement as the location for the underground sewer line. Basic maintenance would be provided by ~~the L&LMD~~. a Mello-Roos Community Facilities District. Revise text

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-136

A RESOLUTION APPROVING 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.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan, which has been amended from time to time by resolution, and contains Community Development policies, which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, on January 16, 1996, the City Council by Resolution No. 96-19 adopted the Pelandale-Snyder Specific Plan, and

WHEREAS, on October 8, 1996, the City Council by Resolution No. 96-545 amended the Policies and Procedures for the use of Mello-Roos Community Facilities Districts, and

WHEREAS, staff review of a proposal to amend the Pelandale-Snyder Specific Plan to change funding of certain public facilities from an Assessment District to a City Mello-Roos Community Facilities District has determined that the

proposed amendment is an administrative action which would result in no physical changes to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Guidelines Section 159061(b)(3), and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Pelandale-Snyder Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, and

WHEREAS. after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-13, recommending to the City Council Amendment No. 1 to the Pelandale-Snyder Specific Plan to incorporate changes in financing for installation and ongoing maintenance of infrastructure within the Specific Plan area from various assessment districts to a single, City Mello-Roos Community Facilities District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 1997, 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 revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, as recommended by the Planning Commission in its Resolution 97-13, is consistent with the City of Modesto Urban Area General Plan and is required for the following reasons:

1. Administrative Convenience. The two districts (Storm Drainage Improvement District and Landscape and Lighting District, can be folded into one.

2. Right to Vote on Taxes Act (Proposition 218). The Citizens Initiative for a Constitutional Amendment (Jarvis III) passed November, 1996. The initiative creates new standards for determining special benefits in assessment districts. These standards are contested and somewhat ambiguous. In the event of a legal challenge, the City would face a new, more difficult burden of proof.

BE IT FURTHER RESOLVED that said Amendment No. 1 to the Pelandale-Snyder Specific Plan to revise the method of payment for the installation, operation and maintenance of storm drainage facilities and areas of common landscaping, including Class I bike trails, from an Assessment District to a City Mello-Roos Community Facilities District, 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 18th day of March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

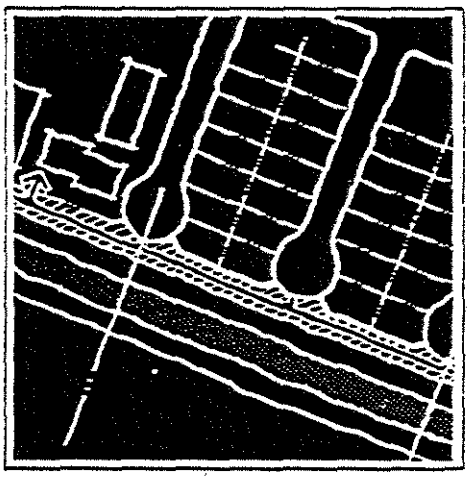
APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto

Pelandale-Snyder Specific Plan



~~Final Specific Plan~~

~~*Prepared for:*~~

~~City of Modesto~~

~~January 16, 1996~~

by:

RRM Design Group
San Luis Obispo • Modesto

Architecture • Planning • Engineering • Surveying • Interiors • Landscape Architecture

Vic Montgomery, Architect C011090 • Jerry Michael, RCE 36595, LS 6776 • Jeff Ferber, Landscape Architect 2544

City of Modesto

Pelandale-Snyder Specific Plan

This Specific Plan was adopted by the Modesto City Council by Resolution 96-19 on January 16, 1996.

~~Final Specific Plan~~

Specific Plan Amendment No. 1 - Consolidating some infrastructure financing into a City Mello-Roos Community Facilities District was adopted by The Modesto City Council on 1997 by Resolution No. 97

~~prepared for~~

~~The City of Modesto, California~~

~~by~~

~~RRM Design Group & Mid Valley Engineering~~

~~Document Date~~

~~January 16, 1996~~

Mello-Roos Community Facilities District

street improvements will be paid for by a combination of developer financing for abutting roadway frontages and a ~~Area of Benefit charge~~ that covers the entire Specific Plan Area. ~~Assessment districts or Mello Roos community facilities districts may be considered in place of or in a combination with the Area of Benefit charge.~~ Improvements for the bicycle/pedestrian pathway along the MID Canal will also be paid for through a combination of developer financing ~~in Area of Benefit~~ and ~~charges.~~ Landscape maintenance within public right-of-way may be funded by a ~~property owners association or a landscape, lighting and maintenance district.~~ Mello-Roos Community Facilities District.

Revise text

Mello-Roos Community Facilities District.

c. Local Connector Streets and Residential Streets

Construction of local connector streets and residential streets will also be the responsibility of developers within the Pelandale Snyder Specific Plan Area on a tract by tract basis. Landscape maintenance within public rights-of-way may be funded by a ~~property owners association and/or landscape lighting and maintenance district.~~ Mello-Roos Community Facilities District.

revise

d. Public Safety Facilities

Public Safety services and facilities will be funded through the City of Modesto's Capital Facilities Fee Program. All new developments will be charged a fee at the time building permits are issued. Provision of a site for fire facilities within the Pelandale Snyder Specific Plan Area will be accommodated in conjunction with the precise alignment to the Pelandale Expressway and funded through the CFF.

e. Schools

Development within the Specific Plan Area will be required to mitigate the impact on the elementary, middle and high schools. An elementary school site has already been acquired within the Pelandale Snyder Specific Plan Area. School Facilities Impact Fees and payment schedule, as established by Stanislaus Union School District, Sylvan School District and the Modesto City School District will be determined by the Financing Plan.

a Mello-Roos Community Facilities District

f. Parks

A neighborhood park site has already been acquired within the Pelandale Snyder Specific Plan Area. Additional parks may be provided in conjunction with individual developments. All parks will be funded through the City of Modesto's Capital Facilities Fee Program, ~~the Area of Benefit process~~ and/or private development. All development will be charged the fee at the time building permits are issued.

revise

Park maintenance for neighborhood and community parks may be funded through the creation of a ~~landscape, lighting and maintenance district.~~ Mello-Roos Community Facilities District.

g. Water, Sanitary Sewer and Storm Drainage Systems

Except for certain major water, sanitary sewer and storm drainage trunk lines, construction of all utilities infrastructure will proceed in conjunction with individual developments within the specific plan area. The need for the utility systems within the Pelandale Snyder Specific Plan Area will be triggered by the approval of tentative maps for residential subdivisions. Prior to the recording of final maps, detailed improvement plans and funding mechanisms consistent with the general design described in this Specific Plan shall be prepared and approved by the City.

Developers shall pay the sanitary sewer, water and storm drainage fees at the filing of the final map. Advanced funding may be provided by the City through revenue bonds if the fees for a specific project are insufficient to cover the costs of extensions to the project due to over-sizing of facilities or other factors.

Developers may also be required to initially fund costs of nearby areas not funding their share of the costs and infrastructure extensions due to the timing of development of specific projects. Developers who initially fund the cost above their fair share shall be reimbursed when adequate fee revenues are collected. Reimbursement agreements will be approved by the City.

h. Street Lights

Street lights will be installed along all expressway, major connector, and residential streets as specified in the Specific Plan. Street lighting may be funded as a part of the road improvements and/or may be funded through a ~~landscape, lighting and maintenance district~~ Mello-Roos Community Facilities District.] Revise

3. Public Facilities Financing Plan - Policies

The following policies shall guide the development of the facilities financing plan.

a. Property owners within the Pelandale Snyder Specific Plan Area will be required to pay their fair share of the expressway area wide circulation system improvements, local streets, neighborhood park improvements, water, sanitary sewer, storm drainage, school facilities, and public services that are required to specifically serve the area. The financing plan will identify the specific revenue sources to pay for each of the infrastructure improvements and public services.

b. The backbone infrastructure cost shall be allocated to property within the Pelandale Snyder Specific Plan Area based on general principles of benefit received with consideration to the financial feasibility of the proposed land use. Consideration for value of land dedicated for infrastructure improvements shall be incorporated into the cost and allocated as a credit against costs for individual development. The financing plan will describe the cost allocation method to distribute the cost of the backbone infrastructure on a pro rata basis throughout the plan area.

Development projects will then be required to pay their fair share of these costs. Conditions for payment will be stated in the financing plan.

c. ~~The City shall create an Area of Benefit for the Pelandale Snyder Specific Plan Area using the City's "Procedural Ordinance for Financing Public Facilities" Article 8 of Title 7 of Modesto City Code. As a part of the formation of the Area of Benefit a fair share cost allocation for public improvements required for the development of the Plan Area will be established for each parcel. All parcel owners who develop land within the Pelandale Snyder Specific Plan Area will be required to pay their fair share of costs based on the cost allocation methodology. The Area of Benefit is a method to establish the cost allocation of benefit of each parcel without forming an assessment district.~~

~~The formation of an Area of Benefit notifies all property owners that they cannot avoid paying their fair share of infrastructure costs by waiting until the infrastructure has been installed by other developers before developing their project. Payment of the Area of Benefit charge by those parcels developing late in the buildout of~~] delete

~~Pelandale Snyder's Specific Plan provides the funds to reimburse those properties within the Specific Plan Area that were built early in the process and were required to advance the cost in infrastructure.~~

~~The Area of Benefit charge shall establish a contingent lien on those properties within the Specific Plan Area that wish to remain in their present land use. The Area of Benefit charge shall not be paid until development occurs on the parcel. The required Area of Benefit charge may be satisfied by payment of a fee at the time of final map or building permit or participation in a financing district such as a Mello-Roos Community Facilities District or an assessment district.~~

delete

c ~~g.~~ The City shall use pay-as-you-go financing to the extent possible. Debt financing shall be used only when essential to provide facilities necessary to permit development or to maintain service standards. Pay-as-you-go financing reduces the net cost of development by minimizing financing costs. Debt financing should be used only when essential to guarantee the facilities are constructed to meet the requirements of the infrastructure sequencing plan. Debt financing may also be used when it proves more cost effective than pay-as-you-go financing due to interest rate advantages of tax exempt financing and tax deductibility of the repayments.

The pay-as-you-go financing will include development impact fees, developer-land owner dedications and exactions and private sector financing. Certain facilities may be required in advance of development of specific areas to ensure an orderly development program or to mitigate potential traffic problems.

d ~~h.~~ Development projects in the Specific Plan Area shall be required to fund any over-sizing of facilities required by the City consistent with the Specific Plan subject to reimbursement from future developments benefiting from the over-sizing.

e ~~i.~~ The City shall require dedication of land for road improvements and construction of arterial and collector street improvements consistent with City wide policies.

Existing City policies govern the dedication of land for road improvements and require developers of a given road frontage to construct the first 40 feet of the road, curb and gutter measured from the property line.

f ~~j.~~ The City shall pay for acquisition of dedicated property required for the Pelandale Avenue Expressway. Additionally, the City shall pay for the acquisition of dedicated property for arterial streets and connectors that exceed 25% of the gross acreage of any existing parcel. Arterial roads are defined as Dale Road, Prescott Road, and Tully Road. Collectors include Marsala Way, Carver Road, and Snyder Avenue. The City shall acquire parcels that are left without an economic use as a result of the land dedication requirements.

There will be a remnant parcel remaining at the southwest corner of Tully Road and the Pelandale Expressway as a result of the Pelandale Expressway alignment. The potential economic use of this parcel should be a consideration in the preparation of the facilities financing plan as it may be viable for use as a public safety facility (fire station), at least in part if not entirely.

The acquisition of property covered by this policy will be funded through the ~~Area of Benefit charge~~ and or the CFF in the case of the expressway.
^Mello-Roos Community Facilities District.

Revise Text

g. The City shall not require payment of Specific Plan fees or charges for the cost of infrastructure required to develop this Specific Plan Area until the individual owners develop the parcels according to the land uses assigned by the Specific Plan Land Use Plan. Most of the Specific Plan Area is presently in agricultural use. To the extent that development and/or building permits may be required for expansion of agricultural uses or pertinent facilities (i.e. single family residence, storage facilities, etc.), the property owners will not be required to comply with the Specific Plan facilities financing plan. It is not the intent of the Specific Plan to discourage the continued agricultural use of the subject properties within the Plan Area but rather to ensure the orderly development of the Plan Area as properties do ultimately convert.

The property owners/developers will be required to pay their fair share of the infrastructure costs at the time a development project for any given parcel is approved as established by the Area of Benefit charge.

4. Long Term Facilities Management

a. City of Modesto

The City of Modesto will provide the majority of public services to the Specific Plan Area including police, fire, parks, water, sewer, streets and roads, median landscaping, street lighting, storm drainage, and general government services.

b. ~~Landscape and Lighting District~~ Mello-Roos Community Facilities District

A Mello-Roos Community Facilities District will

~~A Landscape and lighting district may~~ be formed to manage and fund pedestrian paths, bicycle paths, and landscaping-installation and maintenance, and the maintenance of any other facilities deemed appropriate, including Storm Drainage.

c. Property Owners Associations

Property owners associations may be created in some neighborhoods to manage and fund public area landscaping, installation of maintenance, when there are advantages over inclusion in the landscape and lighting district.

d. Stanislaus Union School District

This district will provide elementary and middle schools to serve the portion of the Specific Plan Area west of Tully Road.

e. Sylvan Union School District

This district will provide elementary and middle schools to serve the Specific Plan Area east of Tully Road.

f. Modesto City Schools

This district will provide high schools to serve the Specific Plan Area

g. Modesto Irrigation District (MID)

MID will provide electric service to the Specific Plan Area. The district will also maintain water lines to irrigate lands that remain in agricultural use and maintain the MID Lateral #6 which is an open canal running through the project area. Some provisions may be possible for utilization of the MID Lateral #6 for storm purposes.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-137

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TEXT TO DELETE POLICY NO. 15 FROM THE HOUSING ELEMENT TO REMOVE THE REQUIREMENT FOR THE VILLAGE ONE HOUSING TRUST FUND/EQUITY SHARING PROGRAM AND COLLECTION OF AN AFFORDABLE HOUSING FEE.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report 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, and 97-3, 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, an amendment was proposed to increase the affordability of new housing through the elimination of the General Plan Housing Element, Policy No. 15, the Village One Housing Trust/Fund Equity Sharing Program, which would result in the elimination of the program's required Affordable Housing Fee on new housing, and

WHEREAS, staff review of the project determined that the proposed amendment would be an administrative action which would result in no physical changes to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Guidelines Section 15061(b)(3), and

WHEREAS, on February 24, 1997, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to said proposed amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 97-14, recommending to the City Council an amendment to the Modesto Urban Area General Plan text to delete Policy No. 15 from the Housing Element to remove the requirement for the Village One Housing Trust Fund/Equity Sharing Program and Collection of an Affordable Housing Fee, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on March 18, 1997, 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban Area General Plan text to

delete Policy No. 15 from the Housing Element to remove the requirement for the Village One Housing Trust Fund/Equity Sharing Program and Collection of an Affordable Housing Fee, is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto for the following reasons:

1. The amendment is needed to reduce the cost of new housing in the City thereby increasing affordability.

2. The amendment is needed to allow for the use of alternative funding sources rather than relying on a per square foot affordable housing fee on new housing.

BE IT FURTHER RESOLVED that the amendment to the Modesto Urban Area General Plan text to delete Policy No. 15 from the Housing Element to remove the requirement for the Village One Housing Trust Fund/Equity Sharing Program and Collection of an Affordable Housing Fee, is hereby approved, 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 Amendment to the Modesto Urban Area General Plan text 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 18th day of March, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

03/18/97

OP0N48PF/CA/rh

15. ~~Village One Housing Trust Fund/Equity Sharing Program~~

delete

~~Program Description: New. The City shall draft and adopt an ordinance establishing a Housing Trust Fund/Equity Sharing Program, which will be supported by a developer fee based on single family homes built in excess of 800 square feet. This program will assist eligible low- and moderate income households with "gap financing," with the City taking an equity share in the home. The funds collected from the Equity Sharing Program will go into the Housing Trust Fund. The program represents the best utilization of local resources and was developed by the Village One Affordable Housing Task Force. In addition, should State or Federal government funds become available, the City will consider applying for these funds to assist in the implementation of this program.~~

~~Quantified Objective:~~ ~~Approximately 101 low- and 322 moderate income first time homebuyers will be eligible to participate in this program. The City's Housing Program Office will administer and monitor this program. To assure that this program is maintained over the long term funds collected from resales would be recycled in the form of new gap financing loans.~~

~~Time Frame:~~ ~~1992 - Establish Trust Fund Ordinance~~
~~1993 - Development begins in Village One, Trust Fund receives first of funding.~~
~~1994 - A percentage of low and moderate income households are assisted, as funds are accumulated.~~

~~Responsible Agency:~~ ~~City of Modesto Housing Program Office Planning & Community Development Department~~

~~Funding Source:~~ ~~Single Family builders contribution and Capital gains from resales in Equity Sharing Program~~

16. HOME Consortium Program

Program Description: New. The City of Modesto will explore participating in the formation of a Consortium for the purpose of seeking increased federal funding under the HOME program. The formation of the Consortium should include other incorporated cities and the County, along with the Stanislaus County Housing Authority. It is assumed that this Consortium could potentially increase the entitlement funding for all members, including the City.

Time Frame: 1992- Explore participating in a Consortium to determine if it is beneficial to the City's entitlement funding will be increased.
1993- If Consortium is beneficial to the City, proceed with the formation and administration.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-138

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE FAIRVIEW VILLAGE SPECIFIC PLAN TO DELETE THE REQUIREMENT FOR A HOUSING TRUST FUND EQUITY SHARING PROGRAM COLLECTION OF AN AFFORDABLE HOUSING FEE.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on December 12, 1995, the City Council by Resolution No. 95-585 adopted the Fairview Village 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, the elimination of the affordable housing fee is exempt from CEQA under the General Rule (CEQA Section 15061(b)(3) because this action will not add or delete dwelling units from the project or intensify any other land uses thus there is no possibility that the project may have a significant effect on the environment, and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Fairview Specific Plan to increase the affordability of new housing

through the elimination of policies in chapter III of the fairview Village Specific Plan, regarding a Housing Trust/Fund Equity Sharing Program, as well as the elimination of the required collection of an Affordable Housing Fee on new housing, and

WHEREAS. after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-15, recommending to the City Council Amendment No. 2 to the Fairview Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 1997, 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 Fairview Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, as recommended by the Planning Commission in its Resolution 97-15, is consistent with the City of Modesto Urban Area General Plan Housing Element Goal of providing affordable housing and is required for the following

reason:

The proposed amendment is needed to reduce the cost of new housing in the City, thereby increasing its affordability so that alternative sources including Redevelopment and CDBG funds can be used for the City-wide Housing Trust Fund.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Fairview Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, 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 18th day of March, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Fisher, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

3.3.2 Implementation Policies

The following policies will be used to implement the Long Range Financing Strategy:

1. Unless specifically excepted, each property owner will finance and construct community facilities, as specified in the Specific Plan, which occur directly on his or her property.
2. The above referenced community facilities will be sized by each property owner, in accordance with the Specific Plan, for the benefit of future planned development. In the event that the properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owners. Each property owner will reimburse the other(s) for their oversize expenses at the time of filing the first final subdivision map within each of the three major ownership groups.
3. The existing Citywide and County fees for new construction will prevail for development within the Plan Area and are intended to pay for all off-Plan Area community facilities, unless specifically excepted.
4. Property owners may receive credits to the payment of Citywide and County fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.
5. Accounting for facility oversizing will be handled by the property owners, in conformance to standard accounting practices. Repayment will be enforced by the City by being part of the City's requirement for the subdivision map filing (see item 2, above). Disputes among property owners will be subject to binding arbitration by a member of the American Arbitration Association (AAA). Outstanding balances for oversizing will be subject to 10% annual interest, payable by the benefiting "downstream" property owner at the time of final map filing.
6. The costs of developing the Specific Plan shall be reimbursed to the property owners who have fronted those costs. Reimbursement shall be through plan application fees required from non-contributing property owners. It shall be an equal share of the costs of preparing the Specific Plan and environmental documents, including the Fairview Village FEIR, and shall be prepaid upon annexation of the property owner's property. The property owner financing the Specific Plan shall assume responsibility for maintaining accounting records to established City standards. Any disputes which arise shall be resolved through binding arbitration by the American Association of Arbitrators (AAA).
7. ~~Developers building single family housing units will be required to pay a fee of $0.80 per square foot, for floor areas exceeding 800 square feet, to the Housing Trust Fund Equity Sharing Program, as established by the General Plan Housing Element policy (IV-F.15) to assist in providing affordable housing in the City. Other~~ General Plan housing policies implemented by the Specific Plan include an increased supply of entry level or "step-up" housing, sale and rental practices that support equal opportunity for ownership and that follow established fair housing practices, a process that seeks to remove procedural constraints to housing production, and construction that meets energy conservation requirements. Finally, approximately 400 multi-family units are

delete text

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-139

A RESOLUTION APPROVING 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.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on January 16, 1995, 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, the elimination of the affordable housing fee is exempt from CEQA under the General Rule of (CEQA Section 15061(b)(3) because this action will not add or delete dwelling units from the project or intensify any other land uses thus there is no possibility that the project may have a significant effect on the environment, and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 24, 1997, to receive evidence both oral and documentary regarding a proposal to amend the Pelandale-Snyder Specific Plan to increase the affordability of new housing

through the elimination of policies in chapter III of the fairview Village Specific Plan, regarding a Housing Trust/Fund Equity Sharing Program, as well as the elimination of the required collection of an Affordable Housing Fee on new housing, and

WHEREAS. after said public hearing held on February 24, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-16, recommending to the City Council Amendment No. 2 to the Pelandale-Snyder Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 18, 1997, 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 delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, as recommended by the Planning Commission in its Resolution 97-16, is consistent with the City of Modesto Urban Area General Plan Housing Element Goal of providing affordable housing and is required for the

following reason:

> The proposed amendment is needed to reduce the cost of new housing in the City, thereby increasing its affordability so that alternative sources including Redevelopment and CDBG funds can be used for the City-wide Housing Trust Fund.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Pelandale-Snyder Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee, 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 18th day of March, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Fisher, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

b. Housing Implementation - City and Developer Requirements

The affordable housing program in Pelandale-Snyder will be a shared effort between the City and developers. This combined participation can help meet the Pelandale-Snyder Specific Plan's affordable housing goals.

The following policies determine the responsibilities involved to assure that the Pelandale-Snyder Specific Plan's affordability goals are met.

I.2.a. Public Agencies will be responsible for meeting the very-low income housing needs for Pelandale-Snyder. The City will aggressively pursue all local, state and federal programs that would assist affordable rental housing and subsidized housing.

~~I.2.b. The City will create a Down Payment Assistance Program administered as part of the Housing Trust Fund, as a vehicle to provide "gap" financing for home ownership.~~ delete

b
I.2.~~c~~. Pelandale-Snyder developers of single-family housing will be responsible for meeting the ~~estimated~~ needs of low-income and moderate-income households~~, by contributing to the Housing Trust Fund, or~~ by providing affordable housing equal in scope and amount, to that provided by the public agencies revise

~~I.2.d. In lieu of providing affordable housing, developers who build units larger than 800 square feet will contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single family home in excess of 800 square feet. These funds will contribute to the Down Payment Assistance Program. Developers who build a home of 800 square feet or less will not be assessed the $.80 per square foot because a house of that size is expected to be affordable without assistance.~~ delete

~~I.2.e. To keep pace with inflation, annual adjustments will be made to the square foot contribution based upon Capital Facilities Fees, land appraisals for land costs and Engineering News Record Index for building costs. Also, a full review and assessment of the program's performance will be made five years from the start of implementation to ensure that the program is meeting its goals.~~ delete

c. Housing Assistance Program

Very Low Income Dwelling Units
(Household incomes that are less than 50% the area median)

At least 287 dwelling units must be provided for very low income households. The construction of these units will be administered by of the City of Modesto in cooperation with non-profit housing development organizations. Projects will usually be moderately sized projects of less than 50 units in size, and of mixed incomes

Low Income Dwelling Units
(Household incomes between 50% and 80% the area median)

~~1.~~ In order to meet this goal, 30 percent of all privately developed multi-family units must be available and maintained as affordable to low income households. In addition rents for these low income units will be set and monitored by the City. Rents may be adjusted annually.

~~2. The City will administer a Down Payment Assistance program from the Housing Trust Fund to provide up to $7,500 loans for home buyers.~~ delete

2. Affordable Housing

a. Overview

The development review/subdivision process within the Pelandale Snyder Specific Plan Area shall be governed by the procedures and requirements set forth in the Modesto Municipal Code Chapter 4 of Title IV, and Title X. In order to ensure compliance with affordable housing policies set forth in the Specific Plan, an affordable housing program shall be submitted with the submittal for approval of the Tentative Subdivision Map and must be approved concurrently or prior to Tentative Map approval.

b. Requirements

The affordable housing program need not be elaborate but must contain adequate information to establish the method of compliance with affordable housing policies that the particular project will pursue.

3. Subdivision Process

The subdivision process within Pelandale Snyder 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 Sections 66410 et. seq.). Processing procedures, submittal requirements, and findings required by the City's Subdivision Ordinance will be enforced as set forth therein.

4. Required Findings

In addition to the findings required by Section 4-4.404 of the Modesto Municipal Code (Subdivision Ordinance), all tentative map approvals will require adoption of the following findings:

Findings

a. The Tentative Map conforms to the requirements of the Pelandale Snyder Specific Plan; and

b. The Tentative Map is consistent with any relevant/required mitigation measures adopted by the Final Environmental Impact Report (FEIR), as certified by the City Council

c. [The affordable housing program conforms to state law and City policies regarding the provision of affordable housing units, ~~and/or in lieu fees~~.] revise

d. The Tentative Map is consistent with the Specific Plan as adopted and therefore, additional environmental review under CEQA is not required (CEQA Guidelines Section 15182, Public Resources Code 21083, California Government Codes 65453).

MODESTO CITY COUNCIL
RESOLUTION NO. 97-140

A RESOLUTION APPROVING AN AGREEMENT WITH SUNRISE ROTARY TO PROVIDE PHASE II OF PLAY APPARATUS AT ORCHARD NEIGHBORHOOD PARK

BE IT RESOLVED by the Council of the City of Modesto that an agreement with Sunrise Rotary to provide Phase II of play apparatus at Orchard Neigborhood be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Serpa, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-141

A RESOLUTION APPROVING AN AGREEMENT WITH JANICE K. MILLIKEN, IRENE KIRKPATRICK FREDERICK, AND JEAN CAROL HIXON FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Janice K. Milliken, Irene Kirkpatrick Frederick, and Jean Carol Hixon for the purchase of right of way needed for the Coffee/Briggsmore intersection widening 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 18th day of March, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-142

A RESOLUTION APPROVING AN AMENDMENT TO THE ACCESS AGREEMENT WITH WALTER G. BARKER, JR. TO RELOCATE A RECIPROCAL VEHICLE ACCESSWAY TO CONFORM TO APPROVED PLOT PLANS AND PARCEL MAP OF PROPERTY LOCATED ON THE EAST SIDE OF DALE ROAD, NORTH OF VENEMAN AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the access agreement with Walter G. Barker, Jr. to relocate a reciprocal vehicle accessway to conform to approved plot plans and parcel map of of property located on the east side of Dale Road, north of Veneman Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-143

A RESOLUTION APPROVING THE FINAL MAP OF THE CHARLESTON PLACE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Charleston Place, a California Limited Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.20 acres, known as Charleston Place Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 26th day of October, 1993, 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 Charleston Place 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 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 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 18th day of March, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-144

A RESOLUTION DESIGNATING THE CITY'S CHRISTMAS TREE ON PROPERTY LOCATED IN A BLOCK BOUNDED BY LALOMA, 19TH AND H STREETS AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY OF MODESTO)

WHEREAS, Chapter 10 of Title IX 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 February 24, 1997, 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. 97-4, that the City's Christmas Tree on property located in a block bounded by LaLoma, 19th and H Streets 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 the current adaptive uses are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed uses are compatible with the preservation and maintenance of the site. It is acknowledged that plans for a round-about will result in root pruning and the pruning of limbs to a 14' height on the southwest side of this deodar cedar.

and

WHEREAS, after a public hearing held on March 25, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the City's Christmas Tree on property located in a block bounded by LaLoma, 19th and H Streets 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 City Christmas Tree on property located in a block bounded by LaLoma, 19th and H Streets has cultural significance as the City's first Christmas Tree which has been lit with Christmas lights since about 1960.

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 25th day of March, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Strategic Planning

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-145

Print

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 AREAS NOS. 4 AND 5 PERTAINING TO SILVERADO AT THE VILLAGE SUBDIVISION, REZONING, PRECISE PLANS AND REQUIREMENT FOR DEVELOPMENT AGREEMENT (JAGUAR INVESTMENT CORPORATION)

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, Jaguar Investment Corporation, has applied for approval of a precise plan, a vesting tentative subdivision map (Silverado At The Village Subdivision), and a zone change from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, and

WHEREAS, on January 21, 1997, 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, by Environmental Assessment No. 97-6 findings have been made 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. 97-8, adopted on February 10, 1997, and City staff, by a report dated March 11, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Areas Nos. 4 and 5 of the Village One Specific Plan as set forth in said Resolution No. 97-8, and an Amendment to Section 11-3-9 of the Zoning Map to establish principal underlying zoning of Specific Plan-Overlay Zone, SP-O, on Precise Plan Areas Nos. 4 and 5, located on the north side of Hillglen Avenue, south of Sylvan Avenue, west of Roselle Avenue, east of Road F, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 25, 1997, 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. 97-6, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2), State CEQA Guidelines).

2. The proposed Vesting Tentative Subdivision Map in Precise Plan Areas Nos.4 and 5 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 97-6, entitled "Use of Previous EIR and Findings", 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 25th day of March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto

E. A. No. 97-6

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

I. BACKGROUND

1. **Name of Project:**
   Precise Plans Areas Nos. 4 and 5

2. **Name, Address and Phone Number of Proponent:**
   Jaguar Investment Corp. 600 Muirfield Ct.
   Modesto, CA 95356

3. **Type of Project:**
   Precise plans for Precise Plan Areas Nos. 4 and 5 and subsequent subdivisions of land

4. **Location:**
   Precise Plan Areas Nos. 4 and 5 are bordered by Road s"F"on the west. Sylvan Avenue on the north, Hillglen Drive on the south, Roselle Avenue on the east.

5. **Description of Proposed Project:**

The applicant seeks Specific Plan approval of PPA Nos. 4 and 5, and applicable vesting tentative subdivision maps. Amendment of the Zoning Map from SP-H to SP-O and adoption of the findings that this project is within the scope of the previous Village One EIR.
"Silverado at the Village" is an applicable subdivision and thus an implementing development of these precise plans.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan

and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:		Yes	Maybe	No
1.	Unstable earth conditions or in changes in geologic substructures?	___	___	✓
2.	Disruptions, displacements, compaction or overcovering of soil?	___	___	✓
3.	Change in topography or ground surface?	___	___	✓
4.	The destruction, covering or modification of any unique geologic or physical features?	___	___	✓
5.	Any increase in wind or water erosion of soils, either on or off the site?	___	___	✓
6.	Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	___	___	✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Village One Specific Plan.

The project site is relatively flat and has not been used as a landfill site. Any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	Yes	Maybe	No

1.	Substantial air emission or deterioration of ambient air quality?	___	___	✓
2.	The creation of objectionable odors?	___	___	✓

AIR Will the proposal result in:		Yes	Maybe	No
3.	Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	___	___	✓

Discussion: The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in:		Yes	Maybe	No
1.	Changes in currents, or the course of direction of fresh water movements?	___	___	✓
2.	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	___	✓
3.	Alterations to the course of flow of flood waters?	___	___	✓
4.	Change in the amount of surface water in any water body?	___	___	✓
5.	Discharge into surface waters, or in any alteration of surface water quality,			

	including but not limited to temperature, dissolved oxygen or turbidity?	___	___	✓
6.	Alteration of the direction or rate of flow of ground waters?	___	___	✓
7.	Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	___	✓
8.	Substantial reduction in the amount of public water supply?	___	___	✓
9.	Exposure of people or property to water related hazards such as flooding?	___	___	✓

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in:		Yes	Maybe	No
1.	Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	___	___	✓
2.	Reduction of the numbers of any unique, rare or endangered species of plants?	___	___	✓
3.	Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	___	___	✓

4.	Reduction in acreage of any agricultural crop?	___	___	✓

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:		Yes	Maybe	No
1.	Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	___	___	✓
2.	Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	✓
3.	Introduction of new species of animals?	___	___	✓
	into the area, or result in a barrier to the migration or movement of animals?	___	___	✓
4.	Deterioration to existing fish or wildlife habitat?	___	___	✓

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:		Yes	Maybe	No
1.	Increases in existing noise levels?	___	___	✓
2.	Exposure of people to severe noise levels?	___	___	✓

3.	Will the project require noise abatement measures?	___	___	✓
4.	Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?	___	___	✓

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

	Yes	Maybe	No
G. LIGHT AND GLARE Would on or off-site residents be subject to light or glare that would disturb those residents?	___	___	✓

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

	Yes	Maybe	No
H. LAND USE Will the proposal result in a substantial alteration of the present or planned land use of an area?	___	___	✓

Discussion: The project is within the range of uses analyzed in the Program EIR for the Precise Plan Areas. It is consistent with all the intensity that was programmed for thess areas within the Program EIR, and the Village One Specific Plan. Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in	Yes	Maybe	No
an increase in the rate of use of any natural resource?	___	___	✓

Discussion: The proposed Precise Plans for the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve:	Yes	Maybe	No
1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	___	✓
2. Possible interference with an emergency response plan or an emergency evacuation plan?	___	___	✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal:	Yes	Maybe	No
Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR?	___	___	✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new

population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal:	Yes	Maybe	No
Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?	___	___	✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR for the Village One Specific Plan(Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994). Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	Yes	Maybe	No
1. Generation of substantial additional vehicular movement?	___	___	✓
2. Effects on existing parking facilities, or demand for new parking?	___	___	✓
3. Substantial impact upon existing transportation systems?	___	___	✓
4. Alterations to present patterns of circulation or movement of people and/or goods?	___	___	✓
5. Alterations to rail or air traffic?	___	___	✓
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	___	___	✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. This project is totally consistent with the traffic analysis for the Village One Specific Plan EIR. Furthermore, the Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental

EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas	Yes	Maybe	No
1. Fire protection?	___	___	✓
2. Police Protection?	___	___	✓
3. Schools?	___	___	✓
4. Parks or other recreational facilities?	___	___	✓
5. Maintenance of public facilities, including roads?	___	___	✓
6. Other governmental services?	___	___	✓

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).
Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	Yes	Maybe	No
1. Power or Natural gas?	___	___	✓
2. Communications systems?	___	___	✓
3. Water?	___	___	✓
4. Sewer and septic tanks?	___	___	✓
5. Storm water drainage?	___	___	✓
6 Solid waste disposal?	___	___	✓
7. Substantial amounts of fuel or energy?	___	___	✓

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH Will the proposal result in:	Yes	Maybe	No
1. Creation of any health hazard or potential			

	health hazard (excluding mental health)?	___	___	✓
2.	Exposure of people to potential health hazards?	___	___	✓

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS	Yes	Maybe	No
Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	___	___	✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES		Yes	Maybe	No
1.	Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	___	✓
2.	Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?	___	___	✓
3.	Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	___	✓
4.	Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	___	✓

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the

Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE	Yes	Maybe	No
1. 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 or eliminate important examples of the major periods of California history or prehistory?	___	___	✓
2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?	___	___	✓
3. does the project have impact which are individually limited, but cumulatively considerable?	___	___	✓ ___
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	___	___	✓

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).

2. The proposed Precise Plan poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: John Mayer

Date: 1-21-97

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-146

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 AREAS 21 AND 22 PERTAINING TO MILLBROOK ESTATES SUBDIVISION, REZONING, PRECISE PLANS AND REQUIREMENT FOR DEVELOPMENT AGREEMENT (BRIGHT 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, Bright Development, has applied for approval of a precise plan, a vesting tentative subdivision map (Millbrook Estates), and a zone change from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, and

WHEREAS, on January 21, 1997, 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, by Environmental Assessment No. 97-1 findings have been made 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. 97-6, adopted on February 10, 1997, and City staff, by a report dated March 11, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Areas 21 and 22 of the Village One Specific Plan as set forth in said Resolution No. 97-6, and an Amendment to Section 13-3-9 of the Zoning Map to establish principal underlying zoning of Specific Plan-Overlay Zone, SP-O, on Precise Plan Areas 21 and 22, located on the north side of Floyd Avenue, south of Kodiak Drive, east of Esta Avenue and west of Fine Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 25, 1997, 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. 97-1, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181). These documents adequately describe

the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2), State CEQA Guidelines).

2. The proposed Vesting Tentative Subdivision Map in Precise Plan Areas 21 and 22 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 97-1, entitled "Use of Previous EIR and Findings", 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 25th day of March, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto

E.A.No. 97-1

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

I. BACKGROUND

1. **Name of Project:**
   Precise Plans Areas Nos. 21 and 22

2. **Name, Address and Phone Number of Proponent:**
   Bright Development - 1620 N. Carpenter Rd. Suite B-1
   Modesto, CA 95351

3. **Type of Project:**
   Precise plans for Precise Plan Areas Nos. 21 and 22

4. **Location:**
   Precise Plan Areas Nos. 21 and 22 are bordered by Kodiak Drive. on the north, Floyd Avenue on the south, Road U (Esta Avenue) on the west and Fine Avenue on the east.

5. **Description of Proposed Project:**

The applicant seeks Specific Plan approval of PPA Nos. 21 and 22, and applicable vesting tentative subdivision maps. Amendment of the Zoning Map from SP-H to SP-O and adoption of the findings that this project is within the scope of the previous Village One EIR.
Millbrook Estates is an applicable subdivision and thus an implementing development of these precise plans.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan

and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and

Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	Yes	Maybe	No
1. Unstable earth conditions or in changes in geologic substructures?	___	___	✓
2. Disruptions, displacements, compaction or overcovering of soil?	___	___	✓
3. Change in topography or ground surface?	___	___	✓
4. The destruction, covering or modification of any unique geologic or physical features?	___	___	✓
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	✓
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	___	___	✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Village One Specific Plan.

The project site is relatively flat and has not been used as a landfill site. Any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	Yes	Maybe	No
1. Substantial air emission or deterioration of ambient air quality?	___	___	✓
2. The creation of objectionable odors?	___	___	✓

AIR Will the proposal result in:	Yes	Maybe	No
3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	___	___	✓

Discussion: The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in:	Yes	Maybe	No
1. Changes in currents, or the course of direction of fresh water movements?	___	___	✓
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	___	✓
3. Alterations to the course of flow of flood waters?	___	___	✓
4. Change in the amount of surface water in any water body?	___	___	✓

5.	Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	___	✓
6.	Alteration of the direction or rate of flow of ground waters?	___	___	✓
7.	Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an [illegible] cuts or excavations?	___	___	✓
8.	Substantial reduction in the amount of public water supply?	___	___	✓
9.	Exposure of people or property to water related hazards such as flooding?	___	___	✓

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation [illegible] 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in:		Yes	Maybe	No
1.	Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	___	___	✓
2.	Reduction of the numbers of any unique, rare or endangered species of plants?	___	___	✓
3.	Introduction of new species of plants into			

	an area, or in a barrier to the normal replenishment of existing species?	___	___	✓
4.	Reduction in acreage of any agricultural crop?	___	___	✓

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:		Yes	Maybe	No
1.	Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	___	___	✓
2.	Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	✓
3.	Introduction of new species of animals?	___	___	✓
	into the area, or result in a barrier to the migration or movement of animals?	___	___	✓
4.	Deterioration to existing fish or wildlife habitat?	___	___	✓

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:		Yes	Maybe	No
1.	Increases in existing noise levels?	___	___	✓

2.	Exposure of people to severe noise levels?	___	___	✓
3.	Will the project require noise abatement measures?	___	___	✓
4.	Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?	___	___	✓

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous a· nd its corresponding mitigation measures on noise are adequate.

G. LIGHT AND GLARE	Would on or off-site residents be subject to light or glare that would disturb those residents?	Yes	Maybe	No
		___	___	✓

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

H. LAND USE	Will the proposal result in a substantial alteration of the present or planned land use of an area?	Yes	Maybe	No
		___	___	✓

Discussion: The project is within the range of uses analyzed in the Program EIR for the Precise Plan Areas. It is consistent with all the intensity that was programmed for thess areas within the Program EIR, and the Village One Specific Plan. Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not

introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in	Yes	Maybe	No
an increase in the rate of use of any natural resource?	___	___	✓

Discussion: The proposed Precise Plans for the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve:	Yes	Maybe	No
1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	___	✓
2. Possible interference with an emergency response plan or an emergency evacuation plan?	___	___	✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal:	Yes	Maybe	No
Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR?	___	___	✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new

population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal:	Yes	Maybe	No
Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?	___	___	✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR for the Village One Specific Plan(Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994). Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	Yes	Maybe	No
1. Generation of substantial additional vehicular movement?	___	___	✓
2. Effects on existing parking facilities, demand for new parking?	___	___	✓
3. Substantial impact upon existing transportation systems?	___	___	✓
4. Alterations to present patterns of circulation or movement of people and/or goods?	___	___	✓
5. Alterations to rail or air traffic?	___	___	✓
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	___	___	✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. This project is totally consistent with the traffic analysis for the Village One Specific Plan EIR. Furthermore, the Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental

EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas		Yes	Maybe	No
1.	Fire protection?	___	___	✓
2.	Police Protection?	___	___	✓
3.	Schools?	___	___	✓
4.	Parks or other recreational facilities?	___	___	✓
5.	Maintenance of public facilities, including roads?	___	___	✓
6.	Other governmental services?	___	___	✓

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).
Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O.	UTILITIES AND ENERGY Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	Yes	Maybe	No
1.	Power or Natural gas?	___	___	✓
2.	Communications systems?	___	___	✓
3.	Water?	___	___	✓
4.	Sewer and septic tanks?	___	___	✓
5.	Storm water drainage?	___	___	✓
6	Solid waste disposal?	___	___	✓
7.	Substantial amounts of fuel or energy?	___	___	✓

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan The project will be served by the City County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P.	HUMAN HEALTH Will the proposal result in:	Yes	Maybe	No
1.	Creation of any health hazard or potential			

	health hazard (excluding mental health)?	___	___	✓
2.	Exposure of people to potential health hazards?	___	___	✓

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	Yes	Maybe	No
	___	___	✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES		Yes	Maybe	No
1.	Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	___	✓
2.	Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?	___	___	✓
3.	Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	___	✓
4.	Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	___	✓

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the

Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE	Yes	Maybe	No
1. 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 or eliminate important examples of the major periods of California history or prehistory?	___	___	✓
2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?	___	___	✓
3. does the project have impact which are individually limited, but cumulatively considerable?	___	___	✓
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	___	___	✓

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).

2. The proposed Precise Plan poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: John Mauer

Date: 1-6-97

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-147

A RESOLUTION GRANTING A DEFERRAL OF CAPITAL FACILITIES FEES (CFF) TO 10 AFFORDABLE SINGLE-FAMILY HOMES BEING CONSTRUCTED BY SELF-HELP ENTERPRISES ALONG VICKSBURG STREET NEAR PARADISE ROAD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CFF/DEFERRAL DOCUMENTS.

WHEREAS, Resolution No. 97-122 authorizes the City Council to grant CFF exemptions and deferrals for affordable single-family homes constructed by nonprofit developers for low-income households, and

WHEREAS, Self-Help Enterprises, a nonprofit housing developer is building 10 single-family homes for low income homebuyers along Vicksburg Street near Paradise Road, and

WHEREAS, homebuyers earning 55% or less of area median income, may be granted full CFF exemption, provided there is no resale for 10 years, with payment to be made in full over a 10-year period at 5% interest, and homebuyers earning between 55% and 80% of area median income may be granted CFF deferral for 5 years, with payments to commence in year six, at 5% interest, and

WHEREAS, CFF Administrative Guideline 25 calls for residential exemptions not to exceed 2% of the total CFF program housing units, and

WHEREAS, the total CFF program residential housing units used to define future facilities needs to the year 2010 is 70,900, and 2% percent of 70,900 is 1,418 housing units, and

WHEREAS, with current exemptions and potential

exemptions, including approval of the current request for 10 additional units, only 33.1% of the allowable cap on housing units will be reached, and

WHEREAS, City staff is recommending CFF exemption/ deferral of up to $38,190 ($3,819 per each home) in accordance with Resolution No. 97-122, and

WHEREAS, said matter was considered by the City Council at its meeting held on March 25, 1997, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants to Self-Help Enterprises deferral of CFF in an amount up to $38,190 for 10 new single-family homes to be constructed along Vicksburg Street near Paradise Road.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute all necessary CFF deferral/exemption documents, including loan agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-148

A RESOLUTION GRANTING A DEFERRAL OF CAPITAL FACILITIES FEES (CFF) TO NO MORE THAN 6 AFFORDABLE SINGLE-FAMILY HOMES BEING CONSTRUCTED BY HABITAT FOR HUMANITY ON THE NORTHWEST CORNER OF WOODLAND AND ROSEMORE AVENUES (WYLDEWOOD VILLAGE SUBDIVISION), AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CFF/DEFERRAL DOCUMENTS.

WHEREAS, Resolution No. 97-122 authorizes the City Council to grant CFF exemptions and deferrals for affordable single-family homes constructed by nonprofit developers for low-income households, and

WHEREAS, Habitat For Humanity, a nonprofit housing developer is building 6 single-family homes for low income homebuyers on the northwest corner of Woodland and Rosemore Avenues (Wyldewood Village subdivision), and

WHEREAS, homebuyers earning 55% or less of area median income, may be granted full CFF exemption, provided there is no resale for 10 years, with payment to be made in full over a 10-year period at 5% interest, and homebuyers earning between 55% and 80% of area median income may be granted CFF deferral for 5 years, with payments to commence in year six, at 5% interest, and

WHEREAS, CFF Administrative Guideline 25 calls for residential exemptions not to exceed 2% of the total CFF program housing units, and

WHEREAS, the total CFF program residential housing units used to define future facilities needs to the year 2010 is

70,900, and 2% percent of 70,900 is 1,418 housing units, and

WHEREAS, with current exemptions and potential exemptions, including approval of the current request for 6 additional units, only 32.9% of the allowable cap on housing units will be reached, and

WHEREAS, City staff is recommending CFF exemption/ deferral of up to $22,914 ($3,819 per each home) in accordance with Resolution No. 97-122, and

WHEREAS, said matter was considered by the City Council at its meeting held on March 25, 1997, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants to Habitat For Humanity deferral of CFF in an amount up to $22,914 for up to 6 new single-family homes to be constructed on the northwest corner of Woodland and Rosemore Avenues (Wyldewood Village subdivision).

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute all necessary CFF deferral/exemption documents, including loan agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-149

Print

A RESOLUTION ACCEPTING THE BID OF SIERRA POWER PRODUCTS FOR TWO TRAILER MOUNTED GENERATORS FOR A TOTAL PRICE OF $96,314.31

WHEREAS, Resolution No. 96-673, adopted by the Council of the City of Modesto on December 3, 1996, authorized bids to be opened for furnishing two trailer mounted generators; and

WHEREAS, the bids received for the two trailer mounted generators, were opened at 11:00 a.m. on January 6, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Sierra Power Products for two trailer mounted generators for the total amount of $96,673.31 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Sierra Power Products for two trailer mounted generators 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 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs/Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-150

A RESOLUTION DECLARING USED, OBSOLETE POLICE EMERGENCY LIGHT BARS AS SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SEVERAL OF THE LIGHT BARS TO THE WOODLAND AVENUE FIRE PROTECTION DISTRICT.

WHEREAS, in 1990 the Police Department of the City of Modesto replaced emergency light bars on police vehicles with newer, more high-tech light bars which offered additional visibility, and

WHEREAS, the obsolete light bars are in storage following several unsuccessful attempts to sell them, and

WHEREAS, on occasion, special districts have contacted the City requesting the donation of old, surplus, scrap materials for their use, and

WHEREAS, the Purchasing Officer received a written request from the Woodland Avenue Fire Protection District for the donation of several used, obsolete emergency light bars, and

WHEREAS, after consultation with the City's Fleet Manager, the donation of the scrap surplus light bars was approved because they are of no further use to the City and cannot be used for spare parts, and

WHEREAS, the Council of the City of Modesto desires to donate said surplus emergency light bars, as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that used, obsolete police emergency light bars have become surplus property to the

City's needs, and the Council hereby authorizes the donation of several of these obsolete police emergency light bars to the Woodland Avenue Fire Protection District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-151

A RESOLUTION IN SUPPORT OF THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS RETAINING THE 209 AREA CODE.

WHEREAS, the 209 area code is one of numerous areas throughout the United States that requires area code relief, mainly due to the growing demand for telephone numbers, and

WHEREAS, this demand is being spurned by such factors as the demand for high tech equipment requiring phone numbers, competition, and population growth, and

WHEREAS, the 209 area code will be split in November, 1998, to meet the growing demand for new phone numbers, and consensus has not yet been reached as to who will retain the 209 area code, and

WHEREAS, residents, businesses and government in area code 209 have the opportunity to express their opinions on which part of the region should keep the 209 area code.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby supports the City of Modesto and Stanislaus County retaining the 209 area code for the following reasons:

1. A large volume of international calls are made to the Port of Stockton and Yosemite National Park.

2. A large volume of calls are made to the Sharpe and Tracy Defense Distribution depots.

3. The northern area has 90,000 more telephone numbers than the southern area, due mainly to the northern area's large commuting population and their use of cellular telephones.

4. The northern area of the 209 area code region has 30 cities compared to the southern area which has 8 cities.

5. The unemployment rate for the northern San Joaquin area (approximately 15%) is more than double the average of the State of California.

6. The expenses incurred from an area code change would negatively impact small businesses and residents already impacted by the recent floods.

BE IT FURTHER RESOLVED that the Council hereby directs staff to forward copies of this resolution to the Director of California Code Administration, in San Ramon, and other cities in the northern half of the 209 area code region to be presented at public meetings discussing the issue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-152

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SOUTHERN PACIFIC, FILING OF AN APPLICATION WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, VERIFYING THAT SUFFICIENT FUNDS ARE AVAILABLE, AND THAT ALL OTHER MATTERS PREREQUISITE TO AWARDING THE CONTRACT FOR A GRADE SEPARATION ON KANSAS AVENUE-NEEDHAM STREET AT THE SOUTHERN PACIFIC TRANSPORTATION COMPANY TRACKS WILL BE UNDERTAKEN

WHEREAS, Section 2456 of the Streets and Highways Code of the State of California requires that local agencies requesting allocations for railroad grade separation projects furnish evidence that sufficient funds from the local agency are available and that all other matters prerequisite to awarding the construction contract within a period of one (1) year have been or can be taken care of within that time, and

WHEREAS, the 1997-98, 1998-99 and 1999-00 fiscal year budgets will provide for the City of Modesto's cash flow requirements and the City's share of the cost of the grade separation structure on Kansas Avenue-Needham Street, P.U.C. No. B-112.3, and

WHEREAS, the City of Modesto will obtain all necessary orders from the Public Utilities Commission of the State of California, execute all necessary agreements with the Southern Pacific Transportation Company, acquire all necessary rights-of-way or obtain an order of the court granting to said City the immediate possession thereof, and accomplish all other

requirements prerequisite to awarding a contract for the construction of the grade separation structure on Kansas Avenue-Needham Street at the Southern Pacific Transportation Company's track (Public Utilities Crossing No. B-112.3) in the City of Modesto, within a period of one (1) year after the date that the California Transportation Commission and the Department of Transportation of the State of California have made an allocation of funds to said construction project,

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

1. That the City intends that sufficient funds be made available in the City of Modesto's 1997-98, 1998-99 and 1999-00 fiscal year(s) Capital Improvement Program Budget; and

2. That the City of Modesto intends to award the contract for the construction of said grade separation structure on Kansas Avenue-Needham Street at the Southern Pacific Transportation Company's tracks no later than one (1) year after the date that the California Transportation Commission and the Department of Transportation of the State of California have made an allocation of funds to said construction project; and

3. That J. Edward Tewes, City Manager, or his authorized designee, as agent of the City, are authorized to conduct all negotiations, execute and submit all documents including but not limited to Applications, agreements with the Southern Pacific Transportation Company or others, amendments,

payment requests, etc., which may be necessary for completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-153

A RESOLUTION REVISING THE CITY'S DOWN PAYMENT ASSISTANCE PROGRAM TO ALLOW COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) TO BE USED TO ASSIST ELIGIBLE HOMEBUYERS TO PURCHASE EXISTING HOMES BY PROVIDING FINANCIAL ASSISTANCE TOWARD DOWN PAYMENT AND CLOSING COSTS.

WHEREAS, since June 1995, the City and its Redevelopment Agency have been operating a Down Payment Assistance Program (DPAP) to help low and moderate income families purchase new homes in Modesto, and

WHEREAS, homebuyers are assisted through a deferred-payment loan funded by HOME, Community Development Block Grant, or the Redevelopment Agency Housing set-aside funds, and

WHEREAS, currently, DPAP funds can only be used to assist with new home purchases and existing homes cannot be assisted through the program, and

WHEREAS, when the program began, it was with the intent to help stimulate the local economy by supporting new construction, and

WHEREAS, staff is now requesting that the program be expanded to allow homebuyers to purchase existing and new homes through the program, and

WHEREAS, Federal funding requires inspection and lead-based paint testing for existing homes, and funding with HOME funds must meet federal housing quality standards, but there is no inspection requirement for units assisted with CDBG or

Redevelopment Agency funds, and

WHEREAS, HOME requires lead-based paint testing and abatement for homes built before 1978, and CDBG requires that purchasers of homes built before 1978 be notified of the potential existence, hazards, precautions, and treatment of lead-based paint poisoning, and also be advised of screening tests available for children under seven years of age and of the appropriate abatement measure that must be taken should lead-based paint be found, and

WHEREAS, State Redevelopment law does not require lead-based paint testing, but the Agency has elected to test for lead-based paint if the assisted unit was built before 1978, and

WHEREAS, at the Community Development and Housing Committee meeting on March 12, 1997, City staff recommended inspection and testing requirements for existing homes, should the program be expanded, with the inspection to be conducted by Housing & Neighborhoods staff or contracted out to qualified housing inspectors at a charge of $100 per inspection to be paid out the escrow, and

WHEREAS, the Council has resolved that providing down payment assistance to help low and moderate income families to purchase either new or existing homes is a high priority for the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program

is hereby revised to allow assistance for the purchase of either new or existing homes.

BE IT FURTHER RESOLVED that homes built before 1978 will be tested for lead-based paint, homebuyers will be notified of the potential existence, hazards, precautions, and treatment of lead-based paint poisoning and of screening tests available for children under seven years of age, and of appropriate abatement measures should lead-based paint be found, and that no DPAP loan shall be made to the homebuyer until such time as the City is satisfied that the lead-based paint has been properly abated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

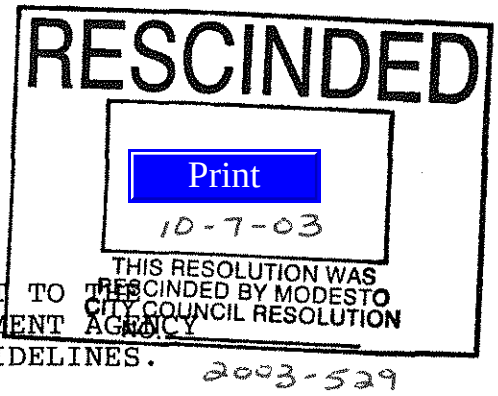
AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 97-154

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO, MODESTO REDEVELOPMENT AGENCY DOWN PAYMENT ASSISTANCE PROGRAM GUIDELINES.

WHEREAS, since June 1995, the City and its Redevelopment Agency have been operating a Down Payment Assistance Program (DPAP) to help low and moderate income families purchase new homes in Modesto, and

WHEREAS, homebuyers are assisted through a deferred-payment loan funded by HOME, Community Development Block Grant, or the Redevelopment Agency Housing set-aside funds, and

WHEREAS, currently, DPAP funds can only be used to assist with new home purchases and existing homes cannot be assisted through the program, and

WHEREAS, when the program began, it was with the intent to help stimulate the local economy by supporting new construction, and

WHEREAS, staff is now requesting that the program be expanded to allow homebuyers to purchase existing and new homes through the program, and

WHEREAS, it is necessary to amend the Down Payment Assistance Program Guidelines to provide assistance for new and existing home purchases, and

WHEREAS, the Council has resolved that providing down payment assistance to help low and moderate income families to purchase either new or existing homes is a high priority for the

City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program Guidelines are hereby amended, as more fully set forth in Exhibit "A" attached hereto, to provide assistance to low and moderate income families for the purchase of either new or existing homes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
MODESTO REDEVELOPMENT AGENCY
DOWN PAYMENT ASSISTANCE PROGRAM

PROGRAM GUIDELINES

A. INTRODUCTION

The City of Modesto and the Modesto Redevelopment Agency offers a Down Payment Assistance Program (DPAP) to assist low and moderate income families purchase a home. Eligible homes are new and existing homes located within Modesto's city limits. The program helps homebuyers by providing financial assistance toward downpayment and closing costs. It is designed for families that have adequate incomes to afford monthly mortgage payments, but have not been able to save enough money for the downpayment. Eligible participants do not have to be first-time homebuyers. The program is funded by the HOME Investment Partnerships Program (HOME), Community Development Block Grant (CDBG) program, and the Redevelopment Agency housing set-aside Fund. The City believes that affordable homeownership opportunities can provide the foundation whereby individual families, and entire neighborhoods, can achieve a sense of stability and community pride.

For more information about the Down Payment Assistance Program contact the City of Modesto, Office of Housing & Neighborhoods, 940 Eleventh Street, Modesto, CA 95354. Phone No: (209)577-5247; Fax No: (209) 544-3982.

B. MAXIMUM LOAN AMOUNT

There is no application fee to apply for a DPAP loan. The maximum loan for each household is determined as follows: For households earning up to 80% of area median income (AMI), the maximum loan is $7,500. For households earning between 80% and 120% of AMI, the maximum loan is $5,000. The current income eligibility limits are:

Household Size:	Low Income 80% AMI	Moderate Income 120% AMI
1 person	$22,950	$34,450
2 person	$26,250	$39,350
3 person	$29,500	$44,300
4 person	$32,800	$49,200
5 person	$35,400	$53,150
6 person	$38,050	$57,050
7 person	$40,650	$61,000
8 person	$43,300	$64,950

EXHIBIT "A"

C. DOWN PAYMENT REQUIREMENT

Homebuyers must provide a downpayment, from their own funds, to participate in the program. Households earning up to 80% of AMI are required to provide a 1% down payment, and households earning between 80% and 120% of AMI are required to provide a 3% down payment. See income chart above.

D. INTEREST RATE AND DEFERRED LOAN REPAYMENT TERMS

The DPAP loan accrues interest at 5% per year and will be charged on the unpaid balance until the full loan amount has been repaid. No payments are required on the DPAP loan for the first five years, and no interest accrues during the deferral period. Monthly payments (principal and interest) begin in year six. The loan is repaid over a 15-year period (year six through year twenty) for households earning up to 80% of AMI. Households earning between 80% and 120% of AMI are required to repay the loan over a 10-year period (year six through year fifteen).

Other repayment provisions include the following:

1. The total amount of the deferred loan plus accrued interest becomes due and payable at the time of sale or transfer of ownership, refinancing of the property, upon death of owners(s), or upon change of use of the property.

2. No Prepayment Penalty. There is no charge or penalty for making full or partial payments on the loan.

3. The deferred DPAP loan is generally not assumable. However, if the subsequent purchaser of the home is otherwise eligible for the Down Payment Assistance Program, the applicant may apply to the City for a waiver of the non-assumption feature of the loan. All proceeds from the payoff of the loan shall roll over into a revolving loan fund that will be used to assist other low and moderate income home buyers with the purchase of a home.

E. SILENT SUBORDINATE MORTGAGE

The DPAP loan is a silent, subordinate mortgage secured by a promissory note and City or Agency trust deed, and is recorded junior to the primary mortgage.

F. BORROWER ELIGIBILITY REQUIREMENTS

Eligible borrowers must meet the following eligibility criteria in order to participate:

1. Borrower must qualify as a low or moderate income household. To qualify under this criteria, borrowers must be households whose total annual income does not exceed 120 percent of the area median income (adjusted for family size) for Modesto at the time the household initially occupies the property, or at the time the City or Agency funds are invested, whichever is later (See income limits above). HOME and CDBG funds can be used to assist households at or below 80% of AMI, while Agency funds can assist households earning up to 120% of AMI. Section 8 income guidelines will are used to determine annual income, which is defined as the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period (See Determining Annual Income at Exhibit 1). Income

recertification will be required if more than 180 days have elapsed from the date of the original certification and the date of loan closing or occupancy of the property. It is required that the property be occupied within 60 days of loan closing.

2. Borrower or any household member cannot have a current ownership interest in other real estate property or investments.

3. Borrower must contribute a minimum of 1% to 3% equity (cash) toward the purchase price of the home.

4. Borrower must have sufficient income and credit to qualify for a mortgage loan through a reputable lender.

5. Borrower must occupy the property as a principal residence. This means that the borrower household must use the property as its primary place of residence. Use of the property for rental purposes, including temporary leases, is not allowed and, if at any time during the loan term the property is no longer the principal residence of the borrower, the loan will become immediately due and payable in full. The loan documents (loan agreement, deed of trust, promissory note) executed by the City/Agency and the borrower will incorporate this requirement.

6. Preference given to eligible borrowers who live or work in Stanislaus county.

G. ELIGIBLE HOMES

Homes purchased with City or Agency assistance must meet the following requirements:

1. The home can new or existing. Acquisition of the unit, however, must not result in the displacement of any tenants residing in the unit.

2. The home must be located within the city limits of Modesto.

3. The purchase price of the home must not exceed the following affordable price limits:
2-bedroom - $100,000; 3-bedroom - $115,000; 4-bedroom - $125,000

The City can refuse to participate in the purchase of homes that are clearly not in good repair, or if lead-based-paint is found on the property (common in homes built before 1978) and it is not properly addressed.

H. COMBINING THE DPAP LOAN WITH OTHER PROGRAMS AND SUBSIDIES

The DPAP loan may also be combined with other homebuyer programs and subsidies such as approved sweat-equity programs, mortgage credit certificates (MCCs), and Stanislaus County public facilities fees (PFF) waivers/deferrals. Homebuyers are encouraged to request that participating lenders apply for MCCs and PFF waivers/deferrals on their behalf, since such subsidies may allow homebuyers to qualify for a higher mortgage.

I. ASSETS

A household's assets (i.e., cash or noncash items that can be converted to cash) are recognized when determining need for assistance and for calculating annual income. When determining need, a family's case is evaluated individually, looking at factors such as amount of assets, accessibility, extenuating circumstances, and the like. The program's intent is to encourage saving. Our intent is not to leave a family with no liquid assets after the purchase of their home; however, applicants determined to have excessive assets, or asset income that causes their annual income to exceed the income eligibility guidelines, shall not be allowed to participate in the program. Ownership of any real estate asset will disqualify an applicant from participating in the program.

J. CONDITIONS FOR DISBURSING FUNDS

Before disbursing any funds, the homebuyer must (1) meet all the Down Payment Assistance Program eligibility requirements; (2) execute City or Agency loan documents (loan agreement, promissory note, subordinate trust deed) assuring compliance with the applicable requirements of the program; and (3) secure permanent financing (first mortgage).

K. FUNDING SOURCE RESTRICTIONS

Funding for DPAP loans use to assist in the purchase of existing homes, shall be restricted to Community Development Block Grant (CDBG) and Redevelopment Agency housing set-aside funds.

L. THE APPLICATION PROCESS

1. Contact the City of Modesto, Office of Housing and Neighborhoods, at (209) 577-5247 to see if you qualify for the Down Payment Assistance Program.

2. See a realtor or visit a subdivision in Modesto to select a home to purchase. The realtor will assist you in selecting a home and will execute a purchase contract and determine if you have adequate resources to qualify for a loan. The realtor will then refer you to a lender to apply for a mortgage loan and to apply for a DPAP loan. You are not obligated to use the lender referred to you by the realtor. Any lender can participate in the program.

3. See a lender to apply for a first mortgage and to complete a DPAP application, with the lender's assistance. While qualifying you for your first mortgage, the lender will assist you in completing the DPAP application, verify the information, and submit the complete loan application package to the City for approval.

4. Upon approval of the DPAP application, the City will issue a conditional letter of commitment good for 45 days from the date of issuance, and prepare the necessary loan documents for the silent subordinate mortgage. The downpayment assistance funds will be provided to the title company at escrow, to be applied toward the purchase of the home.

EXHIBIT 1

DETERMINING ANNUAL INCOME

Section 8 income guidelines are used to calculate annual income to determine program eligibility. Annual Income is defined as the gross amount of income of all adult household members that is anticipated to be receive during the coming 12-month period. The following definitions are key to understanding the requirements for calculating Annual Income:

1. **Gross amount.** For those types of income counted, gross amounts (before any deductions have been taken) are used;

2. **Income of all adult household members.** The definition of Annual Income contains income "inclusions"--types of income to be counted--and income "exclusions"--types of income that are not considered (e.g., income of minors); and

3. **Anticipated to be received.** Annual Income is used to determine eligibility and a household's expected ability to pay, rather than past earnings, are used to estimate housing assistance needs.

The following items shall be <u>included</u> in determining Annual Income:

1. All wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services (before any payroll deduction);

2. Net income from the operation of a business or profession;

3. Interest, dividends, and other net income of any kind from real or personal property. Income shall include the greater of the actual income derived from all assets or a percentage of such assets based on the current passbook saving rate, as determined by HUD.

4. Lottery winnings paid in periodic payments;

5. All gross periodic payments received from Social Security, annuities, insurance policies, retirement funds, pension, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (except Social Security)

6. Payments in lieu of earnings such as unemployment, worker's compensation and severance pay;

7. Welfare assistance;

8. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

9. All regular pay, special pay, and allowances of a member of the Armed Forces

The following items shall be excluded in determining Annual Income:

1. Income from employment of children (including foster children) under the age of 18 years;

2. Payments received for the care of foster children;

3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers compensation), capital gains and settlement for personal or property losses.

4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member;

5. Income of a live-in aide;

6. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, material, supplies, transportation, and miscellaneous personal expenses of the student.

7. The special pay to a family member serving in the armed forces who is exposed to hostile fire;

8. Amounts received under training programs funded by HUD;

9. Temporary, nonrecurring, or sporadic income (including gifts);

10. Reparation payments from foreign governments in connection with the Holocaust.

11. Lump sum payment of SSI and Social Security benefits; and

12. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-155

Print

A RESOLUTION APPROVING AN AGREEMENT WITH CAROLYN V. WHISLER FOR THE ACQUISITION OF AN EASEMENT NEEDED FOR THE PARALLEL PIPELINE FOR THE WASTE TREATMENT SYSTEM

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Carolyn V. Whisler for the acquisition of an easement needed for the parallel pipeline for the waste treatment 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 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-156

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH CITY TOWER GROUP, LLC, FOR A RADIO REPEATER ANTENNA AT 801 TENTH STREET TO CHANGE THE ADDRESS OF THE LESSOR

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with City Tower Group for a radio repeater antenna at 801 Tenth Street to change the address of the lessor 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 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-157

A RESOLUTION IN SUPPORT OF THE GOALS OF THE STANISLAUS COUNTY CONDITION OF CHILDREN CONFERENCE.

WHEREAS, in response to growing concern about conditions for children and families in Stanislaus County, in 1996 a community collaborative was formed to develop a plan to educate the community regarding issues critical to children and families and to motivate individuals and communities to take action in support of children's issues, and

WHEREAS, the collaborative held a successful first conference on April 23, 1996, attended by over 600 community members, and was successful in identifying areas of concern, areas of unmet needs and problems that need to be addressed and was successful in its goal to motivate individuals to action as evidenced by 245 individuals pledging to get involved with children, and

WHEREAS, the collaborative has set a date for a second conference for April 22, 1997, to evaluate progress made, further educate the community on critical issues, and further motivate individuals and community members to action, and

WHEREAS, we believe that it is unacceptable for Stanislaus County to have experienced a 22% rise in juvenile crimes against people over the last year, and that it is unacceptable for 24% of the county's children to live in poverty,

and that 32 reports of child abuse per day are unacceptable, and

WHEREAS, the Modesto City Council acknowledges that children in Stanislaus County deserve our focus and support,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council supports the goals of the Stanislaus County Condition of Children Conference.

BE IT FURTHER RESOLVED by the Council that we shall participate in the Stanislaus County Condition of Children Conference to be held on April 22, 1997, at the Modesto Centre Plaza.

BE IT FURTHER RESOLVED by the Council that we shall join community leaders to find solutions to the issues identified by the conference within our own jurisdiction and in partnership with others.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-158

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO REDESIGNATE 80 ACRES WEST OF MORROW ROAD FROM BUSINESS PARK TO VILLAGE RESIDENTIAL AND TO DELETE AN EXPRESSWAY LINK BETWEEN KIERNAN AVENUE AND DAKOTA AVENUE.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report 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 and 97-137, copies of which are on file in the office of the City Clerk, and

WHEREAS, the General Plan Land Use Diagram and the Kiernan/Carver Comprehensive Planning District text and diagram designate 660 acres as Business Park, and

WHEREAS, the General Plan Circulation Diagram designates an expressway link between Kiernan Avenue and Dakota Avenue, and

WHEREAS, the City has prepared a Kiernan Business Park Specific Plan, authorized under Section 65450 of the Government

Code, to implement the General Plan within the Kiernan/Carver Comprehensive Planning District, and said Specific Plan proposes 540 acres net (580 acres gross) designated for Business Park, and

WHEREAS, the Kiernan Business Park Specific Plan proposes the deletion of the expressway link between Kiernan Avenue and Dakota Avenue, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines the Planning Commission certified that it reviewed and considered the findings of the Final Focused Environmental Impact Report (SCH 94082005) prepared for the proposed Kiernan Business Park Specific Plan and the proposed amendments to the General Plan, and

WHEREAS, pursuant to provisions of the 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 3, 1997, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the proposed amendment to the General Plan Land Use Diagram for the Kiernan/Carver Comprehensive Planning District and the Circulation Diagram, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 97-17, recommending to

the City Council an amendment to the General Plan to redesignate 80 acres west of Morrow road from Business Park to Village Residential, and to delete an expressway link between Kiernan Avenue and Dakota Avenue, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on April 1, 1997, 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 items,

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 80 acres west of Morrow Road from Business Park to Village Residential, and to delete an expressway link between Kiernan Avenue and Dakota Avenue, is in the public interest,

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds and determines as follows:

> That the Kiernan Business Park and Carver-Bangs Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

BE IT FURTHER RESOLVED that the proposed amendment to the General Plan to revise the Land Use Diagram, the Kiernan/Carver Comprehensive Planning District, and the Circulation Diagram, to redesignate 80 acres west of Morrow Road from Business Park to Village Residential, and to delete an

expressway link between Kiernan Avenue and Dakota Avenue, is hereby approved, 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.

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 3035-C.S., prezoning the Kiernan Business Park Specific Plan, introduced by the Council on April 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

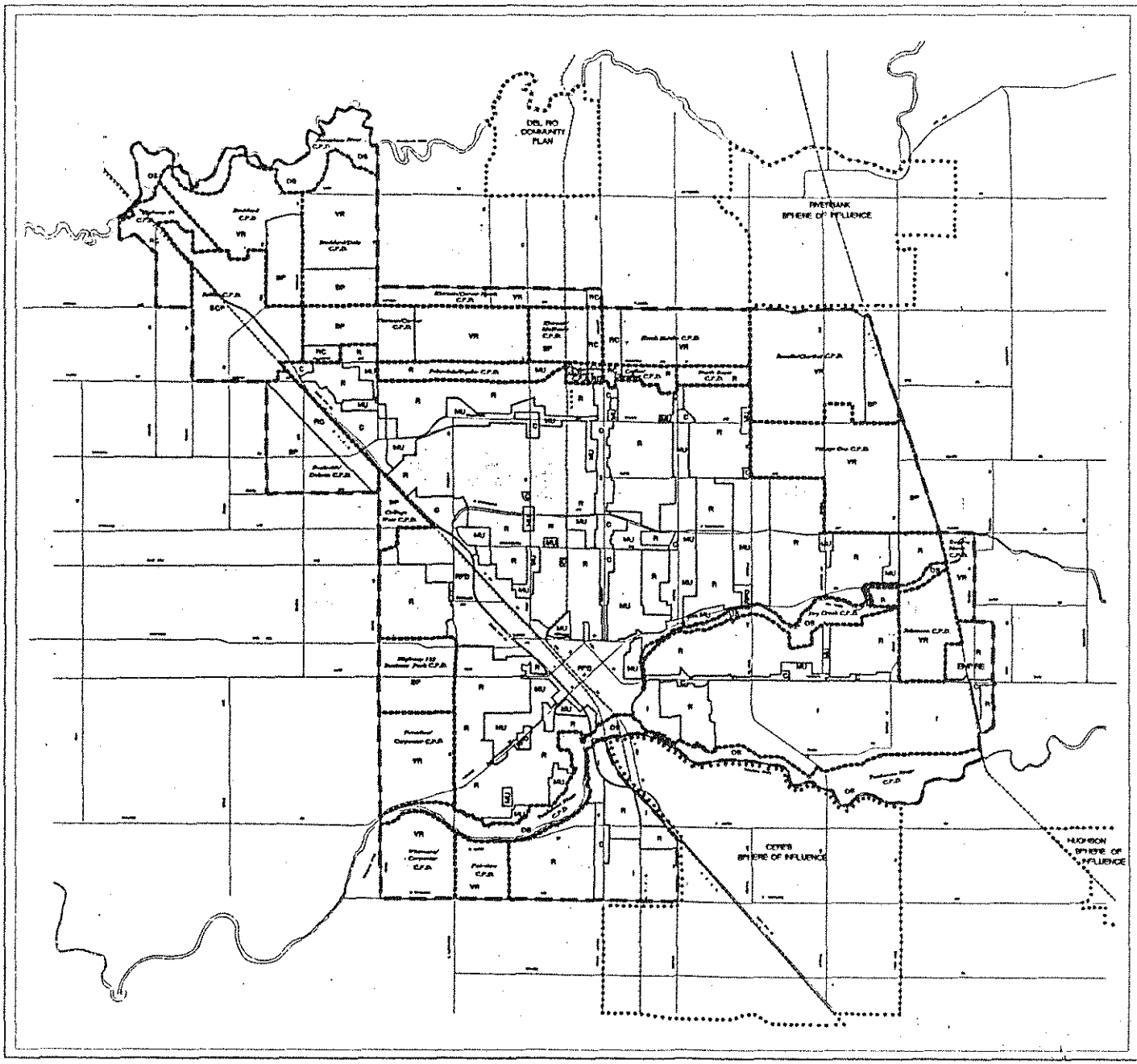
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"



CITY OF MODESTO

GENERAL PLAN PROGRAM

FIGURE III-1

ADOPTED

LAND USE DIAGRAM

LEGEND

Exhibit III-12

KIERNAN/CARVER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,385-acre Comprehensive Planning District proposes a 580 acre Business Park fronting on the future Pelandale Avenue and Kiernan Avenue expressways, and 730 acres of Village Residential uses on the eastern half of the Comprehensive Planning District. Also included is a regional commercial center on Pelandale 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)

730 acres designated "Village Residential"
580 acres designated "Business Park"
- 75 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

(1) The Regional Commercial uses should be located near Highway 99 to take advantage of regional traffic.

(2) The supporting commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

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) Neotraditional Planning Principles (Section III-C(3))

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) Adequate buffering should be provided between the Business Park uses and residential use to the south and east.

(2) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 3,700 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 will be served by an extension of the North Sanitary Sewer Trunk.

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 22,600 employees was assumed for this Comprehensive Planning District.

b. A total of 3,700 dwelling units was assumed for this Comprehensive Planning District.

The following areas of this Comprehensive Planning District have been analyzed by a Final Focused EIR (SCH #94082005), and projects consistent with the General Plan and the applicable Specific Plans do not need further environmental analysis under CEQA:

a. Parcels located within the Kiernan Business Park Specific Plan.

b. Parcels located within the Carver-Bangs Specific Plan.

c. Assessor's Parcel Nos. 78-15-17 and 78-15-11.

However, all residential development in the above areas shall implement the following mitigation measures:

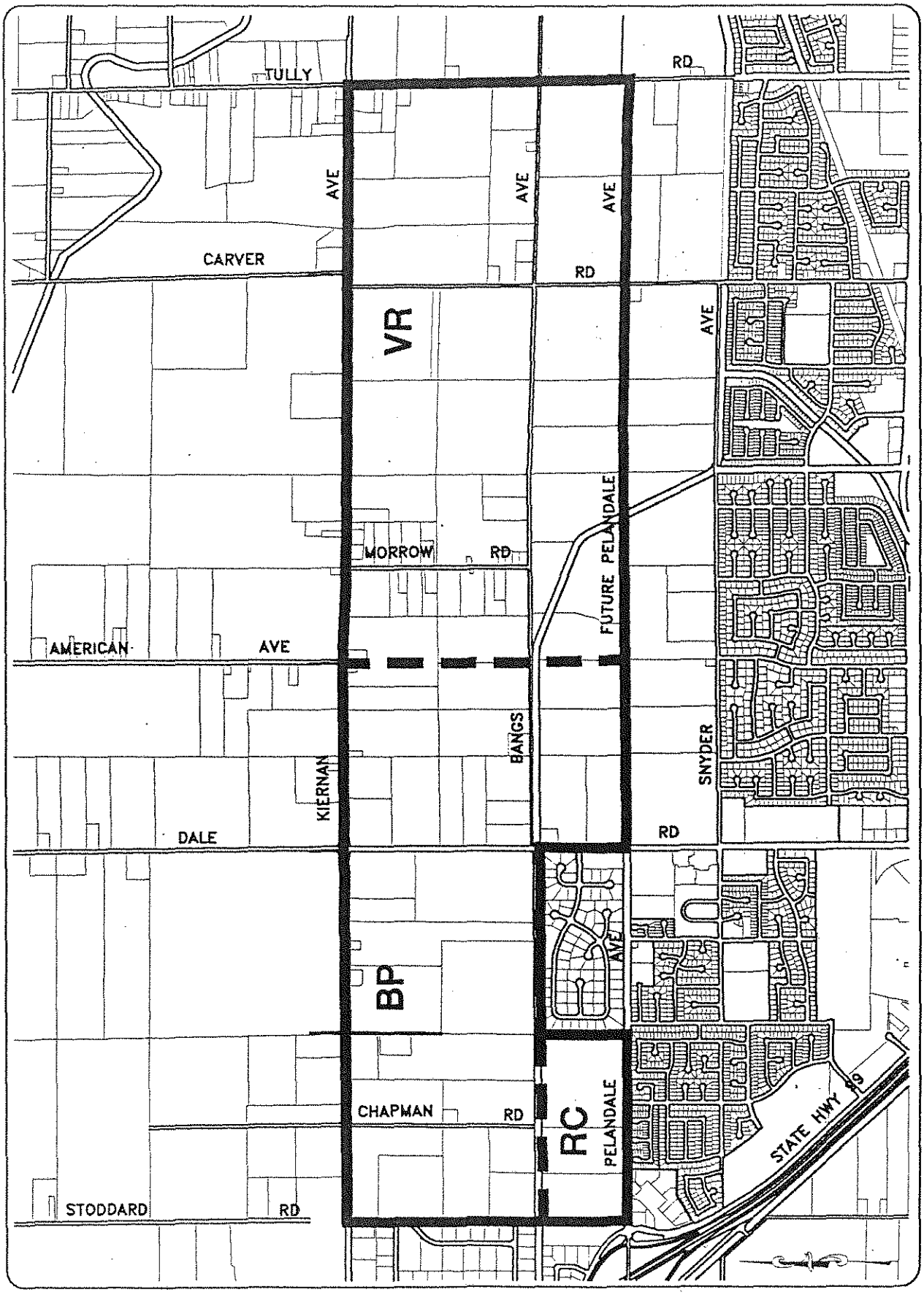
a. All development will adopt an outdoor noise performance standard of 60Ldn for new single-family residential development. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. The key locations requiring the noise barrier would include the future Pelandale Expressway, (extended) Prescott Road, and along the future SR 219 Expressway.

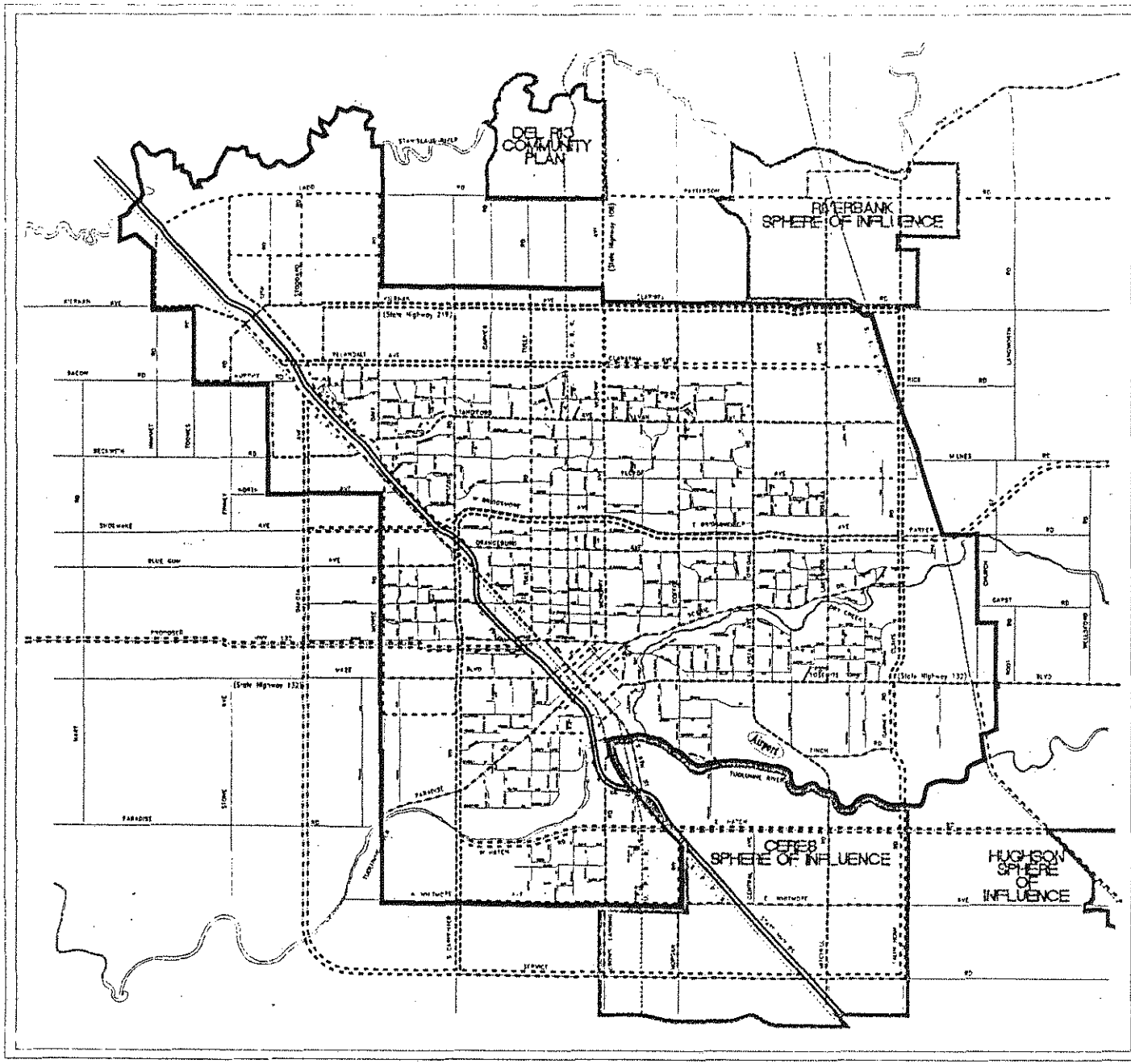
b. A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or development plan approval.

7. Special Considerations Unique to this Comprehensive Planning District:

The final boundaries of the Business Park shall be determined by the Comprehensive Plan.

KIERNAN/CARVER C.P.D.





CITY OF MODESTO

GENERAL PLAN PROGRAM

Figure V-1
Sheet 1 of 2

CIRCULATION AND TRANSPORTATION DIAGRAM

LEGEND

FACILITY DESIGNATIONS *

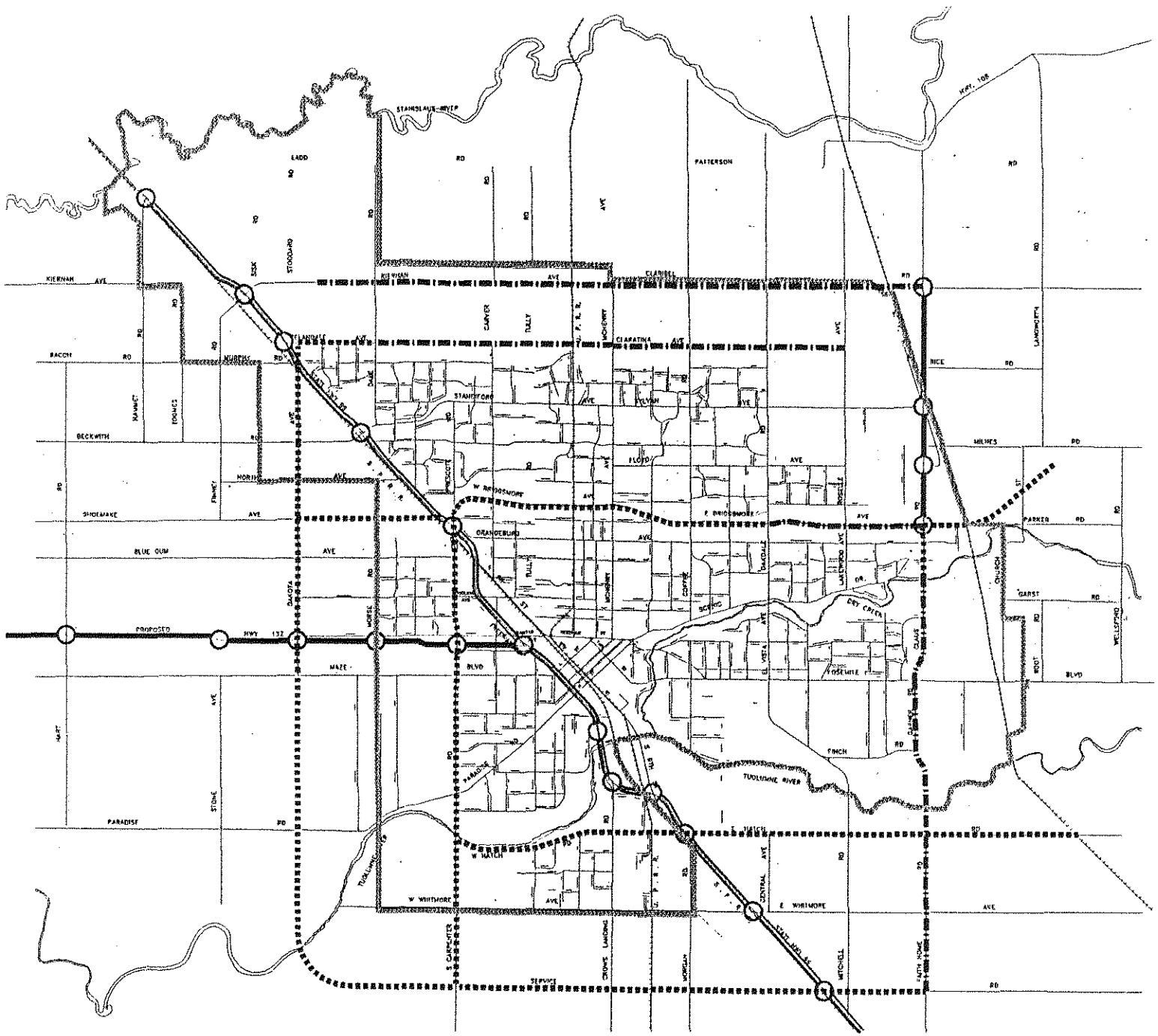
- FREEWAY 99
- EXPRESSWAY 8 Lanes, see sheet 2 for Classification
- EXPRESSWAY 6 Lanes, see sheet 2 for Classification
- PRINCIPAL ARTERIAL 8 Lanes
- PRINCIPAL ARTERIAL 6 Lanes
- MINOR ARTERIAL 4 Lanes
- MAJOR COLLECTOR 4 Lanes
- MINOR COLLECTOR 2 Lanes (Where in developed areas only)
- (Airport) AIRPORT
- RAILROAD

* Note : Designations shown outside the General Plan Boundary are illustrative only, subject to other jurisdictions.

REFERENCE POINTS

- GENERAL PLAN BOUNDARY
- ADJACENT COMMUNITIES BOUNDARY
- RIVERS

N
W E
S



CITY OF MODESTO

GENERAL PLAN PROGRAM

Figure V-1
(Sheet 1 of 2)

CIRCULATION AND TRANSPORTATION DIAGRAM

Expressway Classifications and Interchange Locations *

Legend

Freeway 99

Interchanges for Freeway 99 and Class A Expressways

Class A Expressway

Class B Expressway

Class C Expressway

General Plan Boundary

* Note : Classifications and Interchanges shown outside the General Plan Boundary are illustrative only, subject to other jurisdictions.

FILE: CIRC3-2.DWG
DATE: 8/4/98

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-159

A RESOLUTION ADOPTING THE KIERNAN BUSINESS PARK SPECIFIC PLAN.

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 August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Kiernan/Carver Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, a proposal for the Kiernan Business Park Specific Plan has been prepared to meet the City's General Plan requirements for Comprehensive Plans, Chapter III, Section D, and State Government Code Section 65450, and

WHEREAS, the Specific Plan is for the purpose of developing a 614-acre business park, with a mix of light industrial, research and development, office, and regional commercial uses, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 3, 1997, to receive evidence both oral and documentary to consider making a recommendation to the

City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, by Resolution No. 97-18 adopted on March 3, 1997, the Planning Commission recommended to the City Council the adoption of the Kiernan Business Park Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on April 1, 1997, 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 that the Council of the City of Modesto finds and determines as follows:

1. That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the proposed Specific Plan is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Kiernan Business Park Specific Plan dated April 1, 1997, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this resolution shall become effective 30 days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific 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 1st day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

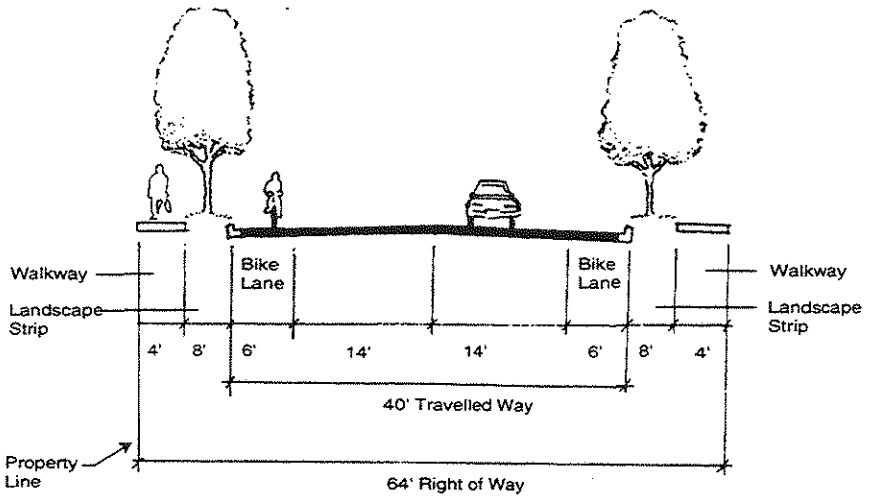
APPROVED AS TO FORM:

By R. Lorens Post
MICHAEL D. MILICH, City Attorney

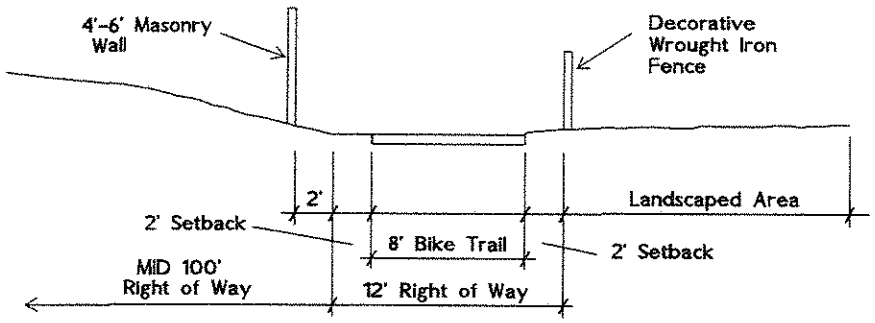
Exhibit "A"

Kiernan Business Park

Specific Plan



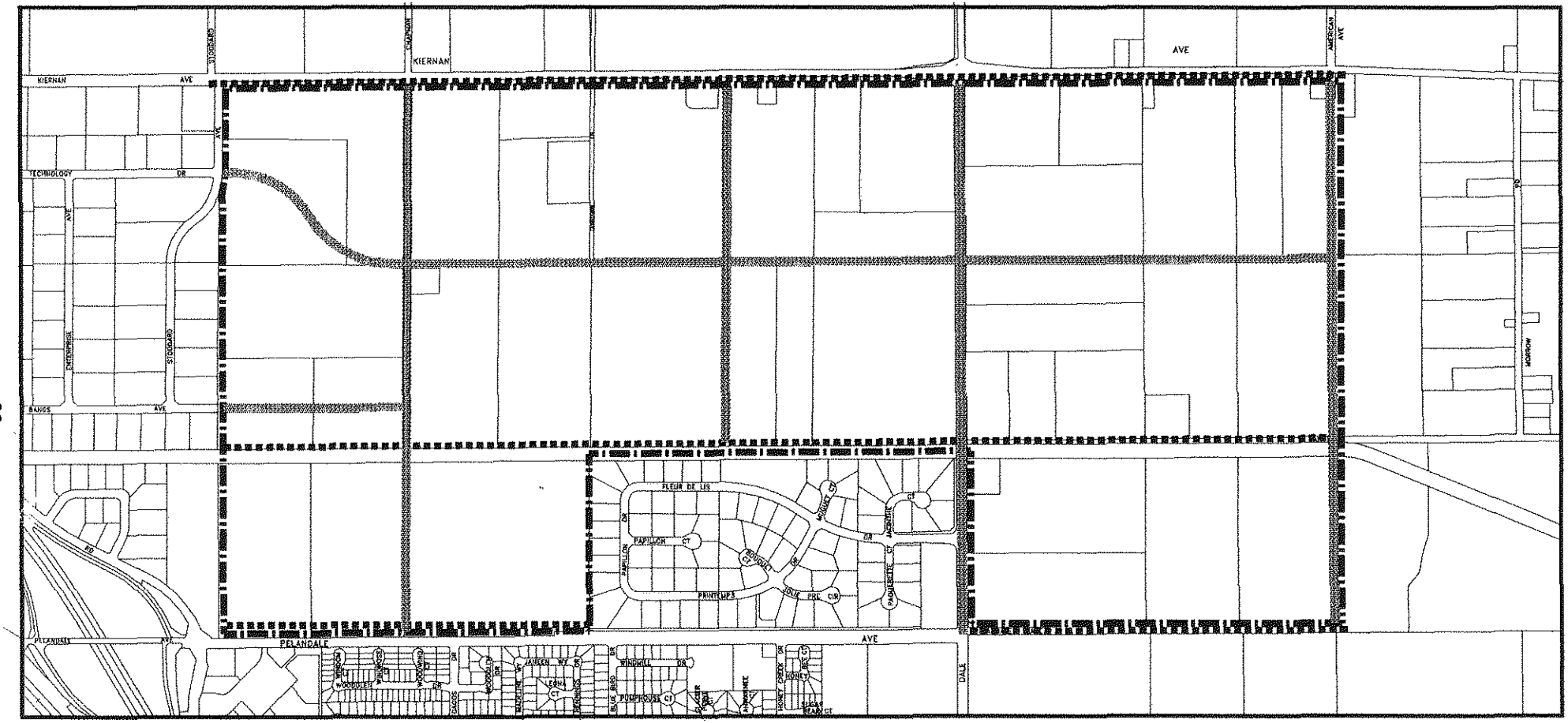
2 LANE MINOR CONNECTOR



CLASS I BIKE PATH NORTH OF MID LATERAL

Figure IV-4

Minor Connector and Bike Path Cross-Sections



Legend :

- Specific Plan Area Boundary
- Class I Bike Path
- Class II Bike Lane

North

0' 1320' 1/4 mile

Figure IV-5

Bike Paths

KIERNAN
BUSINESS PARK

Chapter V
PUBLIC FACILITIES

A. Overview

This chapter describes the development of the basic wastewater collection, water supply, and storm drainage infrastructure needed to support anticipated growth in the Kiernan Business Park Specific Plan area. The Specific Plan's public facilities goal is stated below:

1. Specific Plan Public Facilities Goal

Provide public facilities and infrastructure in the Kiernan Business Park in an orderly manner consistent with the needs of planned development in the business park and applicable City standards.

2. Modesto General Plan Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the City of Modesto General Plan including applicable overall infrastructure and public facility policies, as shown on Table V-1.

B. Wastewater Collection

Policy PF-1: All infrastructure and public facilities shall be constructed in accordance with Figure V-1, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.

An existing 48-inch wastewater collection line is planned to be extended approximately 2,800 feet to Bangs Avenue in the future alignment of Marsala Way, which would intersect with the proposed alignment of American Avenue in the Specific Plan area. Sanitary sewer service to the Kiernan Business Park will be provided by this extension. The existing 48-inch line flows south into the City's West Trunk Main.

Table V-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

- Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V. (Section D, p. III-13)
- The exact boundaries of each Comprehensive Planning District may he shifted somewhat, as Comprehensive Plans are processed. However, any proposed boundary shifts shall address all public facility and public service requirements of the Planned Urbanizing Area, as specified in Chapter V. (Section D, p. III-13)
- The City of Modesto will require each new development project to be served with public sanitary sewers. (Section D, p. V-15)
- The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Section E, p. V-17)
- The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80 percent of the average annual run off. Recharges shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Section E, p. V-17)
- New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c. shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph. (Section E, p. V-17)
- The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities.
- The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area. (Section K, p. V-29)
- Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities. (Section K, p. V-29)
- The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards:

  (a) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95 percent of all cases.

  (1) The first fire emergency response unit arrives within 6 minutes of dispatch.

  (2) A full alarm assignment arrives within 10 minutes of dispatch.

  (3) A second alarm assignment arrives within 15 minutes of dispatch.

  (b) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2. (Section K, p. V-30)
- In conjunction with the processing of a Comprehensive Plan within the Planned 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. (Section L, p. V-32)

•New 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. (Section D, p. VI-4)

The existing City of Modesto wastewater treatment system will have the capacity to provide service to property in the Plan area as development occurs.

As shown in Figure V-1, the extension of the 48-inch line would pass through the Pelandale/Snyder Specific Plan area and would enter the Kiernan Specific Plan area along the southeastern edge. The extension of the line would include an undercrossing of the MID Canal. As shown on Figure V-1, at Bangs Avenue the sewer main will branch into an east-west line. The line to the east is planned to be a 42-inch line. To the west a sewer main will be extended approximately 8,100 feet to the western boundary of the Kiernan Business Park. The size of this line is undetermined at this time and will depend on planned extensions to serve future developments to the northwest. This line will probably be in the range of 30 inches.

Policy PF-9: The City shall require each water line to be completed before the street under which it is to be located is paved.

D. Storm Drainage

Policy PF-10: The City shall require all storm drainage facilities for the Kiernan Business Park to be designed and constructed in accordance with the City of Modesto's Drainage Master Plan and Figure V-I, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.

The storm drainage system for the Kiernan Business Park will be designed in accordance with the City of Modesto's *Drainage Master Plan*. The storm drainage system will consist of a positive storm drainage system consisting of catch basins, pipe lines, recharge/detention basins and pumping facilities (see Figure V-1).

The drainage system for the Specific Plan area is anticipated to include pumping storm waters from recharge/detention basins on-site into the Modesto Irrigation District (MID) Canal Lateral No. 6. This canal runs east-west along the southern side of Bangs Avenue. The MID has significant restrictions regarding timing, flow rate and water quality for discharge into their facilities. These restrictions will need to be taken into consideration when designing the storage capacity of the discharge/detention basin. Based on the City standard for commercial/industrial areas, storage requirements of 2 inches of water over the entire developed area is required. Using the maximum City allowed depth of 10 feet, this standard results in a minimum storage of five acres for Phase I with an additional 5 acres for Phase II. The actual area for the discharge/detention basin will depend on location, soil infiltration properties, MID requirements, the total area being served (could extend beyond Specific Plan area) and detailed hydrology/hydraulic calculations.

The City's Draft *Master Drainage Plan* has identified two sites for a retention/detention basin to serve the study area east of Dale Road. These sites are on the north and south sides of Bangs Avenue midway between Dale Road and American Avenue, as shown in Figure V-1. The City's Draft *Master Drainage Plan* does not address the area west of Dale Road. Figure V-1 identifies two potential locations west of Dale Road. The basin south of the MID canal would serve the Phase I portion of the project area located west of Fleur de Ville and the basin located north of the MID canal would serve Phase II of the Specific Plan area.

Policy PF-11: The City shall require the initial recharge/detention basin and pumping facilities to be completed prior to construction of buildings or paved surfaces in the Specific Plan area.

Policy PF-12: The City shall require all development to be connected to the recharge/detention basin with a gravity storm drain system designed in conformance with the Master Drainage Plan.

Policy PF-13: The recharge/detention basin shall be designed to accomplish 80 percent recharge of average annual run into groundwater. Discharge into the Modesto Irrigation District (MID) Canal shall meet MID's requirements for timing, flow rate and quality.

Policy PF-14: All storm drain lines shall be within public street right-of-ways or, if appropriate and approved by the City, in public easements within private driveways or roadways.

Policy PF-15: All storm retention basins and pumping facilities shall have direct access from public right-of-ways.

Branch lines from the east-west main will extend north into the Kiernan Business Park in the north-south streets. The size of these lines will probably be eight inches and ten inches in diameter unless there are planned future extensions to the north, in which case they may be sized larger.

The main in Bangs Avenue between Dale Road and American Avenue and the extension of the 48-inch main south to the existing line in Marsala Way will need to be constructed with the first phase of development.

Policy PF-2: The City shall require all development to be connected to the public sanitary sewer system.

Policy PF-3: The City shall require all downstream sanitary sewer improvements to be constructed and sized consistent with the City Wastewater Master Plan.

Policy PF-4: The City shall require all sanitary sewer mains to be within public street right-of-ways. Branch lines, where appropriate, may be within public easements, within private driveways and roadways, as approved by the City.

Policy PF-5: The City shall require each sanitary sewer line to be constructed prior to paving the street under which it is to be located.

C. Water

With the purchase of the Del Este Water Company by the City of Modesto, the City will be the sole provider of municipal and industrial water service to the Specific Plan area.

Presently there are no domestic water system improvements in the Specific Plan area. A new well and distribution system will be constructed to serve the Kiernan Business Park. Based on the City service standard of approximately one groundwater well per square mile of developed area, one new well will be needed to serve the Specific Plan area. The well will be needed to serve first phase development and is best located on the western edge of the first phase development. The well location is not shown on Figure V-1.

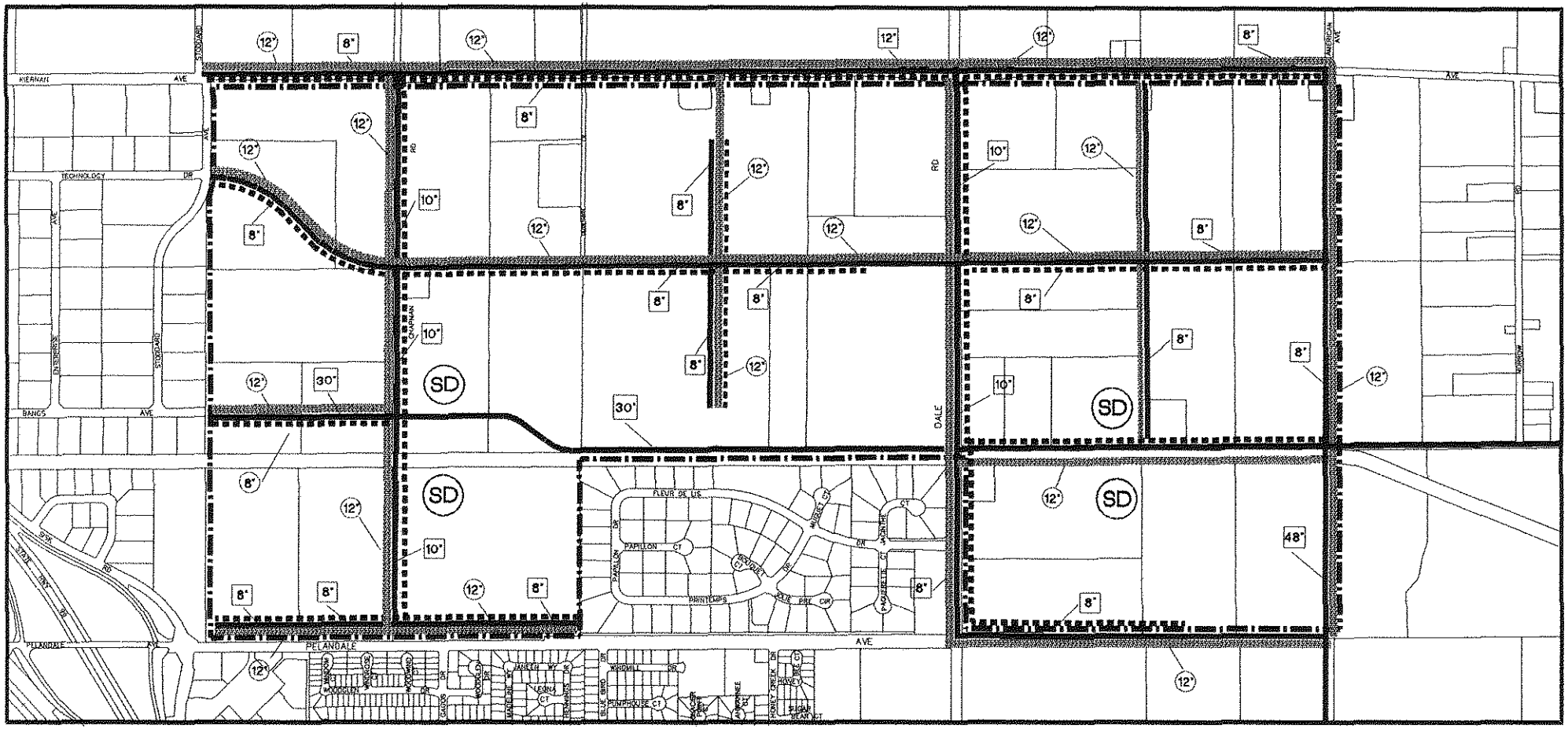
The City's water distribution generally consists of a network of 12-inch lines on half mile increments and 8-inch lines on quarter mile increments with local 6-inch distribution lines. Thus, 12-inch lines will be in American Avenue, Dale Road, Chapman Road, Pelandale Avenue, and the new east-west industrial connector. The remaining street right-of-ways would contain 8-inch distribution lines, as shown in Figure V-1.

Water lines to serve the Kiernan Business Park can be installed as development occurs.

Policy PF-6: The City shall require all new development to be served by a public water system.

Policy PF-7: The City shall require all water lines to be constructed and sized according to the City's Master Water Distribution Plan.

Policy PF-8: The City shall require all water lines to be within the public street right-of-way, or if appropriate and approved by the City, in public easements within private driveways or roadways.



Legend :

- Specific Plan Area Boundary
- Water Supply Line
- Sanitary Sewer Line
- Major Storm Drain Line
- SD — Potential Storm Drainage Basin Site

North

0' 1320'
1/4 mile

Figure V-1

Public Facilities Plan Diagram

KIERNAN
BUSINESS PARK

Chapter VI
IMPLEMENTATION AND FINANCING

A. Overview

The *Kiernan Business Park Specific Plan* establishes the framework for future development of a business park within the Specific Plan area. This section of the Specific Plan describes the proposed implementation strategy and financing strategy for public facilities in the Specific Plan area. The Specific Plan implementation and financing goal is stated below.

1. Specific Plan Implementation and Financing Goal

Provide adequate public facilities at the time of need to serve the Kiernan Business Park in a planned, logical fashion, phased in response to market demand, financed through the equitable participation of benefitting property owners and developers, and implemented through public-private partnership arrangements.

2. Modesto General Plan Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the City of Modesto General Plan including applicable overall implementation and financing policies listed in Table V1-1.

B. Plan Implementation

The implementation program for the Specific Plan includes the following components:

1. Phasing
2. Tentative Subdivision Map Approval
3. Implementation of Land Use and Development Standards
4. Specific Plan Amendment Process

Table VI-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

- Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately- initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners. (Section D, p. III-11)

- The Comprehensive Plan within each Comprehensive Planning District should establish clear and comprehensive Implementation tools which identify ALL subsequent land use approvals required to be consistent with the Comprehensive Plan. (Section D, p. III-11)

- Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on-and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms. (Section D, p. III-12)

- Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on-and off-site infrastructure to support We proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms. (Section D, p. III-12)

- A "Focused Environmental Impact Report" as defined by Section 21158 of the Public Resources Code shall be required for each Comprehensive Plan to implement the policies of each Comprehensive Planning District. Each Focused FIR shall concentrate on those resources and issues presented in the Master Environmental Impact Report prepared and certified for the General Plan. (Section D, p. III-12)

- Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that comprehensive Plan if the City as Lead Agency can make the following finding:

  > "No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available." (Section 21157.6(a) of Public Resources Code.) (Section D, p. III-12)

- The exact boundaries of each Comprehensive Planning District may he shifted somewhat, as Comprehensive Plans are processed. However, any proposed boundary shifts shall address all public facility and public service requirements of the Planned Urbanizing Area, as specified in Chapter V. (Section D, p. III-13)

- No phasing or sequencing of development is intended through the "Comprehensive Planning District" process, as long as each Comprehensive Plan conforms to the requirements of its respective Comprehensive Planning District. (Section D, p. III-13)

- Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

  The Comprehensive Traffic Study shall include the following components:

  (a) Sufficient analysis and mitigation measures to ensure that the level of Service "D" standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public works and Transportation Director.

  (b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)

The Comprehensive Traffic Study shall include the following components:

(a) Sufficient analysis and mitigation measures to ensure that the level of Service "D" standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public works and Transportation Director.

(b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)

- For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) a subsequent, Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:

  (a) Impacts to roadway intersections that are adjacent to the project site.

  (b) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

  (c) On-site parking needs.

  (d) Other safety-related concerns.

  Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study. (Section B, p. V-11)

- Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with all of these Policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan. (Section D, p. III-13)

- Data from the General Plan Traffic Analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above. (Section B, p. V-11)

- For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code. (Section B, p. V-11)

- During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5.1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand. (Section C, p. V-12)

- The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent. (Section D, p. VII-6)

- For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram).

  Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (Section E, p. VII-8)

- All habitat found to contain or potentially contain sensitive species shall be avoided and reserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signage, and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8)

- Where formally listed species are determined present, consultation shall be carried out with the CDFC and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9)

- Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report. (Section E, p. VII-9)

- For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance or the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedure described in Policy 2-a, above. (Section F, p. VII-10)

- If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the CEQA Guidelines. (Section F, p. VII-11)

- The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses... that minimizes the exposure of [present and future] community residents to excessive noise." (Section 65302(1). Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p. VII-16)

1. Phasing

The Specific Plan provides for two development phases. These Phases are shown on Figure VI-1. Phase I consists of two Sub Areas. Sub Area A is the portion of the Specific Plan east of Dale Road which is designated for Business Park (see Chapter III). Sub Area B is the area south of M.I.D. Lateral No. 6 and west of Fleur de Fille. It is designated Offices and Regional Commercial. Phase II consists of the area west of Dale Road, north of M.I.D. Lateral No. 6, south of Kiernan Avenue, and the western boundary of the Specific Plan.

The initial development phase contains the area east of Dale Road within the City of Modesto Sphere of Influence (see Figure VI-1) and the area west of the Fleur de Fille subdivision and south of the MID Lateral No. 6. The Phase I area will be served by Kiernan Avenue, the extension of Chapman Road, and the extension of Pelandale Avenue expressway. As described in Chapter III Land Use, Phase I development consists of approximately 300 acres, of which 227 acres are designated for Business Park uses, 19 acres are designated for Office uses, and 55 acres for Business Park/Commercial uses. Potential Phase II development consists of 314 acres, all of which are designated for Business Park.

The development of basic infrastructure in Phase I will be phased in conjunction with the development of parcels on a pay-as-you-go basis except for the sanitary sewer trunk and backbone water supply extensions which will be built by the City and repaid by property owners upon development of their parcels. Sewer sub-trunks and laterals, and infill water lines, will be constructed by developers of individual parcels. Sanitary sewer and water supply extensions will be of a magnitude to support

potential Phase I development. All infrastructure improvements in Phase I do not need to be in place prior to development in Phase I.

Phase I sanitary sewer improvements to serve Phase I parcels east of Dale Road will consist of lines extending from the south along American Avenue, from the east along Bangs Avenue to Dale Road, and from the east along the new connector road. Sanitary sewer improvements to serve the Phase I parcels west of Fleur de Fille and south of the MID canal will consist of lines extending from the east along the bike path right-of-way adjacent to the MID canal and the west side of Bangs Avenue, and from the south along Chapman Road. Alternatively, this area could be served from existing lines located south of Pelandale Avenue. Phase II sanitary sewer improvements will consist of the remainder of the sanitary sewer collection system. It is not necessary to complete Phase I infrastructure before extending infrastructure into Phase II areas.

Phase I water supply improvements to serve Phase I parcels east of Dale Road will consist of lines extending from the east along Kiernan Avenue to Dale Road and along Bangs Avenue to Dale Road, from the south along American Avenue and Dale Road, and from the east along the new connector to Dale Road. Water supply improvements to serve the Phase I parcels west of Fleur de Fille and south of the MID canal will consist of lines extending from the east along Pelandale Avenue, from the south along Chapman Road, and from the east along Bangs Avenue west of Chapman Road. Alternatively, this area could be served from lines located south of Pelandale Avenue. Phase II water supply improvements will consist of the remainder of the water supply system.

Phase I roadway improvements will consist of the extension of American Avenue to Pelandale Avenue and the construction of the east/west new major connector from American Avenue to Dale Road, the proposed Bangs Avenue two-lane industrial connector and cul-de-sac, and the extension of Chapman Road north from Pelandale Avenue.

Policy I-1: Construct Phase I basic infrastructure shall be constructed in conjunction with the development of individual parcels. All infrastructure improvements in Phase I do not need to be in place prior to development.

Policy I-2: The City shall require Phase I development of the Specific Plan to proceed in an orderly fashion.

Policy I-3: Infrastructure improvements shall be built according to the location, size and design described in Chapter V, Public Facilities and Figure V-1, Public Facilities Plan Diagram.

Policy I-4: Development in Phase II may occur prior to buildout of Phase I.

2. Tentative Subdivision Map Approvals

The tentative subdivision map application process is governed by the City of Modesto's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et. seq.). To be approved, tentative subdivision map applications must conform to the requirements of the Specific Plan and must be consistent with any relevant certified mitigation measures identified in the Specific Plan Final EIR. Following tentative subdivision map approval, development projects may be submitted for development plan review.

Policy I-5: The City shall not authorize public improvements or land use entitlements (subdivision, conditional use permits, design review, etc.) until a finding has been made that the proposed project is in substantial compliance with all Policies and in Specific Plan.

Policy I-6: Each tentative subdivision map application within the Specific Plan area shall provide final design of connector and local roads according to Figures IV-3 and IV-4 of the Specific Plan.

3. Implementation of Land Use and Development Standards

Policy I-7: The city shall regulate all land use and development standards for the Kiernan Business Park Plan area through the City Zoning Ordinance classifications, as modified by Chapter III of this Specific Plan.

The entire Plan area will be prezoned SP-O (Specific Plan - Overlay Zone). All subsequent development in the Plan area shall comply with the uses, standards, and development review procedures of the SP-O Overlay Zone, and Chapter III of this Specific Plan.

4. Specific Plan Amendment Process

Policy I-8: Because of its programmatic nature and future changes in economic conditions, the Specific Plan may require amendment. The following process shall be followed for amending the Kiernan Business Park Specific Plan.

a) 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.

b) Documentation of the need for amendments should indicate the economic, social, or 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.

c) 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 certified FEIR. Depending on the nature of the amendment, supplemental environmental analysis may be necessary, according to CEQA legislation (Section 15162).

d) 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.

e) Both the Planning Commission and City Council must hold public hearings on Specific Plan amendments, in accordance with Section 65453 of the State Government Code.

C. Financing Strategies

The Specific Plan details a number of key infrastructure improvements (i.e., domestic water supply, sanitary sewers, storm drainage, major road and circulation improvements, and lighting and landscaping improvements) that are considered to be essential for successful development and marketing of the Kiernan Business Park.

As stated previously, basic infrastructure improvements are expected to be phased over time and in conjunction with development of parcels on a pay-as-you-go basis. All improvements are to be sized according to identified future needs with provisions for contributions from property owners who will receive the benefit in the future.

Policy I-9: Circulation, sewer, water and drainage facilities shall be constructed as properties are developed.

The costs of on-site and off-site public infrastructure and public services required to support development in the Kiernan Avenue Business Park are to be funded from revenues generated by development within the Specific Plan area, except where specific existing City, County or other funding sources are available. Property owners within the Specific Plan area will pay for infrastructure improvements when they actually develop their property. The costs of basic infrastructure will be allocated to property within the Kiernan Avenue Business Park based on the general principles of benefit received. Table VI-2 provides a summary of the basic infrastructure costs by category as well as an indication of a potential funding source. (See Appendix B for more information on unit costs.) Improvements normally constructed by developers (e.g., streets within development parcels) as part of project development are not included.

Policy I-10: Revenues generated by development shall be used to fund the infrastructure required by development except where other specific funding sources exist.

The following discussion describes the general types of infrastructure improvements to be provided in support of future development and identifies potential funding mechanisms.

1. Domestic Water Supply

Water main improvements, which include improvements to existing main lines and extension of new main lines, will be required to serve newly developing parcels. Generally, these improvements will need to be made at the same time as major road improvements. The full cost of water main lines identified in the Specific Plan will be funded by new development because the improvements are required by new development and provide no significant benefit to existing development. Existing enterprise funds are one potential source for funding the construction of the 10- and 12-inch water

lines. Developers of individual properties will be responsible for connections from their properties to the main water lines, as per standard City policy.

2. Sanitary Sewer Improvements

The Specific Plan calls for the improvements necessary to provide additional main lines needed to connect the developing portions of the Kiernan Avenue Business Park to the City's sewage treatment plant. The full cost of sewer system improvements will be funded by new development because the improvements are required by new development and provide no significant benefit to existing development. Existing enterprise funds could be used to fund the extension of the trunk sewer lines. Developers of individual properties will be responsible for connections from their properties to those these trunk sewer lines as per standard City policy.

3. Storm Drainage

The Specific Plan identifies improvements for the collection and conveyance of storm water. The drainage improvements included in the Specific Plan are intended to serve newly developing areas with increased amounts of impervious surfaces and resulting higher storm water runoff. These improvements may be funded through the formation of a Mello-Roos Community Facilities District.

4. Principal Arterials and Connector Roads

The Specific Plan outlines a number of arterial and connector roads that are necessary to complete the basic infrastructure components of the Kiernan Avenue Business Park. Landowners will be required to dedicate the land necessary to create these roads. A Community Facilities District could be established to finance the construction of these roads. Although the City can initiate the formation of a Community Facilities District for this purpose, it must be approved by two-thirds of the votes cast by registered voters residing in the district (or property owners if there are fewer than 12 voters). These funds can be used to finance construction of these roads as well as associated operations and maintenance costs. The responsibility of the costs of construction and maintenance of any section of roadway not within the City's right-of-way (the "local interest portion" which may include curbs, gutter, sidewalk, street lighting, parkway setbacks, landscaping, sound walls, and contribution to local intersection signalization as warranted) will be borne by the developer of the property.

5. Off-Site Circulation Improvements

Off-site circulation improvements shown in the Specific Plan include the widening improvements necessary along Kiernan and Pelandale Avenues. Improvements could be funded through fees collected from landowners on a fair share basis into the City of Modesto's Capital Facilities Fee program.

6. Landscape and Lighting Improvements

Landscaping improvements along roadways in the Kiernan Avenue Specific Plan area will focus on lighting and landscaping of roads consistent with City standards.

Landscaping requirements beyond those typically required by City standards would include landscaped buffers between the Business Park and surrounding uses, gateways into the Business Park, and landscaped medians. A special Mello-Roos Community Facilities District could be established to supplement the City's standard maintenance services.

Policy I-10: Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other benefitting property owners.

Policy I-11: Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra costs of direct benefit to an owner other than the one making the improvements.

Table VI-2
IMPROVEMENT COSTS AND FUNDING SUMMARY

Type of Improvement	PROJECTED FUNDING SOURCE				
	Total Estimated Cost (1996 $)	Existing Modesto Fees (CFF)	Community Facilities District	Water, Storm, & Sewer District	Private Property Dedications
Domestic Water Supply	$3,874,000			X	
Sanitary Sewer	$5,250,000			X	
Storm Drainage	$4,594,000			X	
Off-Site Circulation					
Kiernan (Chapman to Sisk)	N/A	X			X
Pelandale (Sisk to Prescott)	N/A	X			X
Pelandale/Hwy. 99 Intersection	N/A	X			X
Major Arterials & Connectors					
Chapman (Kiernan to Pelandale)	$4,017,000		X		X
Dale (Kiernan to Pelandale)	$4,218,000		X		X
Bangs (Stoddard to Chapman)	$661,000		X		X
Bangs (Dale to American)	$1,906,000		X		X
Technology (Stoddard to Chapman)	$751,000		X		X
East-West Connector (Chapman to American)	$4,346,000		X		X
North-South Connector (Kiernan-Lateral No. 6)	$1,269,000		X		X
American (Kiernan to Pelandale)	$2,089,000		X		X
Class I Bike Trail (American to Chapman)	$837,000		X		X
Landscape & Lighting Improvements	N/A		X		

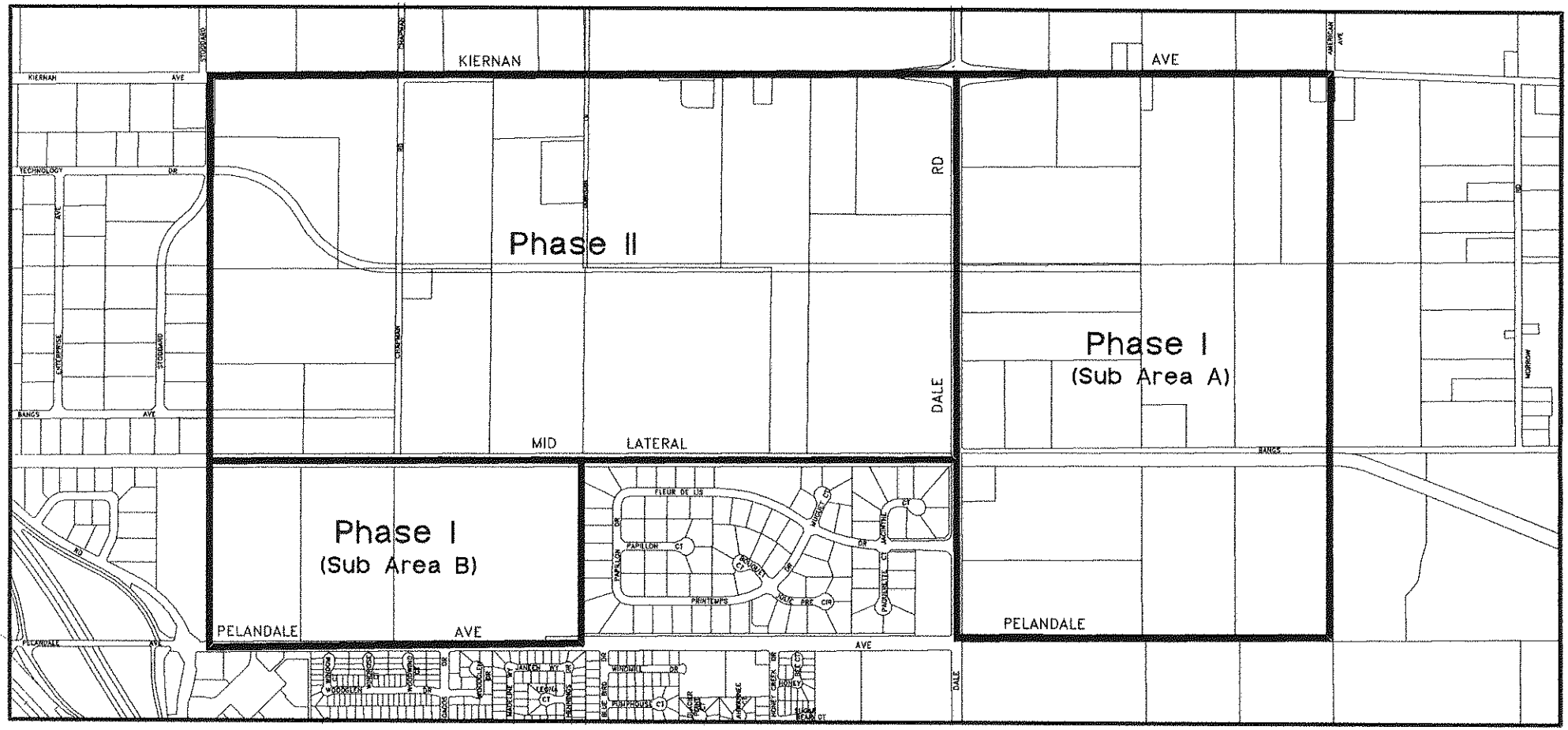


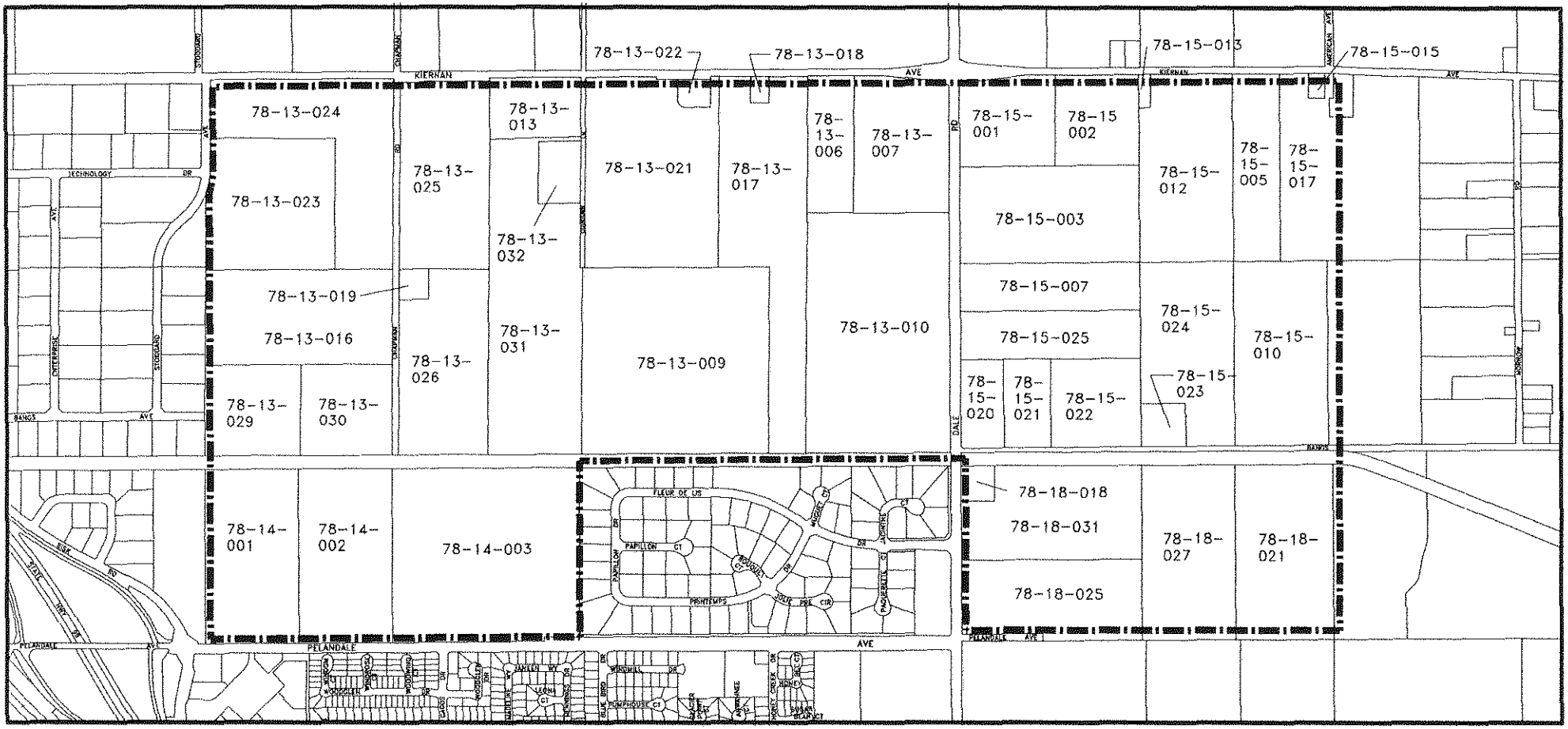
Figure VI-1

Phasing Diagram

KIERNAN
BUSINESS PARK

Appendix A
OWNERSHIP AND PARCELIZATION

■ ■ ■



Legend :

Specific Plan Area Boundary

North

0' 1320'
1/4 mile

Figure A-1
Ownership Map

KIERNAN
BUSINESS PARK

Appendix B
BACKBONE INFRASTRUCTURE UNIT COST INFORMATION

■ ■ ■

KIERNAN AVENUE BUSINESS PARK SPECIFIC PLAN
ROADWAY CONSTRUCTION UNIT COSTS

		EXPRESSWAYS 6 LANE WITH MEDIAN (MIDBLOCK)		EXPRESSWAYS 6 LANE WITH MEDIAN (AT INTERSECTIONS) [1]		MINOR ARTERIALS 4 LANE WITH MEDIAN		INDUSTRIAL CONNECTORS W/ 2-WAY LEFT TURN LANE		MINOR CONNECTORS W/O MEDIAN		CLASS I BIKE PATH	
		R/W (ft)	135.00	R/W (ft)	135.00	R/W (ft)	106.00	R/W (ft)	68.00	R/W (ft)	64.00	R/W (ft)	12.00
		Sidewalk Landscaping (ft)	12.00	Sidewalk Landscaping (ft)	12.00	Sidewalk Landscaping (ft)	16.00	Sidewalk Landscaping (ft)	10.00	Sidewalk Landscaping (ft)	16.00	Sidewalk Landscaping (ft)	2.00
		Median (ft)	18.00	Median (ft)	26.00	Median (ft)	16.00	Median (ft)	0.00	Median (ft)	0.00	Median (ft)	0.00
		Pavement (ft)	88.00	Pavement (ft)	88.00	Pavement (ft)	60.00	Pavement (ft)	48.00	Pavement (ft)	40.00	Pavement (ft)	8.00
Construction	Unit	Unit Cost	Per Linear Foot	Unit Cost	Per Linear Foot	Unit Cost	Per Linear Foot	Unit Cost	Per Linear Foot	Unit Cost	Per Linear Foot	Unit Cost	Per Linear Foot
Paving [2]	SF	$5.00	$440.00	$5.00	$440.00	$5.00	$300.00	$5.00	$240.00	$5.00	$200.00	$5.00	$40.00
Sidewalk	SF	$5.00	$80.00	$5.00	$80.00	$5.00	$50.00	$5.00	$50.00	$5.00	$40.00	$5.00	$0.00
Curb and Gutter	LF	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00	$12.00
Median	SF	$2.00	$36.00	$2.00	$52.00	$2.00	$32.00	$2.00	$0.00	$2.00	$0.00	$2.00	$0.00
Signals	LF	$83.00	$83.00	$83.00	$83.00	$116.00	$116.00	$116.00	$116.00	$0.00	$0.00	$0.00	$0.00
Lighting	LF	$20.00	$20.00	$20.00	$20.00	$10.00	$10.00	$10.00	$10.00	$10.00	$10.00	$10.00	$10.00
Drainage	LF	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00
Sign/Stripe	LF	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00	$5.00
Landscaping	SF	$3.00	$90.00	$3.00	$114.00	$3.00	$96.00	$3.00	$30.00	$3.00	$48.00	$3.00	$6.00
Subtotal (PER MILE COST)			$4,150,080		$4,361,280		$3,384,480		$2,550,240		$1,768,800		$491,040
Planning and Design (% of Construction Cost)	10%		$415,008		$436,128		$338,448		$255,024		$176,880		$49,104
Program Management (% of Construction + P&D)	15%		$684,763		$719,611		$558,439		$420,790		$291,852		$81,022
Contingency (% of Construction + P&D + Program Management)	15%		$787,478		$827,553		$642,205		$483,908		$335,630		$93,175
Traffic Control (% of Construction Cost)	4%		$166,003		$174,451		$135,379		$102,010		$70,752		$19,642
Subtotal (PER MILE COST)			$2,053,252		$2,157,743		$1,674,471		$1,261,731		$875,114		$242,942
FULL CONSTRUCTION (PER MILE COST) [3]			**$6,203,000**		**$6,519,000**		**$5,059,000**		**$3,812,000**		**$2,644,000**		**$734,000**

NOTE:

[1] Cross-sections on expressways are taken within 300 feet of intersections.

[2] Cost of paving includes surveying, excavation, and cleaning & grubbing.

[3] Full construction cost rounded to the nearest thousands.

KIERNAN BUSINESS PARK
ORDER-OF-MAGNITUDE COSTS
STORM DRAINAGE
June 1996

Item	Quantity	Unit	Unit Price	$ Amount
1. 15" Storm Drain	3,000	LF	$35.00	$105,000
2. 18" Storm Drain	17,000	LF	40.00	680,000
3. 24" Storm Drain	16,700	LF	50.00	835,000
4. 36" Storm Drain	4,000	LF	70.00	280,000
5. Catch Basins	140	EA	1,500.00	210,000
6. Canal Crossings	2	EA	50,000.00	100,000
7. Recharge/Detention Basin	185,000	CY	3.00	555,000
8. Recharge Rock Wells	25	EA	5,000.00	125,000
9. Pumps	2	EA	25,000.00	50,000
Subtotal Construction				$2,940,000
Engineering, Administration & Construction Management @ 25%				735,000
Contingency @ 25%				919,000
Total Storm Drainage Costs				**$4,594,000**

This estimate based only on a concept layout of the storm drainage system without the benefit of hydraulic studies. The detention/recharge basin size is based on general City guidelines for industrial land uses. The actual size and design features will depend on location, detail hydraulic studies and soil characteristics. Land costs are not included in this estimate.

KIERNAN BUSINESS PARK
ORDER-OF-MAGNITUDE COSTS
SANITARY SEWER
June 1996

Item	Quantity	Unit	Unit Price	$ Amount
1. 8" Sanitary Drain	27,400	LF	$45.00	$1,233,000
2. 10" Sanitary Drain	6,600	LF	55.00	363,000
3. 30" Sanitary Drain	8,100	LF	120.00	972,000
4. 48" Sanitary Drain	2,800	LF	200.00	560,000
5. Manholes	88	EA	1,500.00	132,000
6. Canal Crossings	2	EA	50,000.00	100,000
Subtotal Construction				$3,360,000
Engineering, Administration & Construction Management @ 25%				840,000
Contingency @ 25%				1,050,000
Total Sanitary Sewer Costs				**$5,250,000**

This estimate is based on a conceptual sanitary sewer layout without benefit of detail flow analysis.

KIERNAN BUSINESS PARK
ORDER-OF-MAGNITUDE COSTS
WATER SUPPLY AND DISTRIBUTION
June 1996

Item	Quantity	Unit	Unit Price	$ Amount
1. 8" Water Line	17,000	LF	$40.00	$680,000
2. 12" Water Line	25,400	LF	60.00	1,524,000
3. Fire Hydrants	100	EA	2,500.00	250,000
4. Well Station	1	EA	25,000.00	25,000
Subtotal Construction				$2,479,000
Engineering, Administration & Construction Management @ 25%				620,000
Contingency @ 25%				775,000
Total Water Costs				**$3,874,000**

This estimate is based on a conceptual water distribution layout.

c.c. Strategic Plan Binder
c.c. [illegible]

Adopted by City Council
Resolution No. 97-159
(April 1, 1997)

Kiernan Business Park Specific Plan
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Chapter I
INTRODUCTION

■ ■ ■

A. Purpose

The Kiernan Avenue area represents an important economic resource to the City of Modesto. The Specific Plan area consists of approximately 614 acres located adjacent to the City of Modesto's northern border, east of Highway 99, and south of Kiernan Avenue in a portion of unincorporated Stanislaus County.

The intent of the Specific Plan is to provide for the development of new business park and industrial uses in the vicinity of Kiernan Avenue, because of its location adjacent to Highway 99 and North Modesto, a prime industrial location. The Kiernan Business Park Specific Plan will assist in implementing Modesto's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The Kiernan Business Park Specific Plan serves as a tool to guide the orderly development of land within the Plan area. The purpose of the Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 of the State Government Code.

B. Background and Planning Process

The City of Modesto first began considering the Kiernan Avenue area as an opportunity for industrial development in the late 1980s when the City Council identified a need for additional industrial land within Modesto's corporate limits. In 1992, as the City began to update its General Plan, the economic consulting firm of Kreines & Kreines was hired to prepare an *Economic Development Strategy* for the City. This study also identified the need for more industrial land and identified the area south of Kiernan Avenue as a prime location.

In 1995, the City of Modesto completed and adopted a revised General Plan which designates the Plan area for Business Park development. This Specific Plan was initiated early in the General Plan update process to support the City's efforts in attracting employment-intensive businesses to Modesto and in anticipation of implementing a portion of the updated General Plan.

As first steps in the planning process, an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park, and the existing conditions of the area were documented. An initial public meeting regarding the planning process was held on March 16, 1995, at which the public was invited to share their concerns and ideas regarding the Specific Plan.

Numerous private interviews with land owners in the area and business owners from throughout the community were conducted during the planning process by both the consultants and Community Development Department staff. A second public meeting was held on September 20, 1995 to present the findings and recommendations of the *Industrial Development Strategy* to interested members of the community.

The Specific Plan is based on the goals and policies of the General Plan; findings and recommendations of the *Industrial Development Strategy*; opportunities and constraints as identified in the existing conditions analysis; and input received from City staff and interested citizens. Goal statements for each element of the Specific Plan were developed with input from the aforementioned sources and approved by City staff. A Focused Environmental Impact Report has also been prepared, pursuant to the California Environmental Quality Act (CEQA), to evaluate the effects of the Specific Plan.

C. Statutory Authority

Under California Law (Government Code 65450) cities may use Specific Plans to communicate development policies, programs, and regulations to implement the jurisdiction's adopted General Plan. Ideally, the Specific Plan implements the local General Plan by creating a bridge between General Plan policies and the proposals of individual developers. The Specific Plan may direct all facets of development within the Plan area including the distribution of land uses, the location and type of infrastructure, development standards, and financing of public improvements. This Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a Specific Plan include, at a minimum, text and diagrams which describe the following:

1. The distribution, location and extent of land uses including open space, within the area covered by the plan.

2. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described by the plan.

3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.

4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the plan.

5. A statement of the relationship of the Specific Plan with the General Plan.

D. Relationship to General Plan

The City of Modesto completed and adopted a revised General Plan and certified the Master Environmental Impact Report (EIR) in August of 1995. The revised General Plan identifies twenty-five Comprehensive Planning Districts (CPDs) and presents policies to manage future growth in these districts. The twenty-five CPDs comprise a 17,600-acre Planned Urbanizing Area identified by the General Plan as the community's major urban growth area. To ensure that growth occurs in a planned manner, the policies associated with each CPD are to be implemented through the adoption of a Comprehensive Plan.

The General Plan recognizes Specific Plans, as defined by section 65450 of the California Government Code, as a form of Comprehensive Plan particularly suited to implement CPD policies. Specific Plans are authorized under section 65450 for "the systematic implementation of the general plan for all or part of the area covered by the general plan."

The Kiernan Business Park Specific Plan implements a portion of the Kiernan/Carver CPD. The study area for the Specific Plan originally coincided with the Kiernan/Carver CPD, but was later refined to reflect the market demand forecasted in the *Industrial Development Strategy*. The General Plan recognizes that more than one Comprehensive Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the general policies presented in the Community Development Policies chapter.

In the case of the Kiernan/Carver CPD, the General Plan proposes 660 acres of business park and 650 acres of Village Residential use in the eastern portion of the CPD. The Kiernan Business Park Specific Plan establishes 614 acres of business park and industrial uses in the western portion of the CPD and does not address development in the remainder of the CPD. The Kiernan Business Park Specific Plan was developed in accordance with the policies outlined in the revised General Plan for land use, circulation, public facilities and services, and implementation.

E. Specific Plan Adoption & Severability

Adoption of the Specific Plan and certification of the Specific Plan Focused EIR will establish and define the planning criteria and necessary mitigation measures that will guide the subsequent stages of the established planning process including annexation, tentative subdivision map application, and site development plans.

In the event that any regulation, condition, program, or portion of this Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions thereof.

F. Specific Plan Contents

The content of the Specific Plan is consistent with the requirements identified in both the General Plan and Section 65451 of the Government Code and includes the items delineated in Section C, Statutory Authority, of this chapter. The Specific Plan is organized into the following chapters:

Chapter I. Introduction presents an overview of the purpose of the Specific Plan, its relation to the General Plan, its organization and content, and background information on the planning effort.

Chapter II. Description of Study Area provides project setting information including regional location, physical description of the site, existing uses and ownership patterns.

Chapter III. Land Use sets forth the general distribution and extent of land uses within the Plan area, and presents both the Land Use Designations and Land Use Diagram. The chapter specifies allowed uses and identifies standards for development.

Chapter IV. Circulation presents the Circulation Plan, policies, and design criteria including street and right-of-way widths, signalized intersections, and criteria for bicycle and pedestrian circulation.

Chapter V. Public Facilities describes the provision of sanitary sewer, water, and storm drainage service to the Plan area.

Chapter VI. Implementation and Financing establishes development phasing and implementation strategies. The chapter also provides a financing strategy that estimates the cost of on- and off-site infrastructure necessary to support the proposed development pattern.

Each chapter contains a listing of relevant General Plan policies relating to the content of the chapter. The intention is to strengthen the connection between policies identified in the General Plan and their implementation as specified through this Specific Plan.

G. Structure of Policies in this Specific Plan

Throughout this Specific Plan document, a variety of policies are presented, in order to comply with State law requirements for Specific Plans.

All Policies pertinent to this Specific Plan are clearly labeled as such (for example, "Policy LU-1"). Future development and/or public infrastructure construction by the City shall conform to these Policies, where relevant. However, all other narrative in this Specific Plan is descriptive only, and does not form the basis for findings of conformance for subsequent projects.

Chapter II
DESCRIPTION OF SPECIFIC PLAN AREA

■ ■ ■

A. Regional Setting

The Specific Plan area encompasses 614 acres located adjacent to the northern boundary of Modesto. As shown in Figure II-1, the site is directly east of and in close proximity to Highway 99. North Modesto is approximately 30 miles south of Stockton, 70 miles south of Sacramento and 80 miles east of Oakland. Nearby central valley communities include Salida, Riverbank and Manteca to the north, and Ceres, Turlock and Merced to the south. The Plan area generally forms a rectangular block bound by Kiernan Avenue to the north, a line even with Stoddard Road and parallel to Dale Road to the west, a line even with American Avenue and parallel to Dale Road to the east, and Pelandale Avenue to the south. The Fleur de Ville residential subdivision to the north of Pelandale Avenue is not part of the Plan area.

Although all of the Specific Plan area is within the General Plan Boundary, the area is entirely outside the existing City limits and only the lands east of Dale Road are within the City of Modesto's existing Sphere of Influence. The Sphere of Influence is defined by Section 56076 of the Government Code as "a plan for the probable physical boundaries and service area of a local agency." The General Plan anticipates the expansion of Modesto's Sphere of Influence to include the Planned Urbanizing Area boundaries as presented in the General Plan Growth Strategy Diagram. This expansion would include the Specific Plan area in its entirety. Figure II-2 shows the City Limits and Sphere of Influence boundary in the project vicinity, as they exist in March 1997.

As shown in Figure II-3, the Specific Plan area lands, as well as surrounding lands to the north and east, are predominantly in agricultural use and rural in character. The rural portions of Stanislaus County are part of the flat, rich agricultural lands that characterize much of the Central Valley. The vicinity south of the Specific Plan area is predominantly urban and includes low density residential neighborhoods, and regional and neighborhood commercial centers. Immediately to the west and adjacent to the Specific Plan area is Landmark Business Center, generally perceived as a prime industrial location in north Modesto.

The site enjoys a number of amenities and locational advantages including close proximity and excellent road access to local and regional activity centers. Highway 99 connects Modesto and the Specific Plan area with other Central valley cities including Stockton and Sacramento, and to a network of highways leading west to the San Francisco Bay Area. Both Kiernan and Pelandale Avenue extended, which roughly frame the Specific Plan area, are planned future expressways. Additionally, the Specific Plan area's location in north Modesto, regarded as the prime location for business and light

industry in the City of Modesto, is in close proximity to similar uses and would provide future users of the site with an established and well regarded locational identity.

B. Site Characteristics

1. Existing Land Uses (1997)

The 614 acres comprising the Specific Plan area are divided into approximately 40 parcels, ranging in size from less than one acre to 40 acres. While the majority of the Specific Plan area is used for agricultural purposes, residential and limited commercial and light industrial uses are present, as shown in Figure II-3, Existing Land Use. Among agricultural uses, orchards (over 300 acres) predominate, followed by vineyards (over 100 acres) and pastures (over 35 acres). Row crops are grown on a small number of parcels. Most parcels in the Specific Plan area in agricultural use also include single family homes and/or structures related to agricultural production.

Non-agricultural uses in the Specific Plan area include limited commercial, light industrial and institutional uses. Commercial uses include a winery and produce market located on a 28-acre parcel west of Quinturn Road, a nursery and landscaping service at the northeast corner of the intersection of Bangs Avenue with Dale Road, and a restaurant at the southeast corner of the same intersection. Light industrial uses include a drilling company located in the southeast portion of a 37-acre parcel fronting Pelandale Avenue, and a welding company on a 10-acre parcel fronting Kiernan Avenue near American Avenue. The two parcels fronting Dale Road between Bangs and Pelandale Avenues are developed with churches.

Non-agricultural uses are primarily concentrated to the west and south of the Plan area. Small ranchette single family residences are located along Morrow Road east of the Specific Plan area.

Retail and office development is concentrated around the intersection of Sisk Road, Pelandale Avenue and the Highway 99 access ramps. This development includes a retail center south of Pelandale Avenue opposite the southwest corner of the Specific Plan area. Office and light industrial development is concentrated in Landmark Business Center and Greenleaf Business Park to the west. Residential development occurs south of the Specific Plan area in Fleur de Ville and neighborhoods south of Pelandale Avenue. Unincorporated lands to the north and east are similar in character to the Specific Plan area and are primarily in agricultural use.

2. Ownership Patterns

Lands in the Specific Plan area are currently divided among multiple owners. The 43 recorded parcels in the study area are held by 38 separate land owners. Ownership patterns are shown in Figure A-1, Ownership Map in Appendix A.

3. Physical Description

Lands in the Specific Plan area have been in agricultural production since the early 1900s and are presently characterized by rich soils and flat topography. The California Department of Conservation has developed guidelines for assessing the relative value of farmland in the state. All of the land in the study area has been classified as "Prime Farmland."

The site is traversed from east to west by the Modesto Irrigation District (MID) Lateral No. 6 canal within a 100-foot right-of-way that extends across the southern portion of the site just north of the Fleur de Ville subdivision.

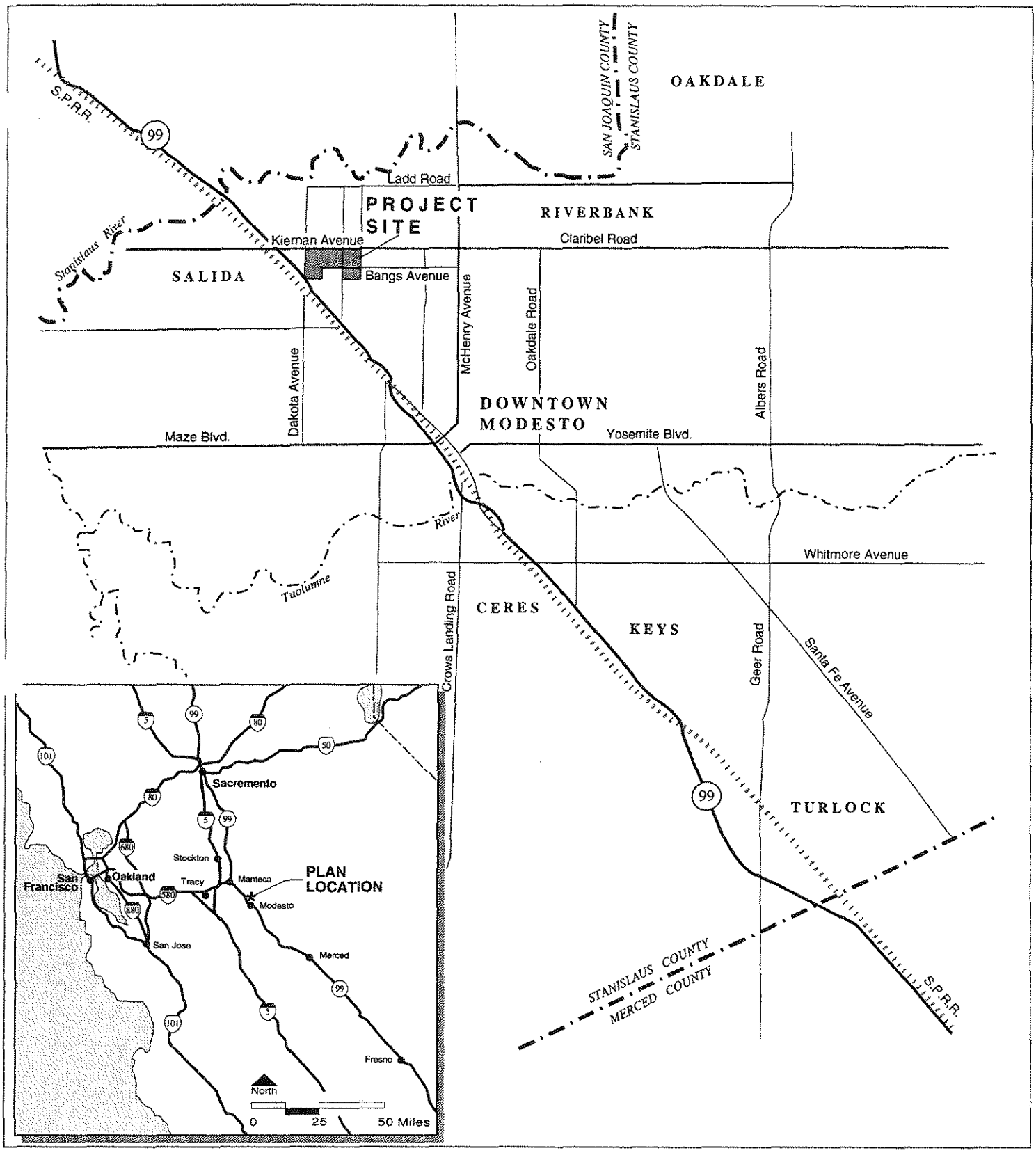


Figure II - 1
Project Location

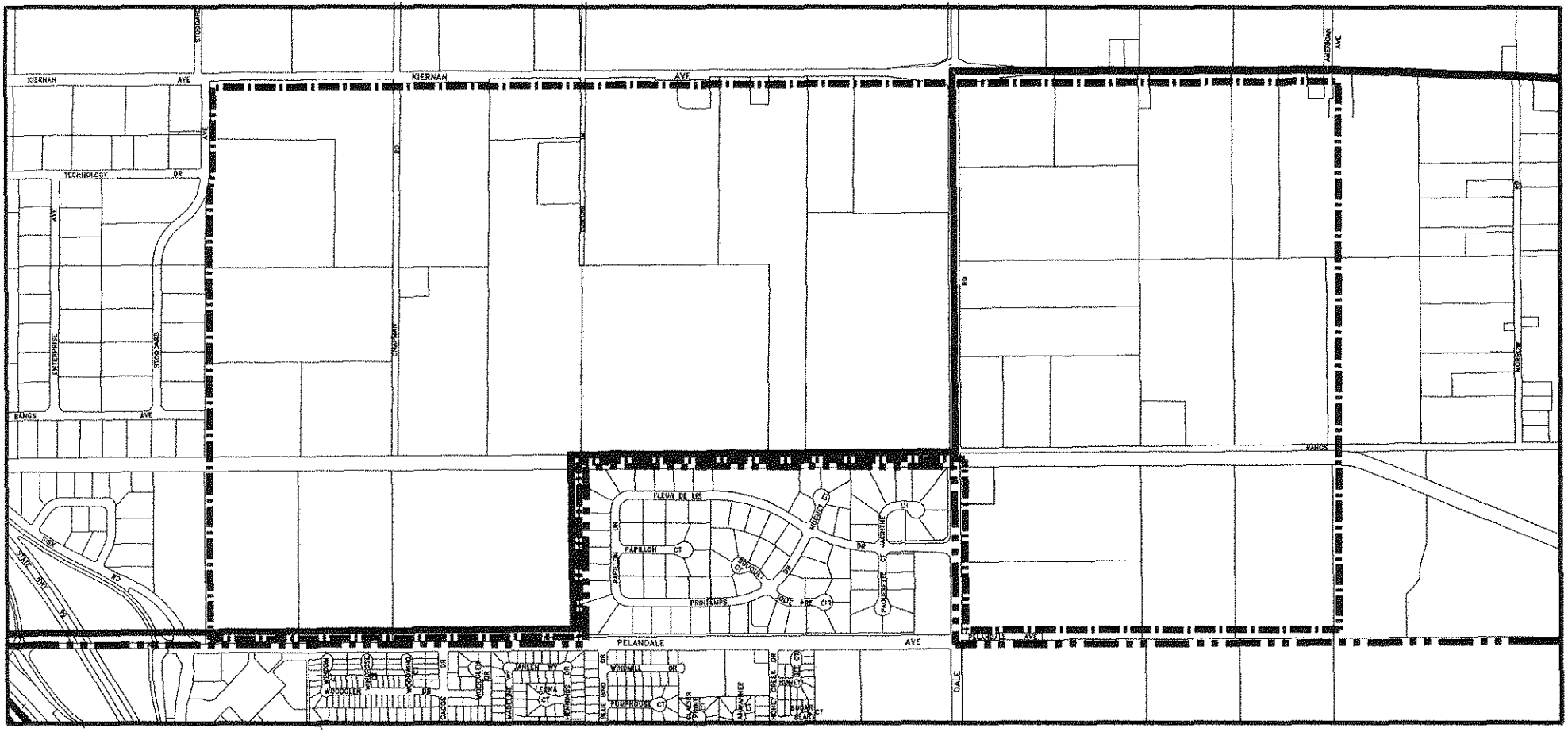
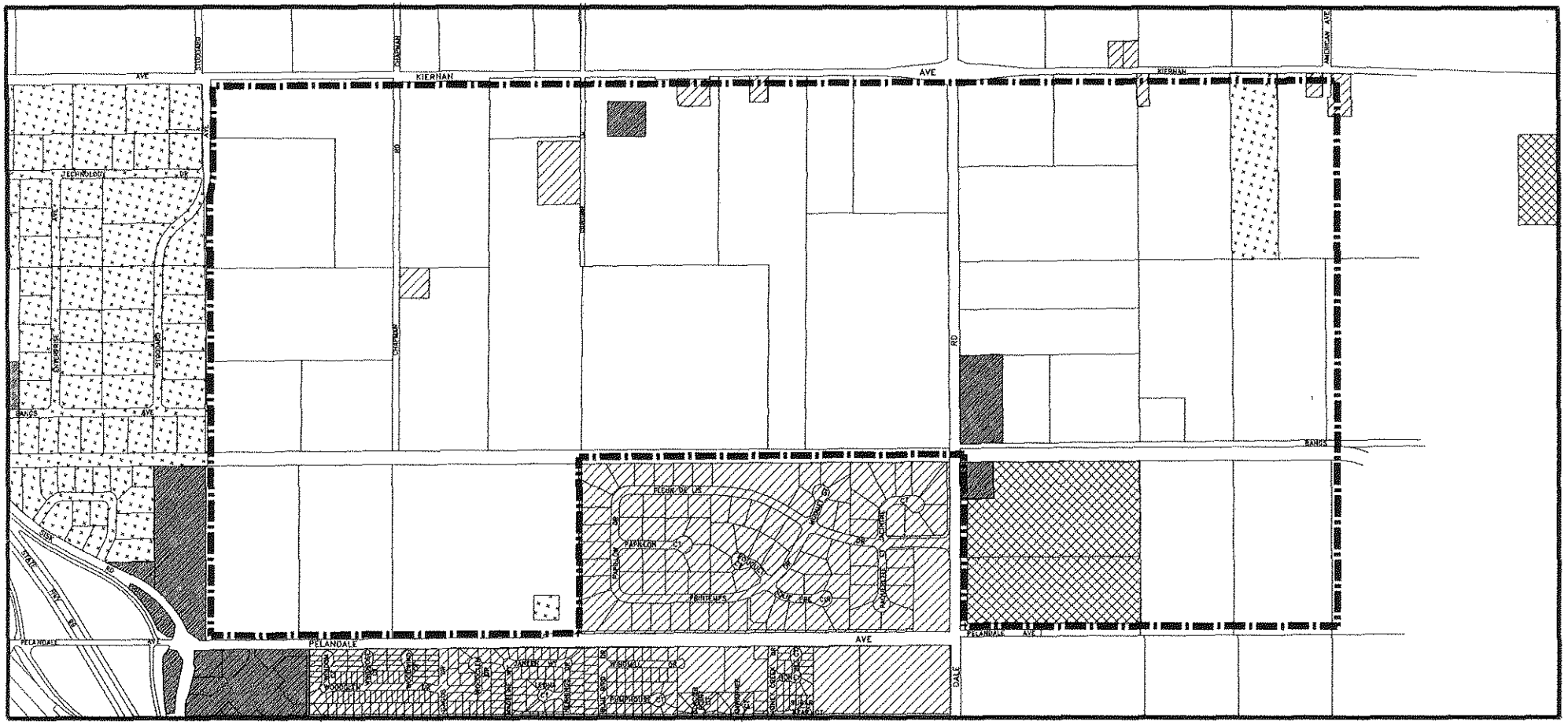


Figure II-2

Existing Sphere of Influence and City Limits

KIERNAN
BUSINESS PARK



Legend :

- Specific Plan Area Boundary
- Agricultural
- Residential
- Commercial
- Light Industrial
- Institutional

North

0' 1320'
1/4 mile

Figure II-3

Existing Land Use

KIERNAN
BUSINESS PARK

CHAPTER III
LAND USE

■ ■ ■

A. Overview

This chapter presents the land use plan, implementing policies, and development criteria that articulate a vision for the ultimate buildout of the Kiernan Business Park as a high quality business and industrial center. This chapter, in conformance with Section 65451 (a) (1) of the California Government Code, establishes the general distribution and extent of land uses within the Plan area.

The following overall goal has been established to guide the formation of the land use policies and development criteria of this Plan:

1. Specific Plan Land Use Goal

The Plan should establish policies and standards to direct the logical development of a well-organized and attractive business park in the Kiernan Avenue area near Highway 99 that will promote and accommodate future business park and industrial development consistent with the economic development goals of the City of Modesto.

This goal has been developed in response to the following guiding concepts:

- Provide for development of the Plan area in a manner that is consistent with and furthers the stated goals of the Modesto General Plan and this Specific Plan; and
- Provide a development framework and setting that is consistent with the needs of, and attractive to, the target industries identified in the previously prepared *Kiernan Business Park Industrial Development Strategy*.

2. Relevant General Plan Goals and Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the City of Modesto General Plan including applicable overall community goals, community growth policies, overall land use policies and Comprehensive Planning District policies. Table III-1, shown below, summarizes the General Plan goals and policies that this plan specifically implements.

Table III-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

- Specific Plans, adopted pursuant to Section 65450 et seq of the California Government Code, may be used to provide primary policy guidance to future development within their respective geographic areas. Specific Plans may be adopted to implement any of the Land Use Designations presented on the land Use Diagram, and they may be used within any Growth Strategy Designation: Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section C, p. III-7)

- All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative. (Section D, p. III-13)

  (a) Kiernan/Carver Comprehensive Planning District Policies

  The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented in [Chapter III, Community Development Policies,] as follows:

  - Overall Land Use Policies (Section III-C(1))
  - Neotraditional Planning Principles (Section III-C(3))

  In addition...[for] this particular Comprehensive Planning District, adequate buffering should be provided between the Business Park uses and residential use to the south and east.

- For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) a subsequent, Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:

  (a) Impacts to roadway intersections that are adjacent to the project site.

  (b) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

  (c) On-site parking needs.

  (d) Other safety-related concerns.

  Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study. (Section B, p. V-11)

- Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half-mile grid. (Section I, p. V-27)

- The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City. (Section D, p. VII-6)

- The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent. (Section D, p. VII-6)

- 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. (Section D, p. VII-6)

- The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density. (Section D, p. VII-6)

- The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses... that minimizes the exposure of [present and future] community residents to excessive noise." (Section 65302(1) Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p. VII-16)

B. Land Use Policies

Early in the Specific Plan process an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park. Based on forecasted demand and locational opportunities and constraints associated with the Kiernan Avenue area, the *Industrial Development Strategy* identifies a group of target industries for the Kiernan Business Park. Industries in the target group include office-based users interested in the high-end business image provided by north Modesto and more industrial-oriented sectors such as distributing, warehousing, and light manufacturing which favor locations with good access to regional transportation networks.

For these uses, the following issues must be addressed:

- The Business Park will need to accommodate a variety of users including enterprises wishing to combine their office and production activities.
- New uses will require sensitive siting and design to ensure compatibility with adjacent residential development.
- The Business Park could attract large corporate offices at the expense of downtown's central business district.

The following land use policies respond to these opportunities, constraints and issues and will guide development in the Plan area. The policies were developed on the basis of the *Industrial Development Strategy*, the *Recommended Modesto Economic Development Strategy,* and concerns voiced by citizens during the community meetings.

Policy LU-1: Lands adjacent to existing Landmark Business Center shall be designated for Business Park uses.

Policy LU-2: Development of large corporate offices shall be discouraged in the Kiernan Business Park. These uses should be encouraged to locate downtown.

Policy LU-3 Adequate buffers shall be provided between business park uses and neighboring residential uses.

Additional land use policies are provided throughout the remainder of this chapter as applicable.

C. Land Use Plan Summary

Figure III-1, the Land Use Plan Diagram, identifies three areas, A, B, and C, which are designated for Business Park, Office, and Regional Commercial development, respectively. A summary of these areas is presented in Table III-2.

Table III-2
LAND USE SUMMARY

Development Area	Acres (Gross)
Area A (Business Park)	
Phase I	226.6
Phase II	313.8
Subtotal	**540.4**
Area B (Office)	
Phase I	18.5
Phase II	0
Subtotal	**18.5**
Area C (Regional Commercial)	
Phase I	55.4
Phase II	0
Subtotal	**55.4**
Total	**614.3**

D. Land Use Designations

Policy LU-4: Development shall be required to be consistent with Figure III-1, the Land Use Plan Diagram, which is hereby adopted into this Specific Plan. All subsequent development shall conform with these designated land uses.

The Specific Plan defines three land use designations for the Plan area: Business Park, Office, and Regional Commercial. Figure III-1, Land Use Plan Diagram, delineates the location and extent of the land use designations in the Plan area. The intent of this Plan is to provide adequate land for both office-oriented, employment-intensive uses and light-industrial uses, and to provide a buffer of non-nuisance uses adjacent to residential areas.

This Plan establishes land use designations for the Plan area that modify existing zones defined in the City of Modesto Zoning Ordinance. The purpose of each land use designation and its allowable uses are described below. Development standards which establish minimum requirements for development activities are contained in Section E, Development Criteria, of this chapter.

1. Area A - Business Park

Policy LU-5: All development in Area A, as shown in Figure III-1 and designated Business Park, shall be required to conform with the uses and regulations of the Business Park (B-P) Zone (Sec. 10-2.1601 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.

a. Purpose. The Business Park designation is intended to accommodate the development of modern, employment-intensive office and non-nuisance light industrial space. The principal development and employment generating uses allowed within this designation are characterized by research, product development, professional office, limited

manufacturing and distribution, and commercial business services intended to support the immediate area. Development within this district should support the creation of a campus-like environment for office, light production, or warehouse uses in high quality single- or multiple-occupant buildings.

b. Allowable Uses. The land uses allowed in Area A shall be those allowed in the B-P Zone, except where noted below. Examples include:

- Light industrial uses such as the manufacture of electronic machinery, photographic and optical goods, furniture, apparel, fabricated plastic and rubber products.
- Research and development uses such as laboratories, printing and publishing, and records processing centers.
- Offices.
- Wholesale and retail sale of goods produced on the premises.
- Business services, personal services, retail trade, and restaurants incidental to and serving the needs of industries.

c. Modifications to Allowable Uses.

(1) All offices, regardless of the number of employees, will be allowed without the need for a Conditional Use Permit. However, large corporate offices should be encouraged to locate downtown, rather than in the Kiernan Business Park.

(2) Permitted uses shall include any other uses which the Community Development Director may determine to be compatible with and of the same general character as the uses mentioned above. In exercising discretion under this part, the Community Development Director shall be guided by the principle that the Kiernan Business Park is intended to facilitate the development of office/industrial park complexes distinguishable in appearance and purpose from typical office/industrial areas, that the uses will not adversely impact the permitted uses and adjacent residential areas, or generate traffic in excess of the amount predicted in the Kiernan Business Park EIR.

2. Area B - Office

Policy LU-6: Require all development in Area B, as shown in Figure III-1 and designated Office, to conform with the uses and regulations of the Professional Office (P-O) Zone (Sec. 10-2.901 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.

a. Purpose. The office designation provides for business and professional offices, institutions and related services, in areas adjacent to related activity centers. The designation is intended to support nonresidential uses of a less intensive nature than

allowed in commercial zones adjacent to residential areas. Compatibility is ensured through development standards which are noncommercial in nature.

b. Allowable Uses. The land uses allowed in Area B shall be those allowed in the P-O Zone, with the exception that no residential uses shall be allowed. Examples of allowed uses include:

- Business offices, such as real estate, insurance, and stock broker.
- Medical and dental offices.
- Professional offices such as accountants, attorneys, architects and engineers.

3. Area C - Regional Commercial

Policy LU-7: All development in Area C, as shown in Figure III-1, designated Regional Commercial, shall be required to conform with the uses and regulations of the Highway Commercial (C-3) Zone (Sec. 10-2.1201 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.

a. Purpose. The Regional Commercial designation is intended to accommodate limited retail uses that are generally dependent on a regional rather than a local population for their support.

b. Allowable Uses. The land uses allowed in Area C shall be those allowed in the C-3 Zone, except where noted below. Examples include:

- Department stores
- Volume discount department stores
- Home improvement, hardware stores (not stores devoted exclusively to lumber or any other building material)
- Automobile dealers

c. Modifications to Allowable Uses.

(1) No residential uses are allowed in Area C.
(2) No radio/TV transmitters are allowed in Area C.

E. Development Criteria

This section provides the standards and criteria by which development in the Kiernan Business Park will proceed including performance, development and supplemental development standards in compliance with Section 65451 (a) (3) of the California Government Code. These development standards are intended to create an integrated development pattern and encourage complementary development while allowing flexibility.

Policy LU-8: All Development in this Specific Plan shall conform to all applicable City zoning and other regulations, except where otherwise noted.

1. Development Standards

Policy LU-9: Development shall be required to meet the following development standards, which are hereby adopted into the Specific Plan. All subsequent development shall conform to these standards.

a. Area A. All development in Area A will be subject to the development standards of the B-P Zone, with the following exceptions:

1. There is no minimum lot size.

2. Maximum building height is limited to three stories or 45', whichever is less, for those parcels adjacent to that portion of M.I.D. Lateral No. 6 and the bike trail adjacent to the Fleur de Ville subdivision. All other parcels are not subject to this height limitation.

3. All development on parcels adjacent to the planned bike path along the north side of M.I.D. Lateral No. 6 shall have an eight-foot-high decorative wrought-iron fence on the property line adjacent to the bike path right-of-way and the MID lateral.

4. All development in Area A adjacent to that portion of MID Lateral No. 6 and the planned bike path right-of-way abutting the Fleur de Ville subdivision shall be subject to Plot Plan Review by the Community Development Director. All staff determinations are appealable to the Board of Zoning Adjustment. This development shall be subject to the following additional development standards:

- A 10-foot-wide screen landscaping buffer on the north side of the fence. The landscaping installed should be fast-growing, evergreen shrubs or trees, designed to achieve a height of 15 feet within five years, with an automatic irrigation system. The landscaping shall be as approved by the Director of Parks and Recreation.
- Loading docks shall be oriented away from the residential uses to the south.
- Hours of operation shall be limited to 7 AM to 10 PM, including loading dock operations. Limited exceptions to these hours limitations may be allowed subject to a Conditional Use Permit approved by the Board of Zoning Adjustment.

b. Area B. All development in Area B shall be subject to the development standards of the P-O Zone, with the following exceptions:

1. All development in Area B shall be subject to Plot Plan Review by the Community Development Director. All staff determinations are appealable to the Board of Zoning Adjustment.

2. All development adjacent to the Fleur de Ville subdivision shall include a 10-foot-wide screen landscaping buffer adjacent to the Fleur de Ville subdivision. The landscaping installed should be fast-growing, evergreen shrubs or trees, designed to achieve a height of 15 feet within five years, with an automatic irrigation system. The landscaping shall be as approved by the Director of Parks and Recreation.

3. There is no minimum lot size.

c. Area C. All development in Area C will be subject to the development standards of the C-3 Zone, with the following exception:

1. There is no minimum lot size.

a. Plan Area. The following development standards shall apply to all subsequent development within the Specific Plan area including Areas A, B and C.

(1) Required Parking and Loading Areas. All uses in the Plan area shall provide adequate space for parking, loading, outdoor storage and refuse areas on site. These areas shall be screened from view as described below in the Landscaping and Screening subsection. Requirements for off-street parking in the Kiernan Business Park shall be as set forth by Article 20 of the City of Modesto Zoning Ordinance.

(2) Limited Access. Vehicular access to individual parcels shall be prohibited along the following street frontages.

- Kiernan Avenue east of Chapman Road
- Pelandale Avenue east of Dale Road

(3) Landscaping and Screening. When landscaping is required by this Specific Plan or the Principle Underlying Zoning, it shall be consistent with Section 10-2.2309 Landscape Plans and Maintenance of the Modesto Zoning Ordinance.

(a) Front Side and Street Side Yards. All front yards, required side yards, and rear yards abutting a street shall be landscaped and maintained. Street trees will be planted and maintained along street frontage within the street right-of-way and encouraged within front and street side yards. When right-of-way area between the sidewalk and the front or street side property line exists, it shall be incorporated into the adjacent landscaped area and treated and maintained as a unit. The owner, lessee or occupant shall be responsible for maintaining this area.

(b) Screening and Landscaping of Parking Areas. Landscaping and screening of parking areas shall be in accordance with the provisions of Sections 10-2.2006 and 10-2.2007 of the City's Zoning Ordinance.

Additionally, street level views of all automobile and truck parking areas shall be screened within the required setback. Such screening shall include, but not be limited to, low hedges, berms, shrub or tree masses, and/or fences with a minimum height of three feet.

(c) *Screening and Landscaping of Outdoor Storage or Loading Areas.* For all uses in the Plan area, outdoor storage of materials and equipment incidental to the primary activity is permitted provided the outside storage area is screened by a view-obscuring wall or fence. Such screening may include landscaping and/or architectural features such as walls compatible with the surrounding buildings and environment.

(d) *Screening of Refuse Areas.* Dumpsters and other refuse receptacles shall be located out of view or screened from the public rights-of-way and adjacent properties. Such screening shall be compatible with the surrounding buildings and environment.

(e) *Street Trees.* Street tree planting and maintenance throughout the Plan area will be in accordance with the provisions and standards set forth by the City of Modesto Street Tree Master Plan and Title 12, Chapter 5 of the Modesto Municipal Code establishing the City's Street Tree Program. The City will determine tree selection and will be responsible for placement, planting and maintenance for all street trees placed within public rights-of-way or planting easements established between private property owners and the City. Fees shall only be assessed for new street tree plantings.

(f) *Signage.* All signs shall conform to Article 21, Sign Regulations, of the City's Zoning Ordinance.

2. Performance Standards

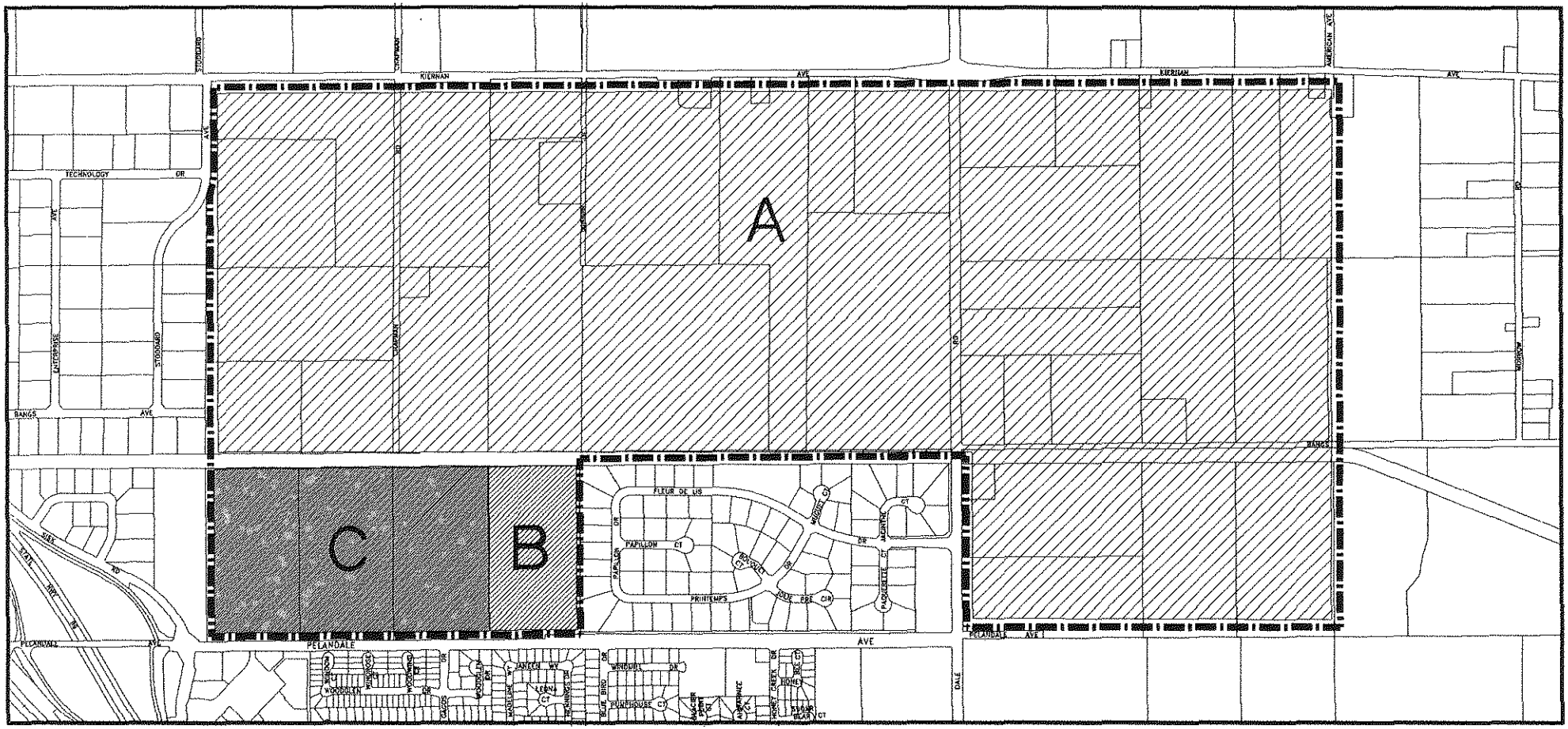
Performance standards establish standards of operation to control nuisances such as noise and odor, which may be associated with uses that locate in the Kiernan Business Park.

Policy LU-10: Development shall be required to meet the following performance standards, which are hereby adopted into the Specific Plan and are applicable to Areas A, B and C. All subsequent development shall conform to these standards.

a. Nuisance. All activities and uses in the Plan area shall conform to the provisions set forth in Sec. 10-2.2329 Nuisance. The operation of any land use shall not cause an unreasonable amount of noise, odor, dust, mud, vibration or electrical interference detectable off the premises.

b. Noise. For all uses and activities adjacent to an existing residential use or zone outside the Plan area, noise levels shall not exceed 65 Ldn at the property line(s) adjacent to the existing residential use or zone. Within the Plan area, noise levels shall conform to the applicable regulations established by the Modesto Noise Regulations (Title IV, Chapter 9 of the Modesto Municipal Code).

c. Lighting and Glare. Lights provided to illuminate a parking area, buildings or yards, shall be arranged so as to reflect the light away from any area upon which a dwelling is located.



Legend :

- Specific Plan Area Boundary
- Area A – Business Park
- Area B – Office
- Area C – Regional Commercial

North

0' 1320'
1/4 mile

Figure III–1

Land Use Plan Diagram

KIERNAN
BUSINESS PARK

Chapter IV
CIRCULATION AND ACCESS

A. Overview

This chapter provides for the development of a roadway system and transportation facilities capable of supporting the anticipated growth in the Kiernan Business Park Specific Plan area. The Specific Plan's circulation goal is stated below.

1. Specific Plan Circulation Goal

Provide a safe, efficient transportation system for the Kiernan Business Park that serves a variety of users at an acceptable level of service.

2. Modesto General Plan Goals and Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the City of Modesto General Plan including applicable overall transportation and access goals listed on Table IV-1.

Table IV-1
RELEVANT GENERAL PLAN GOALS AND POLICIES

- Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

  The Comprehensive Traffic Study shall include the following components:

  (a) Sufficient analysis and mitigation measures to ensure that the level of Service "D" standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public works and Transportation Director.

  (b) If the identified mitigation measures cannot feasiblely achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)

- Data from the General Plan Traffic Analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above. (Section B, p. V-11)

- Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half-mile grid. (Section I, p. V-27)

- The City shall strive to safeguard options for future transit and mass transportation development, such as the Union Pacific railroad right-of-way. (Section I, p. V-27)

B. Existing and Planned Areawide Circulation

1. Existing Roads

The Kiernan Business Park area is currently served by the following highway and roadways.

- *State Route 99 (Highway 99):* Highway 99 is a north-south freeway facility providing six travel lanes to the west of the project. Highway 99 provides access throughout the Central Valley connecting Sacramento, to the north; to Merced, Fresno, and Bakersfield, to the south. It also provides access to other routes serving the San Francisco Bay Area.

- *Kiernan Avenue (State Route 219):* Kiernan Avenue is an east-west, rural arterial that provides two travel lanes and is controlled by unsignalized intersections. It connects Highway 99 to McHenry Avenue (State Route 108). This segment of Kiernan Avenue is a designated part of the state highway system.

- *Pelandale Avenue:* Pelandale Avenue is an east-west, two-to-four-lane facility. It runs between Highway 99 and Dale Road. Pelandale Avenue is planned to function as an expressway.

- *Dale Road:* Dale Road is a rural, north-south, two-lane road that connects Kiernan Avenue to Pelandale Avenue and provides local access.

- *Chapman Road:* Chapman Road is a rural, north-south, two-lane road that runs between Kiernan Avenue and the Modesto Irrigation District (MID) Lateral No. 6.

2. Planned Areawide Circulation

As part of development included in the City of Modesto General Plan, the surrounding and internal transportation network for the Specific Plan area would be expanded and modernized. Under ultimate buildout of the City's General Plan (estimated at the year 2025), both Kiernan Avenue and Pelandale Avenue would be improved to six-lane expressways. In addition, Chapman Road would be extended to the south to intersect with Pelandale Avenue and improved to a four-lane arterial, and Dale Road would be improved to a four-lane arterial. Prescott Road would be extended to Kiernan Avenue and improved to a four-lane arterial east of the Specific Plan area.

Figure IV-1, Circulation Plan Diagram, shows the proposed roadway system in the Specific Plan area. This roadway system was designed using the City of Modesto's Transportation Model and in coordination with City of Modesto planning and public works staff. It should be noted that this system differs from the network included in the City's adopted General Plan and shown on Figure V-1, Circulation and Transportation Diagram in the General Plan. The difference is that the previously proposed Dakota Avenue flyover of Highway 99 has been removed, and Dakota Avenue is now expected to tie into the west side of the Pelandale Avenue expressway interchange with Highway 99. Kiernan Avenue is designated a six-lane arterial along its existing alignment, and Chapman Road is designated a minor arterial to provide a link between Kiernan Avenue and Pelandale Avenue.

C. Specific Plan Area Circulation

In order to plan for the future travel demand in the Kiernan Business Park, traffic forecasts were generated for buildout of the Specific Plan land uses as shown on the Land Use Plan Diagram (Figure III-1) in Chapter III. The traffic forecasts used the City of Modesto traffic model which incorporates planned development in the vicinity of the Kiernan Business Park as identified in the Modesto General Plan.

Policy C-1: Roadways shall be developed according to Figure IV-1, Circulation Plan Diagram, which is hereby adopted into this Specific Plan. All subsequent development shall conform with this diagram.

Figure IV-1, Circulation Plan Diagram shows the proposed road classifications, internal street layout, and transit turnout locations for the Kiernan Business Park. Four roadway facility types are included within the Specific Plan area: six-lane principal arterials, four-lane minor arterials, two-lane industrial connectors, and two-lane minor connectors. In addition to these facility types, the Specific Plan area is bounded on the north and south by six-lane expressways.

Access to the Kiernan Business Park would be made primarily from Chapman Road and Dale Road, which are four-lane, signalized, north-south arterials that intersect with the planned Kiernan and Pelandale expressways. Three arterial intersections serve as gateways: Kiernan Avenue at Chapman Road, Pelandale Avenue at Chapman Road, and Kiernan Avenue at Dale Road. Because of their function as gateways, Chapman and Dale Roads have been planned with generous median and sidewalk landscaping.

Internal access to parcels within the Specific Plan area will be provided from a planned east-west, two-lane industrial connector street. The new industrial connector has been planned with generous landscape areas. The Bangs Avenue segment from Dale Road to just west of American Avenue is planned as a two-lane industrial connector terminating in a cul-de-sac. Four two-lane, minor connectors also provide internal access. These include extensions of Bangs Avenue and Technology Drive from Landmark Business Park to Chapman Road, an extension of American Avenue from Kiernan Avenue to Pelandale Avenue, and a new north-south cul-de-sac between Chapman Road and Dale Road to connect with the planned Kiernan Avenue expressway.

The Specific Plan circulation system provides access to most parcels via industrial and minor connector streets. Most of the connectors provide east-west connections to north-south arterials, Chapman Road and Dale Road. A north-south connection between the Kiernan Avenue and Pelandale Avenue expressways is provided via the American Avenue extension east of Dale Road. A connection to Kiernan Avenue is provided via a new north-south cul-de-sac between Chapman Road and Dale Road. These connections would provide right-turn-in/right-turn-out access only, as shown on the Circulation Plan Diagram.

In order to allow some flexibility in the types of uses and sizes of various parcels, local streets have not been included in the Specific Plan network, but are assumed to be a part of future development. Local streets will be designed as part of the tentative subdivision map application. Local street connections

should be made to connectors and arterials, and direct connections to expressways should be prohibited.

Policy C-2: The City shall promote the improvement and development of Kiernan Avenue and Pelandale Avenue and their connection to Highway 99 to accommodate future development in the Kiernan Business Park area.

Policy C-3: Property owners shall be required, through the discretionary permit process, to reserve right-of-way for Kiernan Avenue expressway and Pelandale Avenue expressway.

Policy C-4: Direct connector street, local street or driveway connections to expressways will be allowed only under the following criteria:

a. For connections to Kiernan Avenue and Pelandale Avenue east of Dale Road (Class B Expressway):
- *No driveway connections are permitted.*
- *Only connector street connections with right-turn-in/right-turn-out treatment are allowed at a minimum spacing of one-quarter mile.*

b. For connections to Pelandale Avenue west of Dale Road (Class C Expressway):
- *Driveway connections with right-turn-in/right-turn-out treatment are allowed at a minimum spacing of 300 feet.*
- *Local and connector street connections are allowed with permitted right-turns in, right-turns out and left-turns in (when left-turn pockets are provided in the median) at a minimum spacing of one-quarter mile.*

Policy C-5: The City shall promote the development of local road circulation facilities that connect to connector and arterial streets shown in the Circulation Plan Diagram to adequately serve the planned land uses in the Kiernan Business Park.

Policy C-6: Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.250 et seq.), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:

1. *Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.*

2. *Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.*

3. *Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.*

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.

1. Street Sections

Typical street sections for the various facility types (with the exception of Kiernan Avenue) are shown in Figures IV-2, IV-3, and IV-4. The street sections have the following characteristics:

- street sections include generous landscaped areas both in the medians of arterials and at the edges of arterials and connectors;
- arterial street sections include service/bike lanes to reduce congestion associated with vehicle breakdowns and other incidents and to promote bicycle commuting;
- on-street parking will not be provided on arterial or connector streets, but can be included on local streets at the discretion of the City during the subdivision review process; and
- sidewalks are provided within road rights-of-way to encourage pedestrian connections between transit stops and business park uses.

Policy C-7: All roadways shall be developed in accordance with the sections shown in Figure IV-2, IV-3, and IV-4 Cross Sections, which are hereby adopted into this Specific Plan. All subsequent development shall conform to these street sections.

Policy C-8: Public and private road design shall be required to follow all road standards of this Specific Plan and the Modesto General Plan.

2. **Primary Gateways. The Kiernan Business Park shall have primary gateways at the following intersections:**

- Pelandale Avenue with Chapman Road
- Kiernan Avenue with Chapman Road, and
- Kiernan Avenue with Dale Road.

Buildings at these entry points, shall be oriented toward and reinforce the gateway concept. These buildings will be highly visible and set the tone for future development in the Business Park.

At these three distinct points, consistent design elements and landscape treatment shall be used to articulate the gateway and boundary of Kiernan Business Park. The Kiernan/Chapman and Pelandale/Chapman Gateways shall be framed by Business Park uses to reinforce the Park's identify and capitalize on locational associations with the established Landmark Business Center. The Kiernan/Dale Gateway should be framed by and in proximity to Industrial type uses. This gateway, through its design, location and surrounding land uses, will accommodate the bulk of heavy truck traffic. Each gateway shall be emphasized with planting, special paving treatment and signing.

These gateways will be constructed and maintained through the establishment of a Mello-Roos Community Facility District over the Plan area.

3. **Bicycle and Bus Circulation**

Policy C-9: The City shall develop Class I Bike Paths along Pelandale and Kiernan expressways and along the north side of MID Lateral No. 6 and Class II Bike Lanes on minor arterial and collector streets as shown on Figure IV-5, Bike Paths, which is hereby adopted into this Specific Plan. All subsequent development shall conform with these planned bike facilities.

As shown on the Bike Path diagram (Figure IV-5), continuous and connective bike facilities have been planned for the Specific Plan area as follows:

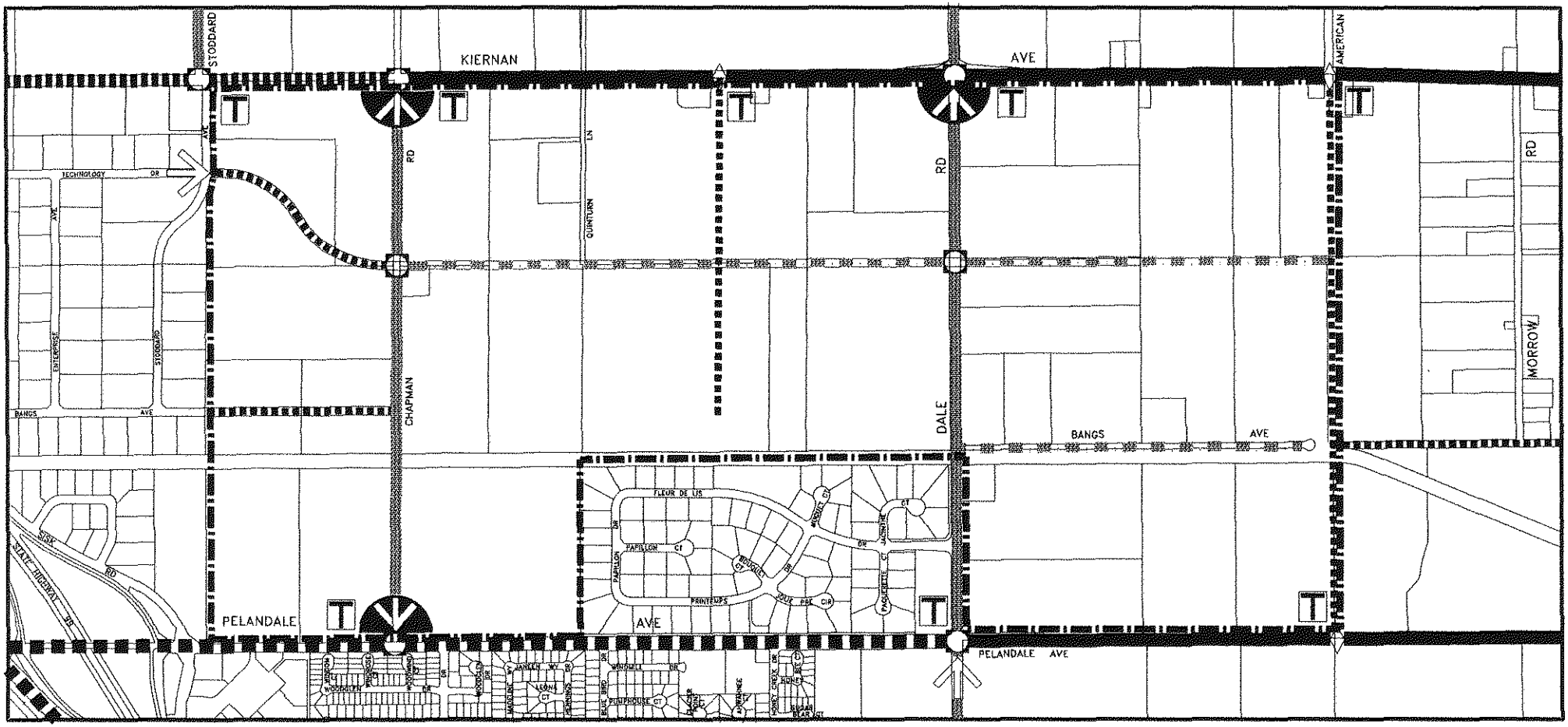
- Expressway facilities (Pelandale and Kiernan Avenues) will provide Class I Bike Paths;
- A Class I Bike Path is planned along the north side of the Modesto Irrigation District (MID) Lateral No. 6; and
- Minor arterial and connector streets will provide Class II Bike Lanes.

Local streets should be planned to encourage low speeds and minimize cut-through traffic so that bikes can safely share the road with vehicular traffic.

All streets shown on the Circulation Plan Diagram can accommodate bus routes and the landscape improvements can include locations for bus turnouts. Potential locations and design of turnouts are shown on the Circulation Plan Diagram. Bus turnouts have been provided along the Kiernan and Pelandale expressways, where bus routes are proposed. Additionally, bus stops should be provided within the Kiernan Business Park if a decision is made to extend bus service on to streets within the Kiernan Business Park.

Policy C-10: The City shall provide for development of a bicycle system that will provide a safe and convenient means of transportation for bicyclists that encourages commuting by bicycle.

Policy C-11: Future development shall provide for bicycle parking and related facilities such as lockers and showers, in accordance with Bicycle Master Plan.



Legend :

- Primary Gateway
- Secondary Entrance
- Traffic Signal
- Right Turn In/Right Turn Out
- Transit Turnout
- 6 Lane Class B Expressway
- 6 Lane Class C Expressway
- 6 Lane Principal Arterial
- 4 Lane Minor Arterial
- 2 Lane Industrial Connector
- 2 Lane Minor Connector
- Specific Plan Area Boundary

North

0' 1320' 1/4 mile

Figure IV-1

Circulation Plan Diagram

KIERNAN
BUSINESS PARK

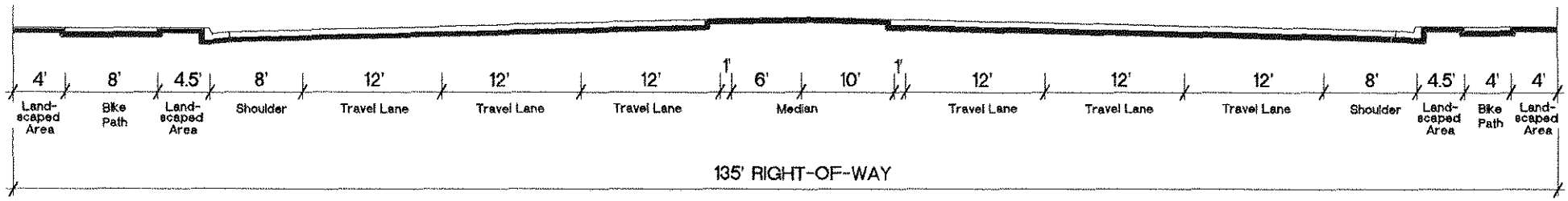
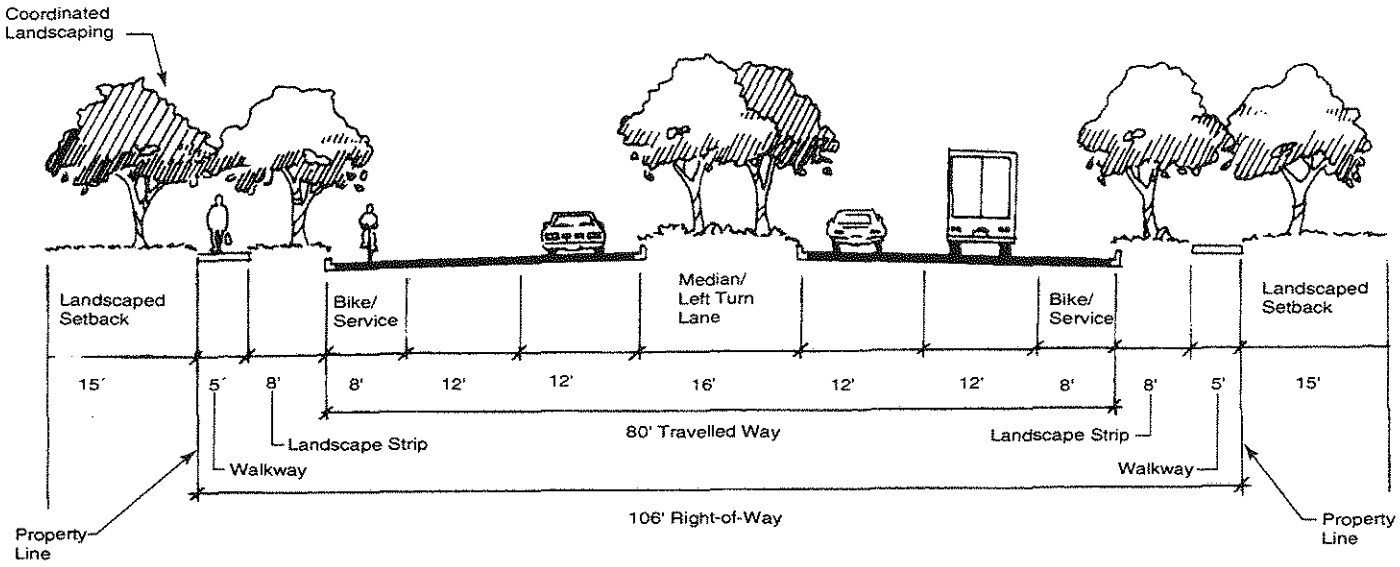
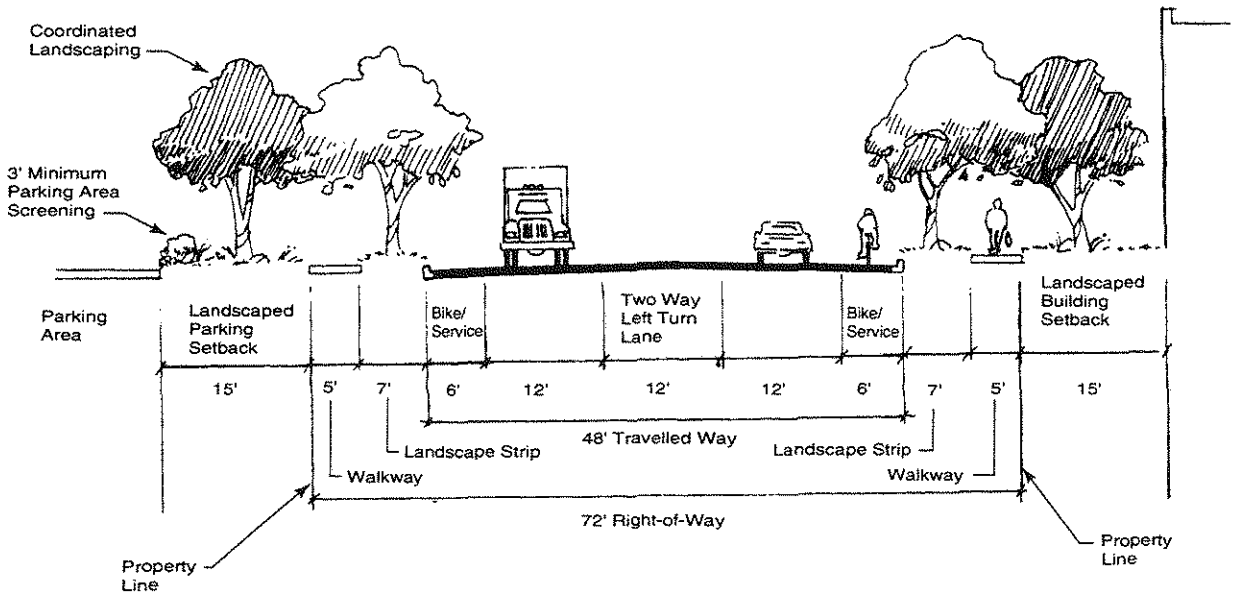


Figure IV-2

PELANDALE EXPRESSWAY



4 LANE MINOR ARTERIAL



2 LANE INDUSTRIAL CONNECTOR

Figure IV-3

Minor Arterial and Industrial Connector Cross-Sections

MODESTO CITY COUNCIL
RESOLUTION NO. 97-160

Print

CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE KIERNAN BUSINESS PARK SPECIFIC PLAN, A GENERAL PLAN AMENDMENT, PREZONING, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Modesto ("City"), on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following effects as significant but mitigable, and provided substantial evidence in the record to support the necessary findings on the following effects for projects within the Planned Urbanizing Area such as the Kiernan Business Park Specific Plan:

Effect	Page in MEIR
Increased Demand for Sanitary Sewers	IV-6-1
Loss of Sensitive Wildlife and Plant Habitat	IV-7-1
Disturbance of Archaeological or Historical Sites	IV-8-1
Drainage, Flooding, and Water Quality	IV-9-1
Increased Demand for Storm Drainage	IV-10-1
Increased Demand for Parks and Open Space	IV-11-1
Increased Demand for Schools	IV-12-1
Increased Demand for Police Services	IV-13-1
Increased Demand for Fire Services	IV-14-1
Generation of Solid Waste	IV-15-1
Generation of Hazardous Materials	IV-16-1

Landslides and Seismic Activity	IV-17-1
Energy	IV-18-1; and,

WHEREAS, the MEIR identified the following effects as Unavoidable Significant Effects:

Effect	Page in MEIR
Traffic and Circulation Needs	IV-1-1
Degradation of Air Quality	IV-2-1
Generation of Noise	IV-3-1
Loss of Productive Agricultural Land	IV-4-1
Increased Demand for Water Supplies	IV-5-1
Increased Demand for Storm Drainage	IV-9-1

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable effect identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Kiernan Business Park Specific Plan as an anticipated subsequent project, and

WHEREAS, a Notice of Preparation of a Focused Environmental Impact Report for the City of Modesto Kiernan Business Park Specific Plan was circulated from August 1, 1994 through September 9, 1994, and

WHEREAS, a Revised Draft Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report (SCH #94082005) was prepared for public review and comment for the required 45-day period from December 13, 1996, through January 27, 1997, and

WHEREAS, a Final Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report ("Final EIR") incorporating all the comments received during the public review period and responses thereto was released for the required 10-day period on February 21, 1997, and

WHEREAS, the Planning Commission held a public hearing on March 3, 1997, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the certification of the Final EIR, and

WHEREAS, the information contained in the Final EIR was reviewed and considered by the Planning Commission prior to taking action on the Kiernan Business Park Specific Plan, General Plan Amendment, and Prezoning, and

WHEREAS, the City Council held a public hearing on April 1, 1997, and considered the adequacy of the Final EIR, the Mitigation Monitoring Program and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the Final EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Kiernan Business Park Specific Plan, the General Plan Amendment and Prezoning.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As required by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Final EIR. As permitted by Section 21158(b) of the Public Resources Code, the Final EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

Effects Not Further Examined

(1) Loss of Productive Agricultural Land
(2) Disturbance of Archeological or Historical Sites
(3) Increased Demand for Parks and Open Space
(4) Increased Demand for Schools

(5) Increased Demand for Police Services
(6) Increased Demand for Fire Services
(7) Generation of Solid Waste
(8) Land Slides and Seismic Activity
(9) Energy

With regard to the above effects, the City finds, based on substantial evidence in the record that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the City makes one of the following findings, as permitted by Section 21158(b), regarding each of the above effects. These effects were either:

(1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or

(3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Effects Examined in the Final EIR.

It was determined through the scoping process that the following effects should be addressed in the Final EIR as potential project-specific effects on the environment:

(1) Traffic and Circulation Needs
(2) Degradation of Air Quality
(3) Generation of Noise
(4) Increased Demand for Water Supplies
(5) Increased Demand for Sanitary Sewer Services
(6) Loss of Sensitive Wildlife and Plan Habitat
(7) Drainage, Flooding, and Water Quality
(8) Increased Demand for Storm Drainage
(9) Generation of Hazardous Materials

Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the Final EIR:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, making feasible the mitigation measures or alternatives identified in the Environmental Impact Report.

With respect to significant effects which were subject to a finding under paragraph (3), the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

A. The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment:

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road

Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road

(2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

B. The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public schools. It is estimated that approximately 320 elementary students, 80 new junior high-school students, and 160 new high school students would be generated by development proposed with the Carver-Bangs Specific Plan.

C. The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the following significant effects on the environment.

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

Pelandale and SB SR 99

Pelandale and NB SR 99

(2) Future Build-Out (year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C =1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

(3) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and Sr 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

(4) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with Kiernan Business Park Specific Plan.

(5) The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C = 1.15 to V/C = 1.35 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

D. The City finds, based on substantial evidence in the record, that the following additional effects on the environment by the Project are not significant or do not substantially

increase severity of significant effects previously identified in the Master EIR.

(1) Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections A. and C., above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendment.

(2) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(3) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.

(4) Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NO_x) and dust in the project area.

(5) Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.

(6) Light industrial uses permitted under the Kiernan Business Park Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.

(7) Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments.

Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments.

(8) The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

(9) The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

(10) Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.

(11) No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and siltation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.

(12) Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.

(13) No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.

(14) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.

a. With regard to the effects that are significant but mitigable, the City of Modesto adopts new and additional mitigation measures, and as permitted by Section 21158(a) of the

Public Resources Code. These Mitigation Measures are presented in the Executive Summary, attached hereto as Exhibit 3 and incorporated by reference herein, and are presented in Exhibit 2, the Final EIR, a copy of which is on file in the office of the City Clerk.

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City adopts the Statement of Overriding Considerations, attached hereto as Exhibit "4" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the Final EIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the Final EIR.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Final EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Final EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section

15126(d) of the CEQA Guidelines. As Kiernan Business Park Specific Plan is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range of alternatives, no further analysis of alternatives is necessary in this Final EIR for Kiernan Business Park Specific Plan.

7. Proposed Modifications to the Master EIR. Section 21157.6(b) of the Public Resources Code permits the Final EIR to modify the General Plan Master EIR, by including updated information. Chapter V (p. V-1) of the Final EIR presents this information, in the form of a Modification, as follows:

(1) The following change has been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

Section VI-14 (III)(A)(5), first sentence, has been revised to read as follows:

"Minimum road widths and clearances around structures shall conform to Section 902 of the Uniform Fire Code."

This Modification, set forth in Exhibit 5 attached hereto, is hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Section 21081.6(b) of the Public Resources Code provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary and the Final EIR into the Kiernan Business Park Specific Plan. Therefore, said mitigation monitoring program is hereby adopted.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final EIR for the Kiernan Business Park Specific Plan, General Plan Amendment and Prezoning as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

II. EXECUTIVE SUMMARY

A. OVERVIEW

This Focused Environmental Impact Report (EIR) examines the environmental impacts of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments. The Kiernan Business Park Specific Plan implements the western portion of the Kiernan/Carver Comprehensive Planning District, which was analyzed within the scope of the City's General Plan Master EIR. The Carver-Bangs Specific Plan implements part of the southeast section of the Kiernan/Carver CPD identified in the General Plan and analyzed in the General Plan Master EIR. As provided in Section 21158 of the California Environmental Quality Act, this Focused EIR analyzes only those effects on the environment specific to the development of the Kiernan Business Park and Carver-Bangs Specific Plans that were not addressed as significant effects in the General Plan Master EIR. Table II-1 provides a summary of the environmental impacts and mitigation measures identified in this report. The table is organized by topical sections consistent with the format of Chapter IV of this EIR. Detailed discussions are provided within each applicable section.

B. ALTERNATIVES EVALUATED

This Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the General Plan Master EIR. A full range of land use alternatives was developed and considered by the City through the General Plan and General Plan Master EIR planning process. The General Plan Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Because the Kiernan Business Park and Carver-Bangs Specific Plans are elements of the "Adopted General Plan" and that document considered a full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR.

C. PROJECT DESCRIPTION

The Kiernan Business Park Specific Plan provides for development of 614 acres, including 540 acres of Business Park, 55 acres of Business Park/Commercial and 19 acres of Office; and additional transportation improvements including those proposed along Kiernan, Pelandale and Chapman Avenues, as shown in Figure IV-A-5, which require an amendment to the Circulation Element of the General Plan. The project site is located along the northern boundary of the City of Modesto in Stanislaus County and is bounded by Pelandale Avenue to the south, a line even with Stoddard Road to the west, Kiernan Avenue to the north, and a line even with American Avenue to the east. The Fleur de Ville residential subdivision, which is located north of Pelandale Avenue, is not included in the Plan area. The proposed acreages could accommodate approximately 9.4 million square feet of Business Park uses, 1 million square feet of Business Park/Commercial uses, and 282,000 square feet of Office uses.

EXHIBIT 3

The Kiernan Business Park Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the western portion of the Kiernan/Carver Comprehensive Planning District as authorized by Section 65450 of the Government Code and the Modesto Urban Area General Plan. Although the entire Kiernan Business Park Specific Plan area is included within the City of Modesto's Planned Urbanizing area, lands west of Dale Road lie outside the City's existing Sphere of Influence. Phase I development is planned for lands east of Dale Road and approximately 74 acres of land immediately west of the Fleur de Ville subdivision and north of Pelandale Avenue. The City anticipates the future extension of its Sphere of Influence to include the entire Kiernan Business Park Specific Plan area.

The Carver-Bangs Specific Plan provides for development of 160 acres of residential development. An amendment to the General Plan Land Use Element associated with the Kiernan Business Park Specific Plan would change approximately 120 acres, including approximately 40 acres within the western quarter of the Carver Bangs Specific Plan area, from Business Park Land Use Designation to Village Residential Land Use Designation. The Carver-Bangs Specific Plan encompasses part of the southeast portion of the Kiernan/Carver CPD. The Plan area is bounded by Bangs Avenue to the north, a line parallel to and even with American Avenue to the west (and bordering the Kiernan Business Park Specific Plan area), Carver Road to the east, and a line parallel to and even with Pelandale Avenue to the south. The Carver-Bangs Specific Plan designates approximately 160 acres for Village Residential which will include a maximum of 800 dwelling units.

The Carver-Bangs Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the part of the southeast portion of the Kiernan/Carver Comprehensive Planning District. The entire Carver-Bangs Specific Plan area is included within the City of Modesto's Planned Urbanizing area and the City's existing Sphere of Influence.

D. SUMMARY OF IMPACTS AND PROPOSED MITIGATION MEASURES

Table II-1 provides a summary of the impacts associated with the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments, mitigation measures to reduce impacts, and a designation of the level of significance of each impact after implementation of the specified mitigation measure(s). This summary table only includes mitigation measures identified in the EIR that are determined to be feasible (either environmentally, technically, legally, or economically) to be implemented, and specific enough (in some instances, tied to specific performance standards) to allow successful monitoring of their implementation.

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES

I. IMPACTS THAT ARE SIGNIFICANT BUT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate.

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
TRAFFIC AND CIRCULATION NEEDS		
I-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections: SR 219 and Dale Road SR 219 and Carver Road SR 219 and Tully Road Pelandale Avenue and Dale Road Pelandale Avenue and Prescott Avenue Pelandale Avenue and Carver Road Pelandale Avenue and Tully Road Pelandale Avenue and SR 108 Kiernan Avenue and Chapman Road Pelandale Avenue and Chapman Road Pelandale Avenue and Sisk Road	I-A. Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis. a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code. b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards: 1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.	This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
TRAFFIC AND CIRCULATION NEEDS *continued*	2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025. 3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model. In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list. Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.	

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
GENERATION OF NOISE		
I-B. Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).	**I-B.** The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 L_{dn} for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pelandale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.	This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

II IMPACTS THAT ARE SIGNIFICANT BUT WHOSE MITIGATION FALLS OUTSIDE THE JURISDICTION OF THE CITY OF MODESTO

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed as described in Section I of this table or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible.

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
INCREASED DEMAND FOR SCHOOLS		
II-A. The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public schools. It is estimated that approximately 320 elementary students, 80 new junior high-school students, and 160 new high school students would be generated by development proposed within the Carver-Bangs Specific Plan.	**II-A.** A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or development plan approval.	**II-A.** This mitigation measure is incorporated into the Carver-Bangs Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES *continued*

III IMPACTS THAT ARE SIGNIFICANT AND NOT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical, or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level.

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
TRAFFIC AND CIRCULATION NEEDS		
III-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections: Pelandale and SB SR 99 Pelandale and NB SR 99	**III-A.** Potential measures to improve conditions at the intersections to acceptable levels are identified in Section IV-A(II)(D)(2), items 8 and 9 of the EIR. However, only partial funding is currently available in the City's CFF program for these improvements. This impact would remain significant until full funding becomes available.	**III-A.** Not applicable.
III-B. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-B.** No feasible mitigation measures are available; the impact would remain significant.	**III-B.** Not applicable.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
III-C. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-C.** No feasible mitigation measures are available; the impact would remain significant.	**III-C.** Not applicable.
III-D. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-D.** No feasible mitigation measures are available; the impact would remain significant.	**III-D.** Not applicable.
III-E. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-E:** No feasible mitigation measures are available; the impact would remain significant.	**III-E:** Not applicable.

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES *continued*

IV. IMPACTS THAT ARE FOUND NOT TO BE SIGNIFICANT, OR FOUND TO NOT SUBSTANTIALLY INCREASE SEVERITY OF SIGNIFICANT IMPACTS PREVIOUSLY IDENTIFIED IN THE GENERAL PLAN MASTER EIR

The following section of this table presents the issues identified by the General Plan Master EIR for analysis in this Focused EIR that are found not to be significant, or would not result in a substantial increase in the severity of significant effects previously identified in the Master EIR.

ENVIRONMENTAL IMPACT	RATIONALE
TRAFFIC AND CIRCULATION NEEDS	
IV-A. Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections I and III of this table, above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments.	**IV-A.** As shown in Tables IV-A-4 and IV-A-6 of this EIR, all internal and external study intersections and roadway segments, other than those identified in Sections I and II of this table, above, would not be significantly impacted by implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments under 2025 build-out conditions, pursuant to the significance standards set forth in the General Plan Master EIR.
IV-B. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.	**IV-B.** As described in Section IV-A of this EIR, the Kiernan Business Park and Carver-Bangs Specific Plans would use the current accepted standards, policies, and principles to ensure safe and adequate access between internal and offsite vehicular circulation and linkage to bicycle/pedestrian circulation systems and transit services.
IV-C. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.	**IV-C.** The Kiernan Business Park and Carver-Bangs Specific Plan developments would be required to comply with the City of Modesto Zoning Ordinance parking requirements, which would ensure adequate parking facilities would be provided to accommodate the projected parking demand.
DEGRADATION OF AIR QUALITY	
IV-D. Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NO_x) and dust in the project area.	**IV-D.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.
IV-E. Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.	**IV-E.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	RATIONALE
DEGRADATION OF AIR QUALITY *continued*	
IV-F. Light industrial uses permitted under the Kiernan Business Park Specific Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.	**IV-F.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.
GENERATION OF NOISE	
IV-G. Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments. Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments.	**IV-G.** All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs Specific Plan areas, and associated General Plan Amendment area., as appropriate. Applicable measures are listed in Section IV-L in this EIR. The additional Kiernan Business Park Specific Plan policies and/or additional mitigation listed below, in conjunction with the certified mitigation measures identified in the General Plan Master EIR, would mitigate noise impacts to a less than significant level in most instances. <u>IV-G1. Kiernan Business Park Specific Plan:</u> Construction impacts on residential neighborhoods to the south and localized impacts to interim sensitive receptors within the Specific Plan area would remain significant as discussed above. Applicable Kiernan Business Park Specific Plan policies related to noise are as follows: *Policy LU-6: Facilitate isolation of industrial traffic away from existing residential areas through land use and circulation design. Locate industrial users needing truck access away from residential areas and in proximity to a major entrance point to the Kiernan Business Park.* *Policy LU-9: Provide adequate buffers between business park uses and neighboring residential uses.* *Policy LU-15: Require development to meet . . . development standards [detailed in the Specific Plan on page 26]... All subsequent development shall conform to these standards.* *Policy LU-16: Require development to meet . . . supplemental development standards [detailed in the Specific Plan page 29]... are applicable to Areas A, B and C.* Development standards referenced by Policies LU-15 and LU-16 require a 10-foot wide screen landscaping buffer for parcels adjacent to the western boundary of the Fleur de Ville subdivision. For parcels adjacent to the Modesto Irrigation District Lateral No. 6 along the northern boundary of Fleur de Ville, the Specific Plan requires an 8-foot high decorative wrought iron fence, a 10 foot wide screen landscaping buffer, loading docks to be orientated away from the residential uses, and hours of operation to be limited to between 7 AM and 10 PM.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	RATIONALE
INCREASED DEMAND FOR WATER SUPPLIES	
IV-H. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.	**IV-H.** There are no specific features unique to Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment which require new specific mitigation for water supply. All certified mitigation measures identified in the General Plan Master EIR for the General Plan will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.
INCREASED DEMAND FOR SANITARY SEWER SERVICES	
IV-I. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.	**IV-I.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require new specific mitigation measures for sanitary sewer service. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are in listed in Section IV-L in this EIR.
LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT	
IV-J. Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.	**IV-J.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for the loss of sensitive wildlife and plant habitat. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.
DRAINAGE, FLOODING AND WATER QUALITY	
IV-K. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and siltation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.	**IV-K.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for drainage, flooding and water quality impacts. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.
INCREASED DEMAND FOR STORM DRAINAGE	
IV-L. Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.	**IV-L.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation to address an increased demand for storm drainage. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	RATIONALE
GENERATION OF HAZARDOUS MATERIALS	
IV-M. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.	**IV.M.** There are no specific features unique to the Specific Plan which require mitigation for hazardous materials impacts. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR
IMPACTS TO PARKS AND OPEN SPACE	
IV-N. The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.	**IV-N.** The developers of projects within the plan area will be required to pay Capital Facilities fees to the City, prior to the issuance of building permits. This requirement is intended to provide funding for land acquisition and park construction by the City. This mitigation measure would be incorporated into the Carver-Bangs Specific Plan as a policy statement. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan, the City Council has determined that the Kiernan Business Park and Carver-Bangs Specific Plans should be approved and that any remaining unmitigated environmental impacts attributable to the Specific Plans are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are the Issue Areas, identified in the Final Focused EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Kiernan Business Park and Carver-Bangs Specific Plans will cause significant and unavoidable impacts on the following areas:

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

   Pelandale and SB SR 99
   Pelandale and NB SR 99

   a) Finding 1-1

   The intersection of Pelandale Avenue and SB SR 99 would deteriorate from LOS C (average delay = 19.5 seconds) under the Existing Conditions to LOS F (average delay = 145 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

   b) Finding 1-2

   The intersection of Pelandale Avenue and NB SR 99 would deteriorate from LOS B (average delay = 10.0 seconds) under the Existing Conditions to LOS E (average delay = 58.1 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

EXHIBIT 4

c) Conclusions

Project-specific impacts would remain significant when compared to the conditions which would occur under the Existing + Project conditions for the Pelandale and SB SR 99 intersection and the Pelandale and NB SR 99 intersection. Measures available to mitigate the project impact at these intersections are as follows:

1. Pelandale and SB SR 99 - Add a second southbound left-turn lane. Add a second westbound left-turn lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS F (average delay = 145 seconds) to LOS C (average delay = 17.9 seconds).

2. Pelandale and NB SR 99 - Add a second eastbound through lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS E (average delay = 58.1 seconds) to LOS C (average delay = 16.5 seconds).

Full funding for these measures is not available. The City estimates that as of 1989, the projected costs for these improvement (which includes widening of the overpass) was estimated at $7.8 million; there is currently only approximately $5 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

Substantial Evidence

Pages IV-A-36 to IV-A-41 and Appendix 1, page 1-10 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

2. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions.

a) Finding 2-1

This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions at this location, conversion of the westbound right-turn lane to a shared right/through lane would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other strategies could be pursued to mitigate the impacts identified for the build-out scenario. The primary requirement is to provide additional capacity to carry the future traffic which is projected to cross from one side of SR 99 to the other. Possible approaches for investigation include:

1. Widening the existing overcrossings and the roadways connecting to them. The four measures discussed above fall into this category.

2. Provide another freeway overcrossing. The General Plan's expressway connector between the SR 219 expressway and the future westside expressway (which the Kiernan Business Park Specific Plan would remove) falls into this category.

3. Add auxiliary lanes to SR 99 between the SR 219 and Pelandale interchanges to accommodate traffic traveling from one side of the freeway to the other via the freeway and two interchanges.

4. Some combination of the measures listed above, which provide the required total capacity to accommodate the projected traffic volumes levels.

Substantial Evidence

Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

3. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99.

a) Finding 3-1

This roadway segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions at this location, upgrading SR 219 from a six-lane arterial to a six-lane expressway between Chapman Road and SR 99 would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence

Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

4. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps.

a) Finding 4-1

This roadway segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions, upgrading Standiford Avenue from a future eight-lane arterial to a ten-lane arterial would be needed to improve the operations of the segment between SR 99 Northbound Ramps and Dale Road. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence

Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

5. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps.

   a) Finding 5-1

      This roadway segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

   b) Conclusions:

      In order to mitigate the conditions at this location, widening of the overcrossing to 10 lanes plus left-turn lanes would be needed. The City does identify the widening of Standiford over SR 99 in its CFF program. As of 1989, the projected costs for this improvement was estimated at $7.8 million; there is currently $5.9 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

      Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

      Substantial Evidence

      Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

B. Findings Regarding Significant But Mitigable Impacts

Section 21081 of the Public Resources Code requires the City to make findings that the project has changed (including the adoption of mitigation measures) to avoid, or substantially less the magnitude of, the impact. Following are the Issue Areas, identified in the Final Focused EIR, in which the impacts of the project are mitigable to a less-than-significant level.

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan

Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road

a) Finding 1-1

The intersection of SR 219 and Dale Road would deteriorate from LOS B (average delay = 7.9 seconds) under the Existing Conditions to LOS F (average delay = 398 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

b) Finding 1-2

The intersection of SR 219 and Carver Road would deteriorate from LOS B (average delay = 5.8 seconds) under the Existing Conditions to LOS F (average delay = 70.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

c) Finding 1-3

The intersection of SR 219 and Tully Road would deteriorate from LOS B (average delay = 7.8 seconds) under the Existing Conditions to LOS F (average delay = 91.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

d) Finding 1-4

The intersection of Pelandale Avenue and Dale Road would operate at LOS F (average delay = 964 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

e) Finding 1-5

The intersection of Pelandale Avenue and Prescott Avenue would have some minor street movements that would operate at LOS F under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

f) Finding 1-6

The intersection of Pelandale Avenue and Carver Road would operate at LOS F (average delay = 66.3 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

g) Finding 1-7

The intersection of Pelandale Avenue and Tully Road would operate at LOS E (average delay = 41.6 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

h) Finding 1-8

The intersection of Pelandale Avenue and SR 108 would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

i) Finding 1-9

The intersection of Kiernan Avenue and Chapman Road would operate at LOS F (average delay = 498 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

j) Finding 1-10

The intersection of Pelandale Avenue and Chapman Road would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

k) Finding 1-11

The intersection of Pelandale Avenue and Sisk Road would deteriorate from LOS C (average delay = 18.4 seconds) under the Existing Conditions to LOS F (average delay = 105 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

l) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

> Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct

the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:

    1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.

    2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.

    3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.

This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

Substantial Evidence

Pages IV-A-32 to IV-A- 35, IV-A-37 to IV-A- 40 and pages to IV-A-42 to IV-A-48 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

a) Finding 2-1:

The Carver-Bangs Specific Plan area would border (future) Pelandale Expressway on the south, Bangs Avenue on the north, American Avenue on the west, and Carver Road on the east. Prescott Road would be extended through the middle of the Plan area. Circulation plan diagrams for the Carver-Bangs Specific Plan area (Exhibit 4-1 of the Carver-Bangs Specific Plan and Figure V-1 of the Urban Area General Plan) show (future) Pelandale Expressway as a six-lane Class B expressway in the vicinity of the Carver-Bangs Specific Plan area, and (extended) Prescott Road as a four-lane minor arterial. American Avenue, Bangs Avenue and Carver Road would be two-lane collector streets.

Based on the traffic forecasts developed for the Focused EIR, traffic noise levels have been estimated along the borders of the Carver-Bangs Specific Plan area and along Prescott Road to evaluate the compatibility of proposed residential uses within the Specific Plan area with their future noise environment. As shown in Table IV-C-2 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 L_{dn} or less) for the residential uses proposed under the Carver-Bangs Specific Plan. ROW noise levels would be highest along Pelandale Expressway and Prescott Road where they would be "normally or clearly unacceptable" (i.e. 70 L_{dn} more) for residential land use development.

b) Finding 2-2

The northern portion of the GPA area would border Kiernan Avenue on the north, Bangs Avenue on the south, American Avenue on the west, and existing rural residential (future Village Residential) uses to the east. Figure V-1 of the Urban

Area General Plan indicate that Kiernan Avenue would be widened in the future to become a six-lane, Class B expressway in the vicinity of the GPA area. (Extended) American Avenue and Bangs Avenue would be two-lane collector streets.
Based on the traffic forecasts developed for this Focused EIR, traffic noise levels have been estimated along the borders of the northern portion of the GPA area to evaluate the compatibility of proposed residential uses within the GPA area with their future noise environment. (Noise /land use compatibility would not have been an issue of concern for the business park uses contemplated under the current General Plan). As shown in Table IV-C-3 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 L_{dn} or less) for the residential uses proposed under the GPA. ROW noise levels would be highest along Kiernan Avenue where they would be "normally or clearly unacceptable" (i.e. 70 L_{dn} more) for residential land use development.

c) Finding 2-3

The General Plan Master EIR anticipates that future residential development could be introduced into areas where the future noise environment would likely be "unacceptable" for such uses and identifies the associated impact as significant. The General Plan Master EIR also identifies mitigation measures to address the issue of noise/land use compatibility for future residences and indicates that these measures would reduce significant impacts to a less-than-significant level in most instances.
d) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

> The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 L_{dn} for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pelandale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.

This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

Substantial Evidence

Pages IV-C-6 to IV-C-9, and IV-C-12 to IV-C-13 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

B. General Overriding Considerations

1. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

a) Finding No. 1

In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of employment opportunities within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area and made the requisite overriding consideration findings.

Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Kiernan Business Park Specific Plan is in an area which contains five additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to traffic and circulation needs.

The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. The Kiernan Business Park Specific Plan specifically recognizes the development of this project area is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of employment opportunities, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City

Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and thriving community and find that the need to implement the General Plan and its supporting goals and policies are benefits associated with this project.

Substantial Evidence

1. "Modesto Urban General Plan: pages I-5, I-6.
2. "Recommended Modesto Economic Development Strategy," prepared by Kreines & Kreines.

2. Social Considerations: Demographic Trends in the Stanislaus County Region will greatly influence the potential for employment growth in the Region.

l) Finding No. 1

There are three facets of population change in Stanislaus County that are particularly noteworthy since they are likely to affect the makeup of the future workforce, the demand for goods and services, the potential for employment growth in particular industrial sectors, and the feasibility of new economic development initiatives. The first of these is the fast paced and urban directed population growth. The second is the on-going shift in the racial and ethnic composition of the population. The third is the aging of the population.

i) Pace and Direction of Growth

During the 1980's Stanislaus County's 39.3% growth rate exceeded the rates of every reference area covered in a study prepared in 1996 for SCEDCO. A key factor driving this population growth was migration, especially from the Bay Area. The catalysts for this movement were affordable housing, available housing, open space, and the preference for an alternative lifestyle caused by the state's deep recession. This was reflected in the sharp decline of migration ratios. However, like a number of other inland counties in the state, Stanislaus continued to experience more rapid growth and immigration than coastal metropolitan areas and the state as a whole.

Population projections published by the Department of Finance underscore the growth potential of Stanislaus County and other inland areas. While the projections may be optimistic, especially

in light of the recent economic slow-down, they are indicative of prevailing demographic trends. According to the Department of Finance, Stanislaus County will have the fastest growth rate among reference areas (see Figure 1) and by 2010 will have a population of approximately 670,000.

Within Stanislaus County, city population growth rates have varied, especially in the 1990's. Among the factors impacting these growth rates have been local land use policies, the available inventory of residential land, and housing costs.

ii) Racial and Ethnic Composition

Like most other urban and suburban counties in the state, Stanislaus has become more racially and ethnically diverse. However, even with these changes the county is less diverse than most other reference areas within California, including the state as a whole. And for Stanislaus County, Hispanic residents constitute a principal source of diversity. In 1990, they represented 21.8% of the Stanislaus total (compared to 15% in 1980), which was greater than the Hispanic share of the population in Sacramento, Alameda, and Santa Clara Counties. By 1994, the proportion of Hispanics in the County increased to 24.8%.

During the past decade, school enrollment has grown faster than the residential population and labor force. This faster rate of student growth, viewed in light of migration patterns and the distribution of births, points to an increasingly diverse student population and, by extension, future entry level workforce.

Department of Finance population and school enrollment projections for the state, Stanislaus County, and reference areas underscore three important points: (1) the racial and ethnic diversity of both the state and urban/suburban counties (including Stanislaus) will increase in the future; (2) by 2010, the diversity gap between Stanislaus County and most other reference areas is not expected to change significantly; and (3) Hispanics will represent a growing share of both the Stanislaus County population and school enrollment. In fact, by 2010, the projected Hispanic share of the Stanislaus County population will be slightly lower than the state but above all reference counties except Merced.

iii) Aging of the Population

While Stanislaus County did not have the lowest median age in the state in 1990 (that distinction belonged to Merced), it did rank 12th among all counties, up form the 20th position in 1980. Department of Finance population projections suggest that by 2010 the present gap between Stanislaus and the state will widen further — i.e., this county's median age is expected to inch up to 30.9 while the state's will climb to 35. Based on these data, it is reasonable to conclude that while the population of California is not growing older as fast as the nation's population, the population of Stanislaus County is not aging as fast as the state's population.

In the decades between 1970 and 1990, both the rate of growth and share of the population under 15 years of age were greater in Stanislaus County than in the state. By 1990, more than 1 of 4 Stanislaus County residents (26.3%) were under the age of 15 compared to 22.2% in the state as a whole. The gap has not narrowed during the 1990's. These statistics provide evidence for the county's high "dependency ratio." This widely used demographic measure is based on the number of persons younger than 18 (youth dependent) and 65 years and older (elderly dependent) per 100 persons of prime working age (18-64). During the early 1990's, there were close to 71 dependent persons for every 100 working age persons in Stanislaus County, the second highest level among reference areas. This is significant because (a) dependent populations tend to be consumers of local public services, and (b) areas with higher concentrations of these groups have fewer workers to help underwrite the services through local revenues.

Substantial Evidence

"Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, published in 1996.

3. Economic Considerations: The Stanislaus County Region, of which Modesto is an integral part, needs more numerous and more diversified employment opportunities.

a. Finding No. 1

Substantial evidence is included in the record demonstrating the economic benefits which the City would derive from the implementation of the Modesto Urban Area General Plan. Historically, in the past two decades, it is well documented in numerous reports that there has been very substantial population growth and economic development throughout the Stanislaus County region.

Substantial Evidence

"Demographic and Economic Profile of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, dated 1993.

"Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3," published by the California Department of Finance.

"Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, published in 1996.

b. Finding No. 2

Statistical analysis and data prepared by the State of California and the Stanislaus County Economic Development Corporation indicate that diversion of employment-generating opportunities and economic growth away from the County substantially contributes to the comparatively high unemployment rates consistently burdening the County. The County has consistently had employment rates that are among the highest in the State, well above the unemployment rates of the State average. Regional seasonal unemployment rates have varied from 12.1% to 18.3% in the years 1983 to 1991.

Substantial Evidence

"Demographic and Economic Profile of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, dated 1993. (Page 66)

"Projected Total Population of California Counties:
1990 to 2040, Report 93 P-3," published by the California Department of Finance.

c. Finding No. 3

Stanislaus County is primarily dependent on agriculture and related services. There is a need for land suitable for industry and manufacturing. The Modesto Urban Area is ideally suited for such opportunities, located at State Highways 99 and 132.

Substantial Evidence

"Recommended Modesto Economic Development Strategy," prepared by Kreines and Kreines.

"A Strategic Planning Approach for a County in Change." (Stanislaus County's economic development strategy, prepared by Kreines and Kreines, 1988).

d. Finding No. 4

The Modesto Urban Area General Plan and environmental documentation indicate that employment opportunities would be substantially increased by the implementation of the Modesto Urban Area General Plan, which will lead to economic diversification and job generation. Increased employment opportunities arising from the implementation of the Modesto Urban Area General Plan will become an increasingly beneficial impact with the passage of time.

Substantial Evidence

"Final Master Environmental Impact Report": (SCH No. 92052017), page I-30.

"Modesto Urban Area General Plan": Exhibit III-1.

e. Finding No. 5

The projections of the California Department of Finance indicate that the population of the region will grow faster than the State average in percentage terms. In absolute terms, Stanislaus County is projected to be one of the fastest growing counties in the State.

Substantial Evidence

"Projected Total Population of California Counties: 1990-2040," published by the California Department of Finance. (Page 9).

f. Finding No. 6

The Modesto Urban Area General Plan sets the stage for and emphasizes the need for job creation and economic diversification for the Modesto Urban Area. The objectives of the City are to generate a community with a very favorable jobs/housing balance, to promote economic diversification throughout the Area.

Substantial Evidence

"Modesto Urban Area General Plan": pages I-5, I-6.

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines.

g. Finding No. 7

The City of Modesto supports Strategic Goal No. 1 of the Stanislaus County Economic Development Corporation, which reads as follows:

> "Target industry groups and industries that represent sources of existing employment strength and that offer opportunities based on local and regional assets."

Further explanation is provided as follows:

The targeted industry groups and industries are part of the industry clusters that enable local products and services to be exported from the county. These businesses also benefit fro the local agricultural resource base, the county's location, and the access available to rail and highway transportation. Since they already are here for the same reasons they are targets, retention of these industry groups and industries should be a primary element of an economic development strategy.

There are three industry groups with high location quotients that deserve attention. The first of these is nondurable goods wholesale trade. This group is becoming a more significant factor in the local economy due, in part, to the increasing importance of distribution. Industries in this group

with high location quotients include confectionery, farm supplies, farm and garden machinery, fresh fruits and vegetables, wine and distilled beverages, and poultry and poultry products.

The second is amusement and recreation services which, in 1993, had the fifteenth highest location quotient and was the second fastest growing industry group between 1988 and 1993. Selected industries in this group have location quotients above 1.2, including membership sports clubs, physical fitness facilities, and amusement and recreation, "not elsewhere classified" (which includes, most notably, golf courses and driving ranges). Given the growing importance of recreation and tourism in the California economy, the county's open space, the rich agricultural tradition, and the potential for tourism based on location, the benefits of this industry should be explored further.

The third industry group that could offer opportunities is special trades contractors. Although construction employment overall has dropped as a result of the recession, special trades contractors still is the fourth largest industry group employer and has the fourth highest location quotient.

Substantial Evidence

"Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, published in 1996.

h. Finding No. 8

The City of Modesto supports Strategic Goal No. 2 of the Stanislaus County Economic Development Corporation, which reads as follows:

> "Pursue targeting options that enable Stanislaus County to diversify into areas that are consistent with business development and employment needs."

Further explanation is provided as follows:

Economic and workforce trends provide Stanislaus County with new opportunities.

Health services appear to be an emerging cluster. There are areas of specialization that may be developing in Stanislaus County that could serve medical needs beyond county boundaries. Two of these appear to be

medical laboratories and specialized medical facilities. Combined with dental and testing laboratories, laboratories could emerge as sources of local employment strength.

Innovative production techniques - especially just-in-time manufacturing - offer a special economic development challenge and opportunity. Given the advantages of the relationship between local subassembly plants and Bay Area production facilities, focused efforts in this area should be explored.

A prominent economic opportunity in California may be the export market. While Stanislaus County may not be a leader currently, it does have advantages that could be pursued. Among these are the existing and potential exports of raw and processed agricultural products, ready access to the port of Oakland for containerized shipments, excellent rail access, and the I-5 corridor that could be the basis for a business partnership with the Port. Another matter that should be considered is the designation of this area as a free trade zone. This would serve as a catalyst for export-related business activities.

Industries linked to the information and technology revolution have located in Stanislaus County within the past two years. These include the Postal Encoding Center, MCI, AmericDisc, and smaller production facilities. While the first two employ information clerical workers, all could serve as this county's gateway to high technology.

Substantial Evidence

"Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, published in 1996.

i. Finding No. 9

The City of Modesto supports Strategic Goal No. 3 of the Stanislaus County Economic Development Corporation, which reads as follows:

> "Develop plans and public policies that meet current and emerging economic development needs."

Further explanation is provided as follows:

Long term economic development goals will require plans and policies

that match capacity with expectations. Some of these will require action by the County, cities, SCEDCO and educational institutions while others will be based on the decisions of the voting public.

Public investment represents a key economic development tool. This includes investment in capital resources including transportation and telecommunications initiatives and the planning of larger industrial tracts and business parks with some speculative building and installation of infrastructure.

Economic development projects should be directed where urban services can be provided. This will help avoid scattered industrial and commercial projects and limit land use conflicts with production agriculture.

Public officials should continue their on-going efforts to have a user-friendly government that still maintains its commitment to high quality safety and health standards. One item that should be considered is permit streamlining.

Substantial Evidence

"Strategic Directions - A Needs Assessment and Industry Targeting Analysis of Stanislaus County," prepared by the Stanislaus County Economic Development Corporation, published in 1996.

4. Land Use Considerations: The Kiernan Business Park Specific Plan presents substantial opportunities to respond to the Social Considerations and Economic Considerations stated above.

a) Finding No. 1

The City of Modesto first began considering the Kiernan Avenue area as an opportunity for industrial development in the late 1980's when the City Council identified a need for additional industrial land within Modesto's corporate limits. In 1992, as the City began to update its General Plan, the economic consulting firm of Kreines & Kreines was hired to prepare an *Economic Development Strategy* for the City. This study also identified the need for more industrial land and identified the area south of Kiernan Avenue as a prime location.

In 1995, the City of Modesto completed and adopted a revised General Plan which designates the Plan area for Business Park development. This Specific Plan was initiated early in the General Plan update process to support the City's efforts in attracting employment-intensive businesses to Modesto and in anticipation of implementing a portion of the updated General Plan.

As first steps in the planning process, an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park, and the existing conditions of the area were documented. An initial public meeting regarding the planning process was held on March 16, 1995, at which the public was invited to share their concerns and ideas regarding the Specific Plan.

Numerous private interviews with land owners in the area and business owners from throughout the community were conducted during the planning process by both the consultants and Community Development Department staff. A second public meeting was held on September 20, 1995 to present the findings and recommendations of the *Industrial Development Strategy* to interested members of the community.

The Specific Plan is based on the goals and policies of the General Plan; findings and recommendations of the *Industrial Development Strategy*; opportunities and constraints as identified in the existing conditions analysis; and input received from City staff and interested citizens. Goal statements for each element of the Specific Plan were developed with input from the aforementioned sources and approved by City staff. A Focused Environmental Impact Report has also been prepared, pursuant to

the California Environmental Quality Act (CEQA), to evaluate the effects of the Specific Plan.

Substantial Evidence

Kiernan Business Park Specific Plan, page 1. City of Modesto.

b) Finding No. 2

The Kiernan Avenue area represents an important economic resource to the City of Modesto. The Specific Plan area consists of approximately 614 acres located adjacent to the City of Modesto's northern border, east of Highway 99, and south of Kiernan Avenue in a portion of unincorporated Stanislaus County.

The intent of the Specific Plan is to provide for the development of new business park and industrial uses in the vicinity of Kiernan Avenue, because of its location adjacent to Highway 99 and North Modesto, a prime industrial location. The Kiernan Business Park Specific Plan will assist in implementing Modesto's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The Kiernan Business Park Specific Plan serves as a tool to guide the orderly development of land within the Plan area. The purpose of the Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 of the State Government Code.

Substantial Evidence

Kiernan Business Park Specific Plan, page 1. City of Modesto.

c) Finding No. 3

The Kiernan Business Park is designated "Business Park" by the Modesto Urban Area General Plan. This designation allows a land use intensity of up to 35 employees per acre. Therefore, this 614-acre business park has a potential for accommodating more than 20,000 new jobs.

Substantial Evidence

1. 614 acres X 35 employees/acre = 21,490 employees.

2. Modesto Urban Area General Plan, Chapter III, page III-52. City of Modesto.

d) Finding No. 4

The site enjoys a number of amenities and locational advantages including close proximity and excellent road access to local and regional activity centers. Highway 99 connects Modesto and the Specific Plan area with other Central valley cities including Stockton and Sacramento, and to a network of highways leading west to the San Francisco Bay Area. Both Kiernan and Pelandale Avenue extended, which roughly frame the Specific Plan area, are planned future expressways. Additionally, the Specific Plan area's location in north Modesto, regarded as the prime location for business and light industry in the City of Modesto, is in close proximity to similar uses, and would provide future users of the site with an established and well-regarded locational identity.

Substantial Evidence

Kiernan Business Park Specific Plan, page 5. City of Modesto.

e) Finding No. 5

The stated goals of the proposed Kiernan Business Park Specific Plan include the following:

- *Land Use.* The Plan should establish policies and standards to direct the logical development of a well-organized and attractive business park in the Kiernan Avenue area near Highway 99 that will promote and accommodate future business park and industrial development consistent with the economic development goals of the City of Modesto.

- *Circulation.* Provide a safe, efficient transportation system for the Kiernan Business Park that serves a variety of users at an acceptable level of service.

- *Public Facilities.* Provide public facilities and infrastructure in the Kiernan Business Park in an orderly manner consistent with the needs of planned development in the business park and applicable City standards.

- *Implementation and Financing.* Provide adequate public facilities

at the time of need to serve the Kiernan Business Park in a planned, logical fashion, phased in response to market demand, financed through the equitable participation of benefiting property owners and developers, and implemented through public-private partnership arrangements.

Substantial Evidence

1. Kiernan Business Park Specific Plan.

2. Final Focused Environmental Impact Report for Kiernan Business Park Specific Plan, page III-8.

f) Finding No. 6

For the Modesto Urban Area to actively compete for economic development opportunities, it must develop an infrastructure network which will attract new industry to the area. Such an objective can only be accomplished through long-range planning. The long-range planning included in the Kiernan Business Park Specific Plan and its supporting documentation is the best method available to enable the City to participate in this economic development and diversification. All these factors will, taken together, help the City realize the very substantial job creation, opportunities and economic development potential of the Modesto Urban Area.

Substantial Evidence

"Recommended Modesto Economic Development Strategy," prepared by Kreines & Kreines (1992).

"A Strategic Planning Approach for a County in Change." (Stanislaus County's Economic Strategy, prepared by Kreines & Kreines, 1988).

V. ADDITIONS, DELETIONS, AND OTHER PROPOSED MODIFICATIONS PROPOSED MODIFICATIONS TO THE CERTIFIED GENERAL PLAN MASTER EIR

A. OVERVIEW

Pursuant to Section 21157.6(b) of the Public Resources Code, this Focused Environmental Impact Report (EIR) includes the following modifications to the previously certified Master EIR for Modesto Urban Area General Plan. Additions to the specific text in the Master EIR are identified with italics.

A. PROPOSED MODIFICATIONS

I. The following change have been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

Section VI-14(III)(A)(5), first sentence, has been revised to read as follows:

"Minimum road widths and clearances around structures shall conform to Section *902* of the Uniform Fire Code."

EXHIBIT 5

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-161

A RESOLUTION ADOPTING THE CARVER-BANGS SPECIFIC PLAN.

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 August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Kiernan/Carver Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, a proposal for the Carver-Bangs Specific Plan has been prepared to meet the City's General Plan requirements for Comprehensive Plans, Chapter III, Section D, and State Government Code Section 65450, and

WHEREAS, the Specific Plan is for the purpose of developing up to 800 residential units on approximately 160 acres and proposes mainly single-family residential uses, and the proposal does not provide for multi-family residential uses nor non-residential uses, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 3, 1997, to receive evidence both

oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, by Resolution No. 97-20 adopted on March 3, 1997, the Planning Commission recommended to the City Council the denial of the Carver-Bangs Specific Plan for the reason set forth in said resolution, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on April 1, 1997, 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 that the Council of the City of Modesto finds and determines as follows:

1. That the Final Focused EIR is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the proposed Specific Plan is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Carver-Bangs Specific Plan dated April 1, 1997, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this resolution shall become effective 30 days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific 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 1st day of April, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, Mayor Lang
NOES:	Councilmembers:	Fisher, McClanahan, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

04/03/97 OP0N4ACJ/CA/rh

City of Modesto

Carver-Bangs Specific Plan

Exhibit "A"

Adopted by Modesto City Council
Resolution No. 97-161
April 1, 1997

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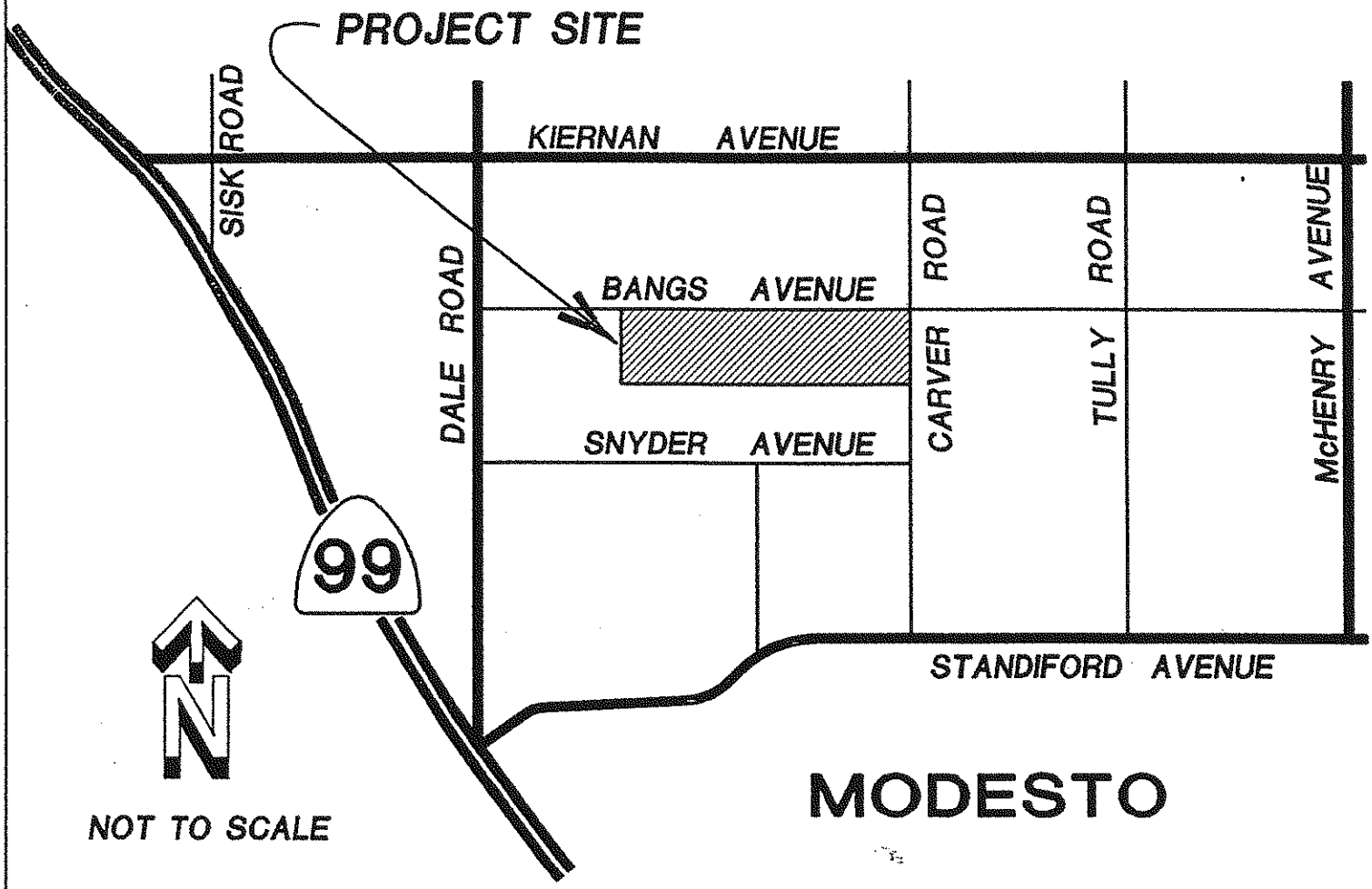
I. Introduction

Forward

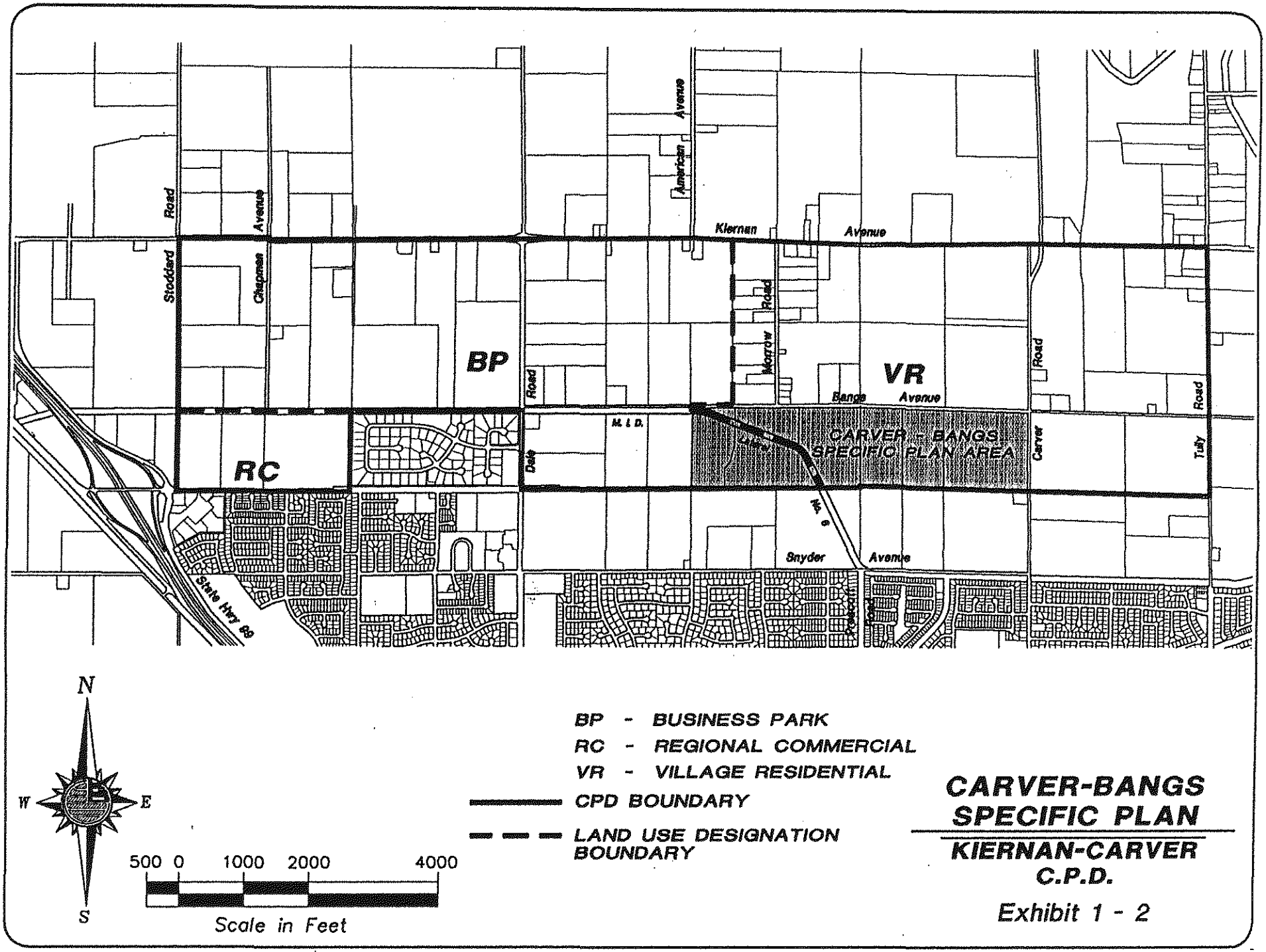
The Carver-Bangs Specific Plan is a proposed 160-acre residential project along the northwestern edge of the City of Modesto. The plan area is bounded on the east by Carver Road, on the north by Bangs Avenue, on the south by the Pelandale Snyder Specific Plan area, and the eastern boundary of the Kiernan Business Park area on the west. The plan was designed to integrate the residential-oriented plan with adjacent specific plan areas and the City of Modesto's General Plan. Development in the planning area will include a mixture of public and private residential developments totaling approximatley 800 units. The Environmental Impact Report that is being prepared for the Kiernan Business Park will include this area and address impacts and propose mitigation measures associated with future development within the Carver-Bangs Specific Plan area.



VICINITY MAP

CARVER-BANGS SPECIFIC PLAN

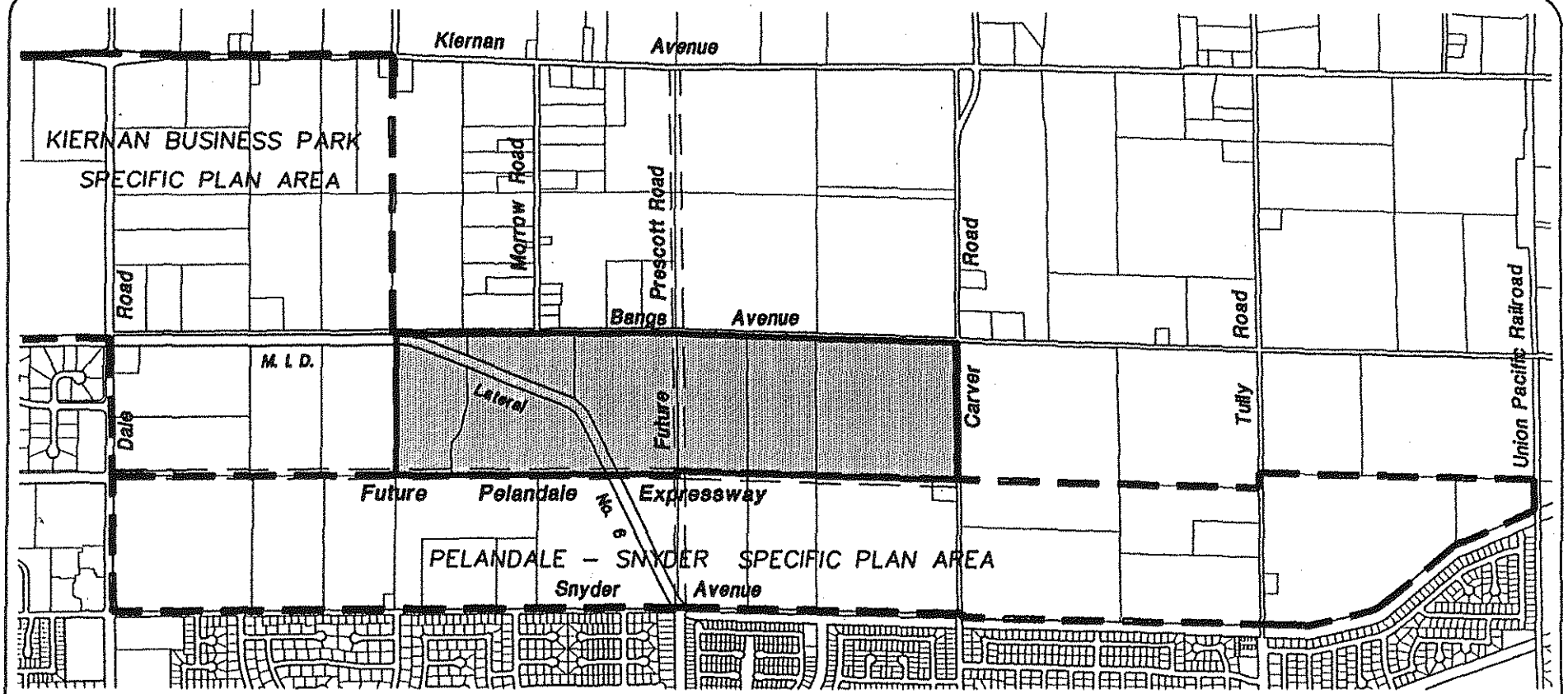
Exhibit 1 - 1



CARVER-BANGS SPECIFIC PLAN

KIERNAN-CARVER C.P.D.

Exhibit 1 - 2



N

W E

S

750 0 750 1500 3000

Scale in Feet

Legend

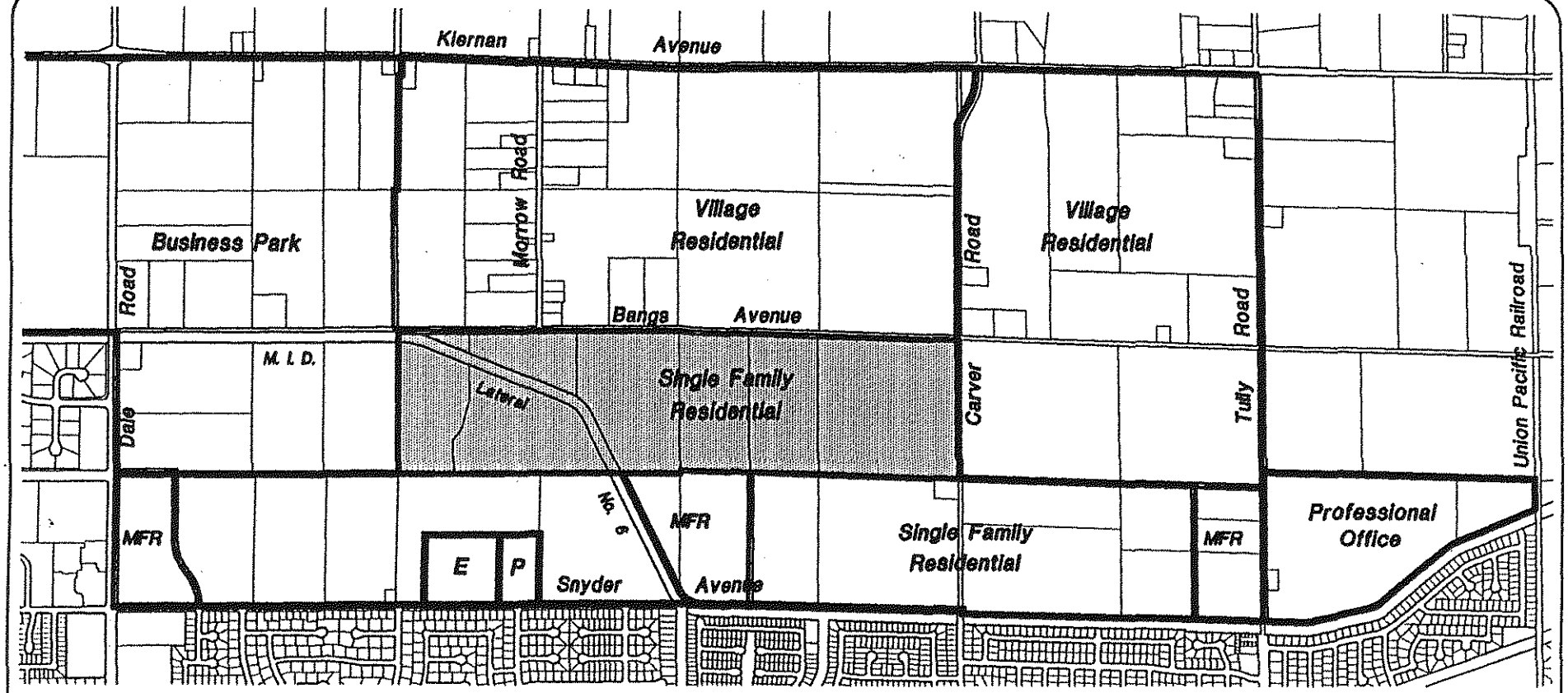
Carver – Bangs Specific Plan Boundary

Existing Specific Plan Boundary
Kiernan Business Park S.P.
Pelandale – Snyder S.P.

CARVER-BANGS SPECIFIC PLAN

Project Site

Exhibit 1 - 3



E - Elementary School
P - Neighborhood Park
MFR - Multi Family Residential

N
W
E
S

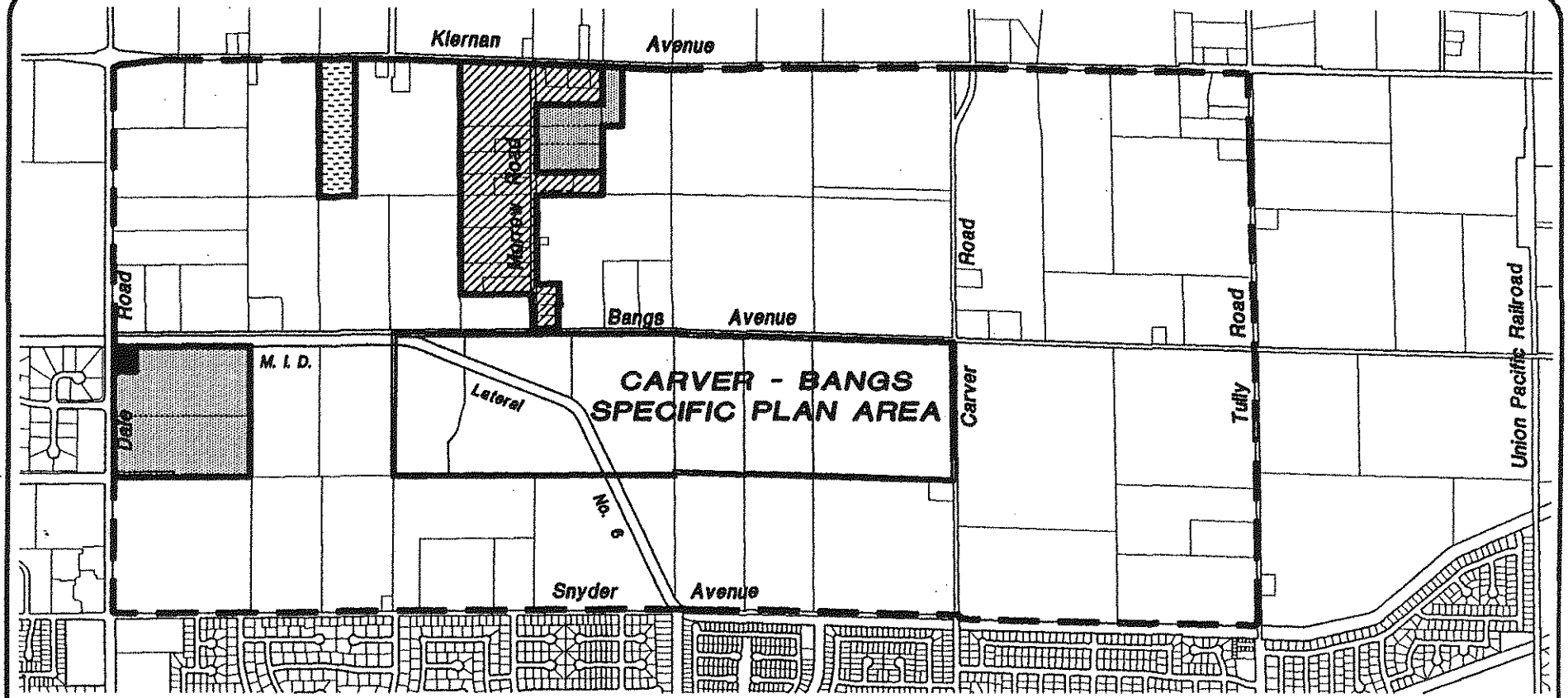
750 0 750 1500 3000
Scale in Feet

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



Legend

- Agriculture
- Light Industrial
- Rural Residential
- Institutional
- Commercial

N
W E
S

750 0 750 1500 3000
Scale in Feet

CARVER-BANGS SPECIFIC PLAN

Existing Area Land Use

Exhibit 1 - 5

A. Purpose of Specific Plan

The Carver-Bangs Specific Plan will serve to help direct the orderly development of the planning area. The purpose of the plan is to help implement the City of Modesto's General Plan as authorized under State Law (Section 65450 et. seq. of State Government Code). The plan has been prepared by Lew-Garcia-Davis however, the City of Modesto assumes full responsibility for the plan's implementation and interpretation.

B. Background and Planning Process

In 1995, the City of Modesto completed and adopted a revised General Plan which designates the Plan area for Village Residential and Business Park Development. This Specific Plan was initiated to support the City's efforts in developing a portion of north Modesto. The addition of this planning area was seen as an opportunity by the city to encourage the eventual extension and construction of the Pelandale Avenue Expressway as well as a chance to plan for some nearby housing to supplement the extensive Kiernan Business Park Area.

The Specific Plan is based on the goals and policies of the General Plan; opportunities and constraints as identified in the existing condition analysis; and input received from City staff and interested citizens. A Focused Environmental Impact Report has been prepared, pursuant to the California Environmental Quality Act (CEQA), to evaluate the effect of the Specific Plan on the area.

C. Statutory Authority

Under California Law (Government Code 65450) cities may use Specific Plans to communicate development policies, programs, and regulations to implement the jurisdiction's adopted General Plan. Ideally, the Specific Plan implements the local General Plan by creating a bridge between General Plan policies and the proposals of individual developers. The Specific Plan may direct all facets of development within the Plan area including the distribution of land uses, the location and type of infrastructure, development standards, and financing of public improvements. This Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a Specific Plan include, at a minimum, text and diagrams which describe the following:

1. The distribution, location and extent of land uses including open space, within the area covered by the plan.

2. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described by the plan.

3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources where applicable.

4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the plan.

5. A statement of the relationship of the Specific Plan with the General Plan.

D. Relationship to General Plan

The City of Modesto completed and adopted a revised General Plan and certified the Master Environmental Impact Report (EIR) in August of 1995. The revised General Plan identifies twenty-five Comprehensive Planning Districts (CPDs) and presents policies to manage future growth in these districts. The twenty-five CPDs comprise a 17,600-acre Planned Urbanizing Area identified by the General Plan as the community's major urban growth area. To ensure that growth occurs in a planned manner, the policies associated with each CPD are to be implemented through the adoption of Comprehensive Plan.

The General Plan recognizes Specific Plans, as defined by section 65450 of the California Government Code, as a form of Comprehensive Plan particularly suited to implement CPD policies. Specific Plans are authorized under section 65450 for "systematic implementation of the general plan for all or part of the area covered by the General Plan.

This Specific Plan implements a portion of the Kiernan/Carver CPD. The General Plan recognizes that more than one Comprehensive Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the general policies presented in the Community Development Policies chapter.

In the case of the Kiernan/Carver CPD, the General Plan proposes 660 acres of business park, 75 acres of Regional Commercial use, along with 650 acres of Village Residential use in the eastern portion of the CPD. The Kiernan Business Park Specific Plan establishes 614 acres of business park and industrial uses in the western portion of the CPD. This does not include the +/- 40 acres upon

which a General Plan Amendment is being processed to concurrently redesignate a portion of the CPD located within the western quarter of the Carver-Bangs Specific Plan Area from a Business Park Land Use Designation to a Village Residential Land Use Designation.

The Carver-Bangs Specific Plan addresses an additional 160 acres of residential land which includes the area to be covered by the above mentioned General Plan Amendment. For the purpose of this document it is assumed that the General Plan Amendment will be in place prior to adoption of this Specific Plan. The Carver-Bangs Specific Plan was developed in accordance with the policies outlined in the revised General Plan for land use, circulation, public facilities and services, as well as implementation.

E. Specific Plan Adoption & Severability

Adoption of this Specific Plan and certification of the Kiernan Business Park Specific Plan Focused EIR will establish and define the planning criteria and necessary mitigation measures that will guide the subsequent stages of the established planning process including annexation, tentative subdivision map application, and site development plans.

In the event that any regulation, condition, program, or portion of the Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining provisions thereof.

F. Specific Plan Contents

The content of this Specific Plan is consistent with the requirements identified in both the General Plan and Section 65451 of the Government Code and includes the items delineated in Section C, Statutory Authority, of this chapter. The Specific Plan is organized into the following chapters:

Chapter I. Introduction. presents an overview of the purpose, location, and description of the Specific Plan, its relation to the General Plan, its organization and content, and background on the planning effort.

Chapter II. Land Use Designations. provides project setting information including regional location, physical description, existing uses of the site, and General Plan policy information..

Chapter III. Standards and Criteria by Which Development Will Proceed. Sets forth the performance criteria and development standards for complying with city codes and ordinances.

Chapter IV. Public Facilities. Presents the community services and facilities policies of the City's General Plan and describes how these policies will be followed within the planning area.

Chapter V. Implementation and Financing. Presents environmental resource policies of the City's General Plan and describes how these policies will be followed in subsequent actions and development of Specific Plan uses.

Chapter VI. List of Preparers. Identifies individuals involved in preparation of the report.

Each chapter contains a listing of relevant General Plan policies relating to the content of the chapter. The intention is to strengthen the connection between policies identified in the General Plan and their implementation as specified through this Specific Plan.

II. Land Use Designations

A. OVERVIEW

The City's General Plan land use designations for Carver-Bangs Specific Plan are Village Residential and Business Park. This Specific Plan implements the Village Residential land use designation. This chapter presents the City's General Plan Community Development Policies that will guide the general distribution and extent of uses within the residentially designated portion of the plan area.

The Carver-Bangs Specific Plan has an underlying zone of Village Residential. The planning area is slated for single family residential development in conformance with the Village Residential Designation. One of the challenges of the plan is to develop enough flexibility in the plan to allow for individual developments in conjunction with future market and economic conditions without sacrificing the plan's overall intent. The area will develop under the City of Modesto's Village Residential guidelines which will result in a yield of approximatley 800 single family units.

1. Specific Plan Goals

The City's General Plan contains a hierarchy of policies to guide development of residential and open space uses within the Plan area. City community development policies identify the use of Comprehensive Planning Districts (CPD) to implement development in planned urbanizing areas. CPD policies provide the next level of guidance, by using CPDs as planning units for unified direction and encouraging cooperation among affected property owners. The policies for the Kiernan / Carver CPD offer more focused guidance on issues specific to the Plan area. The City's General Plan also contains applicable policies concerning community services and facilities, public safety, environmental resources, and open space, which are presented in subsequent chapters.

The goals of the Specific Plan are to facilitate development of Village Residential uses in the Carver-Bangs Specific Plan, consistent with policies and standards of the City of Modesto.

2. Relevant General Plan Policies

The Carver-Bangs Specific Plan will be developed in compliance with applicable City General Plan, community development, CPD, and related policies. City General Plan policies regarding land uses implemented through the Specific Plan are identified in Table 2-1. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.

Table 2-1. Relevant General Plan Policies Relating to Land Use

Specific Plans, adopted pursuant to Section 65450 et seq. Of the California Government Code, may be used to provide primary policy guidance to future development with their respective geographic areas. Specific plans may be adopted to implement any of the Land Use Designations presented on the land Use Diagram, and they may be used within any growth strategy Designation: redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section B, p.V-7.)
Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners. (Section D, p. III-11).
Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et seq. Of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development. (Section D, p. III - 12
More than one Comprehensive Plan may be processed within a given Comprehensive Planning District, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District. (Section D, P.III-12)
Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that Comprehensive Plan, if the City as Lead Agency can make the following findings: No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available. (Section 21157.6(a) of Public Resources Code.) (Section D, p.III-12) All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative. (Section D, p. III-13)
The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII. (Section D, p. III-13)

B. LAND USE POLICIES

The Carver-Bangs Specific Plan will provide additional residential units to house Modesto's growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Plan area is not expected to accommodate all these uses; however, development of this area is not expected to preclude development of any of these uses in the overall Kiernan / Carver CPD.

The policy requirements presented in the Kiernan / Carver CPD are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area. The City General Plan includes the following language relating to consistency of comprehensive plan policy with General Plan policy:

Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with general plan policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

C. LAND USE PLAN SUMMARY

As detailed on Exhibit 2-1 The Carver-Bangs Specific Plan designates a total of approximately 160 acres for Village Residential uses which will include a maximum of 800 dwelling units. This is gross acreage of the area computed to the centerline of existing streets and includes the M.I.D. Lateral No. 6 Right of Way.

D. LAND USE PLAN DESIGNATIONS

The following sections describe the applicable City General Plan policies for Village Residential uses that guide development in the planning area.

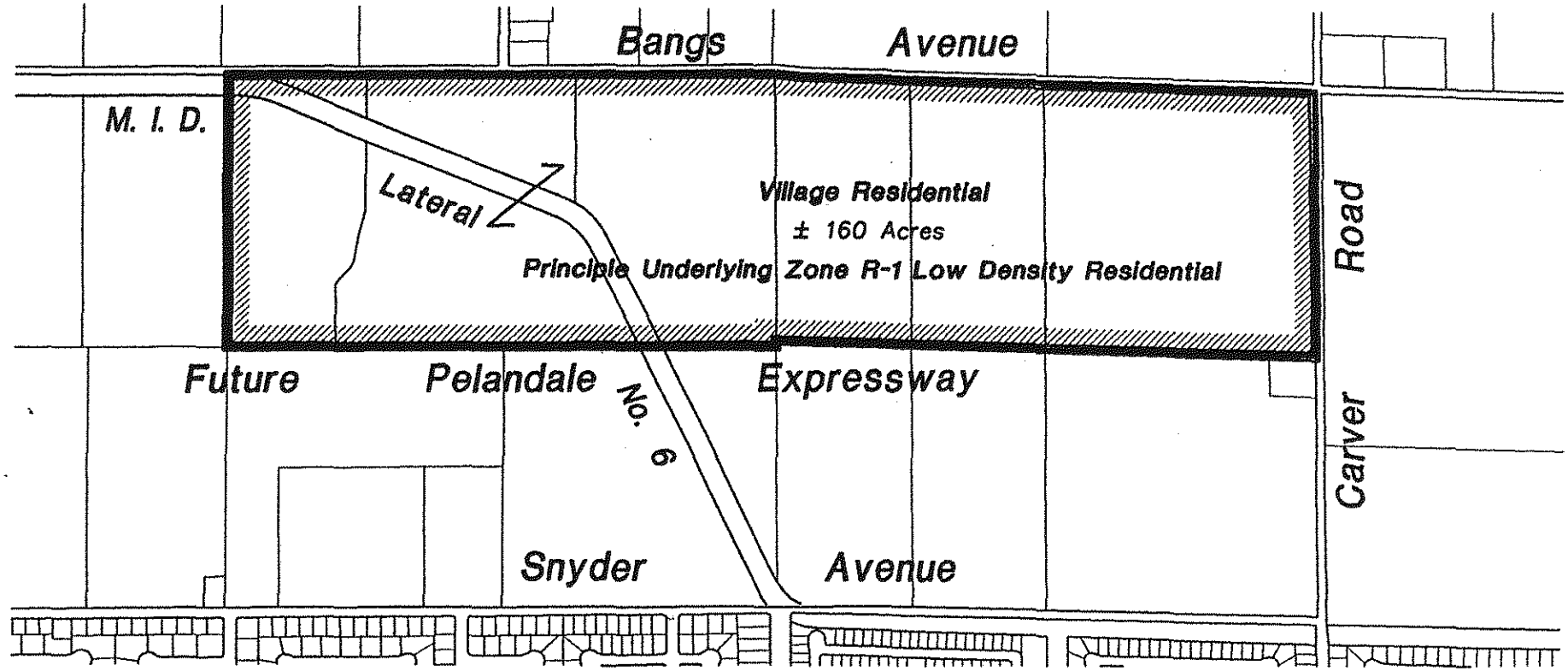
1. Village Residential

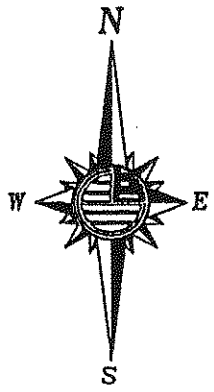
The City's General Plan intends that areas designated Village Residential be developed as compact pedestrian and transit-oriented villages that are comprehensively planned. Villages are described as areas that are predominantly single-family residential but can include multi-family and senior housing, commercial uses, schools, and parks.

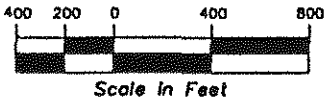
The Village residential designation typically includes neo-traditional planning principles in project design. One of the main neo-traditional concepts is a gridded street pattern with areas designated for pedestrian activity. The majority of residential units in the Plan area will be single-family dwelling units conforming with Article 5, Low Density Residential Zone (R-1), of the City's Planning and Zoning Code.

2. Specific Plan Overlay Zone

The City General Plan contains policies that generally guide development of residential uses and more specific standards and criteria that address the unique aspects of the Specific Plan area. To incorporate these specific criteria into the project design, the Specific Plan applies a Specific Plan-Overlay (SP-O) Zone to the plan area.







Specific Plan Boundary

CARVER-BANGS SPECIFIC PLAN

Land Use Plan

Exhibit 2 - 1

III. Standards and Criteria by Which Development Will Proceed

This chapter provides standards and criteria to be followed in the development of the Carver-Bangs Specific Plan, including supplemental development standards in compliance with Section 65451(a)(3) of the California Government Code. This includes development standards for residential uses (i.e., minimum lot sizes, setbacks and height requirements), performance standards for noise attenuation, flood hazard, public safety and natural resource (biological and archeological or historical) protection to address the unique features of the Plan area. Relevant General Plan policies addressing flood hazard, noise, and public safety and natural resource issues that affect the Plan area are presented in this chapter (Table 3-1), followed by standards and criteria for residential development, use of open space, and supporting community facilities and service in the Carver-Bangs Specific Plan Area.

Table 3-1 Relevant General Plan Policies Relating to Noise, Biology, and Archaeology

The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses.... that minimize the exposure of [present and future] community residents to excessive noise." (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p VII-16)
For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram).
Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (Section E, p. VII-8)
All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate an/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, sings, and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend. (Section E, p. VII-8)
Where formally listed species are determined present, consultation shall be carried out with the DFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated. (Section E, p. VII-9)

Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report (Section E, p VII-9)
For all proposed development within an archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.
Where proposed development could affect the resources, the City shall consult Table 8-1 in the Master Environmental Impact Report for the steps to be implemented. (Section F, p. VII-10)
If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of CEQA Guidelines. (Section F, p. VII-11)

A. IMPLEMENTATION OF LAND USE AND DEVELOPMENT STANDARDS

This section describes how the Specific Plan meets Government Code Section 65451(a)(3), specifically related to Development Regulations. This section also describes how the Specific Plan assists in the implementation of the SP-O Zone (Article 19, Sections 10-2.1901 through 10-2.1905 of the Modesto Municipal Code).

1. Purpose and Intent of the Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit residential development within the Carver-Bangs Specific Plan Area.

2. Application of the SP-O Zone

The City Zoning map as allowed by Section 10-2.305 of the Modesto Municipal Code "The Zoning Map", shall indicate SP-O zoning for the area of the Carver-Bangs Specific Plan designated for Village Residential Uses.

3. Effect of the SP-O Overlay Zone/Relationship to the Principal Underlying Zoning

Principal underlying zoning is not "zoning" in the strict sense as defined in Chapter 4 of the Government Code (Section 65800 et seq.). Rather, principal underlying zoning shall be considered "Development Regulations" for the future development of the Carver-Bangs Specific Plan area.

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. 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.

4. Subsequent Exceptions to Development Regulations

The Planning Commission may grant exceptions to any of the development regulations listed above, by resolution, based on the following considerations:

a) **Exception Guidelines**. Exceptions may be granted to achieve the following Purposes:

1. To encourage creative and efficient land uses.
2. To encourage mixed or multiple-use projects.
3. To permit variation from the density, height, setback, and other standards in the various zones.

b) **Exception Examples**. Examples of such exceptions may include, but are not limited to, the following proposals:

(1) Lot sizes smaller than 5,000 square feet
(2) Condominiums/community apartment projects/stock cooperatives.
(3) Subdivisions with private streets, including gated subdivisions.
(4) Senior housing facilities.
(5) Residential care facilities.

c) Submittal Requirements. An application to the Planning Commission to adopt further exceptions to development standards shall include the following submittals.

1. A development plan and any elevations, perspectives, or floor plans necessary for project evaluation as determined by the Director
2. A development schedule.
3. A tentative subdivision map, if the project contains residential units.

d) **Conditions**. In granting any exceptions, the Planning Commission may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health safety or welfare. Examples of conditions are height, size, lot coverage, yards, density, and parking requirements.

B. MITIGATION MEASURES

A focused EIR prepared for the Carver-Bangs Specific Plan contains mitigation measures that are identified as policies in this Specific Plan. Mitigation measures ensure that onsite uses are protected from impacts (e.g., noise from adjacent uses and public safety hazards) and that development of the Plan area does not result in significant impacts (e.g., biological and cultural or historical resources). Mitigation measures derived from the focused EIR ensure that environmental impacts are offset to the maximum extent feasible.

IV. Noise

The Carver-Bangs Specific Plan hereby adopts an outdoor noise performance standard of 60 L_{dn} for new single family residential development. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. The key locations requiring the noise barrier would include the future Pelandale Expressway and Prescott Road (extended).

IV. Public Facilities

A. OVERVIEW

This chapter describes development of the transportation and circulation, wastewater collection and treatment, water delivery, stormwater drainage, solid waste disposal, energy, parks and recreation, schools, community services (i.e., fire, police, and other services), and infrastructure necessary to support residential development in the Plan area. Relevant City General Plan community services and facilities policies are presented in Table 4-1. Specific Plan policies have been developed to ensure compliance with the General Plan.

B. TRANSPORTATION AND CIRCULATION

Specific Plan and focused EIR preparation included a traffic analysis, performed under the direction of the City Public Works and Transportation Department, to determine the impacts of development on the transportation and circulation system of the region. This analysis assessed existing conditions (1996), five year future conditions without the project and five year future conditions with the project. Exhibit 4-1 diagrams the proposed road classifications for the projects surrounding circulation system. Exhibit 4-2 shows the proposed bikeways that will be developed in the planning area. Proposed street sections are detailed on exhibits 4-3 through 4-6 The proposed street sections were developed in accordance with city standards, applicable surrounding specific plans, and the General Plan Street Cross Sections.

The following intersections were analyzed for daily and P.M. Peak hour traffic as they exist today and under year 2001 conditions. Information on the long term cumulative impacts for surrounding and project area intersections was obtained from the City of Modesto General Plan Traffic Model.

Existing Study Intersections:

Bangs Avenue / Carver Road

Cheyenne Way / Prescott Avenue

American Avenue Access (1)

Prescott Avenue Access (1)

Bangs Avenue Access (3)

City of Modesto General Plan Traffic Model:

Prescott Avenue / Bangs Avenue

Prescott Avenue / Pelandale Expressway

American Avenue / Bangs Avenue

American Avenue / Pelandale Expressway

Carver Road / Pelandale Expressway

Bicycle System

The Carver-Bangs Specific Plan will help to implement the bicycle system established by the General Plan and surrounding specific plans. Exhibit 4-2 illustrates the Proposed Bikeway Plan to be implemented for the area. The plan includes for the provision of Class I bike paths on the north side of M.I.D. Lateral No. 6 as well as one way and two way bike paths along the north side of the Pelandale Avenue Expressway. Class II bikeways will be incorporated into the street improvements along Prescott Road, Bangs Avenue, and Carver Road. The linking of these paths will allow for the convenient use of non-motorized modes of transportation throughout the planning area. Cross sections of the Class I bike path is detailed on Exhibits 4-7.

Specific Plan Transportation and Circulation Policies

The following Specific Plan Policies shall be followed to provide safe and adequate transportation facilities for those residing in the development and effected by it.

1. Access for the residential areas will be from surrounding local streets.
2. Improvements and access points for the project shall be coordinated with the facilities and plans of the California Department of Transportation, Stanislaus County, and any other relevant jurisdiction.
3. Specific Plan public street rights-of-way, necessary to implement the circulation and transportation policies of the City's General Plan, shall be dedicated to the City.
4. Specific Plan streets shall be designed with adequate widths and corner radii to allow fire equipment and school buses to negotiate the streets.
5. Residential areas shall include safe and convenient pedestrian facilities to encourage walking as an alternative mode of transportation.

6. An adequate and safe bicycle system shall be provided to connect the Specific Plan area with shopping and employment areas adjacent to the site, including rights-of-way on new public streets.
7. Neighborhood street networks shall allow for local trips to be completed as much as possible without the use of collector or arterial streets.
8. The development shall follow City Standards for private property access to arterial and collector street systems.
9. The impacted streets and intersections identified in the Traffic Impact Analysis located within the planning area should be improved per City Standards, policies, and plans.
10. Subdivision design should be public transit compatible.

Traffic Mitigation Plan

Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq.), and /or any other development as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

A. All access to the existing street network shall be through the dedication of right of way and improvements of public streets, consistent with the standards contained in the Specific Plan and /or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

B. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR SCH# 94082005) meet the following standards:

1. Individual development projects that could affect conditions of traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.

2. Individual development projects that could affect conditions of traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.

3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity

(V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR SCH# 94082005) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR SCH# 94082005) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plan could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.

C. WASTEWATER COLLECTION AND TREATMENT

Wastewater collection and treatment is a community service essential to protect the public health and environment. The objective of the City's wastewater system is to meet increasingly strict wastewater regulations in a cost-effective manner. As water continues to become scarce in California, reclaiming wastewater will create opportunities to optimize the region's water resources. (City of Modesto 1995.) The following Carver-Bangs Specific Plan policies shall be followed to provide for the needs of future residents and those residing in the surrounding area and ensure the longevity of the wastewater system and available resources.

Specific Plan Wastewater Policies

1. Residential uses shall be served by public sanitary sewers and will be connected to the service system developed for the Specific Plan area. The system includes the extension of the 48" diameter North Sanitary Sewer Trunk north along American Avenue from Snyder Avenue to a Lift Station at Bangs Avenue. A 42" diameter Sanitary Sewer Trunk would be placed in Bangs Avenue from the Lift Station easterly to Carver Road. Project level infrastructure then will connect to the trunk in Bangs Avenue or North Trunk in American Avenue when development occurs.
2. Only such wastes that can be treated by the wastewater system, without upsetting or interfering with the system, or threatening to do so, shall be discharged to sanitary sewers.

D. WATER DELIVERY

The City and Modesto Irrigation District have developed a new surface water supply, currently supplying 30 million-gallons-per-day with ultimately a 60 million-gallon-per-day water treatment plant. This will be used to stabilized the

City's historical groundwater overdraft. This conjunctive groundwater-surface water management plan will allow Modesto to continue to serve current customers and plan for future expansion. (City of Modesto 1995.) The following Carver-Bangs Specific Plan policies shall be followed to meet the needs of residents while placing as small a demand on the municipal water supply as possible.

Specific Plan Water Delivery Policies

1. Measures approved by the City to reduce potable water demand shall be included in the water system design.
2. The specific Plan shall incorporate additional water conservation measures continued in City policies and consider water conservation programs considered necessary and appropriate by the City.
3. The City shall supply all required municipal water to the Specific Plan Area.

E. STORM/WATER DRAINAGE

Storm Water Drainage Facilities will be installed as development occurs in accordance with the General Plan Storm Water Drainage Policies. The following policies shall be followed to limit drainage, flooding, and water quality effects.

Specific Plan Stormwater Drainage Policies

1. The Specific Plan Area will be served by a main line for storm drainage to be located within the Pelandale Expressway and Prescott Road as per the City of Modesto Storm Water Master Plan Figure No. 5B. Pipe sizes will range from 54" to 66" in diameter. A centrally located recharge/detention basin will be located within the project site adjacent to M.I.D. Lateral No. 6.
2. The Specific Plan drainage includes positive storm drainage systems, which may include catch basins, pipe lines, channels, recharge/detention basins, and pumping facilities which discharge stormwater through Modesto Irrigation District facilities to surface waters of the state. These drainage facilities shall comply with the drainage facility requirements presented in Table 9-1 of the City's Master EIR.
3. Storm drainage facilities shall recharge 80% of average annual stormwater runoff, using recharge/detention basins designed to comply with federal and state surface water and groundwater quality regulations.
4. Stormwater runoff that does not recharge the groundwater shall be discharged to waters of the state. This discharge will not cause the receiving waters to exceed the undeveloped storm hydrograph.
5. Water pollution from urban storm runoff will be prevented (as established by the Central Valley Regional Water Quality Control Board for surface

discharges and the U. S. Environmental Protection Agency for underground injection)

F. SOLID WASTE DISPOSAL

Section 41780, Division 30, of the Public Resources Code, requires that 25% of solid waste be diverted away from landfills by 1995, and 50% by 2000. While it is up to each municipality to determine how to accomplish this, suggested methods of waste reduction include source reduction, recycling, composting, and transformation. These methods can take a variety of forms, including composting at the waste generation site, education, curbside recycling, and multi-media campaigns. The following Carver-Bangs Specific Plan policies will not only meet the needs of the residents, but also will help the City meet the solid waste reduction goals of the Public Resources Code.

Specific Plan Solid Waste Disposal Policies

1. The City will provide collection and disposal services for all solid waste.
2. Solid waste reduction measures shall be incorporated into residential development design.
3. Residential design shall incorporate additional solid waste reduction measures contained in City policies and will comply with other solid waste reduction programs that are considered necessary and appropriate by the City.

G. ENERGY

The California Environmental Quality Act (CEQA) identifies energy conservation as a goal in community development (City of Modesto 1995). The following Carver-Bangs Specific Plan policies will meet the needs of the residents and help to conserve energy.

Specific Plan Energy Policies

1. Electricity will be provide by Modesto Irrigation District.
2. Natural gas will be purchased from Pacific Gas and Electric Company.
3. The shade trees included in the residential area landscape plans will be planted in accordance with city policies.
4. Extension or reconstruction of existing utilities will be specifically addressed when improvement plans are submitted for individual development proposals within the Specific Plan.

H. OPEN SPACE AND PARKS

In Modesto, open space is provided through a comprehensive network of regional, community, and neighborhood parks. The neighborhood park needs of future residents of the plan area are discussed below.

1. Neighborhood Park Needs

The City of Modesto Parks Department has indicated a need for a neighborhood park within the overall area encompassed by the Kiernan Carver Comprehensive Planning District. The exact size and location will be determined by future development plans. Based upon the existing City of Modesto Neighborhood Park Standard the entire 470 acres of land designated Village Residential contained within the Kiernan Carver Comprehensive Planning District will generate the need for additional parkland.

The city will endeavor to provide at least one neighborhood park within each residential neighborhood. The park should be centrally located within the neighborhood and have a service radius of one half to three quarters of a mile.

The park should have one connector street frontage and the remaining sides should front on residential streets.

The minimum size for a neighborhood park shall be seven acres or the total acreage based on one acre of park land per one thousand population within the neighborhood, whichever is greater.

In addition to the parks the Kiernan / Carver Comprehensive Planning District also needs to provide for a pedestrian bridge over M.I.D. Lateral No. 6 that will allow access to developments on each side of the canal in accordance with the neo traditional planning principals. The Carver-Bangs Specific Plan will provide funding for the area parks and the pedestrian bridge through the collection of Capital Facility Fees.

I. SCHOOLS

As stated in the City's General Plan (Policy VH.3.i, page V-25), the City considers impacts on public school capital facilities fully mitigated when it receives a letter stating that the school district and the project proponent have resolved school impacts and the means by which they are resolved.

The policies listed below will be followed to offset school impacts.

Specific Plan School Policies

A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to the submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or final development plan approval.

J. FIRE, POLICE, AND OTHER SERVICES

Fire and police services will be provided by the City, as well as service and maintenance for parks, water, sewer, public streets, and general city government services.

Table 4-1. Relevant General Plan Policies Relating to Community Services and Facilities

Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V. (Section D, p. III-13)
During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand. (Section C, p. V-12)
The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities. General Plan Figure V-3 presents a diagram that indicates the sanitary sewer trunks necessary to serve each Comprehensive Planning District listed in Chapter III. (Section D, p. V-15)
All the Storm Water Drainage Policies for the Baseline Developed Area apply within the Planned Urbanizing Area. (Section E, p. V-16) The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report. (Section E, p. V-17)
The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. (Section E, p. V-17) New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph. (Section E, p. V-17)

The policies and standards for the development of the park system within the Planned Urbanizing Area differ in several respects from those in the Baseline Developed Area. These policies and standards will implemented through each "Comprehensive Plan", in conjunction of the relevant "Comprehensive Planning District" policies presented in Chapter III. (Section G, p. V-021)
The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area. (Section K, p. V-29)
Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities. (Section K, p. V-29)
The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards: (a) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95% of all cases. (1). The first fire emergency response unit arrives within 6 minutes of dispatch. (2) A full alarm assignment arrives within 10 minutes of dispatch. (3) A second alarm assignment arrives within 15 minutes of dispatch. (B) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2. (Section K, p. V-30)
In conjunction with the processing of a Comprehensive Plan within the Planned 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. (Section L, p. V-32)
New 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. (Section D, p. VI-4) Within the Planned Urbanizing Area, development of new parkland and open space shall be accomplished through the application of specified performance standards presented in Section V-G(3). (Section B, p. VII-2) Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan. The Comprehensive Traffic Study shall include the following components: (a) Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director. (b) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area. (Section B, p. V-10)

Developers of residential projects that are subject to the following policies (39 through 43, below) should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc., will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant affects on school facilities. (Section H, p. V-24)
Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the preparation of the required Focused Environmental Impact Report. (Section H, p. V-24)

Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on the district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA. (Section H, p. V-25)

If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the Focused EIR shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc. (Section H, p. V-25)

The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district (s) and project applicant have resolved school impacts and by what means.

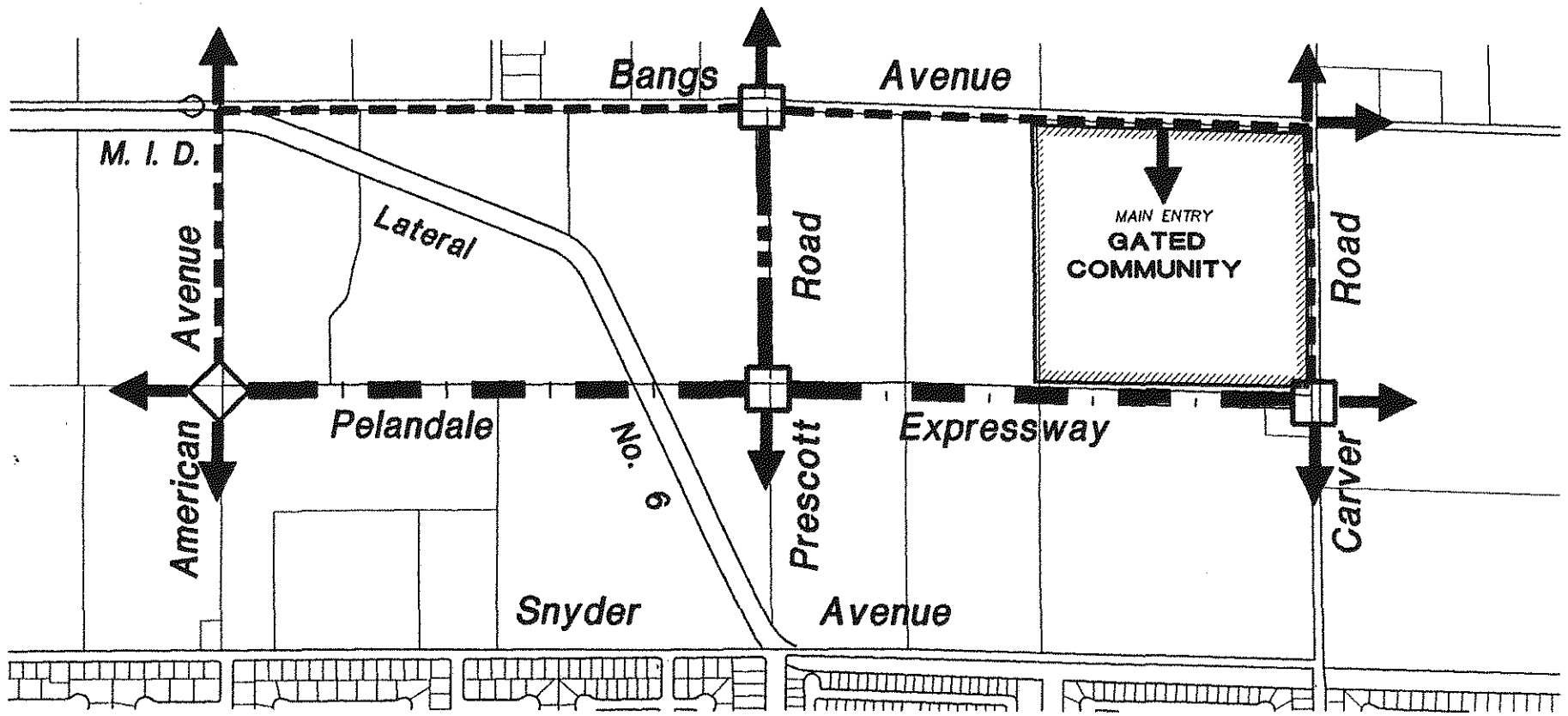
If the City does not receive said written notification prior to a deadline set by the City, the city Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities.

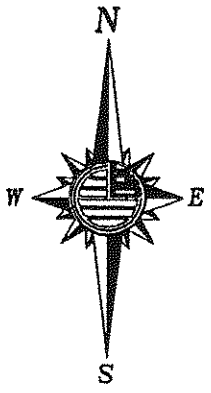
Policies 39 and 43 shall apply when:

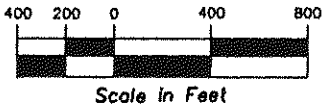
(a) A residential project seeks the approval of a General Plan Amendment, rezoning, Prezoning, annexation, Comprehensive Plan, or other legislative act;
(b) The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram;

(c) A School district has imposed school mitigation fees pursuant to Government Code Section 53080; and

(d) A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30 days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding. (Section H, p. V-25)







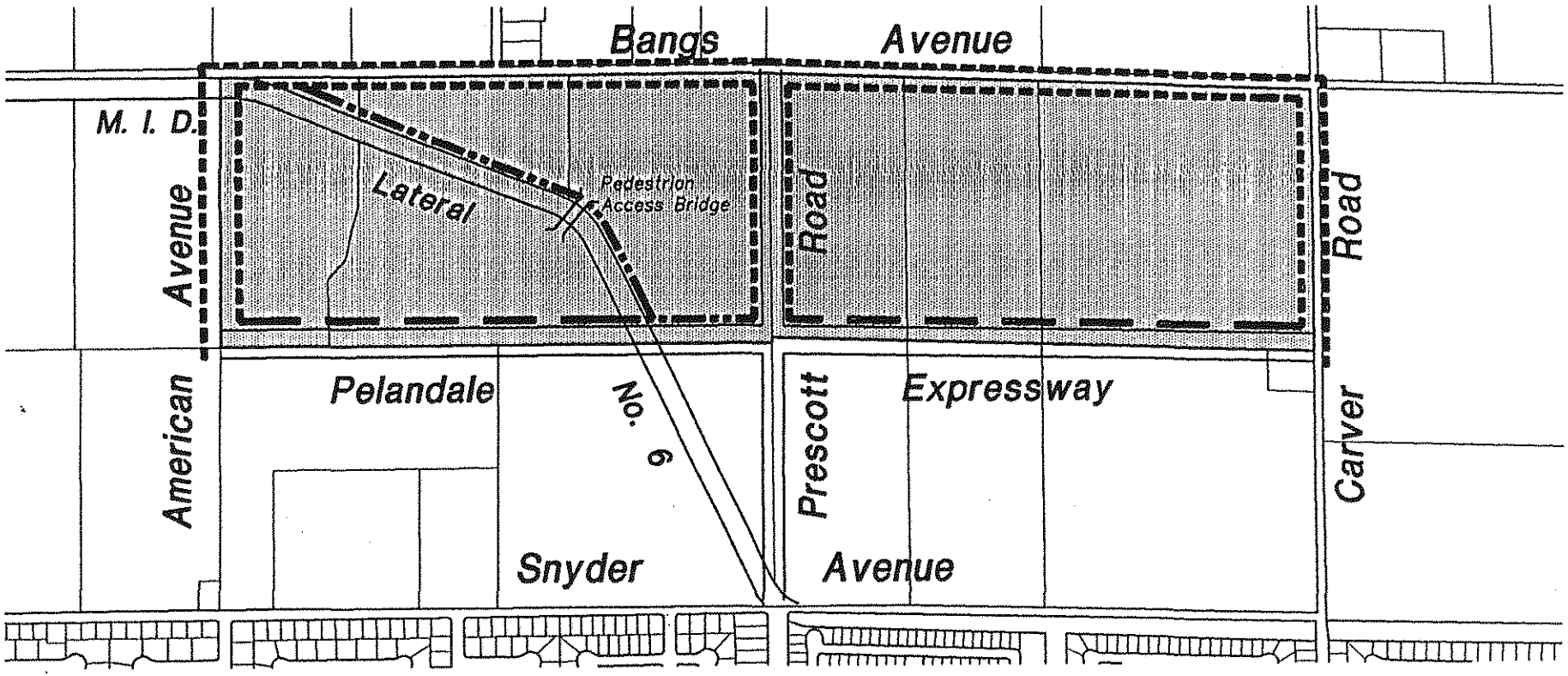
Legend

- Expressway 139' – 159'
- Arterial 100'
- Collector 64' – 72'
- Traffic Signal
- Right Turn In / Out Only

CARVER-BANGS SPECIFIC PLAN

Circulation Plan

Exhibit 4 - 1



N
W
E
S

400 200 0 400 800
Scale in Feet

Legend

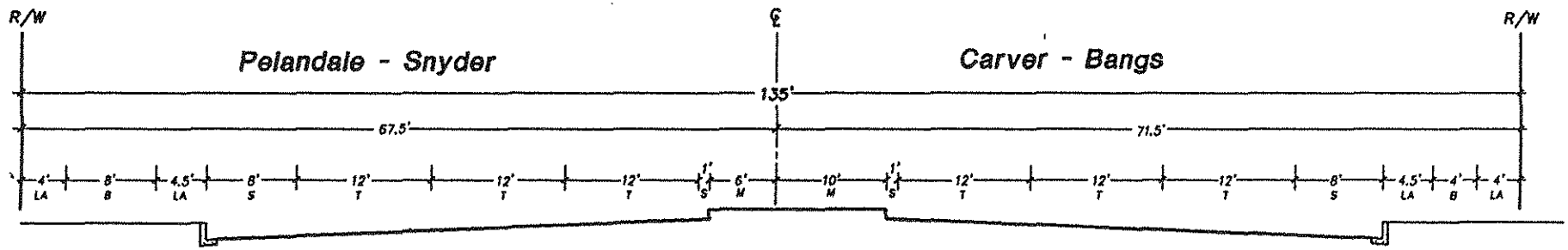
- Class I Bikeway (One Way)
- Class I Bikeway (Two Way)
- Class II Bikeway

Note:
Pedestrian Access Bridge Needs to be located over M.I.D. Lateral No. 6 between Bangs Avenue and Pelandale Expressway.

CARVER-BANGS SPECIFIC PLAN

Proposed Bikeway Plan

Exhibit 4 - 2



Section at Mid-block

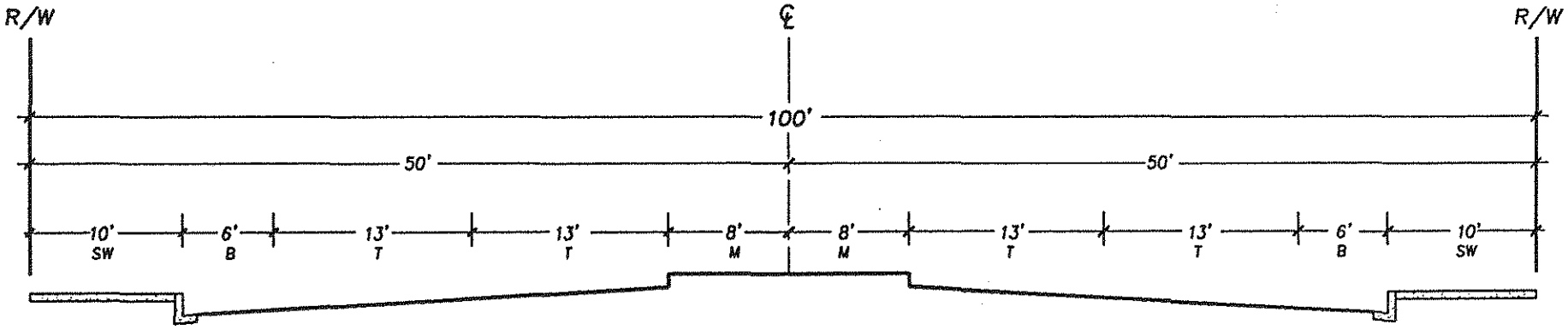
PELANDALE EXPRESSWAY

LEGEND

LA	–	Landscaped Area
B	–	Class I Bikepath
P	–	Parkway
T	–	Travel Lanes
TL	–	Turning Lanes
M	–	Median
S	–	Shoulder

CARVER-BANGS SPECIFIC PLAN

Exhibit 4 - 3



Minor Arterial

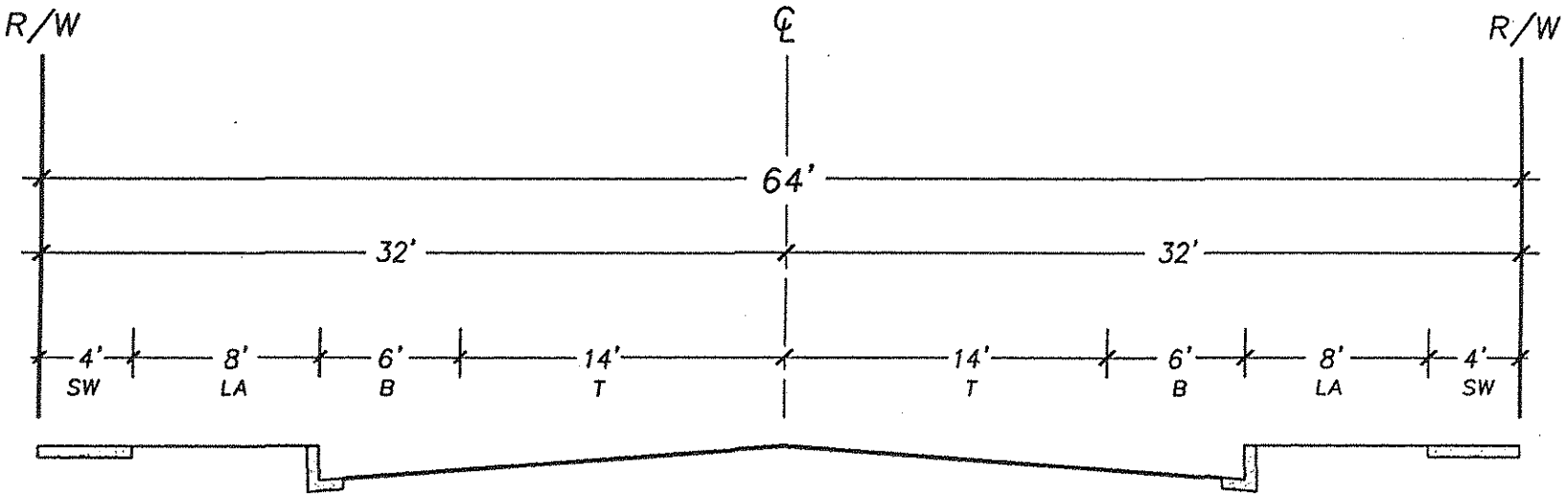
PRESCOTT ROAD

LEGEND

LA	–	Landscaped Area
B	–	Class II Bike Lane
P	–	Parkway
T	–	Travel Lanes
TL	–	Turning Lanes
M	–	Median
S	–	Shoulder

CARVER-BANGS SPECIFIC PLAN

Exhibit 4 - 4



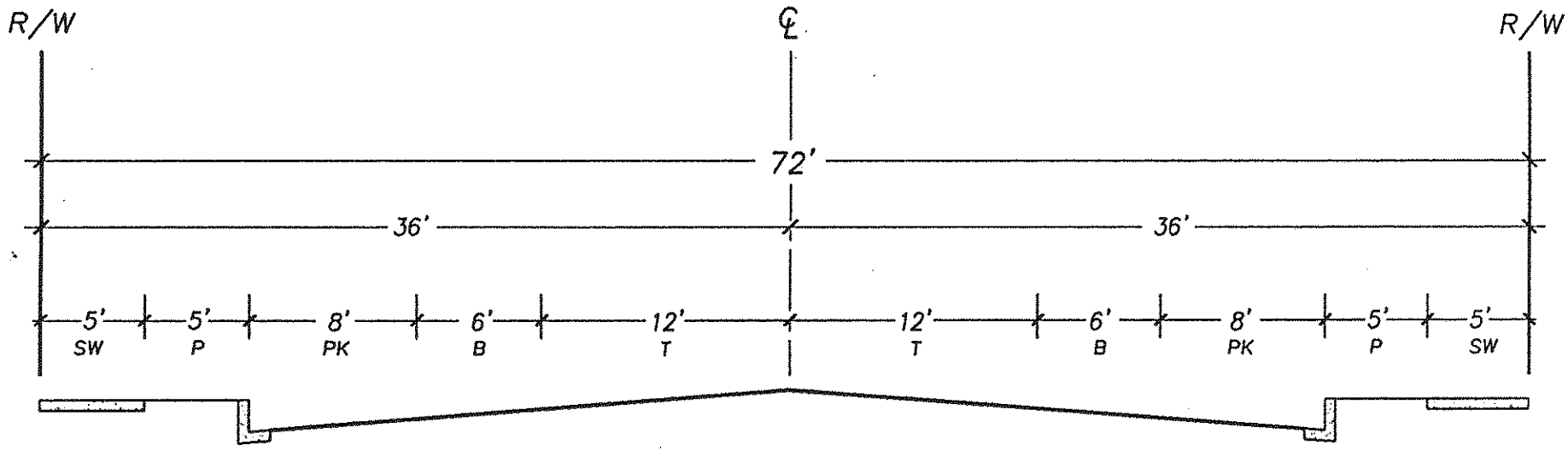
American Avenue

LEGEND

LA	–	Landscaped Area
B	–	Class II Bike Lane
P	–	Parkway
T	–	Travel Lanes
TL	–	Turning Lanes
M	–	Median
S	–	Shoulder

CARVER-BANGS SPECIFIC PLAN

Exhibit 4 - 5



Collector Street

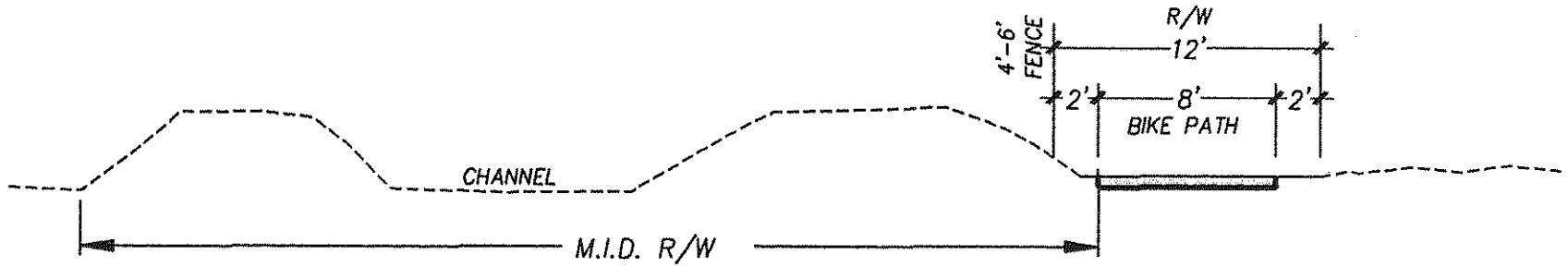
BANGS AVENUE
CARVER ROAD

LEGEND

LA	–	Landscaped Area
B	–	Class II Bike Lane
P	–	Parkway
PK	–	Parking
T	–	Travel Lanes
TL	–	Turning Lanes
M	–	Median
S	–	Shoulder

CARVER-BANGS SPECIFIC PLAN

Exhibit 4 - 6



Class I Bike Path
North of M.I.D. Lateral No. 6

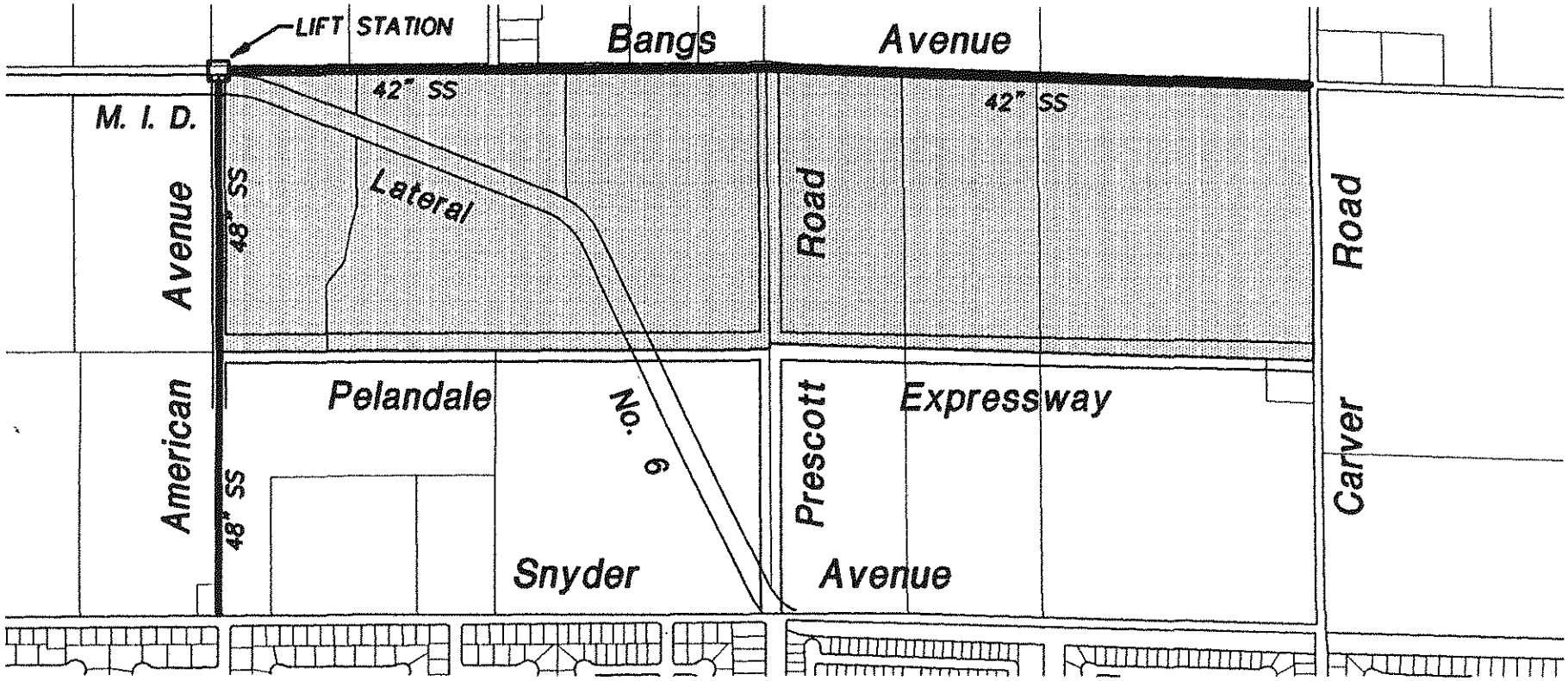
LEGEND

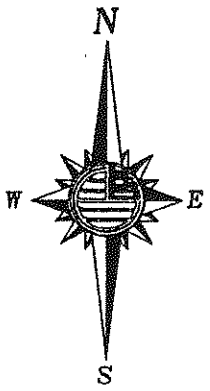
LA	–	Landscaped Area
B	–	Class I Bikepath
P	–	Parkway
T	–	Travel Lanes
TL	–	Turning Lanes
M	–	Median
S	–	Shoulder

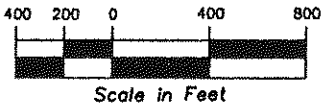
NOTE:
IF ABUTTING PRIVATE BACK YARDS,
FENCING HIGH ENOUGH FOR PRIVACY.

CARVER-BANGS SPECIFIC PLAN

Exhibit 4 - 7



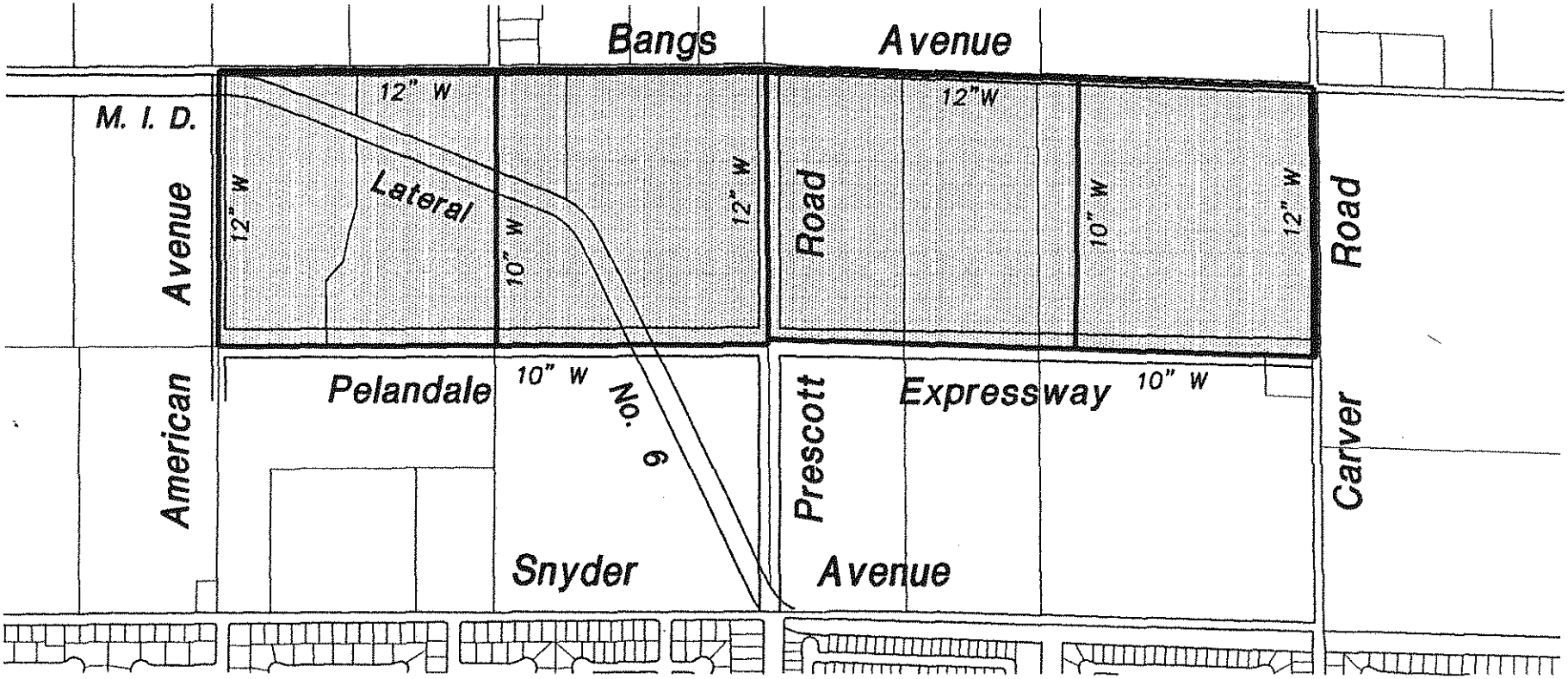


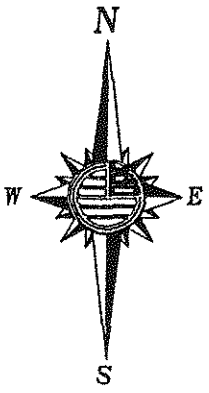


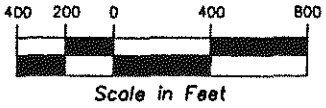
CARVER-BANGS SPECIFIC PLAN

Sewer Trunk Master Plan

Exhibit 4 - 8



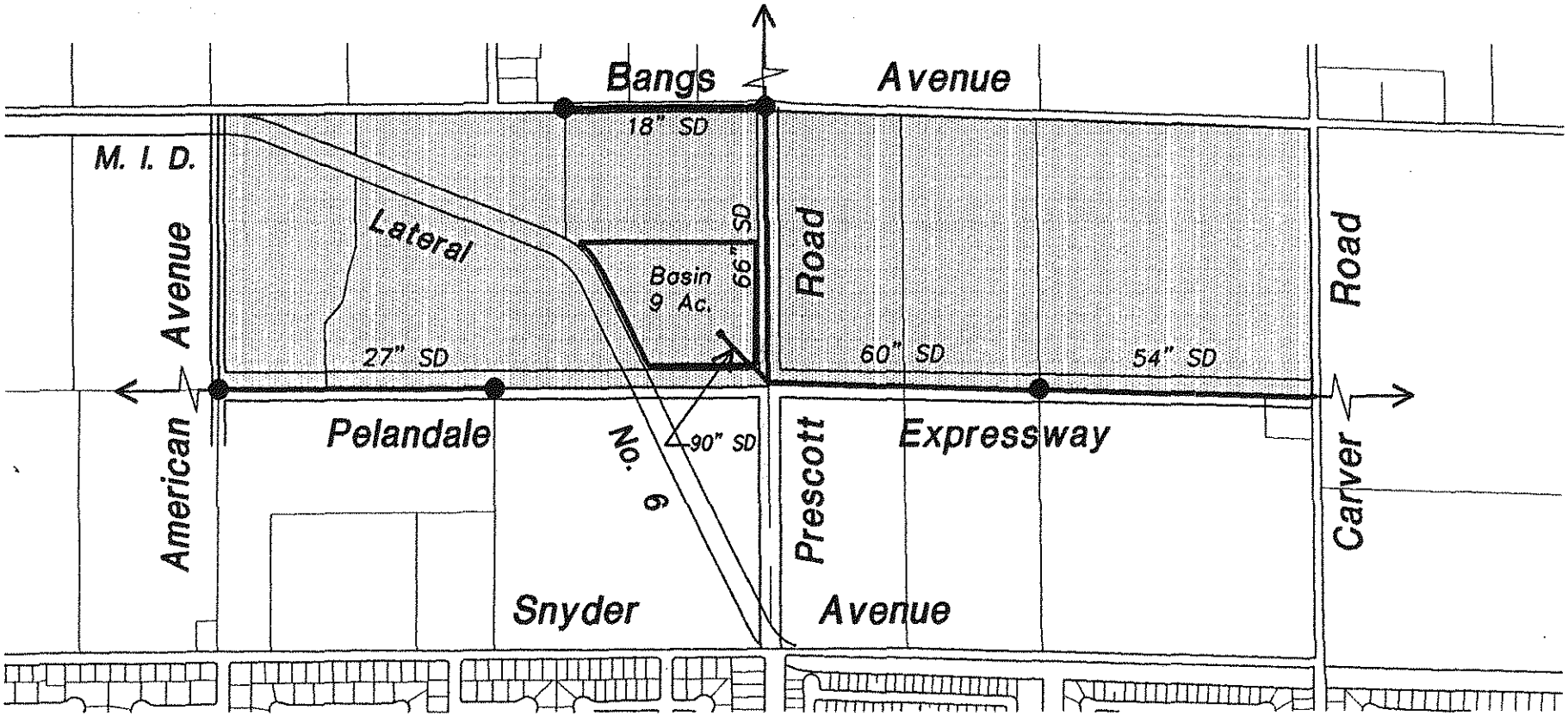


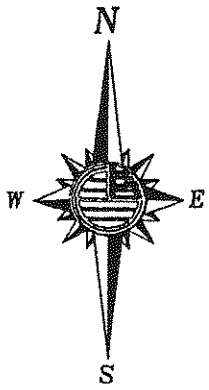


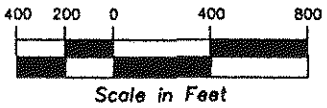
CARVER-BANGS SPECIFIC PLAN

Water Master Plan

Exhibit 4 - 9







CARVER-BANGS SPECIFIC PLAN

Storm Drainage Master Plan

Exhibit 4 - 10

I. Implementation and Financing

A. PLAN IMPLEMENTATION

As shown in Table 5-1, the Carver-Bangs Specific Plan defines the implementation measures that will guide development within the Plan area.

1. Action Required for Implementation of the Carver-Bangs Specific Plan

The following actions are required prior to development of land uses proposed in the Specific plan:

(a) Adoption of Prezoning prior to annexation.

(b) Annexation of Specific Plan area to the City, simultaneously detaching this property from other applicable districts.

(c) Approval of tentative and final subdivision maps.

2. Tentative and Final Subdivision Map Approvals

Implementation of residential uses in the Plan area will require processing of a tentative map. The tentative map process is governed by the City's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq.). Tentative and final subdivision map approval requires conformance to the requirements of the Specific Plan and must be consistent with the mitigation measures of the final focused EIR. Residential development projects may be submitted for development plan review following final subdivision map approval.

3. Implementation of Land Use and Development Standards

Residential land use and development standards for the Carver-Bangs Specific Plan will be regulated through the City Planning and Zoning Ordinance R-1 classification, as modified by the SP-O Zone. R-1 will be the Principal Underlying Zone for designated residential areas, in accordance with Article 19, Sections 10-2.1901-05 of the City Planning and Zoning Ordinance. 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).

4. Specific Plan Amendment Process

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, or 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 certified final EIR [FEIR]. Depending on the nature of the amendment, supplemental environmental analysis may be necessary (according to CEQA legislation [Section 15162 of the State CEQA Guidelines]).

4. City staff will review submitted material and provide 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. Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of the State Government Code).

B. FINANCING

The major backbone infrastructure improvements necessary for development of the planning area are a sewer trunk line extension, water mainline extensions, as well as Storm Drainage Facility development. Street improvements are limited primarily to the extension of Prescott Road, American Avenue, and the Pelandale Expressway through the planning area as well as improvement to perimeter streets such as Bangs Avenue and Carver Road. Funding for these improvements will be through a combination of developer and city funding mechanisms. A portion of the improvements are expected to be built in conjunction with the City through the use of CIP funding along with collection of CFF Fees. In addition a Mello-Roos District will need to be formed to pay for the major backbone storm drainage improvements as well as to maintain the proposed landscaping along the Pelandale Avenue Expressway and Prescott Road. The properties will also need to annex to the School Financing Mello-Roos District prior to development to help mitigate impact on school facilities. In

most cases the development and financing of typical subdivision improvements and major backbone infrastructure required to implement development in the plan area will be provided concurrently with individual parcel development on a pay-as-you-go basis. In cases where additional infrastructure is required for development to occur, fee offsets, credits, and reimbursements will be utilized.

1. Purpose of Financing Strategy

The Modesto Urban Area General Plan contains the following policy statement:

Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public funding including schools, for any development project which serves to implement the subject comprehensive plan. If new public facilities are required which will also serve the broader community, the comprehensive plan should include options for broad-based funding mechanisms.

The financing strategy addresses this policy, focusing on the specific needs of Carver-Bangs Specific Plan.

2. Characteristics of the Carver-Bangs Specific Plan that Simplify the Financing Strategy

The Carver-Bangs Specific Plan has several characteristics that simplify public facility funding issues. They are as follows:

a. Size. Due to the small size of the planning area (approximately 160 acres), there are no significant public facility deficiencies that cannot be remedied through the typical subdivision process.

b. Few Property Owners and Independent Facility Requirements. There are only seven individual property owners with developable area in the planning area. Each of the properties will be able to provide facilities and develop independent of one another once the main facilities are available, pertinent easements granted, and necessary right of way dedicated. For this reason, only a small degree of cooperation among property owners will be necessary to ensure adequate facilities in the project area. When seeking development approvals, each property owner, upon adoption of the Specific Plan, will be bound to the following set of agreements.

1. Infrastructure improvements shall be built according to the location, size, capacity, and design described in the Specific Plan.

2. Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other property owners benefiting from such improvements.

3. Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra cost of direct benefit to an owner other than the one making the improvements.

4. Each property owner shall be responsible for the costs of all improvements actually shown on a Tentative Subdivision Map Application.

c. Adjacent to Existing Urban Development. The Carver-Bangs Specific Plan directly fronts on Carver Road and Bangs Avenue. Development will require half street improvements along these streets, but generally speaking, no significant road widening will be necessary. Similarly all other urban facilities are available to the Site. Therefore, the normal subdivision process of the City of Modesto will ensure the timely provision of urban services to each development project.

d. Minimal Offsite Requirements. The following offsite requirements are required for the buildout of the Carver-Bangs Specific Plan:

Sanitary Sewer - Extension of Trunk Line from Snyder Avenue, construction of lift station and extension of trunk along Bangs Avenue east to the site.

Water - Installation of water main grid system from the developed area to the south.

Streets - Extension of American Avenue, Prescott Road, and the Pelandale Expressway will be required in addition to the frontages of Bangs Avenue and Carver Road.

Traffic Signals - Traffic Signals will be installed on an as needed basis in conjunction with the Final EIR Traffic Study.

Storm Drainage - Positive storm drain systems will be installed in accordance with city standards.

Schools - No offsite school improvements are required.

3. Public Facility Funding Sources are Sufficient

The Carver-Bangs Specific Plan provides a sufficient level of direction for public improvement and community facility requirements. Infrastructure improvements and their specifications are presented in the Specific Plan.

The following financing measures will be used to provide infrastructure to the Carver-Bangs Specific Plan:

FACILITY	FUNDING SOURCE	NET COST TO CITY	SPECIFICATIONS
Streets: Neighborhood & Collector	Developer dedication and improvement of all in tract streets, unless they are private	Not applicable, as the developers will provide 100% financing for these improvements	See Chapter 4, section B and Figure 4-1
Streets: Expressway & Arterial	Capital Facility fees (CFF) & Developer Requirements	None; City staff believes CFF is sufficient to pay project's fair share of major street costs with developer contribution.	See Chapter 4, Section B
Sanitary Sewer Trunks & Sub Trunks	Existing City CFF & CIP Funding	None; because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed sewer facility. Unknown Cost	See Chapter 4, section C
Sanitary Sewer Laterals and Mains	Developer required improvements	None developers to provide 100% financing.	See Chapter 4 Section D
Water	Existing City fees, developer requirements	None; because citywide user and connection fees, which are updated from time to time, are sufficient to pay for needed water facilities	See Chapter 4 Section D
Storm water Drainage	Existing City fees, developer requirements Mello-Roos District	None; because development will provide 100% financing for these improvements	See Chapter 4, section E
Schools	Developer agreement with school districts	None; because proponent has reached agreement with districts to mitigate school impacts	See Chapter 4, section I

Parks	Developer agreement, CFF	None; because developer payment of CFF will cover costs.	See Chapter 4, H
Landscape Maintenance, Class I Bike Trails	Developer requirements, landscape district, homeowners association, or Mello-Roos District	None; because district or association would pay for all necessary maintenance	No specifications in this Specific Plan

4. Miscellaneous Administrative Policies

The following policies will be used to implement this long-range financing strategy.

a. Property Owner Financing and Construction of Improvements. Unless specifically excepted, each property owner will finance and construct improvements presented in the Specific Plan that are directly on or fronting the property; including frontage improvements, utilities, sewer, and water.

b. Sizing and Timing of Facilities. The above-referenced facilities will be sized by each property owner in accordance with the Specific Plan for the benefit of the downstream users. In the event that properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owner. Each property will reimburse the other for their oversize expense at the time of filing a final subdivision map.

c. Citywide Fees. The existing Citywide fees for new construction will prevail for development within the Specific Plan area and are intended to pay for all off-site community facilities unless otherwise excepted.

d. Citywide Fee Credits. Property owners may receive credits to the payment of Citywide fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.

e. Repayment for Oversizing. Accounting for facility oversizing will be handled by the property owners in accordance with standard accounting practices. Repayment will be enforced by the City at the signing of the aforementioned final subdivision map.

Chapter VI. List of Preparers

This Administrative Draft Specific Plan has been prepared by Lew-Garcia-Davis in conjunction with the City of Modesto Community Development Department. The individuals who contributed to this report are listed below.

CITY OF MODESTO

Bill Nichols	Strategic Planning Manager
Brian Smith	Principal Planner
Steve Mitchell	Associate Planner
Ed Van Borstel	Deputy of Public Works/Transportation Director
Helen Wang	Transportation Planner
Fred Allen	Parks Planning and Development Manager
David Cervantes	Senior Deputy Attorney

LEW-GARCIA DAVIS

Project Team

Max M. Garcia	Principal-in-Charge
David W. Butz	Specific Plan Project Manager
Richard L. Ringler	Infrastructure Engineer
Sean Harp	Draftsman

V. ADDITIONS, DELETIONS, AND OTHER PROPOSED MODIFICATIONS PROPOSED MODIFICATIONS TO THE CERTIFIED GENERAL PLAN MASTER EIR

A. OVERVIEW

Pursuant to Section 21157.6(b) of the Public Resources Code, this Focused Environmental Impact Report (EIR) includes the following modifications to the previously certified Master EIR for Modesto Urban Area General Plan. Additions to the specific text in the Master EIR are identified with italics.

A. PROPOSED MODIFICATIONS

I. The following change have been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

Section VI-14(III)(A)(5), first sentence, has been revised to read as follows:

"Minimum road widths and clearances around structures shall conform to Section *902* of the Uniform Fire Code."

EXHIBIT 5

corrected 4/10/97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-162

Print

CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE CARVER-BANGS SPECIFIC PLAN, PREZONING, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Modesto ("City"), on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following effects as significant but mitigable, and provided substantial evidence in the record to support the necessary findings on the following effects for projects within the Planned Urbanizing Area such as the Carver-Bangs Specific Plan:

Effect	Page in MEIR
Increased Demand for Sanitary Sewers	IV-6-1
Loss of Sensitive Wildlife and Plant Habitat	IV-7-1
Disturbance of Archaeological or Historical Sites	IV-8-1
Drainage, Flooding, and Water Quality	IV-9-1
Increased Demand for Storm Drainage	IV-10-1
Increased Demand for Parks and Open Space	IV-11-1
Increased Demand for Schools	IV-12-1
Increased Demand for Police Services	IV-13-1
Increased Demand for Fire Services	IV-14-1
Generation of Solid Waste	IV-15-1
Generation of Hazardous Materials	IV-16-1

Landslides and Seismic Activity	IV-17-1
Energy	IV-18-1; and,

WHEREAS, the MEIR identified the following effects as Unavoidable Significant Effects:

Effect	Page in MEIR
Traffic and Circulation Needs	IV-1-1
Degradation of Air Quality	IV-2-1
Generation of Noise	IV-3-1
Loss of Productive Agricultural Land	IV-4-1
Increased Demand for Water Supplies	IV-5-1
Increased Demand for Storm Drainage	IV-9-1

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable effect identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Carver-Bangs Specific Plan as an anticipated subsequent project, and

WHEREAS, a Revised Draft Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report (Revised Draft EIR SCH #94082005) was prepared for public review and comment for the required 45-day period from December 13, 1996, through January 27, 1997, and

WHEREAS, a Final Environmental Impact Report titled Kiernan Business Park and Carver-Bangs Specific Plans Focused Environmental Impact Report ("Final EIR") incorporating all the comments received during the public review period and responses thereto was released for the required 10-day period on February 21, 1997, and

WHEREAS, the Planning Commission held a public hearing on March 3, 1997, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the certification of the Final EIR, and

WHEREAS, the information contained in the Final EIR was reviewed and considered by the Planning Commission prior to taking action on the Carver-Bangs Specific Plan and Prezoning, and

WHEREAS, the City Council held a public hearing on April 1, 1997, and considered the adequacy of the Final EIR, the Mitigation Monitoring Program and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the Final EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Carver-Bangs Specific Plan and Prezoning.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As required by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Final EIR. As permitted by Section 21158(b) of the Public Resources Code, the Final EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

Effects Not Further Examined

(1) Loss of Productive Agricultural Land
(2) Disturbance of Archeological or Historical Sites
(3) Increased Demand for Parks and Open Space
(4) Increased Demand for Schools
(5) Increased Demand for Police Services
(6) Increased Demand for Fire Services
(7) Generation of Solid Waste
(8) Land Slides and Seismic Activity
(9) Energy

With regard to the above effects, the City finds, based on substantial evidence in the record that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the City makes one of the following findings, as permitted by Section 21158(b), regarding each of the above effects. These effects were either:

(1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or

(3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Effects Examined in the Final EIR.

It was determined through the scoping process that the following effects should be addressed in the Final EIR as potential project-specific effects on the environment:

(1) Traffic and Circulation Needs
(2) Degradation of Air Quality
(3) Generation of Noise
(4) Increased Demand for Water Supplies
(5) Increased Demand for Sanitary Sewer Services
(6) Loss of Sensitive Wildlife and Plan Habitat
(7) Drainage, Flooding, and Water Quality
(8) Increased Demand for Storm Drainage
(9) Generation of Hazardous Materials

Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the Final EIR:

(1) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, making feasible the mitigation measures or alternatives identified in the Environmental Impact Report.

With respect to significant effects which were subject to a finding under paragraph (3), the City is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

A. The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment:

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road

(2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Carver-Bangs Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

B. The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the Project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public schools. It is estimated that approximately 320 elementary students, 80 new junior high-school students, and 160 new high school students would be generated by development proposed with the Carver-Bangs Specific Plan.

C. The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the following significant effects on the environment.

(1) Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

Pelandale and SB SR 99
Pelandale and NB SR 99

(2) Future Build-Out (year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C =1.02) with the General Plan Amendment associated with the Carver-Bangs Specific Plan.

(3) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and Sr 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Carver-Bangs Specific Plan.

(4) Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with Carver-Bangs Specific Plan.

(5) The proposed amendment to the General Plan Circulation Element that is associated with the Carver-Bangs Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C = 1.15 to V/C = 1.35 with the General Plan Amendment associated with the Carver-Bangs Specific Plan.

D. The City finds, based on substantial evidence in the record, that the following additional effects on the environment by the Project are not significant or do not substantially increase severity of significant effects previously identified in the Master EIR.

(1) Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections A. and C., above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendment.

(2) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(3) The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.

(4) Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NO_x) and dust in the project area.

(5) Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.

(6) Light industrial uses permitted under the Carver-Bangs Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.

(7) Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments.

Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments.

(8) The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for

these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

(9) The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.

(10) Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.

(11) No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and siltation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.

(12) Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.

(13) No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.

(14) The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.

a. With regard to the effects that are significant but mitigable, the City of Modesto adopts new and additional mitigation measures, and as permitted by Section 21158(a) of the Public Resources Code. These Mitigation Measures are presented in the Executive Summary, attached hereto as Exhibit 3 and incorporated by reference herein, and are presented in Exhibit 2,

the Final EIR, a copy of which is on file in the office of the City Clerk.

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City adopts the Statement of Overriding Considerations, attached hereto as Exhibit "4" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the Final EIR, and by finding that specific economic, social or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the Final EIR.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Final EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Final EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section 15126(d) of the CEQA Guidelines. As Carver-Bangs Specific Plan is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range

of alternatives, no further analysis of alternatives is necessary in this Final EIR for Carver-Bangs Specific Plan.

7. Proposed Modifications to the Master EIR. Section 21157.6(b) of the Public Resources Code permits the Final EIR for Carver-Bangs to modify the General Plan Master EIR, by including updated information. Chapter V (p. V-1) of the Final Focused EIR presents this information, in the form of a Modification, as follows:

(1) The following change has been made based on a request in the City of Modesto Fire Department comment letter on the revised Draft EIR:

> Section VI-14 (III)(A)(5), first sentence, has been revised to read as follows:
>
> > "Minimum road widths and clearances around structures shall conform to Section 902 of the Uniform Fire Code."

This Modification, set forth in Exhibit 5 attached hereto, is hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Section 21081.6(b) of the Public Resources Code provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary and the Final EIR into the Carver-Bangs Specific Plan. Therefore, said mitigation monitoring program is hereby adopted.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final EIR for the Carver-Bangs Specific Plan and Prezoning as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, Mayor Lang
NOES:	Councilmembers:	Fisher, McClanahan, Serpa,
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILLICH, City Attorney

II. EXECUTIVE SUMMARY

A. OVERVIEW

This Focused Environmental Impact Report (EIR) examines the environmental impacts of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments. The Kiernan Business Park Specific Plan implements the western portion of the Kiernan/Carver Comprehensive Planning District, which was analyzed within the scope of the City's General Plan Master EIR. The Carver-Bangs Specific Plan implements part of the southeast section of the Kiernan/Carver CPD identified in the General Plan and analyzed in the General Plan Master EIR. As provided in Section 21158 of the California Environmental Quality Act, this Focused EIR analyzes only those effects on the environment specific to the development of the Kiernan Business Park and Carver-Bangs Specific Plans that were not addressed as significant effects in the General Plan Master EIR. Table II-1 provides a summary of the environmental impacts and mitigation measures identified in this report. The table is organized by topical sections consistent with the format of Chapter IV of this EIR. Detailed discussions are provided within each applicable section.

B. ALTERNATIVES EVALUATED

This Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the General Plan Master EIR. A full range of land use alternatives was developed and considered by the City through the General Plan and General Plan Master EIR planning process. The General Plan Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Because the Kiernan Business Park and Carver-Bangs Specific Plans are elements of the "Adopted General Plan" and that document considered a full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR.

C. PROJECT DESCRIPTION

The Kiernan Business Park Specific Plan provides for development of 614 acres, including 540 acres of Business Park, 55 acres of Business Park/Commercial and 19 acres of Office; and additional transportation improvements including those proposed along Kiernan, Pelandale and Chapman Avenues, as shown in Figure IV-A-5, which require an amendment to the Circulation Element of the General Plan. The project site is located along the northern boundary of the City of Modesto in Stanislaus County and is bounded by Pelandale Avenue to the south, a line even with Stoddard Road to the west, Kiernan Avenue to the north, and a line even with American Avenue to the east. The Fleur de Ville residential subdivision, which is located north of Pelandale Avenue, is not included in the Plan area. The proposed acreages could accommodate approximately 9.4 million square feet of Business Park uses, 1 million square feet of Business Park/Commercial uses, and 282,000 square feet of Office uses.

EXHIBIT 3

The Kiernan Business Park Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the western portion of the Kiernan/Carver Comprehensive Planning District as authorized by Section 65450 of the Government Code and the Modesto Urban Area General Plan. Although the entire Kiernan Business Park Specific Plan area is included within the City of Modesto's Planned Urbanizing area, lands west of Dale Road lie outside the City's existing Sphere of Influence. Phase I development is planned for lands east of Dale Road and approximately 74 acres of land immediately west of the Fleur de Ville subdivision and north of Pelandale Avenue. The City anticipates the future extension of its Sphere of Influence to include the entire Kiernan Business Park Specific Plan area.

The Carver-Bangs Specific Plan provides for development of 160 acres of residential development. An amendment to the General Plan Land Use Element associated with the Kiernan Business Park Specific Plan would change approximately 120 acres, including approximately 40 acres within the western quarter of the Carver Bangs Specific Plan area, from Business Park Land Use Designation to Village Residential Land Use Designation. The Carver-Bangs Specific Plan encompasses part of the southeast portion of the Kiernan/Carver CPD. The Plan area is bounded by Bangs Avenue to the north, a line parallel to and even with American Avenue to the west (and bordering the Kiernan Business Park Specific Plan area), Carver Road to the east, and a line parallel to and even with Pelandale Avenue to the south. The Carver-Bangs Specific Plan designates approximately 160 acres for Village Residential which will include a maximum of 800 dwelling units.

The Carver-Bangs Specific Plan, a form of Comprehensive Plan, will be used by the City to implement the part of the southeast portion of the Kiernan/Carver Comprehensive Planning District. The entire Carver-Bangs Specific Plan area is included within the City of Modesto's Planned Urbanizing area and the City's existing Sphere of Influence.

D. SUMMARY OF IMPACTS AND PROPOSED MITIGATION MEASURES

Table II-1 provides a summary of the impacts associated with the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments, mitigation measures to reduce impacts, and a designation of the level of significance of each impact after implementation of the specified mitigation measure(s). This summary table only includes mitigation measures identified in the EIR that are determined to be feasible (either environmentally, technically, legally, or economically) to be implemented, and specific enough (in some instances, tied to specific performance standards) to allow successful monitoring of their implementation.

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES

I. IMPACTS THAT ARE SIGNIFICANT BUT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate.

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
TRAFFIC AND CIRCULATION NEEDS		
I-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections: SR 219 and Dale Road SR 219 and Carver Road SR 219 and Tully Road Pelandale Avenue and Dale Road Pelandale Avenue and Prescott Avenue Pelandale Avenue and Carver Road Pelandale Avenue and Tully Road Pelandale Avenue and SR 108 Kiernan Avenue and Chapman Road Pelandale Avenue and Chapman Road Pelandale Avenue and Sisk Road	I-A. Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis. a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code. b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards: 1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.	This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
TRAFFIC AND CIRCULATION NEEDS *continued*	2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025. 3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model. In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list. Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.	

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
GENERATION OF NOISE		
I-B. Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).	I-B. The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 L_{dn} for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pelandale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.	This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

II IMPACTS THAT ARE SIGNIFICANT BUT WHOSE MITIGATION FALLS OUTSIDE THE JURISDICTION OF THE CITY OF MODESTO

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed as described in Section I of this table or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible.

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
INCREASED DEMAND FOR SCHOOLS		
II-A. The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public schools. It is estimated that approximately 320 elementary students, 80 new junior high-school students, and 160 new high school students would be generated by development proposed within the Carver-Bangs Specific Plan.	**II-A.** A firm commitment by the applicant, satisfactory to the affected school district(s), to annex to the Schools Infrastructure Financing Agency Mello-Roos Community Facilities District, shall be provided to the City prior to submittal of a tentative map or development plans. Actual annexation to the Mello-Roos District shall be required prior to final map or development plan approval.	**II-A.** This mitigation measure is incorporated into the Carver-Bangs Specific Plan as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES *continued*

III IMPACTS THAT ARE SIGNIFICANT AND NOT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical, or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level.

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
TRAFFIC AND CIRCULATION NEEDS		
III-A. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections: Pelandale and SB SR 99 Pelandale and NB SR 99	**III-A.** Potential measures to improve conditions at the intersections to acceptable levels are identified in Section IV-A(II)(D)(2), items 8 and 9 of the EIR. However, only partial funding is currently available in the City's CFF program for these improvements. This impact would remain significant until full funding becomes available.	**III-A.** Not applicable.
III-B. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions. This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-B.** No feasible mitigation measures are available; the impact would remain significant.	**III-B.** Not applicable.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	MITIGATION	MITIGATION MONITORING
III-C. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99. This segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-C.** No feasible mitigation measures are available; the impact would remain significant.	**III-C.** Not applicable.
III-D. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps. This segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-D.** No feasible mitigation measures are available; the impact would remain significant.	**III-D.** Not applicable.
III-E. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps. This segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the the General Plan Amendment associated with the Kiernan Business Park Specific Plan.	**III-E:** No feasible mitigation measures are available; the impact would remain significant.	**III-E:** Not applicable.

TABLE II-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES *continued*

IV. IMPACTS THAT ARE FOUND NOT TO BE SIGNIFICANT, OR FOUND TO NOT SUBSTANTIALLY INCREASE SEVERITY OF SIGNIFICANT IMPACTS PREVIOUSLY IDENTIFIED IN THE GENERAL PLAN MASTER EIR

The following section of this table presents the issues identified by the General Plan Master EIR for analysis in this Focused EIR that are found not to be significant, or would not result in a substantial increase in the severity of significant effects previously identified in the Master EIR.

ENVIRONMENTAL IMPACT	RATIONALE
TRAFFIC AND CIRCULATION NEEDS	
IV-A. Future Build-Out (Year 2025): Operating conditions at all internal and external study intersections and roadway segments, other than those identified in Sections I and III of this table, above, would not be significantly impacted by the implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments.	**IV-A.** As shown in Tables IV-A-4 and IV-A-6 of this EIR, all internal and external study intersections and roadway segments, other than those identified in Sections I and II of this table, above, would not be significantly impacted by implementation of the Kiernan Business Park and Carver-Bangs Specific Plans and associated General Plan Amendments under 2025 build-out conditions, pursuant to the significance standards set forth in the General Plan Master EIR.
IV-B. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not have a significant impact on access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.	**IV-B.** As described in Section IV-A of this EIR, the Kiernan Business Park and Carver-Bangs Specific Plans would use the current accepted standards, policies, and principles to ensure safe and adequate access between internal and offsite vehicular circulation and linkage to bicycle/pedestrian circulation systems and transit services.
IV-C. The Kiernan Business Park and Carver-Bangs Specific Plan developments would not create a significant on-site parking impact.	**IV-C.** The Kiernan Business Park and Carver-Bangs Specific Plan developments would be required to comply with the City of Modesto Zoning Ordinance parking requirements, which would ensure adequate parking facilities would be provided to accommodate the projected parking demand.
DEGRADATION OF AIR QUALITY	
IV-D. Construction activities related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would cause temporary increases in ozone precursors (particularly NO_x) and dust in the project area.	**IV-D.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.
IV-E. Mobile sources related to the Kiernan Business Park and Carver-Bangs Specific Plan developments would create traffic related emissions (including CO); these emissions would be lower than that which would occur under the current General Plan assumptions for these areas.	**IV-E.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	RATIONALE
DEGRADATION OF AIR QUALITY *continued*	
IV-F. Light industrial uses permitted under the Kiernan Business Park Specific Plan area would create stationary sources of emissions. The proposed General Plan Amendment to change approximately 120 acres, including 40 acres within the Carver-Bangs Specific Plan area, from Business Park to Village Residential would reduce the potential for stationary sources within the amendment area.	IV-F. There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans which require mitigation for the degradation of air quality. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in section IV-L in this EIR.
GENERATION OF NOISE	
IV-G. Existing residences within the Kiernan Business Park and Carver-Bangs Specific Plan areas would be affected by noise related to construction, traffic and operational noise associated with the proposed developments. Adjacent land uses, including residential areas, would be affected by operational and traffic noise generated by the Kiernan Business Park and Carver-Bangs residential developments.	IV-G. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs Specific Plan areas, and associated General Plan Amendment area., as appropriate. Applicable measures are listed in Section IV-L in this EIR. The additional Kiernan Business Park Specific Plan policies and/or additional mitigation listed below, in conjunction with the certified mitigation measures identified in the General Plan Master EIR, would mitigate noise impacts to a less than significant level in most instances. IV-G1. Kiernan Business Park Specific Plan: Construction impacts on residential neighborhoods to the south and localized impacts to interim sensitive receptors within the Specific Plan area would remain significant as discussed above. Applicable Kiernan Business Park Specific Plan policies related to noise are as follows: *Policy LU-6: Facilitate isolation of industrial traffic away from existing residential areas through land use and circulation design. Locate industrial users needing truck access away from residential areas and in proximity to a major entrance point to the Kiernan Business Park.* *Policy LU-9: Provide adequate buffers between business park uses and neighboring residential uses.* *Policy LU-15: Require development to meet . . . development standards [detailed in the Specific Plan on page 26]... All subsequent development shall conform to these standards.* *Policy LU-16: Require development to meet . . . supplemental development standards [detailed in the Specific Plan page 29]... are applicable to Areas A, B and C.* Development standards referenced by Policies LU-15 and LU-16 require a 10-foot wide screen landscaping buffer for parcels adjacent to the western boundary of the Fleur de Ville subdivision. For parcels adjacent to the Modesto Irrigation District Lateral No. 6 along the northern boundary of Fleur de Ville, the Specific Plan requires an 8-foot high decorative wrought iron fence, a 10 foot wide screen landscaping buffer, loading docks to be orientated away from the residential uses, and hours of operation to be limited to between 7 AM and 10 PM.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	RATIONALE
INCREASED DEMAND FOR WATER SUPPLIES	
IV-H. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for water and require new water infrastructure facilities. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.	**IV-H.** There are no specific features unique to Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment which require new specific mitigation for water supply. All certified mitigation measures identified in the General Plan Master EIR for the General Plan will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.
INCREASED DEMAND FOR SANITARY SEWER SERVICES	
IV-I. The Kiernan Business Park and Carver-Bangs Specific Plan developments would create a demand for new sanitary sewer service infrastructure, including contributing to the need for expansion of the Sewage Treatment Plant. This demand for these facilities would not be significantly changed from what was assumed for these areas under the General Plan.	**IV-I.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require new specific mitigation measures for sanitary sewer service. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are in listed in Section IV-L in this EIR.
LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT	
IV-J. Implementation of the Kiernan Business Park and Carver-Bangs Specific Plan developments would not result in the loss of any additional sensitive wildlife and plant habitat beyond that identified in the General Plan Master EIR.	**IV-J.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for the loss of sensitive wildlife and plant habitat. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.
DRAINAGE, FLOODING AND WATER QUALITY	
IV-K. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Flooding, groundwater recharge, pollution and siltation impacts can be mitigated by measures identified in the General Plan Master EIR. These measures require the City to update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.	**IV-K.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation for drainage, flooding and water quality impacts. All mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.
INCREASED DEMAND FOR STORM DRAINAGE	
IV-L. Development of the Kiernan Business Park and Carver-Bangs Specific Plan areas will increase impervious surfaces and associated drainage runoff, resulting in the need for new storm drainage facilities. This storm drainage impact would be mitigated through the implementation of a positive storm drainage system consistent with the City's Master Drainage Plan as required by the mitigation measures in the General Plan Master EIR.	**IV-L.** There are no specific features unique to the Kiernan Business Park and Carver-Bangs Specific Plans, or associated General Plan Amendment, which require mitigation to address an increased demand for storm drainage. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR.

TABLE II-1: SUMMARY OF IMPACTS *continued*

ENVIRONMENTAL IMPACT	RATIONALE
GENERATION OF HAZARDOUS MATERIALS	
IV-M. No significant impacts outside of those identified in the General Plan Master EIR are anticipated. Potential exposure to soil or groundwater contamination can be mitigated to a less than significant level by measures identified in the General Plan Master EIR.	**IV.M.** There are no specific features unique to the Specific Plan which require mitigation for hazardous materials impacts. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR
IMPACTS TO PARKS AND OPEN SPACE	
IV-N. The residential development proposed by the Carver-Bangs Specific Plan would accommodate a population increase within the plan area, and hence, increase demand for public parks and open space.	**IV-N.** The developers of projects within the plan area will be required to pay Capital Facilities fees to the City, prior to the issuance of building permits. This requirement is intended to provide funding for land acquisition and park construction by the City. This mitigation measure would be incorporated into the Carver-Bangs Specific Plan as a policy statement. All certified mitigation measures identified in the General Plan Master EIR will apply citywide, including the Kiernan Business Park and Carver-Bangs Specific developments, as appropriate. Applicable measures are listed in Section IV-L in this EIR

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan, the City Council has determined that the Kiernan Business Park and Carver-Bangs Specific Plans should be approved and that any remaining unmitigated environmental impacts attributable to the Specific Plans are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are the Issue Areas, identified in the Final Focused EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Kiernan Business Park and Carver-Bangs Specific Plans will cause significant and unavoidable impacts on the following areas:

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

   Pelandale and SB SR 99
   Pelandale and NB SR 99

   a) Finding 1-1

   The intersection of Pelandale Avenue and SB SR 99 would deteriorate from LOS C (average delay = 19.5 seconds) under the Existing Conditions to LOS F (average delay = 145 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

   b) Finding 1-2

   The intersection of Pelandale Avenue and NB SR 99 would deteriorate from LOS B (average delay = 10.0 seconds) under the Existing Conditions to LOS E (average delay = 58.1 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

EXHIBIT 4

c) Conclusions

Project-specific impacts would remain significant when compared to the conditions which would occur under the Existing + Project conditions for the Pelandale and SB SR 99 intersection and the Pelandale and NB SR 99 intersection. Measures available to mitigate the project impact at these intersections are as follows:

1. Pelandale and SB SR 99 - Add a second southbound left-turn lane. Add a second westbound left-turn lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS F (average delay = 145 seconds) to LOS C (average delay = 17.9 seconds).

2. Pelandale and NB SR 99 - Add a second eastbound through lane. Widen the overcrossing to five or six lanes, depending on how left-turn lanes are provided. This would improve conditions at this intersection from LOS E (average delay = 58.1 seconds) to LOS C (average delay = 16.5 seconds).

Full funding for these measures is not available. The City estimates that as of 1989, the projected costs for these improvement (which includes widening of the overpass) was estimated at $7.8 million; there is currently only approximately $5 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

Substantial Evidence

Pages IV-A-36 to IV-A-41 and Appendix 1, page 1-10 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

2. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the intersection of Standiford Avenue @ Dale Road under 2025 build-out conditions.

a) Finding 2-1

This intersection would deteriorate from LOS E (V/C = 0.93) under the original General Plan to LOS F (V/C = 1.02) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions at this location, conversion of the westbound right-turn lane to a shared right/through lane would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other strategies could be pursued to mitigate the impacts identified for the build-out scenario. The primary requirement is to provide additional capacity to carry the future traffic which is projected to cross from one side of SR 99 to the other. Possible approaches for investigation include:

1. Widening the existing overcrossings and the roadways connecting to them. The four measures discussed above fall into this category.

2. Provide another freeway overcrossing. The General Plan's expressway connector between the SR 219 expressway and the future westside expressway (which the Kiernan Business Park Specific Plan would remove) falls into this category.

3. Add auxiliary lanes to SR 99 between the SR 219 and Pelandale interchanges to accommodate traffic traveling from one side of the freeway to the other via the freeway and two interchanges.

4. Some combination of the measures listed above, which provide the required total capacity to accommodate the projected traffic volumes levels.

Substantial Evidence

Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

3. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of SR 219 between Sisk Road and SR 99.

a) Finding 3-1

This roadway segment would deteriorate from LOS A (V/C = 0.75) under the original General Plan to LOS F (V/C = 1.13) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions at this location, upgrading SR 219 from a six-lane arterial to a six-lane expressway between Chapman Road and SR 99 would be needed. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence

Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

4. Future Build-Out (Year 2025): The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between Dale Road and SR 99 Northbound Ramps.

a) Finding 4-1

This roadway segment would deteriorate from LOS D (V/C = 0.91) under the original General Plan to LOS F (V/C = 1.11) with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

b) Conclusions:

In order to mitigate the conditions, upgrading Standiford Avenue from a future eight-lane arterial to a ten-lane arterial would be needed to improve the operations of the segment between SR 99 Northbound Ramps and Dale Road. This measure is likely to be infeasible because of its physical and/or economic impact on adjacent developed properties. Therefore, the impact would remain significant and not mitigable.

Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

Substantial Evidence

Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

5. The proposed amendment to the General Plan Circulation Element that is associated with the Kiernan Business Park Specific Plan would result in changes to the General Plan circulation system. The shift in traffic resulting from the traffic circulation system changes would significantly impact the segment of Standiford Avenue between SR 99 northbound and southbound ramps.

   a) Finding 5-1

      This roadway segment would degrade within LOS F, from V/C=1.15 to V/C=1.35 with the General Plan Amendment associated with the Kiernan Business Park Specific Plan.

   b) Conclusions:

      In order to mitigate the conditions at this location, widening of the overcrossing to 10 lanes plus left-turn lanes would be needed. The City does identify the widening of Standiford over SR 99 in its CFF program. As of 1989, the projected costs for this improvement was estimated at $7.8 million; there is currently $5.9 million in the CFF to fund this improvement. Therefore, the impact would remain significant and not mitigable until such time funding is available.

      Other potential strategies which could be pursued to mitigate the impacts identified for the build-out scenario are identified in Finding 2b, above.

      Substantial Evidence

      Pages IV-A-23 to IV-A- 27, and pages to IV-A-40 to IV-A-42 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

B. Findings Regarding Significant But Mitigable Impacts

Section 21081 of the Public Resources Code requires the City to make findings that the project has changed (including the adoption of mitigation measures) to avoid, or substantially less the magnitude of, the impact. Following are the Issue Areas, identified in the Final Focused EIR, in which the impacts of the project are mitigable to a less-than-significant level.

1. Development proposed by the Kiernan Business Park and Carver-Bangs Specific Plans may occur prior to implementation of roadway system improvements assumed under the General Plan. Roadway system improvements assumed under the General Plan would be expected to occur incrementally. Until all assumed roadway system improvements in the project area are in place, or other feasible mitigation is provided, the impact of traffic generated by development enabled under the Kiernan

Business Park and Carver-Bangs Specific Plans would remain significant at the following intersections:

SR 219 and Dale Road
SR 219 and Carver Road
SR 219 and Tully Road
Pelandale Avenue and Dale Road
Pelandale Avenue and Prescott Avenue
Pelandale Avenue and Carver Road
Pelandale Avenue and Tully Road
Pelandale Avenue and SR 108
Kiernan Avenue and Chapman Road
Pelandale Avenue and Chapman Road
Pelandale Avenue and Sisk Road

a) Finding 1-1

The intersection of SR 219 and Dale Road would deteriorate from LOS B (average delay = 7.9 seconds) under the Existing Conditions to LOS F (average delay = 398 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

b) Finding 1-2

The intersection of SR 219 and Carver Road would deteriorate from LOS B (average delay = 5.8 seconds) under the Existing Conditions to LOS F (average delay = 70.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

c) Finding 1-3

The intersection of SR 219 and Tully Road would deteriorate from LOS B (average delay = 7.8 seconds) under the Existing Conditions to LOS F (average delay = 91.0 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

d) Finding 1-4

The intersection of Pelandale Avenue and Dale Road would operate at LOS F (average delay = 964 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

e) Finding 1-5

The intersection of Pelandale Avenue and Prescott Avenue would have some minor street movements that would operate at LOS F under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

f) Finding 1-6

The intersection of Pelandale Avenue and Carver Road would operate at LOS F (average delay = 66.3 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

g) Finding 1-7

The intersection of Pelandale Avenue and Tully Road would operate at LOS E (average delay = 41.6 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

h) Finding 1-8

The intersection of Pelandale Avenue and SR 108 would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

i) Finding 1-9

The intersection of Kiernan Avenue and Chapman Road would operate at LOS F (average delay = 498 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

j) Finding 1-10

The intersection of Pelandale Avenue and Chapman Road would operate at LOS F (high delay) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

k) Finding 1-11

The intersection of Pelandale Avenue and Sisk Road would deteriorate from LOS C (average delay = 18.4 seconds) under the Existing Conditions to LOS F (average delay = 105 seconds) under Existing + Kiernan Business Park and Carver-Bangs Specific Plans.

l) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

> Concurrent with the submittal of each Tentative Map (Chapter 4 of the Modesto Municipal Code), each Conditional Use Permit (Section 10-2.2503 et seq), and/or any other "development" as defined by Section 66418.1 of the State Government Code, applicants shall provide a commitment to construct

the necessary and feasible street and intersection improvements to meet the following standards. A Site Access Study as described in Chapter V of the Modesto General Plan may be used as the method for providing this analysis.

a. All access to the existing street network shall be through the dedication of right-of-way and improvement of public streets, consistent with the standards contained in the Specific Plan and/or Section 7-1.701 (Street Dedication and Improvements) of the Modesto Municipal Code.

b. All necessary and feasible street improvements shall be constructed to ensure that the street segments and intersections presented in Table IV-A-11 (in Section IV-A(III)(B) of the Final EIR) meet the following standards:

    1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of the General Plan Master EIR) to operate at LOS "D" or better in the year 2025 shall not cause conditions to be worse than LOS "D" at any time prior to year 2025.

    2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "E" in the year 2025 shall not cause conditions on those facilities to exceed LOS "E" at any time prior to year 2025.

    3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to operate at LOS "F" shall not cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour volume/capacity (V/C) ratio of 0.05 or greater for roadway segments or intersections whose V/C ratio is estimated to be 1.00 or higher in year 2025 by the traffic model.

In making these determinations, the list of transportation facility improvements presented in Table IV-A-12 (in Section IV-A(III)(B) of the Final Focused EIR) shall be consulted, and the improvements needed to meet the above standards shall be drawn from this list.

Table IV-A-9 (in Section IV-A(II)(C) of the Final Focused EIR) provides a preliminary basis for determining the degree to which development enabled under the Kiernan Business Park and Carver-Bangs Specific Plans could contribute to funding for the required intersection improvements. A more refined method could be developed at the time a Mello-Roos District is established.

This mitigation measure would be incorporated into the Kiernan Business Park and Carver-Bangs Specific Plans as a policy statement. The requirement that the tentative maps or development plans be consistent with the Specific Plans ensures that the mitigation measures adopted by the City will be implemented.

Substantial Evidence

Pages IV-A-32 to IV-A- 35, IV-A-37 to IV-A- 40 and pages to IV-A-42 to IV-A-48 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

2) Implementation of the Carver-Bangs Specific Plan, and the proposed amendment to the General Plan Land Use Element that is associated with the Kiernan Business Park Specific Plan would result in an increase in noise sensitive uses (i.e., residences) in high noise environment areas (i.e., in vicinity of proposed expressways).

a) Finding 2-1:

The Carver-Bangs Specific Plan area would border (future) Pelandale Expressway on the south, Bangs Avenue on the north, American Avenue on the west, and Carver Road on the east. Prescott Road would be extended through the middle of the Plan area. Circulation plan diagrams for the Carver-Bangs Specific Plan area (Exhibit 4-1 of the Carver-Bangs Specific Plan and Figure V-1 of the Urban Area General Plan) show (future) Pelandale Expressway as a six-lane Class B expressway in the vicinity of the Carver-Bangs Specific Plan area, and (extended) Prescott Road as a four-lane minor arterial. American Avenue, Bangs Avenue and Carver Road would be two-lane collector streets.

Based on the traffic forecasts developed for the Focused EIR, traffic noise levels have been estimated along the borders of the Carver-Bangs Specific Plan area and along Prescott Road to evaluate the compatibility of proposed residential uses within the Specific Plan area with their future noise environment. As shown in Table IV-C-2 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 L_{dn} or less) for the residential uses proposed under the Carver-Bangs Specific Plan. ROW noise levels would be highest along Pelandale Expressway and Prescott Road where they would be "normally or clearly unacceptable" (i.e. 70 L_{dn} more) for residential land use development.

b) Finding 2-2

The northern portion of the GPA area would border Kiernan Avenue on the north, Bangs Avenue on the south, American Avenue on the west, and existing rural residential (future Village Residential) uses to the east. Figure V-1 of the Urban

Area General Plan indicate that Kiernan Avenue would be widened in the future to become a six-lane, Class B expressway in the vicinity of the GPA area. (Extended) American Avenue and Bangs Avenue would be two-lane collector streets.
Based on the traffic forecasts developed for this Focused EIR, traffic noise levels have been estimated along the borders of the northern portion of the GPA area to evaluate the compatibility of proposed residential uses within the GPA area with their future noise environment. (Noise /land use compatibility would not have been an issue of concern for the business park uses contemplated under the current General Plan). As shown in Table IV-C-3 of the Focused EIR, the future noise environment would be considerably higher at the edges of the rights of way than what is considered "normally acceptable" (i.e. 60 L_{dn} or less) for the residential uses proposed under the GPA. ROW noise levels would be highest along Kiernan Avenue where they would be "normally or clearly unacceptable" (i.e. 70 L_{dn} more) for residential land use development.

c) Finding 2-3

The General Plan Master EIR anticipates that future residential development could be introduced into areas where the future noise environment would likely be "unacceptable" for such uses and identifies the associated impact as significant. The General Plan Master EIR also identifies mitigation measures to address the issue of noise/land use compatibility for future residences and indicates that these measures would reduce significant impacts to a less-than-significant level in most instances.
d) Conclusions:

Implementation of the following mitigation measure identified in the Final Focused EIR would reduce the impact to a less-than-significant level:

> The Carver-Bangs Specific Plan will adopt an outdoor noise performance standard of 60 L_{dn} for new single-family residential development in the Carver-Bangs Specific Plan and associated General Plan areas. This standard would apply to outdoor use areas (e.g. back yards). Design features that would be available to meet this standard include open space buffers, berms, and walls. For the Carver-Bangs Specific Plan and associated General Plan Amendment area, the key locations requiring the noise barrier would include the future Pelandale Expressway and (extended) Prescott Road. Additionally for the General Plan Amendment area north of the Carver-Bangs Specific Plan area, the key location requiring the noise barrier would be along the future SR 219 Expressway.

This mitigation measure would be incorporated into the Carver-Bangs Specific Plan and amendment to the General Plan Land Use Element as a noise performance standard. The requirement that the tentative maps or development plans be consistent with the Specific Plan ensures that the mitigation measures adopted by the City will be implemented.

Substantial Evidence

Pages IV-C-6 to IV-C-9, and IV-C-12 to IV-C-13 of the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused Environmental Impact Report.

B. General Overriding Considerations

4. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

a) Finding No. 1

In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of housing types opportunities within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area and made the requisite overriding consideration findings.

Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Carver-Bangs Specific Plan is in an area which contains five additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to traffic and circulation needs.

The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. The Carver-Bangs Specific Plan specifically recognizes that development of this project area is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of housing, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and

thriving community and find that the need to implement the General Plan and its supporting goals and policies are benefits associated with this project.

Substantial Evidence

Modesto Urban Area General Plan: pages I-5, I-6.

5. Social Considerations

l) If additional residential areas are not developed in the Carver-Bangs Specific Plan, opportunities to implement the following General Plan goals and policies would be hindered:

- The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- Work to supply entry level housing as well as "step-up" housing.
- Promote equal opportunity for all residents to reside in the housing of their choice.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

Substantial Evidence

Modesto Urban Area General Plan, August 1995, page I-6.
Final Master Environmental Impact Report, July 1995, page I-4, I-5.

m) Finding No. 2

The General Plan Housing Element, which was approved by the State Department of Housing and Community Development, calls for a commitment for substantial new housing in the Modesto Urban Area.

Substantial Evidence

1992 Housing Element to Modesto Urban Area General Plan.

Letter dated April 7, 1995, from the California Department of Housing and Community Development which authorizes incorporation of the 1992 Housing Element into the 1995 General Plan.

Section IV-E in 1995 General Plan.

6. Economic Considerations

The projections of the California Department of Finance indicate that the population of the region will grow faster than the State average in percentage terms. In absolute terms, Stanislaus County is projected to be one of the fastest growing counties in the State.

Substantial Evidence

Projected Total Population of California Counties: 1990-2040, published by the California Department of Finance (page 9).

b) Finding No. 2

In view of increasing traffic constraints and air quality constraints in the region and the need to promote a fully integrated community in which jobs and housing are carefully balanced, it is critical to strive for new housing opportunities as well substantial employment opportunities. These strategies support the goal of the San Joaquin Valley Unified Air Pollution Control District to reduce long commutes to assist in meeting air quality standards.

Substantial Evidence

Air Quality Guidelines for General Plans, published by the San Joaquin Valley Unified Air Pollution Control District, Goal 7, page A-7.

Modesto Urban Area General Plan: Figure III-1.

7. Land Use Considerations

a) Finding No. 1

The Carver-Bangs Specific Plan will serve to help to help direct the orderly development of the planning area. The purpose of the plan is to help implement the City of Modesto's General Plan as authorized under State Law (Section 65450 et. seq. of State Government Code).

Substantial Evidence

Carver-Bangs Draft Specific Plan, page 1-2.

b) Finding No. 2

This Specific Plan was initiated to support the City's efforts in developing a portion of north Modesto. The addition of this planning area was seen as an opportunity by the City to encourage the eventual extension and construction of the Pelandale Avenue Expressway as well as a chance to plan for some nearby housing to supplement the extensive Kiernan Business Park Area.

Substantial Evidence

Carver-Bangs Draft Specific Plan, page 1-2.

c) Finding No. 3

The goals of the Specific Plan are to facilitate development of Village Residential uses in the Carver-Bangs Specific Plan, consistent with policies and standards of the City of Modesto.

The Carver-Bangs Specific Plan will provide additional residential units to house Modesto's growing population. These units will be developed consistent with density requirements and other characteristics of the Village Residential General Plan designation. Village Residential uses are intended to be predominantly single family, with provisions for multi-family and senior housing, commercial uses, schools, and parks. The Plan area is not expected to accommodate all these uses; however, development of this area is not expected to preclude development of any of these uses in the overall Kiernan/Carver CPD.

The policy requirements presented in the Kiernan/Carver CPD are incorporated into this Specific Plan, as well as growth strategies for the planned urbanizing area.

Substantial Evidence

Carver-Bangs Specific Plan, page 2-1 and 2-2.

8. Conclusion

Based on all of the foregoing, the City Council of the City of Modesto hereby finds and declares that the benefits associated with this project, as set forth in Items 1 through above, outweigh the significant and unavoidable environmental consequences associated with the project and approves the project subject to the mitigation measures contained in the final Environmental Impact Report certified for this project.

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-164

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A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE KIERNAN BUSINESS PARK REORGANIZATION (WITHIN THE KIERNAN BUSINESS PARK SPECIFIC PLAN AREA) TO THE CITY OF MODESTO. (COUNCIL INITIATED - UNINHABITED)

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Kiernan Business Park Reorganization to the City of Modesto, which is immediately adjacent to the Modesto city limits, and

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and each subject agency, 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, the area proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

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

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto;

(b) The detachment of said territory from the Salida Fire Protection District; and

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

WHEREAS, the reason for this proposed Kiernan Business Park Reorganization to the City of Modesto is as follows:

1. The proposed reorganization is required by public convenience or necessity because the Kiernan-Carver Comprehensive Planning District and the Kiernan Business Park Specific Plan are consistent with the City of Modesto Urban Area General Plan.

2. The proposed reorganization will result in an orderly planned use of land resources because the Kiernan Business Park Specific Plan will implement a Community Growth Policy of the General Plan to provide sufficient land supply; namely, it promotes the expansion of the Modesto Urban Area toward the north to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the north side of Modesto.

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

WHEREAS, the Modesto Community Development Department, Development Services Division, 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 Kiernan Business Park Specific Plan, adopted by the Council of the City of Modesto on April 1, 1997.

2. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the

reorganization of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency Formation Commission, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused Environmental Impact Report 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 the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with Kiernan Business Park Reorganization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Public Works and Transportation Dept.

Exhibit "A"

Description

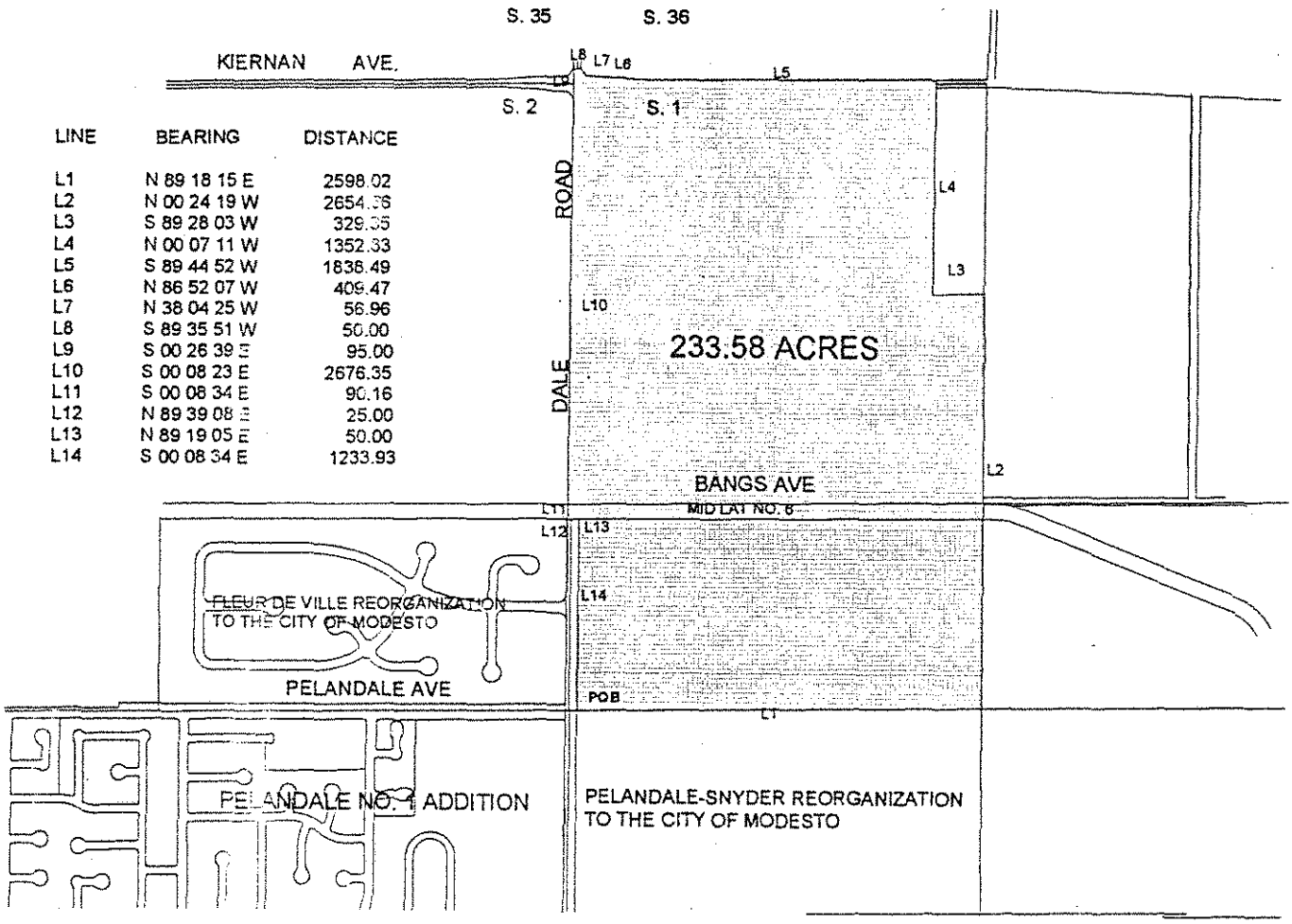
KIERNAN AVENUE BUSINESS PARK
PHASE 1, SUB AREA "A"
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the southeast corner of the northeast quarter of the southeast quarter of said Section 2, being also the northeast corner of the Pelandale No. 1 Addition to the City of Modesto and the northwest corner of the Pelandale - Snyder Reorganization to the City of Modesto; thence North 89° 18' 15" E on the north line of the said Pelandale-Snyder Reorganization, 50.00 feet to the TRUE POINT OF BEGINNING of this description, said point also being the southeast corner of the Fleur De Ville Reorganization to the City of Modesto; thence continue on the north line of the aforementioned Pelandale - Snyder Reorganization, North 89° 18' 15" East, 2598.02 feet to the east line of the west half of said Section 1; thence North 0° 24' 19" West, on said east line, 2654.66 feet to the south line of Parcel C as shown on the map recorded in Volume 10 of Surveys, at page 75, Stanislaus County Records; thence South 89° 28' 03" West on the south line of said Parcel C, 329.35 feet to the west line of said Parcel C; thence North 0° 07' 11" West on the west line of said Parcel C and its northerly extension, 1352.83 feet to the north line of 50.00 foot wide Kiernan Avenue; thence South 89° 44' 52" West on said north line, 1838.49 feet to an angle point in said north line; thence North 86° 52' 07" West on said north line 409.97 feet to another angle point in said north line; thence North 38° 04' 25" West on said north line, 56.96 feet to the east line of 50.00 foot wide Dale Road; thence leaving said east line, South 89° 35' 51" West, 50.00 feet to the west line of said Dale Road; thence South 0° 26' 39" E on the southerly extension of the west line of said Dale Road, 95.00 feet to the centerline of aforementioned Kiernan Avenue; thence South 0° 08' 23" East on the northerly extension of the west line and the west line of said Dale Road, 2676.35 feet to the south line of the northeast quarter of said Section 1; thence continuing on the west line of Dale Road, South 0° 08' 34" East, 90.16 feet to the north line of the Fleur De Ville Reorganization; thence on said north line, North 89° 39' 08" East, 25.00 feet to the centerline of Dale Road; thence continue on said north line North 89° 19' 05" East, 50.00 feet to the northeast corner of the Fleur De Ville Reorganization; thence South 0° 08' 34" East, on the east line of said Fleur De Ville Reorganization and the east line of Dale Road, 1233.93 feet to the point of beginning.

Containing 233.58 Acres, more or less.

KIERNAN BUSINESS PARK
PHASE 1, SUB AREA "A"
REORGANIZATION TO THE CITY OF MODESTO



LINE	BEARING	DISTANCE
L1	N 89 18 15 E	2598.02
L2	N 00 24 19 W	2654.36
L3	S 89 28 03 W	329.35
L4	N 00 07 11 W	1352.33
L5	S 89 44 52 W	1836.49
L6	N 86 52 07 W	409.47
L7	N 38 04 25 W	56.96
L8	S 89 35 51 W	50.00
L9	S 00 26 39 E	95.00
L10	S 00 08 23 E	2676.35
L11	S 00 08 34 E	90.16
L12	N 89 39 08 E	25.00
L13	N 89 19 05 E	50.00
L14	S 00 08 34 E	1233.93

Basis of Bearings:

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

N
W E
S

No Scale

CITY OF MODESTO

Exhibit "B"

Plan for Providing Services

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Salida Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 6.

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 developer 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 will be the responsibility of the developer and be integrated into the development of the project.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-165

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO TRANSFER $3,000 FOR PAYMENT OF LAFCO FILING FEES TO ANNEX THE EASTERN PORTION OF THE KIERNAN BUSINESS PARK

WHEREAS, currently the Kiernan Business Park lies outside, but immediately adjacent to, the city limits of Modesto; and

WHEREAS, to annex the eastern portion of the Kiernan Business Park, the City needs to make application to LAFCO with their filing fees being $3,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to transfer $3,000 for payment of LAFCO filing fees to annex the eastern portion of the Kiernan Business Park.

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 April, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-166

Print

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL COMMUNICATIONS SALES, INC. FOR ONE DIGITAL 800 MHZ RADIO SYSTEM FOR A TOTAL PRICE OF $49,936.61

WHEREAS, Resolution No. 97-106, adopted by the Council of the City of Modesto on February 27, 1997, authorized bids to be opened for furnishing one digital 800 MHZ radio system; and

WHEREAS, the sole bid received for furnishing one digital 800 MHZ radio system, was opened at 11:00 a.m. on March 18, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Industrial Communications Sales, Inc. for the total amount of $49,936.61 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Industrial Communications Sales, Inc. for furnishing one digital 800 MHZ radio system 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 April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-167

A RESOLUTION ACCEPTING THE BID OF S K PAINTING COMPANY FOR REPAINTING STREET LIGHT STANDARDS, FOR UP TO FIVE YEARS, FOR A TOTAL FIRST YEAR PRICE OF $19,900.00

WHEREAS, Resolution No. 97-105, adopted by the Council of the City of Modesto on February 27, 1997, authorized bids to be opened for repainting street light standards; and

WHEREAS, the bids received for repainting street light standards, were opened at 11:00 a.m. on March 18, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of S K Painting Company for up to five years, for the total first year amount of $19,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of S K Painting Company for repainting street light standards 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 April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-168

A RESOLUTION ACCEPTING THE HELD AVENUE/MID LATERAL NO. 3 CANAL CROSSING PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Held Avenue/MID Lateral No. 3 canal crossing project has been completed by Cunningham and Sons, Inc., in accordance with the contract agreement dated October 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Held Avenue/MID Later No. 3 canal crossing project 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 $318,890.20, 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 1st day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-169

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH EIP ASSOCIATES FOR THE PREPARATION OF A REVISED DRAFT ENVIRONMENTAL IMPACT REPORT AND A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BIOSOLIDS LAND APPLICATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with EIP Associates for the preparation of a revised draft environmental impact report and a final environmental impact report 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 1st day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-170

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE $20,000 FROM ACCOUNT #010-800-8000-8003, GENERAL FUND CONTINGENCY RESERVE TO ACCOUNT #010-370-3715-1060, YOUTH/SENIOR FINANCIAL ASSISTANCE

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in fiscal year 1993-94, with the purpose of providing a 90% subsidy to low income, qualifying youth; and

WHEREAS, expenditures have steadily increased as more people learn of this program and of the $40,000 budgeted for the current fiscal year, $38,944 has been spent as of March 6th; and

WHEREAS, staff anticipates a total of $60,000 is needed to meet the requests for assistance and staff is recommending that the allocation for this program be increased by $20,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate $20,000 from Account #010-800-8000-8003, General Fund Contingency Reserve to Account #010-370-3715-1060, Youth/Senior Financial Assistance Program.

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 April, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-171

A RESOLUTION APPROVING REVISION TO THE YOUTH/ SENIOR FINANCIAL ASSISTANCE PROGRAM TO REVISE THE QUALIFYING CRITERIA, TO INCREASE FROM $500 TO $1,000 THE LOW INCOME FACILITY USAGE FEE FOR GROUPS USING THE MODESTO CENTRE PLAZA.

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in FY 1993-94, for the purpose of providing a 90% subsidy to low income, qualifying youth and seniors, through the issuance of "leisure bucks" cards, and

WHEREAS, low income groups wishing to use the Facility Rental Fee Assistance Program must show financial need, file an application with the Parks and Recreation Department, have 51% of their participants from low-income target neighborhoods within the City limits of Modesto, and qualifying participants must be 18 years of age or under, or 62 years of age or older, and

WHEREAS, City staff is recommending that the maximum allowable rental subsidy be increased from $500 to $1,000 for qualifying organizations using the Modesto Centre Plaza, and

WHEREAS, the maximum subsidy will remain at $500 for all other locations, and

WHEREAS, the Financial Policy Committee met on March 25, 1997, and supported staff's recommendations, and

WHEREAS, increasing the amount of subsidy for rental of the Modesto Centre Plaza from $500 to $1,000 will better provide qualifying organizations the opportunity to use this facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revision to the Youth/Senior Financial Assistance Program's qualifying criteria for the Low Income Facility Usage Fee as set forth above, and as recommended by the Financial Policy Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-172

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $11,817 TO COVER THE COST OF THE EXTENDED SCOPE OF WORK OF MINAGAR & ASSOCIATES FOR THE PETROLEUM VIOLATION ESCROW ACCOUNT TRAFFIC SIGNAL RE-TIMING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: 070-160-H042 $11,817
Traffic Signal Modifications - Various New Locations

TO: 070-160-H042 $11,817
PVEA Traffic Signal Retiming and Upgrade

Funds are needed to cover the cost of the extended scope of work of Minager & Associates for the PVEA Traffic Signal Retiming Project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 1st day of April, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-173

A RESOLUTION ACCEPTING IMPROVEMENTS IN SYMPHONY PLACE NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF PERFORMANCE BONDS AND IRREVOCABLE STANDBY LETTER OF CREDIT

WHEREAS, Sarjak Enterprises, Inc. subdividers of Symphony Place No. 2 subdivision, have caused to be filed a performance bond in the amount of $263,872.00, and an Irrevocable Standby Letter of Credit for labor and materials in the amount of $131,396.00 to guarantee improvements in Symphony Place No. subdivision and;

Whereas, the Director of Community Development, in a memorandum dated March 18, 1997, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Department; and

WHEREAS, the Director of Community Development 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 bond and Irrevocable Standby Letter 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 Symphony Place No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $263,872.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for labor and materials in the amount of $131,936.00 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 1st day of April, 1997 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-174

A RESOLUTION DIRECTING STAFF TO PROCESS AN AMENDMENT TO THE VILLAGE ONE MELLO-ROOS COMMUNITY FACILITIES DISTRICT TO ADD FACILITIES (COMMUNITY SIGNAGE AND ROSELLE AVENUE IMPROVEMENTS) TO THE DISTRICT'S COMMUNITY FACILITIES INVENTORY AND TO ANNEX THREE SUBDIVISIONS (NOTTINGHAM PLACE, VILLAGE HIGHLANDS AND OLYMPIC VILLAGE) TO THE DISTRICT.

WHEREAS, on October 8, 1996, by Resolution No. 96-544, the City Council approved the formation and establishment of the Village One Mello-Roos Community Facilities District No. 1996-1 ("CFD"), and

WHEREAS, Exhibit "B" of said resolution entitled "Description Of Facilities" described facilities which were presented in the Village One Facilities Master Plan adopted in June, 1996, and which were to be funded within the Village One Mello-Roos CFD, and

WHEREAS, subsequent to the establishment of the Village One Mello-Roos CFD, staff identified additional facilities to be added to the District's Community Facilities inventory, and

WHEREAS, the balance of development occurring in Village One will be required to fund the additional facilities to be added to the District's Community Facilities inventory as follows:

1. A Comprehensive Signage Program to identify Village One as a master planned project and to provide brief information regarding the subdivisions currently under construction within it. Amendment of the Village One

Community Facilities District is needed to absorb $500,000 in capital costs for said community signage.

2. Roselle Avenue Improvements consisting of 1,400 lineal feet. Due to an ambiguity in the Village One Public Facilities Master Plan adopted in June, 1996, which formed the basis of the Village One CFD, it was assumed that approximately 1,400 lineal feet of street improvements on Roselle Avenue, currently constructed by the Charleston Place project, would be the ultimate responsibility of the Charleston Place developer. Instead, however, the Roselle Avenue improvements will be paid for by the Charleston Place developer and future developers in Village One. Amendment of the Village One CFD is needed to absorb the cost of these improvements in the approximate sum of $400,000, and

WHEREAS, three approved subdivisions, Nottingham Place, Village Highlands, and Olympic Village, have requested annexation to the CFD, and

WHEREAS, the City Council has determined that amendment of the Village One CFD is necessary to add additional facilities to the District's Community Facilities inventory and to annex the three subdivisions, Nottingham Place, Village Highlands, and Olympic Village, to the CFD,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby directed to process an amendment to the Village One Mello-Roos Community Facilities District, formerly adopted on October 9, 1996, by Resolution No. 96-544, to add facilities, a Comprehensive Signage Program in the sum of $500,000, and Roselle Avenue Improvements in the sum of

approximately $400,000, and to annex the Nottingham Place, Village Highlands, Olympic Village, and such other subdivisions to the Village One Mello-Roos Community Facilities District as may be appropriate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-175

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH VAIL ENGINEERING CORPORATION TO PROVIDE CONSULTANT SERVICES FOR THE PREPARATION OF AMENDMENTS TO THE VILLAGE ONE MELLO-ROOS COMMUNITY FACILITIES DISTRICT AND THREE ANNEXATIONS TO THE COMMUNITY FACILITIES DISTRICT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Vail Engineering Corporation for the preparation of a amendments to the Village One Mello -Roos Community Facilities District and three annexations to the Community Facilities District 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 1st day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-177

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION FOR THE FISCAL YEARS 1996-97 to 2000-01.

WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association (MCFFA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by MCFFA for the Fiscal Years 1996-97 to 2000-01, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association for the Fiscal Years 1996-97 to 2000-01 is hereby approved and shall become effective on April 1, 1997, a copy of said MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

BE IT FURTHER RESOLVED that the implementation of salary rates and step advances are as set forth on pages 2 and 3 of said MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1997, 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:	Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-178

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING FLOOD DAMAGE RESTORATION WORK AT LEGION HALL

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 flood damage restoration work at Legion Hall, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 25, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-179

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION, NEGOTIATION, 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 thirty-three (33) vehicles and miscellaneous pieces of automotive equipment, three (3) motorcycles, and five (5) pallets of miscellaneous automotive parts 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 through negotiations, and

WHEREAS, if the sealed bid process, the public auction or the negotiation process does 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-three (33) vehicles and miscellaneous pieces of automotive equipment, three (3) motorcycles, and five (5) pallets of miscellaneous automotive parts, 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 through negotiations, and

SECTION 5. If said property cannot be sold on a sealed bid process, at a public auction, or through negotiations as provided for above, then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-180

A RESOLUTION REJECTING BIDS RECEIVED FOR THE PROJECT TITLED "YOSEMITE BOULEVARD WIDENING FROM MCCLURE ROAD TO FRAZINE ROAD" RECEIVED AND OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 18, 1997

WHEREAS, the bids received for the project titled "Yosemite Boulevard widening from McClure Road to Frazine Road" were opened at 11:00 a.m. on March 18, 1997;

WHEREAS, addressing concerns that the project specifications did not require payment of prevailing wages on the project, the City Attorney's office has recommended that the bids be rejected and the project be rebid as a prevailing wage project; and

WHEREAS, the recommendation was made because the project involves a State facility and therefore the project could technically be considered of Statewide significance; a portion of the project is outside the current City limits; and there are some State funds involved.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the project entitled "Yosemite Boulevard widening from McClure Road to Frazine Road", opened in the office of the City Clerk on March 18, 1997, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, 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:	Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-181

Print

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PROJECT NO. 21 - REPLACEMENT OF CURBS/DRIVE APRONS/SIDEWALKS AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the construction of Project No. 21 - replacement of Curbs/drive aprons/sidewalks has been completed by Teichert Construction, in accordance with the contract agreement dated June 6, 1995.

NOW, THEREFORE, BE IT RESOLVED that the construction of Project 21 - replacment of curbs/drive aprons/sidewalks be accepted from said contractor, Clyde Wheeler Pipeline; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $276,217.98, 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 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL

RESOLUTION NO. 97-182

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $35 MILLION PRINCIPAL AMOUNT OF WASTEWATER TREATMENT FACILITY REVENUE BONDS, SERIES 1997, AUTHORIZING AND DIRECTING EXECUTION OF A THIRD SUPPLEMENTAL INDENTURE, AUTHORIZING THE SALE OF SUCH BONDS, APPROVING AN OFFICIAL STATEMENT, AND AUTHORIZING OTHER OFFICIAL ACTION

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond Law"), the City of Modesto, California (the "City") is authorized to issue revenue bonds to provide funds to finance or refinance the costs of the acquisition, construction, and equipping of improvements to the wastewater treatment facilities of the City (the "Enterprise"); and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 84-862 adopted October 23, 1984, the City previously issued its Wastewater Treatment Facility Revenue Bonds, Series 1984, in an aggregate principal amount of $11,500,000 (the "1984 Bonds") to finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 85-964 adopted December 23, 1985, the City previously issued its Wastewater Treatment Facility Refunding Bonds, Series 1985 (the "1985 Bonds"), in an aggregate principal amount of $12,720,000 to provide funds to advance refund the 1984 Bonds; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 87-1242 adopted November 24, 1987 and an Indenture of Trust, dated as of December 1, 1987 (the "Indenture") the City previously issued its Wastewater Treatment Facility Refunding Bonds, Series 1987 (the "1987 Bonds"), in an aggregate principal amount of $11,785,000 to provide funds to advance refund the 1985 Bonds; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 93-467 adopted August 10, 1993 and the Indenture, as amended by a First Supplemental Indenture, dated as of September 1, 1993, the City previously issued its Wastewater Revenue Bonds, Series 1993 in an aggregate principal amount of $8,555,000 to finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 96-206 adopted by the City April 23, 1996 and the Indenture, as amended by a Second Supplemental Indenture, dated as of August 1, 1996, the City previously issued its Wastewater Treatment Facility Refunding Revenue Bonds, Series 1996 in an aggregate principal amount of $8,695,000 to provide funds to Refund the 1987 Bonds, and

WHEREAS, the City, after due investigation and deliberation, has determined that it is in the interests of the City at this time to issue its Wastewater Treatment Facility Revenue Bonds, Series 1997 (the "1997 Bonds"), in an aggregate principal amount not to exceed $35 million under the Bond Law to provide funds to provide for the acquisition and/or construction of improvements for the Enterprise, to fund a reserve account with respect to the 1997 Bonds, and to pay related costs of issuance; and

WHEREAS, the 1997 Bonds are proposed to be issued in accordance with Section 3.04 of the Indenture and pursuant to a Third Supplemental Indenture, dated as of April 1, 1997 (as described below); and

WHEREAS, the 1997 Bonds are proposed to be sold to Lehman Brothers (the "Underwriter") pursuant to the Contract of Purchase described below; and

WHEREAS, it is proposed that the City execute and deliver the Continuing Disclosure Agreement described below to allow the Underwriter to comply with Rule 15c2-12(b)(5) of the Securities Exchange Act of 1934; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 1997 Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue and sell the Series 1997 Bonds for the purpose, in the manner and upon the terms herein provided;

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

Section 1. Issuance of 1997 Bonds. The City Council hereby authorizes the issuance of its Wastewater Treatment Facility Revenue Bonds, Series 1997 in an aggregate principal amount not to exceed $35 million.

Section 2. Third Supplemental Indenture. The City Council hereby approves the form of the Third Supplemental Indenture, dated as of April 1, 1996 by and between the City and First Trust of California, National Association (the "Trustee") in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood LLP, Bond Counsel, or by the City Manager or the Interim Director of Finance, whose execution thereof shall be conclusive evidence of such officer's approval of any such additions and changes. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to said signature on, the final form of the Third Supplemental Indenture for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Third Supplemental Indenture.

Section 3. Contract of Purchase. The City Council hereby approves the form of the Contract of Purchase by and between the City and the Underwriter in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood LLP, Bond Counsel, or by the City Manager or the Interim Director of Finance, whose execution thereof shall be conclusive evidence of such officer's approval of any such additions and changes; provided, however, that the Underwriter's discount shall not exceed 1.5%, the true interest cost of the 1997 Bonds shall not exceed 8.5% and the final maturity of the 1997 Bonds shall be not later than November 1, 2022. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute the final form of the Contract of Purchase for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Contract of Purchase.

Section 4. Continuing Disclosure Agreement. The City Council hereby approves the form of the Continuing Disclosure Agreement by and between the City and the Trustee in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood LLP, Bond Counsel, or by the City Manager or the Interim Director of Finance, whose execution thereof shall be conclusive evidence of such officer's approval of any such additions and changes. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute the final form of the Continuing Disclosure Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Continuing Disclosure Agreement.

Section 5. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the 1997 Bonds (the "Preliminary Official Statement") in substantially the form on file with the City Clerk. The City Manager or the Interim Director of Finance is hereby authorized to certify that the Preliminary Official Statement, with such changes therein as the City Manager or the Interim Director of Finance shall approve after consultation with Bond Counsel, is as of its date "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The City Manager or the Interim Director of Finance is hereby authorized and directed to execute for and on behalf of the City a final official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the 1997 Bonds) as the City Manager or the Interim Director of Finance shall approve after consultation with the Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the 1997 Bonds, and the Underwriter is directed to deliver copies of any final official statement to all actual purchasers of the 1997 Bonds.

Section 6. Official Action. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the 1997 Bonds are hereby approved, confirmed and ratified. The City Manager, the Mayor, the City Clerk, the Interim Director of Finance, the City Attorney and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, necessary to effectuate the purposes of this Resolution, including the negotiating and obtaining of a municipal bond insurance policy, debt service reserve surety bond or investment agreement for any funds and accounts held under the Third Supplemental Indenture if the City Manager or Interim

Director of Finance, upon the advice of the Financial Advisor, determine that such policy, bond or agreement will result in debt service servings or will otherwise be financially advantageous to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance, sale and delivery of the 1997 Bonds. Notwithstanding the foregoing, in accordance with the terms of the Indenture, the Interim Director of Finance, upon the advise of the Financial Advisor, shall not be required to fund a Reserve Account for the 1997 Bonds if such action would be financially advantageous to the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April 1997, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Cogdill was upon roll call carried and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
AYES:	Councilmembers:	None

ATTEST: Jean Adams
Jean Adams,
City Clerk

APPROVED AS TO FORM:

Michael D. Milich,
City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-183

A RESOLUTION AUTHORIZING THE CITY OF MODESTO ("PUBLIC AGENCY") TO JOIN WITH OTHER PUBLIC AGENCIES AS A PARTICIPANT OF THE CALIFORNIA ASSET MANAGEMENT TRUST AND TO INVEST IN SHARES OF THE TRUST AND IN INDIVIDUAL PORTFOLIOS.

RESCINDED
FEB - 5 2008
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2008-074
4 02-2008

Print

WHEREAS, Section 6502 of Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the "Joint Exercise of Powers Act") provides that, if authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, and

WHEREAS, under Section 6500 of the Joint Exercise of Powers Act, a "public agency" includes, but is not limited to, any California county, county board of education, county superintendent of schools, city, city and county, public corporation, public district, regional transportation commission or state department or agency, and

WHEREAS, public agencies which constitute local agencies, as that term is defined in Section 53630 of Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code of the State of California (the "California Government Code"), are authorized pursuant to Section 53601 and/or 53635 thereof to invest all money belonging to, or in the custody of, the local agency in certain specified investments, and

WHEREAS, the California Asset Management Trust (the

"Trust") was established, pursuant to and in accordance with the Joint Exercise of Powers Act, by a Declaration of Trust, made as of December 15, 1989 and subsequently amended (the "Declaration of Trust"), as a vehicle for public agencies to jointly exercise their common power to invest bond proceeds and other funds, and

WHEREAS, pursuant to and in accordance with the Joint Exercise of Powers Act, the Public Agency desires to join the other public agencies which are or will be Participants of the Trust by adopting and executing the Declaration of Trust, a form which has been presented to this meeting, and

WHEREAS, the Public Agency is a public agency as that term is defined in the Joint Exercise of Powers Act and a local agency as that term is defined in Section 53630 of the California Government Code, and

WHEREAS, the Public Agency is otherwise permitted to be a Participant of the Trust and to invest funds in the Trust and in the Individual Portfolios to be managed by the Investment Adviser to the Trust ("Individual Portfolios"), and

WHEREAS, there has been presented to this meeting an Information Statement describing the Trust and the Individual Portfolios (the "Information Statement"),

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

Section 1. The Public Agency shall join with other public agencies pursuant to and in accordance with the Joint Exercise of Powers Act by executing the Declaration of Trust and

thereby becoming a Participant in the Trust, which Declaration of Trust is hereby approved and adopted. A copy of the Declaration of Trust shall be filed with the minutes of the meeting at which this Resolution was adopted. The City Manager is hereby authorized to execute, and the City Clerk is hereby authorized to attest and deliver, the Declaration of Trust, in substantially the form presented at this meeting.

Section 2. The Public Agency is hereby authorized to purchase shares in the Trust from time to time with available funds of the Public Agency, and to redeem some or all of those shares from time to time as such funds are needed.

Section 3. The Public Agency is hereby authorized to invest available funds of the Public Agency from time to time in one or more Individual Portfolios managed by the Investment Adviser to the Trust and described in the Information Statement.

Section 4. The appropriate officers, agents and employees of the Public Agency are hereby authorized and directed in the name and on behalf of the Public Agency to take all actions and to make and execute any and all certificates, requisitions, agreements, notices, consents, warrants and other documents, which they, or any of them, might deem necessary or appropriate in order to accomplish the purposes 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 April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-184

A RESOLUTION SUPPORTING PROPERTY OWNERS' APPLICATION TO THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO EXTEND MODESTO'S SPHERE OF INFLUENCE TO ANNEX APPROXIMATELY 72 ACRES OF TERRITORY IN THE PELANDALE AND SISK VICINITY DESIGNATED FOR "REGIONAL COMMERCIAL" USES IN THE KIERNAN BUSINESS PARK AREA.

WHEREAS, Section 56425 of the California Government Code requires all cities in California to have a Sphere of Influence, to be established by the Local Agency Formation Commission, hereafter referred to as "LAFCO", and

WHEREAS, on December 19, 1984, the Stanislaus County LAFCO established the Sphere of Influence for the City of Modesto, based on the City's General Plan current at that time, and

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the Modesto City Council, certified a Final Master Environmental Impact Report, and on August 15, 1995, by Resolution No. 95-409, the Modesto City Council adopted a new General Plan to guide Modesto's development over the next thirty years, and

WHEREAS, on October 10, 1995, by Council Resolution No. 95-489, the Council initiated an application to the Stanislaus County Local Agency Formation Commission to amend Modesto's Sphere of Influence to include all areas within the boundaries of the previously adopted General Plan, and not to designate a primary and secondary area of influence, and

WHEREAS, on April 1, 1997, the Council, by Resolution No. 97-159 approved a Specific Plan for the Kiernan Business Park, which includes an area of approximately 72 acres designated for "regional commercial" uses, and by Ordinance No. 3035-C.S., the Council approved a prezone of the Kiernan Business Park property, and

WHEREAS, the owners of a portion of the Kiernan Business Park property, which is designated for commercial uses, asked the City Council to support their application to LAFCO for an extension of the Sphere of Influence and for annexation of the territory, 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, on April 8, 1997, by Council Resolution No. 97-185, the Council approved a Property Tax Sharing Agreement with the County of Stanislaus which would apply to the 72 acres designated for "regional commercial" in the Kiernan Business Park, and

WHEREAS, the Council desires to support the property owners' application to LAFCO for an extension of the Sphere of Influence and for annexation of approximately 72 acres of territory in the Pelandale and Sisk vicinity,

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

property owners' application to the Local Agency Formation Commission of Stanislaus County for an extension of the City of Modesto's Sphere of Influence and for annexation of approximately 72 acres of territory in the Pelandale and Sisk vicinity.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, McClanahan, Mayor Lang
NOES:	Councilmembers:	Dobbs, Friedman, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-185

A RESOLUTION APPROVING A PROPERTY TAX SHARING AGREEMENT WITH THE COUNTY OF STANISLAUS TO APPLY TO THE 72 ACRES DESIGNATED FOR "REGIONAL COMMERCIAL" IN THE KIERNAN BUSINESS PARK

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate a property tax sharing agreement with the County of Stanislaus to apply to the 72 acres designated for "Regional Commercial" in the Kiernan Business Park.

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 April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-186

A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN SALARY FOR THE CITY MANAGER.

WHEREAS, by Resolution No. 97-124, the City Council approved and established a "City of Modesto Schedule Of Salary Ranges In City Service For FY 96-97 Effective March 4, 1997", For Executive Management (Exhibit "H"), and

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to $8,974.85 per month for City Manager, J. Edward Tewes, effective April 1, 1997, which is within the range established in Exhibit "H" of Resolution No. 97-124,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5%) percent increase in salary to $8,974.85 per month for City Manager, J. Edward Tewes, effective April 1, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-187

A RESOLUTION ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $3,575 TO THE MODESTO POLICE DEPARTMENT'S JUVENILE DIVERSION COMMUNITY SERVICE PROGRAM TO REMOVE GRAFFITI FROM LOW INCOME AREAS OF MODESTO

WHEREAS, the Modesto Police Department operates the Juvenile Diversion program which conducts bi-weekly juvenile diversion projects for first-time offenders who are required to attend counseling and/or community services as restitution for their offenses; and

WHEREAS, work details have proven valuable for both teaching first time offenders that there are consequences to their actions, and for residents who experience neighborhood blight conditions, and

WHEREAS, the Citizen's Housing and Community Development Committee recommends that $3,575 be allocated to the Modesto Police Department for the Juvenile Diversion Community Service Program for the balance of Fiscal Year 1996-97.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of $3,575 to the Modesto Police Department for the Juvenile Diversion Community Service Program for the balance of Fiscal year 1996-97 is hereby authorized.

BE IT FURTHER RESOLVED that the execution of said grant 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 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-188

Print

A RESOLUTION ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $744 FOR LIGHTING IMPROVEMENTS IN PRESCOTT ESTATES

WHEREAS, the City of Modesto has increased community development efforts in Prescott Estates with a goal to decrease crime activity and improve the neighborhood; and

WHEREAS, as part of the community development effort funding is needed to improve street lighting withing Prescott Estates, and

WHEREAS, the Citizen's Housing and Community Development Committee recommends that $744 be allocated for labor/equipment costs for upgrading lighting in Prescott Estates by the City of Modesto Public Works Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of $744 for upgrading lighting in Prescott Estates by the City of Modesto Public Works Department is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-189

Print

A RESOLUTION APPROVING AN AGREEMENT WITH RANDY MAGNUS FOR A LOCAL TELEVISION PROGRAMMING GRANT FOR $3,120 TO PRODUCE EIGHT ART TELEVISION PROGRAMS

BE IT RESOLVED by the Council of the City of Modesto that an agreement with Randy Magnus for a local television programming grant for $3,120 to produce eight art television programs 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 April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-190

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION AND ALL GRANT RELATED DOCUMENTS REQUESTING $2,558,770 FROM THE FEDERAL TRANSIT ADMINISTRATION TO HELP OFFSET THE OPERATING AND CAPITAL COSTS OF MODESTO'S PUBLIC TRANSIT SYSTEMS.

WHEREAS, the City's FY 1996/97 apportionment of Federal Transit Administration (FTA) Operating Assistance funds is anticipated to be $455,414, and

WHEREAS, FTA funds restricted to transit capital purposes and specified operating expenses plus Congestion Management and Air Quality (CMAQ) funds available for transit use are available in the amount of $2,146,353, and

WHEREAS, the FTA capital funds consist of our FY 1996/97 apportionment and funds carried over from previous years' apportionments, and

WHEREAS, a copy of the Program of Projects for which federal transit funds are being requested is attached hereto as Exhibit "A", and

WHEREAS, the City anticipates spending about $5,750,060 to operate Modesto's transit systems during this fiscal year, and

WHEREAS, we anticipate that fares of $1,360,870 and bus bench franchise revenues of $7,500 will generate a total of about $1,368,370 in revenue, leaving an operating deficit of $4,381,690, and

WHEREAS, FTA funds of $1,342,178 and State Transit

Assistance funds of $268,009 reduce the local funding needed to $2,771,503, and

WHEREAS, the necessary local funds will come from Local Transportation Fund (LTF) allocations to Stanislaus County ($371,851) and the City ($2,399,652), and

WHEREAS, the Capital projects total is $1,143,795, and FTA funds are anticipated to cover $915,036 of this cost, leaving a local match of $228,759 needed, and

WHEREAS, FTA capital funds not applied for during this fiscal year will be carried over to the next fiscal year and be available to fund other transit capital projects, and

WHEREAS, the projects in the grant application are identical to those in the current CIP approved by the City Council, with the exception of Project #6, Maintenance Facility Design/Appraisals, whose cost was estimated at the time of inclusion in the CIP, and the difference between the estimated and actual cost of the project of $329,000 is proposed to be included in the FY1997/98 CIP,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute and file a grant application with the FTA to obtain funds in the amount of $2,558,770 to partially offset the cost of the City's FY 1996/97 transit operations and capital costs.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other

documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

FY 1996/97 SECTION 9 PROGRAM OF PROJECTS

Urbanized Area:	Modesto, CA	Apportionment for 96/97:	$2,069,508
Designated Recipient:	Stanislaus Area Association of Governments	Carryover funds:	$137,939
		Transfer funds:	$0
Grantee:	City of Modesto	Total Federal Funds Available:	$2,207,447

I. CAPITAL PROJECTS SECTION 9

Project Description	Local	Federal	Total
1. Bus Stop Improvements	$5,000	$20,000	$25,000
2. Tank Removal/Soil Cleanup/New Tanks	$20,000	$80,000	$100,000
3. Associated Capital Maintenance Items	$20,000	$80,000	$100,000
4. Rebuild Gillig Buses	$59,000	$236,000	$295,000
5. Computer Dispatch for DAR	$12,759	$51,036	$63,795
6. Maintenance Facility Design/Appraisals	$132,000	$528,000	$660,000
7. Vehicle Overhaul	$800,000	$200,000	$1,000,000
8. Capital Cost of Contracting for Demand Response	$30,000	$120,000	$150,000
9. Capital Cost of Contracting for Regular Fixed Route Circulator Service	$97,500	$390,000	$487,500
10. Training and Education	$1,000	$4,000	$5,000
Sub Total Capital Projects	$1,177,259	$1,709,036	$2,886,295

II. OPERATING ASSISTANCE SECTION 9 for period of 7/1/96 to 6/30/97

	Local	Federal	Total
Carryover from 1995/96		$15	
Apportionment		$455,399	
Sub Total	$2,397,373	$455,414	$2,852,787
TOTAL SECTION 9	**$3,574,632**	**$2,164,450**	**$5,739,082**

III. CMAQ PROJECTS

Project Description	Local	Federal	Total
1. Operate Sunday Service for two years	$73,680	$394,320	$468,000
Sub Total CMAQ Projects	$73,680	$394,320	$468,000
TOTAL SECTION 9 and CMAQ	**$3,648,312**	**$2,558,770**	**$6,207,082**

EXHIBIT "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-191

A RESOLUTION ACCEPTING THE PROPOSAL OF THE CITY OF MODESTO AIRPORT STAFF FOR MAINTENANCE, OPERATION, ADMINISTRATION, AND MARKETING OF THE MODESTO CITY-COUNTY AIRPORT

WHEREAS, Requests for Qualifications were received for maintenance, operation, administration, and marketing of the Modesto City-County Airport; and

WHEREAS, the proposals received for providing maintenance, operation, administration, and marketing of the Modesto City-County Airport were reviewed by a panel which was formed to determine the best submittal from both a cost and service standpoint; and

WHEREAS, the review panel has determined that City staff's proposal for operating, maintenance, administration and marketing of the Airport is the least costly and most beneficial to the stakeholders of the Airport and recommends accepting the City of Modesto Airport staff's proposal for providing operating, maintenance, administration and marketing of the Airport.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal of the City of Modesto Airport staff be accepted and the City staff authorized to begin a five-year program of maintenance, operation and administration of the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-192

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NANCY NORTON FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE APRIL 8, 1997

WHEREAS, Nancy Norton was appointed a member of the Affirmative Action Commission on June 12, 1995; and

WHEREAS, Nancy Norton has tendered her resignation from the Affirmative Action Commission, effective April 8, 1997; and

WHEREAS, Nancy Norton 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 Nancy Norton from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Nancy Norton 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 8th day of April, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-193

Print

A RESOLUTION APPOINTING MARTA ALVAREZ, SHELLY SCRIBNER, AND DONALD HORTON TO THE AFFIRMATIVE ACTION 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. Marta Alvarez, Shelly Scribner, and Donald Horton are hereby appointed to the Affirmative Action Commission, terms to expire January 1, 1999.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-194

Print

A RESOLUTION APPOINTING DYAN HAYES 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. Dyan Hayes is hereby appointed to the Citizens Advisory Committee on Recycling, term to expire January 1, 1998.

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 regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-195

Print

A RESOLUTION APPOINTING DANIEL HOPKINS 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. Daniel Hopkins is hereby appointed to the Board of Zoning Adjustment, term to expire January 1, 2000.

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 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-196

A RESOLUTION APPOINTING LEE HEDGEPETH TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

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

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

SECTION 1. Lee Hedgepeth is hereby appointed to the Citizens Redevelopment Advisory Commission, term to expire January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Redevelopment Advisory Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-197

Print

A RESOLUTION APPOINTING LEE DELAMARE AND WILLIAM LATHAM 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Lee DeLaMare and William Latham are hereby appointed to the Landmark Preservation Commission. (DeLaMare term to expire January 1, 2001; Latham term to expire January 1, 1999.)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-198

A RESOLUTION APPOINTING LARRY RONE TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Larry Rone is hereby appointed to the Housing Rehabilitation Loan Committee, term to expire January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of April, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-199

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR CONTRACTING LAWN MOWING SERVICES UNDER A COOPERATIVE LOCAL GOVERNMENT AGENCY BID

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 contracting lawn mowing services under a cooperative local government agency bid, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 12, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-200

A RESOLUTION ACCEPTING THE BID OF WEST STAR DISTRIBUTING, INC. FOR ONE ROTARY MOWER FOR A TOTAL PRICE OF $64,310.11

WHEREAS, Resolution No. 97-108, adopted by the Council of the City of Modesto on February 25, 1997, authorized bids to be opened for furnishing one rotary mower; and

WHEREAS, the bids received for the rotary mower, were opened at 11:00 a.m. on March 18, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of West Star Distributing, Inc. for one rotary mower for the total amount of $64,310.11 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of West Star Distributing, Inc. for one rotary mower 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 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-201

A RESOLUTION ACCEPTING THE SCENIC DRIVE OVERLAY BETWEEN BURNEY STREET AND WEST OF COFFEE ROAD PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Scenic Drive overlay project between Burney Street and west of Coffee Road, has been completed by George Reed, Inc., in accordance with the contract agreement dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Scenic Drive overlay project between Burney Street and west of Coffee Road 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 $191,297.14, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-202

A RESOLUTION ACCEPTING THE DREDGING AT SECONDARY TREATMENT FACILITY PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the dredging at Secondary Treatment Facility project has been completed by Western Dredge, Inc., in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the dredging at Secondary Treatment Facility Project be accepted from said contractor, Western Dredge, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $521,873.00, 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 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-203

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO PORTABLE OFFICE BUILDINGS FROM ALLSPACE LEASING, INC. FOR $108,194.98

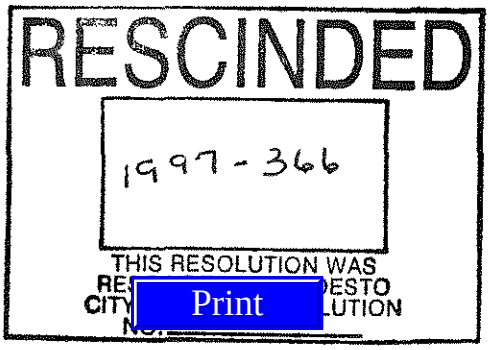
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of two portable office buildings are hereby waived.

BE IT FURTHER RESOLVED that the purchase of two portable office buildings from Allspace Leasing, Inc. for $108,194.98, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 97-204

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH BAYSTONE FINANCIAL GROUP, FINANCIAL CONTRACTOR TO ALLSPACE LEASING, INC. FOR $108,194.98 FOR THE PURCHASE OF TWO PORTABLE OFFICE BUILDINGS FROM ALLSPACE LEASING

BE IT RESOLVED by the Council of the City of Modesto that a lease purchase agreement with Baystone Financial Group, financial contractor to Allspace Leasing, Inc. for $108,194.98 for the purchase of two portable office buildings from Allspace Leasing 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 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-205

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE A CAPITAL IMPROVEMENT PROJECT IN THE SPECIAL FUND FOR CAPITAL OUTLAY (FUND #130) AND ESTIMATE OFFSETTING LEASE PAYMENT PROCEEDS REVENUE

WHEREAS, the Police Department is in critical need of additional office space and staff has explored many options for either expanding or better utilizing current space available; and

WHEREAS, Staff recommends the purchase of two portable offices on a 3-year lease purchase cost of $108,194.98 and funds are available in Account #010-190-1921-0215.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate a Capital Improvement Project in the Fund #130, Special Fund for Capital Outlay and estimate offsetting lease payment proceeds revenue as indicated below:

Revenue:	#130-510-9510-8301	$101,656	Other Financing Sources
Expenditure:	#130-190-H162-6040	$101,656	Portable Office Building
	#010-190-1921-0451	$ 15,360	Principle Retirement
	#010-190-1921-0215	($15,360)	Rental Property

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Debra Eggman for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-206

A RESOLUTION APPROVING AN AGREEMENT WITH GROVER LANDSCAPING, INC. FOR PROPAGATION AND SALE OF THE CITY'S PATENTED PEARL STREET PISTACHE TREE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Grover Landscaping, Inc. for the propagation and sale of the City's Patented Pearl Street Pistache Tree 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 April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-207

Print

A RESOLUTION APPROVING AN AGREEMENT WITH SHANNON DAVIS & ASSOCIATES FOR RECRUITMENT SERVICES FOR THE WATER QUALITY CONTROL SUPERINTENDENT AND WASTEWATER COLLECTIONS SUPERINTENDENT POSITIONS IN THE PUBLIC WORKS DEPARTMENT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Shannon Davis & Associates for recruitment services for the Water Quality Control Superintendent and Wastewater Collections Superintendent positions in the Public Works 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 15th day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk
(13)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-208

A RESOLUTION APPROVING THE FINAL MAP OF THE COFFEE ROAD PROFESSIONAL OFFICES SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Coffee Road 1, LLC, a California Limited Liability Company, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 1.79 acres, known as Coffee Road Professional Offices 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 October, 1996, 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 Coffee Road Professional Offices 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 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 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 15th day of April, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-209

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF $1,500 FOR THE ADA CURB RAMP PROGRAM

WHEREAS, the Community Development Block Grant has funded the installation of sidewalk curb ramps for handicap accessibility and the City is estimating to retrofit 12 ramps during fiscal year 1996-97; and

WHEREAS, Community Development Block Grant funds in the amount of $1,500 are needed to include an additional curb ramp deemed necessary to retrofit; and

WHEREAS, funds will be transferred into the existing CDBG ADA Curb Ramp Account #113-420-H072-6040 from the Administrative Account #113-140-1452-0235.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to allocate Community Development Block Grant funds in the amount of $1,500 for the ADA Curb Ramp Program.

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 day of April 15, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-210

Print

A RESOLUTION ACCEPTING THE BID OF MCCAIN TRAFFIC SUPPLY AND INTERSECTION DEVELOPMENT CORPORATION FOR THE PURCHASE OF TRAFFIC SIGNAL ACCESSORIES UP TO A COMBINED TOTAL OF $62,000

WHEREAS, Resolution No. 97-60, adopted by the Council of the City of Modesto on February 11, 1997, authorized bids to be opened for furnishing traffic signal accessories; and

WHEREAS, the bids received for the traffic signal accessories, were opened at 11:00 a.m. on March 3, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of McCain Traffic Supply and Intersection Development Corporation for traffic signal accessories for the combined total amount of $62,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of McCain Traffic Supply and Intersection Development Corporation for traffic signal accessories 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 22nd day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-211

A RESOLUTION AUTHORIZING PURCHASING OFFICER TO PURCHASE ADDITIONAL TRAFFIC SIGNAL ACCESSORIES FROM MCCAIN TRAFFIC SUPPLY AND INTERSECTION DEVELOPMENT CORPORATION FOR THE MAINTENANCE AND REPAIR OF EXISTING SIGNALIZED INTERSECTION SYSTEMS UPON APPROVAL OF THE FISCAL YEAR 1997-1998 BUDGET FOR UP TO A COMBINED TOTAL OF $80,000

WHEREAS, Resolution No. 97-60, adopted by the Council of the City of Modesto on February 11, 1997, authorized bids to be opened for furnishing traffic signal accessories; and

WHEREAS, Resolution No. 97-210, adopted by the Council of the City of Modesto on April 22, 1997, accepted the bids of McCain Traffic supply and Intersection Development Corporation for furnishing traffic signal accessories for Fiscal Year 1996-97 for a combined total cost of $62,000; and

WHEREAS, the Director of Finance has recommended that the Purchasing Officer be authorized to purchase the remainder of the traffic signal accessories upon the adoption of the 1997-98 budget for maintenance and repair of existing signaled intersection systems for a combined total cost of up to $80,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Officer is hereby authorized to purchase traffic signal accessories from McCain Traffic Supply and Intersection Development Corporation upon the approval of the Fiscal Year 1997-98 budget for a combined total cost of up to $80,000.00, 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 22nd day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-212

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE LEASE PURCHASE OF ONE RIDING MOWER, ONE WALK-BEHIND MOWER AND ONE EDGER FROM H. V. CARTER COMPANY, INC. FOR $30,943.50

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the lease purchase of one riding mower, one walk-behind mower and one edger are hereby waived.

BE IT FURTHER RESOLVED that the lease purchase of one riding mower, one walk-behind mower and one edger from H. V. Carter Company, Inc. for $30,943.50, 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 April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-213

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH TRANSOCEAN FUNDING, INC. FOR THE LEASE PURCHASE OF ONE RIDING MOWER, ONE WALK-BEHIND MOWER AND ONE EDGER FROM H. V. CARTER COMPANY, INC. FOR $30,943.50

BE IT RESOLVED by the Council of the City of Modesto that a lease purchase agreement with Transocean Funding, Inc. for $30,943.50 for the lease purchase of one riding mower, one walk-behind mower, and one edger from H. V. Carter Company, Inc. be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said lease 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 22nd day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-214

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE A CAPITAL IMPROVEMENT PROJECT IN THE SPECIAL FUND FOR CAPITAL OUTLAY FUND #130

WHEREAS, the Parks and Recreation Department is providing turf maintenance services to John Thurman Field and turf equipment is needed to achieve and maintain City standards; and

WHEREAS, the lease purchase option is being recommended as the most economical method of obtaining the equipment and the cost will be spread out over four fiscal years with annual payments of $8,500.00 and $8,722.00. An initial down payment of $5,000 is due on May 1, 1997 with the first annual payment due on July 15, 1997.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate $29,828.45 in Fund 130, Special Fund for Capital Outlay for turf equipment as indicated below:

Revenue:	#130-510-9510-8301	$29,829
Expense:	#130-310-H179-6040	$29,829

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 April 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-215

A RESOLUTION APPROVING AN AUTOMATIC MUTUAL AID AGREEMENT WITH STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT FOR EXCHANGE OF FIRE PROTECTION AND RESCUE SERVICES

BE IT RESOLVED by the Council of the City of Modesto that the automatic mutual aid agreement with Stanislaus Consolidated Fire Protection District for exchange of fire protection and rescue 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 22nd day of April, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-216

A RESOLUTION APPROVING AN UNDERGROUND PIPELINE AGREEMENT WITH SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR THE CANNERY SEGREGATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the underground pipeline agreement with Southern Pacific Transportation Company for the cannery segregation 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 22nd day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-217

A RESOLUTION APPROVING AN OPTION AGREEMENT WITH THE 1994 JOSEPH VELLA FAMILY REVOCABLE TRUST, UTD DECEMBER 13, 1994, ET AL FOR THE ACQUISITION OF A NEW WELL IN THE SALIDA WATER DISTRICT

BE IT RESOLVED by the Council of the City of Modesto that the option agreement with the 1994 Joseph Vella Family Revocable Trust, UTD December 13, 1994, et al for the acquisition of a new well in the Salida Water District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-218

A RESOLUTION APPROVING AN AGREEMENT WITH JOSEPH A. AND DELMIRA ARIAS FOR THE ACQUISITION OF A TEMPORARY EASEMENT NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Joseph A. and Delmira Arias for the acquisition of a temporary easement needed for the Parallel Outfall Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-219

A RESOLUTION APPROVING THE USE OF A MASTER PUBLIC EMPLOYEE FAITHFUL PERFORMANCE BOND FOR ELECTED AND APPOINTED OFFICIALS

WHEREAS, Section 2-4.101 of the Modesto Muncipal Code requires an individual performance bond of $50,000 for the City Clerk/Auditor and Assistant City Clerk and an individual performance bond of $100,000 for the Director of Finance; and

WHEREAS, State legislation requires that the City Council adopt a resolution approving coverage of all their officers and employees under one master bond; and

WHEREAS, Government Code Section 1481 allows the use of a "master bond" covering all City officers and and employees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the use of a Master Public Employee Faithful Performance Bond 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 April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-220

Print

A RESOLUTION APPROVING AN AGREEMENT WITH CRAIN & ASSOCIATES FOR THE PREPARATION OF A LONG-RANGE TRANSIT PLAN FOR THE CITY OF MODESTO AND A MARKETING PLAN FOR (MODESTO AREA EXPRESS) MAX

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Crain & Associates for the preparation of a long-range transit plan for the City of Modesto and a marketing plan for Modesto Area Express (MAX) 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 April, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-221

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $13,720 TO PROVIDE NEEDED FUNDING FORTHE LONG-RANGE TRANSIT PLAN AND A MARKETING PLAN FOR MODESTO AREA EXPRESS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	651-160-E598-6070 Equipment	$ 9,432
	651-160-E523-6070 Equipment	$ 1,885
	651-160-E499-6010 Eng/Dsgn/Adm	$ 782
	651-160-E530-6070 Equipment	$ 330
	651-160-E515-6040 Contracts	$1,291
TO:	651-160-E516 Long-range transit plan	$13,720

Funds are needed to provide the total funding needed for the project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 22nd day of April, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-222

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERIM AGREEMENT WITH STANISLAUS COUNTY, MODESTO REDEVELOPMENT AGENCY AND THE CITY-COUNTY CAPITAL IMPROVEMENTS AND FINANCING AGENCY (JPA) FOR CASH ADVANCES TO FUND CONDEMNATION AND CONSULTING COSTS IN CONNECTION WITH THE TENTH STREET PLACE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate an interim agreement with Stanislaus County, Modesto Redevelopment Agency and the City-County Capital Improvements and Financing Agency (JPA) for cash advances to fund condemnation and consulting costs in connection with the Tenth Street Place Project.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager and 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 April, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-223

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE $520,000 FROM FUND #130, SPECIAL CAPITAL OUTLAY FUND RESERVE TO FUND COSTS ASSOCIATED WITH THE TENTH STREET PLACE PROJECT

WHEREAS, in December 1996, the City of Modesto and Stanislaus County formed a new public agency (JPA) for the purpose of constructing and maintaining a City-County Administration Center as part of the Tenth Street Place Project; and

WHEREAS, in order for the project to proceed on schedule, it is necessary for the City, County, the RDA and the JPA to enter into an interim agreement which the City and the County will each provide cash advances to the JPA in the amount of $520,000 for a total of $1,040,000.00; $790,000 of the total will be advanced to the RDA by the JPA for property acquisition; and the JPA will contract with the hazardous materials consulting and management contractor in the approximate amount of $250,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate $520,000 from Fund #130, Special Capital Outlay Fund to Fund #130-140-H152.

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 day of April 22, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher and McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-224

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: APPROVAL OF PRECISE PLAN FOR AREA NO. 26 PERTAINING TO OLYMPIC VILLAGE SUBDIVISION AND AMENDMENT OF ZONING MAP FROM SP-H TO SP-O, PROPERTY LOCATED SOUTH OF FLOYD AVENUE NORTH OF BELHARBOUR DRIVE AND WEST OF MILLBROOK AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (L & L VENTURES)

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

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

WHEREAS, L & L Ventures proposes to develop a 12-lot, single-family subdivision called Olympic Park, all on a 2.8-acre site to the west of Millbrook Avenue, and have applied for approval of underlying zoning of SP-O which is to be coupled with the Precise Plan in accordance with the requirements of the Specific Plan, and

WHEREAS, on March 6, 1997, the City's Planning and Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, by Environmental Assessment No. 97-12 findings have been made 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. 97-22, adopted on March 17, 1997, and City staff, by a report dated April 14, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 26 of the Village One Specific Plan as set forth in said Resolution No. 97-22, and an Amendment to Section 13-3-9 o the Zoning Map to establish principal underlying zoning to SP-O, Overlay Zone, on Precise Plan Area 26, located at the south side of Floyd Avenue, west of Millbrook Avenue and north of Belharbour Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 6, 1997, 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. 97-12, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby

makes the following findings:

1. That the project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994, State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required for purposes of Section 15168, State CEQA Guidelines.

2. The proposed Precise Plan, Area No. 26, poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 97-12, entitled "Use of Previous EIR and Findings", 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 6th day of May, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Exhibit "A"

City of Modesto

E. A. No. 97-12

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

I. BACKGROUND

1. **Name of Project:**
   Precise Plan Area No. 26

2. **Name, Address and Phone Number of Proponent:**
   L&L Venture, 609 Cherry Hill Court, Modesto, CA 95356

3. **Type of Project:**
   Precise Plan for Precise Plan Area No. 26 and associated development

4. **Location:**
   Precise Plan Area No. 26 is bordered by Floyd Ave. on the north, Precise Plan Areas No. 28 on the south, precise plan area 20 on the west and Millbrook Avenue on the east.

5. **Description of Proposed Project:**
The applicant seeks Specific Plan approval of PPA No. 26, and any associated tentative subdivision maps, Amendment of the Zoning Map from SP-H to SP-O and adoption of the findings that this project is within the scope of the previous Village One EIR.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and

2.	The creation of objectionable odors?	___	___	✓ ___

AIR Will the proposal result in:		Yes	Maybe	No
3.	Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	___	___	✓ ___

Discussion: The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in:		Yes	Maybe	No
1.	Changes in currents, or the course of direction of fresh water movements?	___	___	✓ ___
2.	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	___	✓ ___
3.	Alterations to the course of flow of flood waters?	___	___	✓ ___
4.	Change in the amount of surface water in any water body?	___	___	✓ ___
5.	Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	___	✓ ___

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:		Yes	Maybe	No
1.	Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	___	___	✓
2.	Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	✓
3.	Introduction of new species of animals?	___	___	✓
	into the area, or result in a barrier to the migration or movement of animals?	___	* ___	✓
4.	Deterioration to existing fish or wildlife habitat?	___	___	✓

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:		Yes	Maybe	No
1.	Increases in existing noise levels?	___	___	✓
2.	Exposure of people to severe noise levels?	___	___	✓
3.	Will the project require noise abatement			

I. NATURAL RESOURCES Will the proposal result in	Yes	Maybe	No
an increase in the rate of use of any natural resource?	___	___	✓

Discussion: The proposed Precise Plan for the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve:	Yes	Maybe	No
1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	___	___	___
2. Possible interference with an emergency response plan or an emergency evacuation plan?	___	___	✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal:	Yes	Maybe	No
Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR?	___	___	✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas	Yes	Maybe	No
1. Fire protection?	___	___	___
2. Police Protection?	___	___	___
3. Schools?	___	___	___
4. Parks or other recreational facilities?	___	___	___
5. Maintenance of public facilities, including roads?	___	___	___
6. Other governmental services?	___	___	___

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.
Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).
Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

2.	Exposure of people to potential health hazards?	___	___	✓

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS	Yes	Maybe	No
Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	___	___	✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES		Yes	Maybe	No
1.	Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	___	___	✓
2.	Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?	___	___	✓
3.	Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	___	___	✓
4.	Will the proposal restrict existing religious or sacred uses within the potential impact area?	___	___	✓

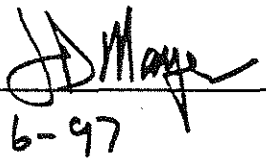
Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).

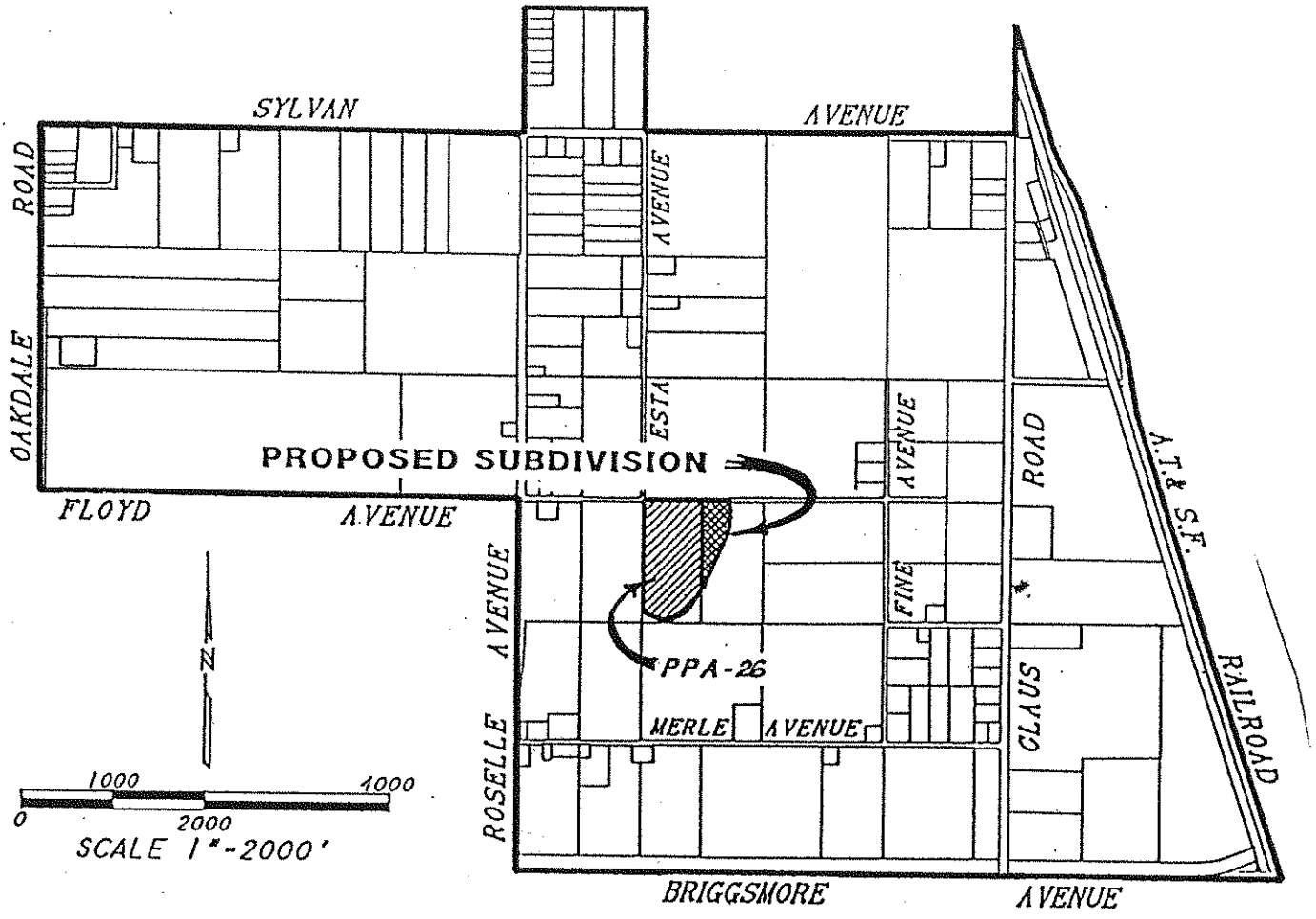
2. The proposed Precise Plan poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: 

Date: 3-6-97

VILLAGE ONE
PRECISE PLAN AREA NO. 26



PREPARED BY:

DELAMARE-FULTZ
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TELEPHONE (209) 529-7450

JANUARY 17, 1997
REVISED MARCH 20, 1997

Job 9676

PRECISE PLAN AREA NO. 26
AND
"OLYMPIC PARK "

DEVELOPMENT PLAN

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I. Introduction

Project Description
The proposed project entails a request for approval and adoption of a development plan for Precise Plan Area No. 26, as well as the approval of a 12 Lot Vesting Tentative Subdivision Map "Olympic Park", for the easterly portion of the above mentioned Precise Plan Area.

Project Applicant
L & L Venture
609 Cherry Hill Court
Modesto, CA 95356
Tel. (209) 523-4223
FAX (209) 523-0969

Project Planners, Engineers, and Surveyors
DeLaMare-Fultz Engineering
3421 Tully Road, Suite J
Modesto, CA 95350
Tel. (209) 529-7450
FAX (209) 529-0457

Planning Area
Precise Plan Area No. 26 is bordered by Floyd Avenue to the north, Millbrook Avenue to the east, and south, and the southerly extension of existing Esta Avenue (Village Road "U") to the west.

Special Considerations
"Olympic Park" is to be developed with single family residences only, at a density consistent with the Village Residential Standard.

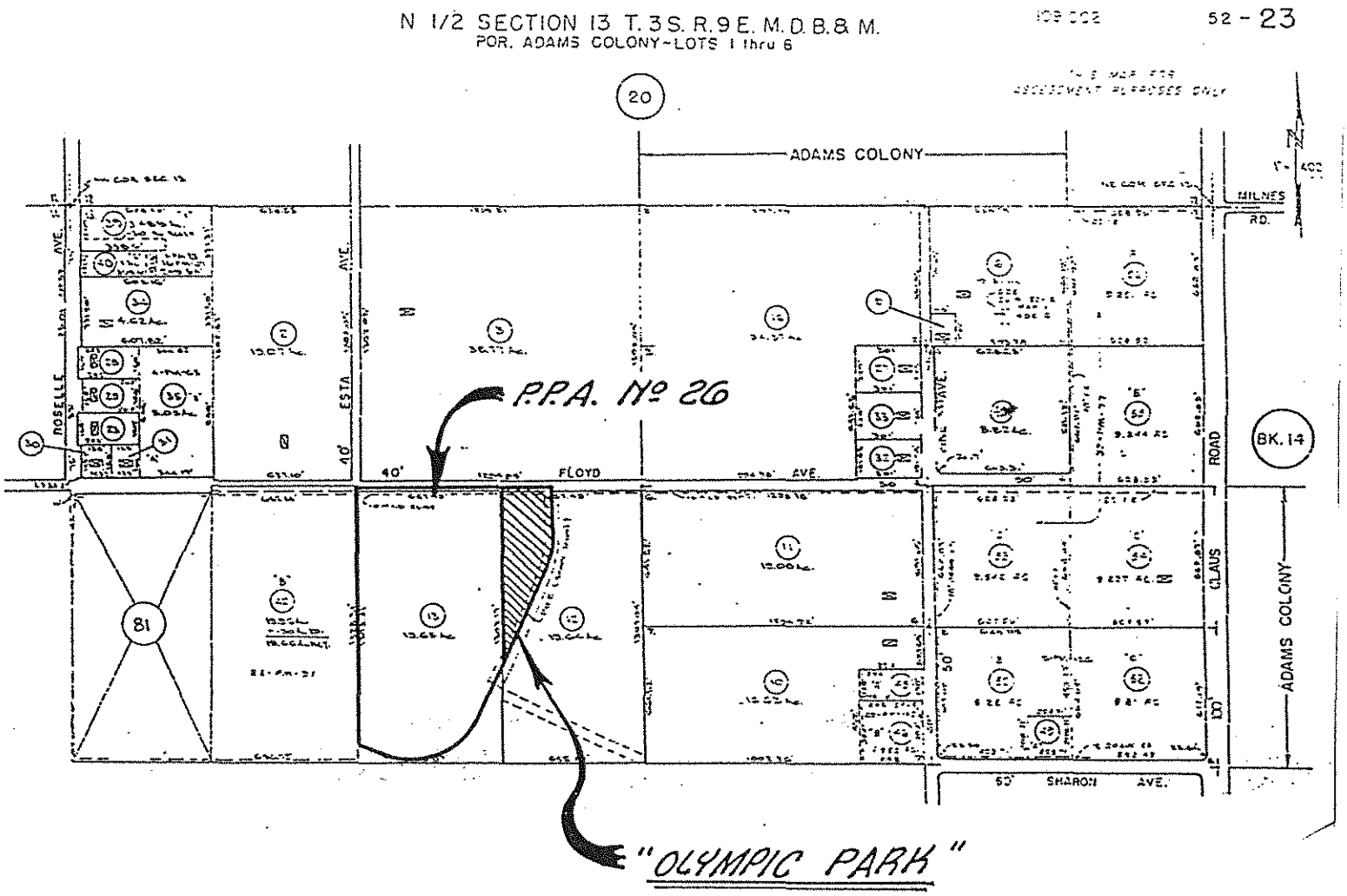
Back up lots are proposed along the Floyd Avenue.

The existing alignment of Floyd Avenue will be maintained along the frontage of PPA No. 26.

Property Owner List
Property owners within Precise Plan Area No. 26

APN 52-23-12
Shirlee A. Court Et Al
2629 Majestic Oak Dr.
Modesto, CA 95355

APN 52-23-13
John A. Calcagno Trust Et Al
4533 Mosher Drive
Stockton, CA 95212



Property Owner Written Consent Form For The Submittal of The Vesting Tentative Subdivision Map, "Olympic Park"

I, as property owner of the site of the proposed vesting tentative subdivision map "Olympic Park" do hereby consent to allow L & L Venture to file with the City of Modesto any maps, plans, applications, or other documents necessary for the approval of Vesting Tentative Subdivision Map for the property listed below:

APN 52-23-12

_____ _____

Shirlee A. Court Date

Property Owner Written Consent Form For The Submittal of The Village One Precise Plan, Area No. 26

We, as property owners of the site of the proposed Village One Precise Plan, Area No. 26, do hereby consent to allow L & L-Venture to file with the City of Modesto the Precise Plan Document for the properties listed below:

APN 52-23-12 _____ _____

Shirlee A. Court, Et Al Date

APN 52-23-13 _____ _____

John A. Calcagno, Trust, Et Al Date

II. Applications/Approvals

Application Fees

Vesting Tentative Subdivision Map		$ 730
Environmental Questionnaire		535
Precise Plan		1,590
Rezone (SPH to SPO)		1,000
	Total	$3,855

Vesting Tentative Subdivision Map

Submittal will include a vesting Tentative Subdivision Map, "Olympic Park" for the easterly portion of PPA No. 26 which is a portion of APN 52-23-12. The map proposes 12 lots on approximately 2.8 acres.

Environmental Review

Applicant will pay fee and City of Modesto staff will complete the Environmental Questionnaire and compile mitigation measures consistent with the original Village One Environmental Document.

Precise Plan

The City of Modesto will approve and adopt the Precise Plan Development Standards and Regulations for use in governing the development of projects within the geographic sub region. Future development within Precise Plan Area No. 26 that is not consistent with the Development Standards and Regulations proposed will be required to amend the Precise Plan Area No. 26 document accordingly.

Zone Change

Applicant will file and the City of Modesto will process a Zone Change for the Vesting Tentative Subdivision Map "Olympic Park" site that will effectively change the project site zoning from SPH (Specific Plan Holding) to SPO (Specific Plan Overlay).

III. Land Use

Acreage
Precise Plan Area No. 26 encompasses approximately 19 acres, all of which is zoned for Village Residential Use.

Existing Use
The precise plan site is currently being utilized as follows:

APN 52-23-12 Open ground and subdivision under construction.

APN 52-23-13 Open ground, previously a cornfield.

Land Use Intensity
The precise plan area can accommodate 123 dwelling units based on the above acreage and density factor of 6.5 units per acre. The proposed project has 12 dwelling units on 2.8 acres with a density of approximately 4.3 units per acre.

Principal Underlying Zone
R-1 Single Family Residential

IV. Street Design

Street Sections

The precise plan will be developed in accordance with the attached street sections, which were developed for use specifically in Village One. These proposed streets are consistent with the street sections developed with Implementation Plan No. 2 of the Village One Feasibility Study which are scheduled to be incorporated into Specific Plan Amendment No. 8.

Floyd Avenue

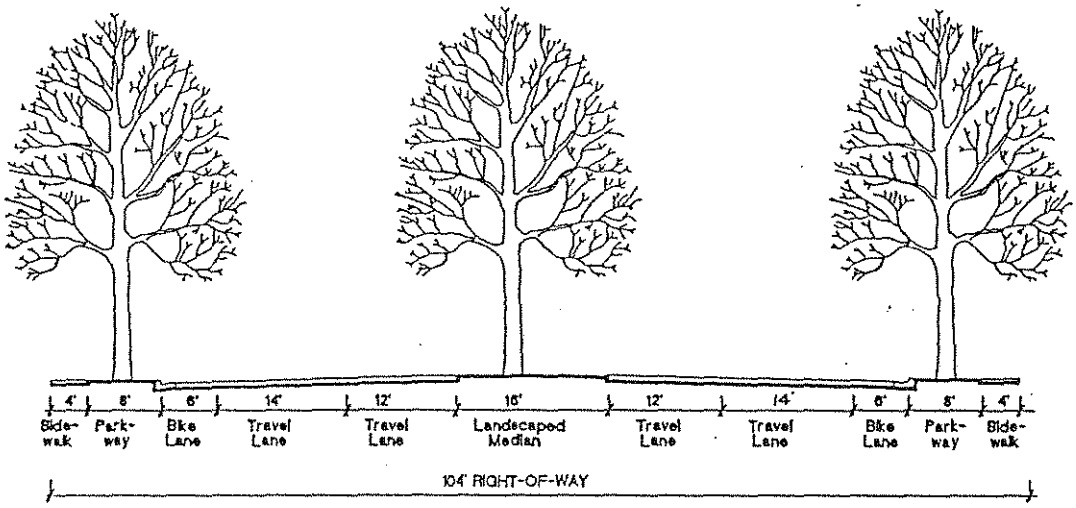
To be developed as a 104' wide Village One minor arterial, that include four travel lanes, two 6' bike lanes, a 16' landscaped median, and two 8' wide parkways between the curb and sidewalk on each side. On-street parking will not be allowed. In addition to the 8' wide parkway there will be an additional 8' to 10' wide strip of landscaping behind the sidewalk which will be maintained by the Landscape District. The developer will install the 8' to 10' wide strip of landscaping and 4' wide sidewalk with the development of "Olympic Park" per design standards. Final 8' wide parkway landscaping, curb, gutter and pavement and median to be installed by the City of Modesto with Area Benefit Fees at a future date. The developer will construct iterim improvements and be reimbursed by the Village One Area Benefit Fees.

Millbrook Avenue

To be developed as a 64' wide Village One connector street that include two travel lanes, two bike lanes and two 8' wide parkways between curb and sidewalk. On-street parking will not be allowed. In addition to the 8' wide parkway, there will be 10' of landscaping behind the sidewalk which will be maintained by the City.

Interior Streets

To be developed as a 48' wide Village One minor residential street, that includes two travel lanes. On-street parking will be allowed on both sides of the street.



FLOYD AVENUE SECTION

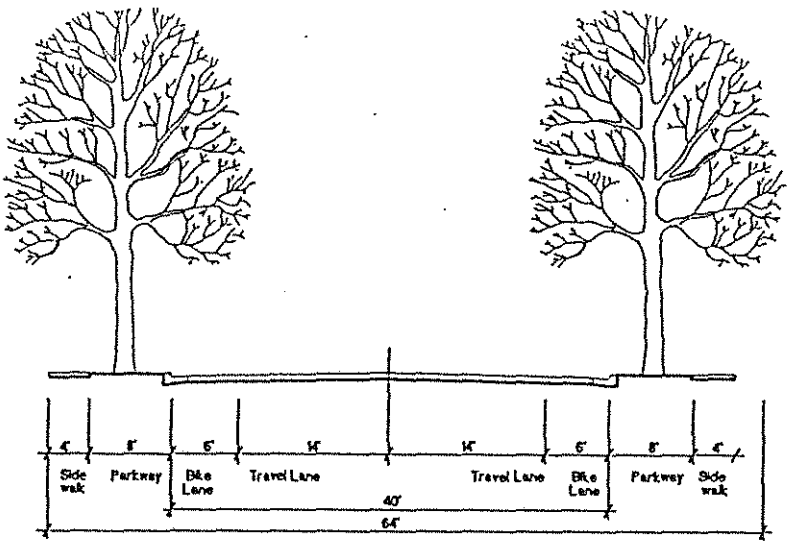


Figure II-10
64' Connector Street

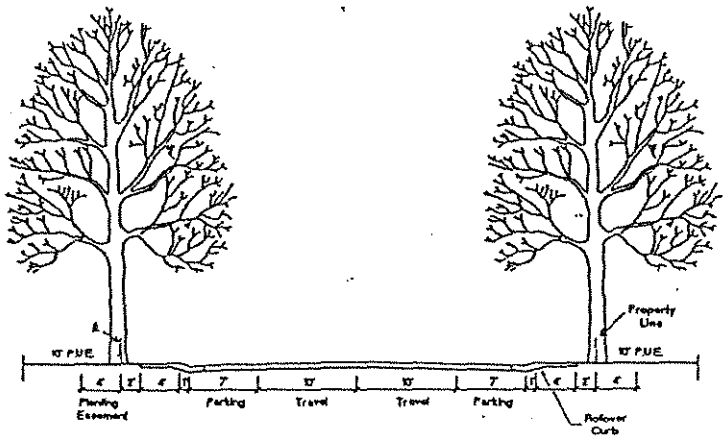


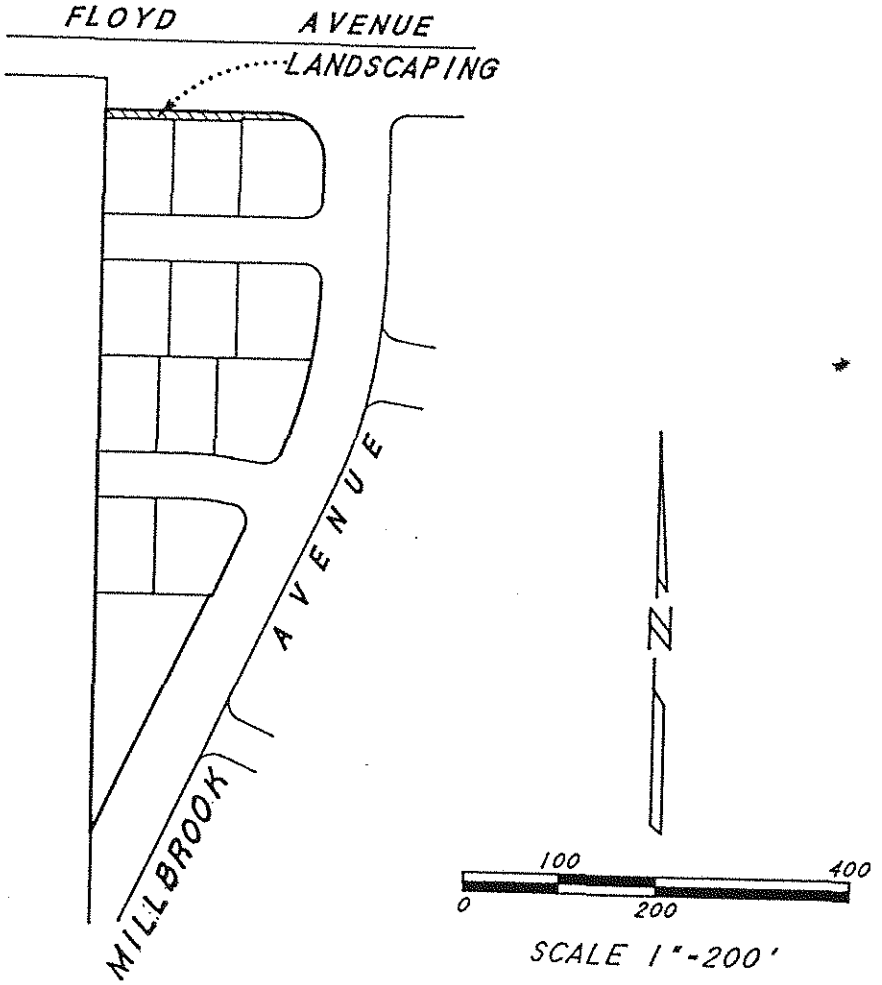
Figure II-11

Minor Residential Street: 48' right-of-way, 2 Lanes

STREET SECTIONS

Landscaping Areas

The landscaping areas shown on the attached map indicate the specific areas within the project that will be dedicated to and maintained by the City of Modesto. The applicants will work with staff to create landscaping areas that reflect the Village Concept through the use of a combination of street trees, shrubs, and bushes. The landscaping areas shown on the map below indicate the specific areas along the perimeter of the project that will be dedicated to and maintained by the City of Modesto. Funding for maintenance of these specified areas will be obtained by the formation of a Landscape Maintenance District for the area. These areas include the landscaped areas behind the sidewalk on Floyd and Millbrook Avenues.

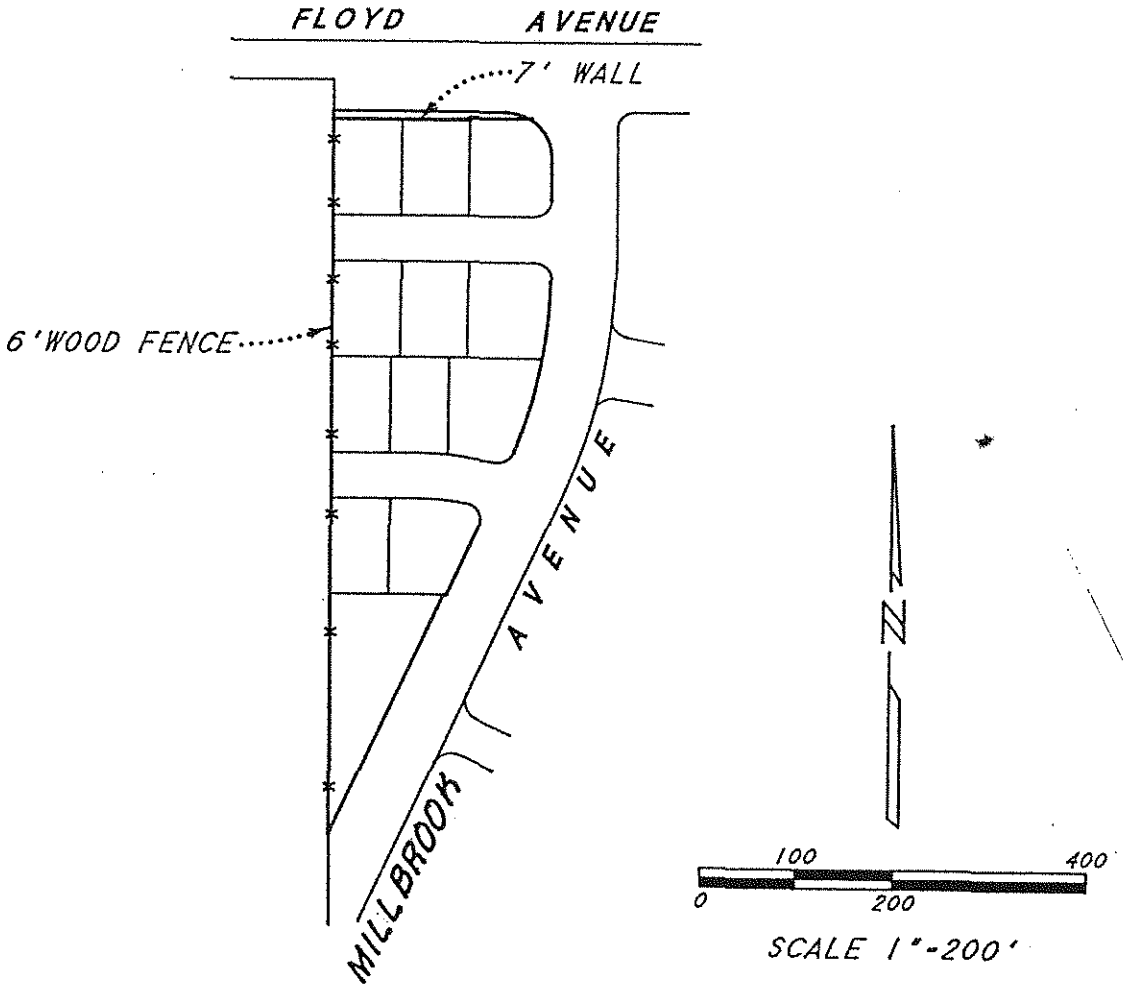


PERIMETER LANDSCAPE PLAN

Walls/Fencing

Development along the Floyd Avenue frontage of PPA No. 26 will be required to install a 7' high decorative access control wall.

Development of other Precise Plan Areas along Floyd Avenue will need to emulate the decorative soundwall and landscaping that is being proposed for PPA No. 26. Development of the walls shall be consistent with the development of the subdivision.

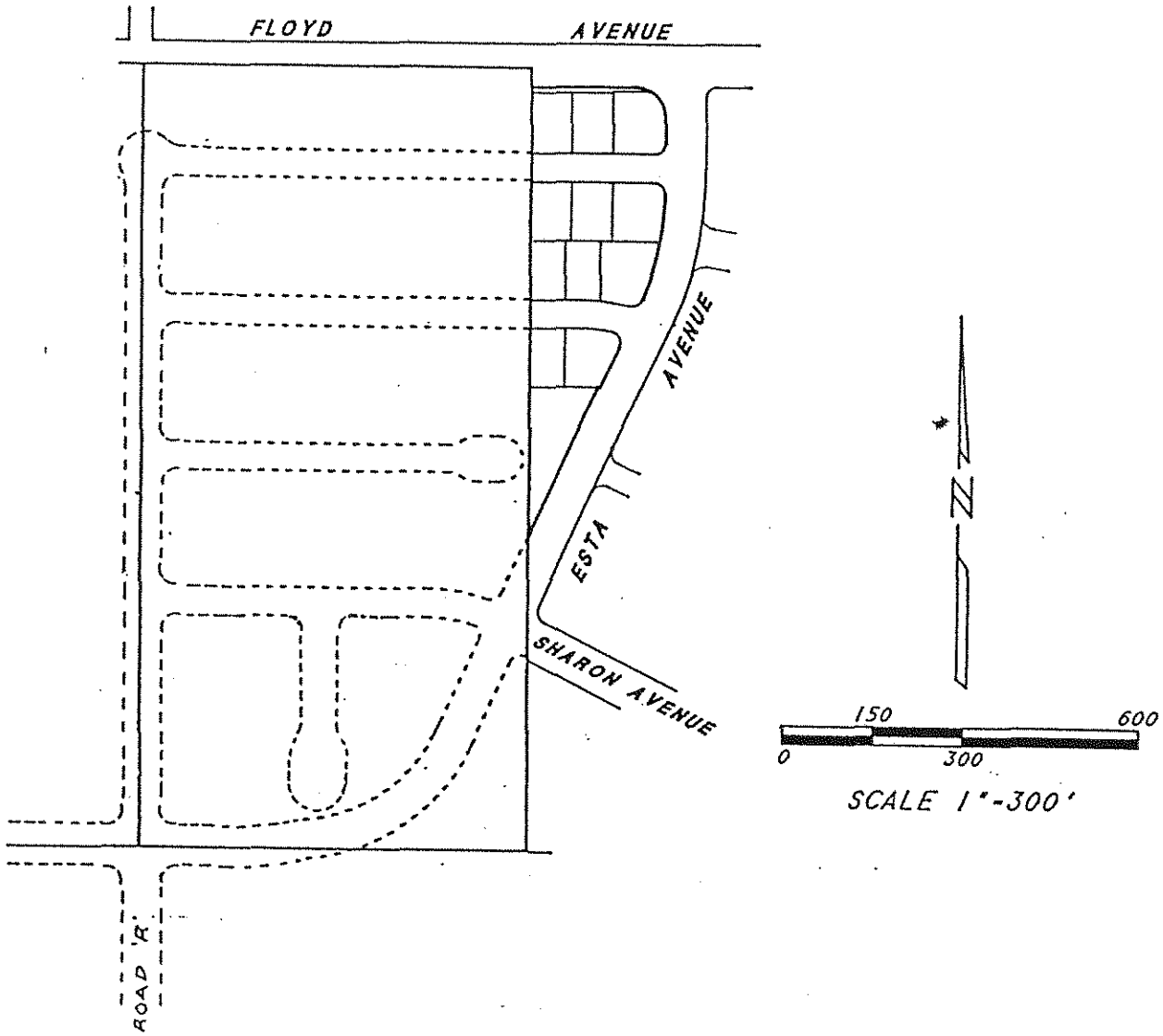


WALL AND FENCING PLAN

Circulation

Circulation through PPA No. 26 will be through residential streets that are connected to Millbrook Avenue. Millbrook Avenue will link the residents of PPA No. 26 with the rest of Village One.

PPA No. 26 was designed to give pedestrian access to Millbrook Avenue via entry roadways. Once on Millbrook Avenue, pedestrians will be able to take advantage of the landscaped walking areas to access the rest of Village One. In addition, the proposed bike lanes will also enhance non vehicular transportation in this area of the village project.



CIRCULATION PLAN

V. Village One Specific Plan

Specific Plan Conformance

Land Use/Community Design
The plan meets the residential densities outlined for the subject portion of Village One. The PPA No. 26 design will be consistent with the Village One Community Design Policies.

Circulation
The plan provides for efficient interior circulation within the precise plan area and provides logical connection points for future development within the context of the Village One Plan.

Public Facilities
The plan will allow the development of public facilities to serve new growth within the precise plan area and provide logical connection points to allow for future development on the surrounding properties.

Schools
Development within PPA No. 26 will pay established school fee on a per house basis.

Parks
Development with PPA No. 26 will pay the applicable park fees.

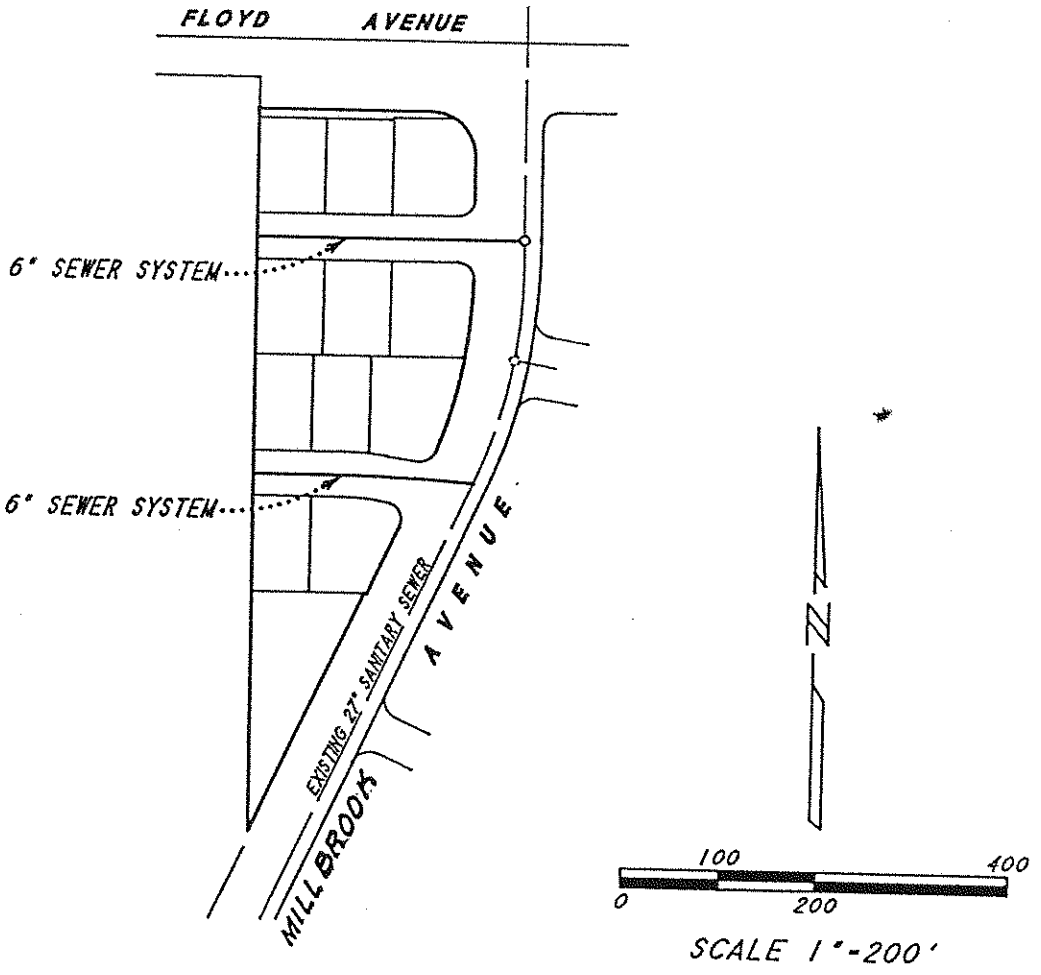
Specific Plan Exceptions
No exceptions to the Village One Specific Plan and or the City of Modesto R-1 Zoning Ordinance are proposed. Setbacks for front, rear and sideyards to meet current codes.

VI. Infrastructure Plan

Pipeline sizes shown are based upon preliminary Vesting Tentative Subdivision Map design. Pipeline sizes for construction will be finalized when the improvement plans are completed.

Sanitary Plan

Sewer service for the subdivision will be provided by the City. The proposed sewer lines in the subdivision will be per the City Standards and will connect to the existing 27" sewer main in the existing Millbrook Avenue right-of-way.

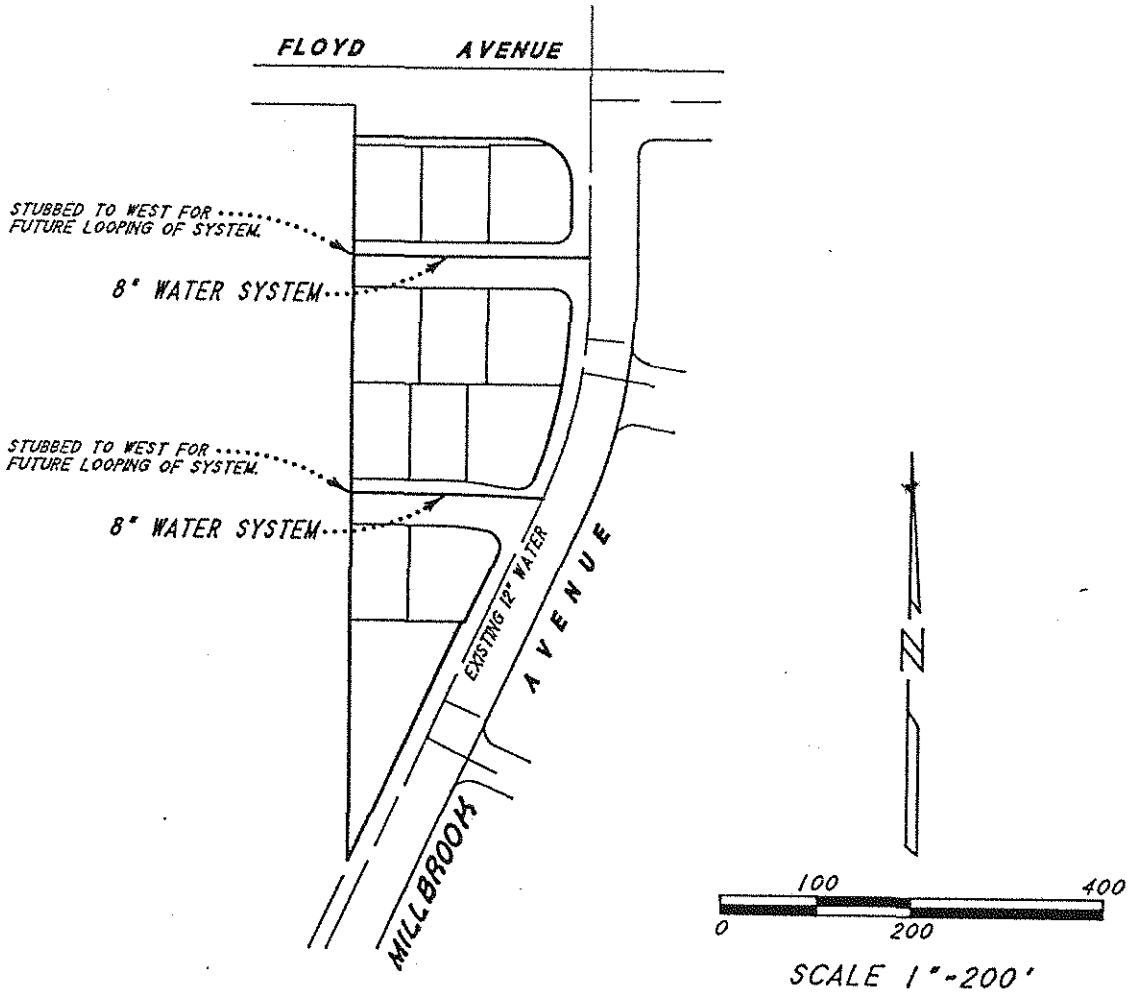


SANITARY SEWER PLAN

Infrastructure Plan

Water

Domestic water for the subdivision will be provided by the City. The proposed water lines in the subdivision will be per the City Standards and will connect to an existing 12 inch water main in the existing Millbrook Avenue right-of-way. The 12 inch water main connects to the existing 48 inch water transmission main on the south side of the M.I.D. lateral Number 3.

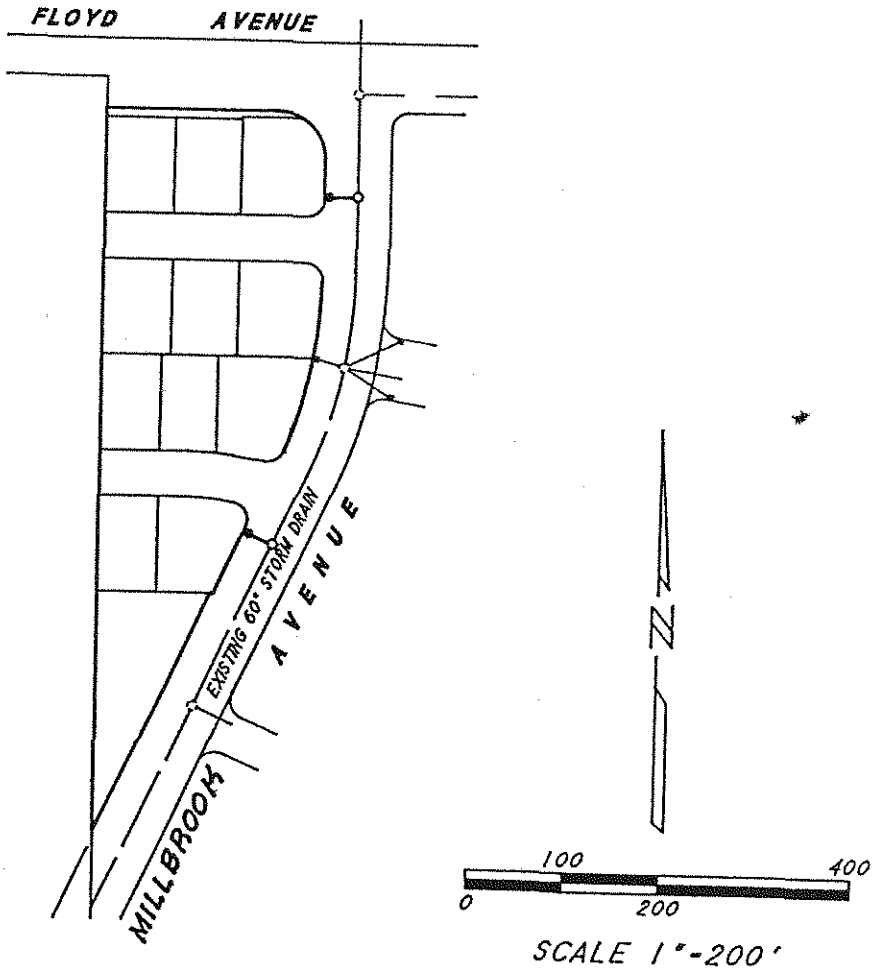


WATER PLAN

Infrastructure Plan

Storm Drainage

The storm drain system for the subdivision will ultimately tie into a City master planned basin via a proposed 60 inch pipeline in Millbrook Avenue. The developer will install the 60 inch storm drain and be reimbrused by the Village One Master Facilities Fees. Until the City master planned basin is available, the subdivision drainage will be retained in a temporary retention basin on an adjacent area south of the subdivision on property owned by this developer. The basin soil will be stockpiled near the basin and the basin will be filled in when no longer needed.



STORM DRAINAGE PLAN

VII. Miscellaneous

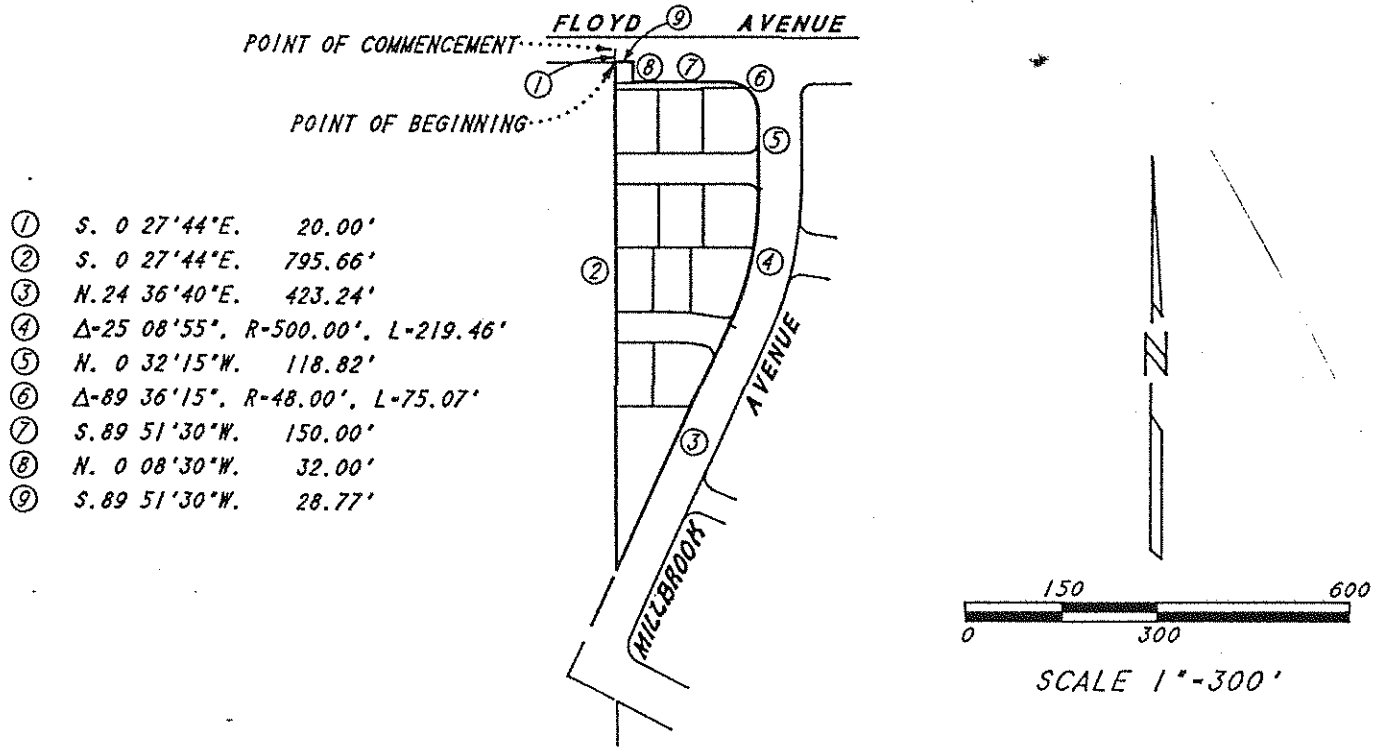
Legal Description and Plat

The attached legal description and accompanying sketch detail the boundary area of the proposed "Olympic Park" Subdivision.

All that certain real property situate in a portion of the east half of the Southeast Quarter of the Northwest Quarter of Section 13, 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:

COMMENCING at the northwest corner of said east half of the Southeast Quarter of the Northwest Quarter of Section 13; thence South 0°27'44" East along the west line of said east half of the Southeast Quarter of the Northwest Quarter of Section 13, a distance of 20.00 feet to the south right-of-way line of Floyd Avenue and the true POINT OF BEGINNING of this description; thence continuing South 0°27'44" East along said west line a distance of 795.66 feet to the future westerly right-of-way line of a 64 foot wide Millbrook Avenue; thence North 24°36'40" East along said future westerly line of Millbrook Avenue a distance of 423.24 feet; thence Northerly 219.46 feet along a tangent curve, concave to the west, having a radius of 500.00 feet and a central angle of 25°08'55"; thence North 0°32'15" West along the future west right-of-way line of 69 foot wide Millbrook Avenue, a distance of 118.82 feet; thence Northwesterly 75.07 feet along a tangent curve, concave to the southwest, having a radius of 48.00 feet and a central angle of 89°36'15"; thence South 89°51'30" West parallel with and 52.00 feet south of the north line of said east half of the Southeast Quarter of the Northwest Quarter of Section 13, a distance of 150.00 feet; thence North 0°08'30" West 32.00 feet to said south line of Floyd Avenue; thence South 89°51'30" West along said south line of Floyd Avenue a distance of 28.77 feet to the point of beginning.

Containing: 2.70 acres



LEGAL DESCRIPTION & PLAT- "OLYMPIC PARK"

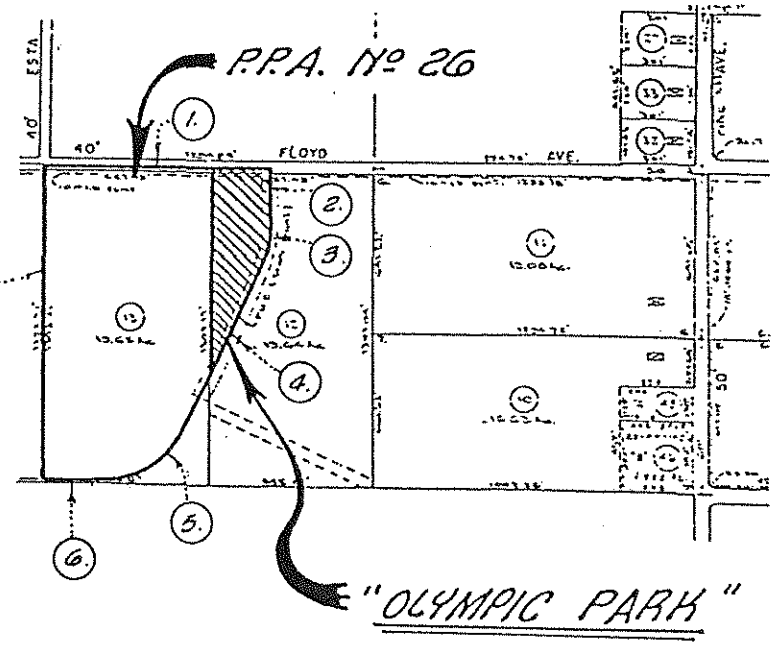
Legal Description and Plat
The attached legal description and accompanying sketch detail the bounday area of Precise Plan Area No. 26:

All that certain real property situate in a portion of the Southeast Quarter of the Northwest Quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

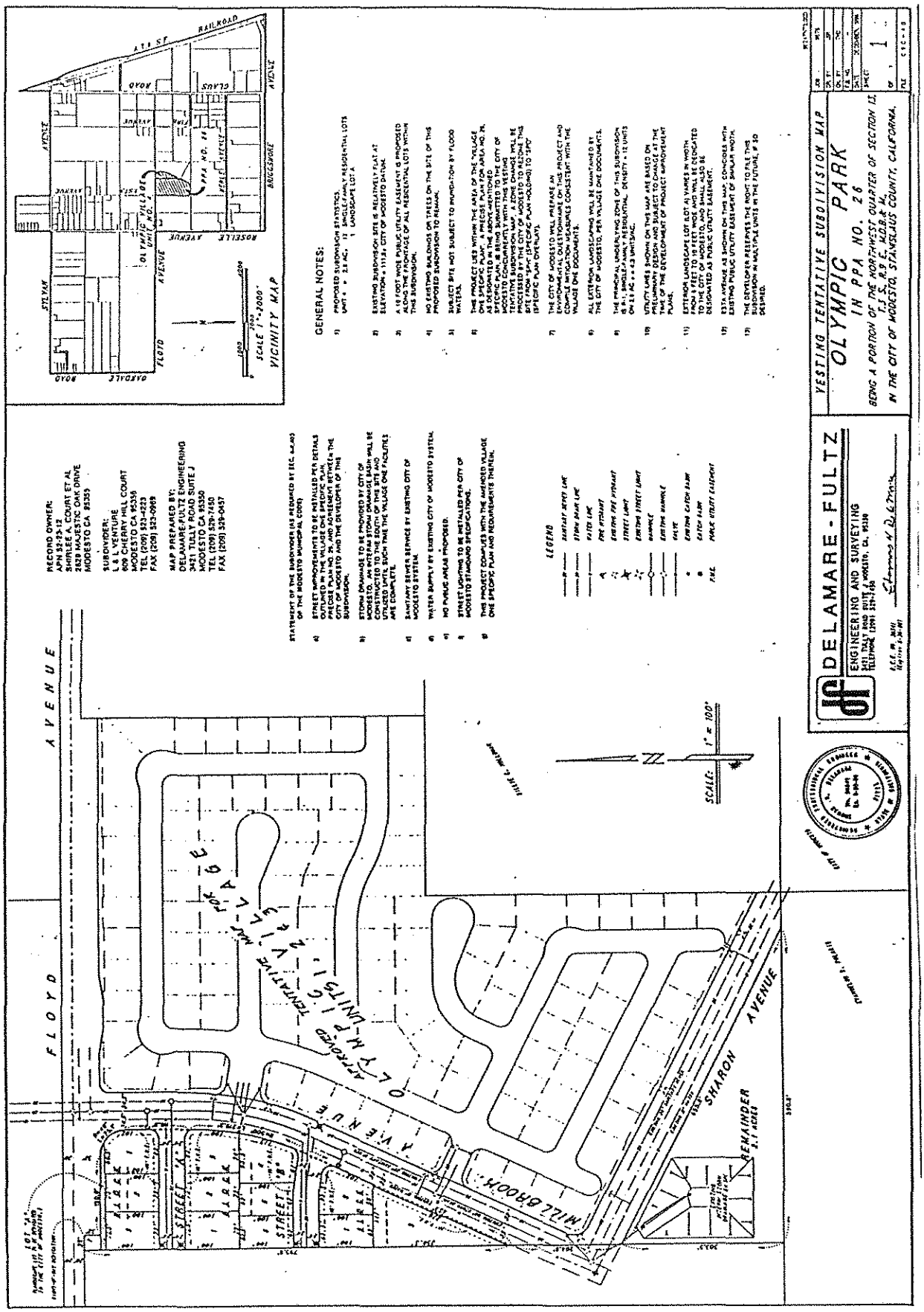
BEGINNING at the northwest corner of said Southeast Quarter of the Northwest Quarter of Section 13, being a point on the centerline of Floyd Avenue; thence North 89°51'30" East, along the north line of said Southeast Quarter of the Northwest Quarter of Section 13 and said centerline of Floyd Avenue, a distance of 918.57 feet to the intersection with the centerline of future MILLBROOK AVENUE, (formerly referred to as "ESTA AVENUE" on survey filed for record in Volume 23 of Surveys at Page 22, Stanislaus County Records); thence southerly and westerly, along said centerline of future MILLBROOK AVENUE, the following five (5) courses:
(1) South 0°32'15" East 219.45 feet,
(2) Southerly 220.67 feet, along a tangent curve, concave to the west, having a radius of 502.75 feet and a central angle of 25°08'55",
(3)South 24°36'40" West, along a tangent line, a distance of 788.32 feet,
(4) Southwesterly 341.65 feet, along a tangent curve, concave to the northwest, having a radius of 300.00 feet and a central angle of 65°14'59", and
(5)South 89°51'39" West, along a tangent line, being also the south line of said Southeast Quarter of the Northwest Quarter of Section 13, a distance of 263.19 feet, to the southwest corner of said Southeast Quarter of the Northwest Quarter of Section 13; thence North 0°29'46" West, along the west line of said Southeast Quarter of the Northwest Quarter of Section 13, a distance of 1323.72 feet to the point of beginning.

Containing: 22.47 Acres

1. N.89°51'30"E. 918.57'
2. S.0°32'15"E. 219.45'
3. R=502.75' Δ=25°08'55" L=220.67'
4. S.24°36'40"W. 788.32'
5. R=300.00' Δ=65°14'59" L=341.65'
6. S.89°51'39"W. 263.19'
7. N.0°29'46"W. 1323.72'



LEGAL DESCRIPTION & PLAT - PRECISE PLAN AREA NO. 26



VESTING TENTATIVE SUBDIVISION MAP - "OLYMPIC PARK"

PRECISE PLAN STATEMENTS, AS REQUIRED BY THE "VILLAGE ONE SPECIFIC PLAN"

1. Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

2. All deeds for lots sold in this subdivision shall contain the following statement:

   "This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

3. Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 a.m. to 9:00 p.m. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance.

4. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

POLICY DIRECTIONS APPLYING TO ALL PRECISE PLAN AREAS (AS SUMMARIZED FROM SECTION III D OF THE VILLAGE ONE SPECIFIC PLAN, DATED JUNE 30, 1996)

All Precise Plans prepared within the Village One Specific Plan Area shall incorporate the following policies into their designs, where appropriate:

1. Land Use Compatibility between Precise Plan Areas may be provided in many ways such as the design, orientation, size of lots, arrangement of specific land uses, or the limitation or provision of pedestrian access. Precise Plans shall incorporate appropriate policies for effective transition between Precise Plans.

2. Right of way acquisition for connector street linkages shall provide for the relocation and or acquisition of structures that are located within the road alignments. If there is an existing dwelling or structure that is located in those alignments, it should be relocated or acquired.

3. Precise Plan Areas may be combined to create larger increments for submittal of plans. When one property encompasses several Precise Plan Areas, the property owner may submit individual Precise Plan applications, or one combined Precise Plan application covering all relevant Precise Plan Areas.

4. Remainder parcels within a Precise Plan Area, such as a small triangular properties, shall be assembled and/or reconfigured before approval of a Precise Plan. When applicable, a Precise Plan shall provide for the incorporation of the remainder parcels from the adjacent Areas.

5. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

6. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

7. The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.

8. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

> "All deeds for lots sold in this subdivision shall contain the following statement:
>
> > 'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

9. All Precise Plans which propose residential development shall include the following requirement:

> The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.
>
> -or-
>
> As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

This policy does not intend for developers to construct walkways to schools that don't exist.

10. Precise Plans in the project area shall contribute to the financing and implementation of the required improvements to provide capacity for projected traffic at the Oakdale and Briggsmore intersection. This shall include the following intersection improvements:

> Widen the eastbound and westbound approaches to add a separate right-turn lane on each approach, converting the existing right-turn lane to a through and restriping the departures to receive three

through lanes. Restripe the northbound and southbound approaches and widen the departures to convert the existing separate right-turn lanes to through +right-turn lanes.

Department of Public Works and Transportation staff shall determine the design and phasing of these roadway improvements based on the Facilities Master Plan. Completion of final inspection by Construction Inspection Division shall constitute compliance with this measure.

11. The following statement shall be placed in all Precise Plans for Residential Development:

> Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

12. Noise Mitigation for Residential Precise Plan Areas

Noise measures might include, but are not necessarily limited to, setbacks, barriers, site design, or acoustical building treatment. Precise Plans shall determine from this list which measures are most relevant. This requirement shall apply to dwellings located within the identified 65 dBA exterior noise level contours. Verification of noise treatment to reduce interior noise levels to 45 dBA, prior to final inspection by Building Inspection Division shall constitute compliance with this measure.

Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

> Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

Sylvan Avenue	
Oakdale to Roselle	142 ft.
Roselle to Claus	136 ft.

Floyd		
	Oakdale to Roselle	106 ft.
	Roselle to Clause	76 ft.
Briggsmore		
	Oakdale to Roselle	171 ft.
	Roselle to Clause	138 ft.
Oakdale		
	Sylvan to Floyd	214 ft.
	Floyd to Briggsmore	209 ft.
Roselle		
	Sylvan to Merle	126 ft.
	Merle to Briggsmore	150 ft.
Claus		
	Sylvan to Floyd	171 ft.
	Floyd to Briggsmore	176 ft.

Source: Brown-Buntin Associates Noise Study, April 1993

13. All Precise Plans shall contain the following statement:

> "Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 a.m. to 9:00 p.m. To avoid complaints from nearby residents, and possible citations, the full test of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

14. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's Hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's Hawks. This survey shall be conducted in concert with the Environmental Impact Report for the Modesto General Plan Rewrite.

    In conducting this survey, the most recent documentation from the State Department of Fish and Game shall be employed, including the "Draft Swainson's Hawk Guidelines" dated 1994.

    If an active Swainson's Hawk nest is located within an approximate 10-mile radius, then a foraging habitat compensation ratio of one-half acre preserved in close

proximity of the nest, for every one acre of foraging habitat lost will be required. This can be accomplished by, but not limited to, the acquisition and preservation in perpetuity, of suitable grassland foraging habitat, and through the use of conservation easements on suitable "grassland-like" agricultural lands.

15. Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-225

Print

A RESOLUTION ADOPTING AMENDMENT NO. 10 TO THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE, TO ELIMINATE REDUNDANCY WITH THE GENERAL PLAN HOUSING ELEMENT POLICIES AND ELIMINATE LANGUAGE THAT IS TOO RESTRICTIVE.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to

the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by

Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to amend the Precise Plan portion of the Village One Specific Plan to delete the multiple-family development designation from the Precise Plan for Area No. 8, (PPA No. 8), and Precise Plan for Area No. 33, (PPA No. 33,) respectively, and Resolution No. 96-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Village One Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan pertaining to standards for dwelling setbacks and three-car garages which are to be applied to all single-family developments throughout the Village One Specific Plan,

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on April 7, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 9 [sic] 10, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 97-27, recommended to the City Council approval of an amendment to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element and make changes to various Housing Policy Language, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on May 6, 1997, 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 April 18, 1997, from the Community Development Department, a copy of which report is marked Exhibit "A", attached hereto and incorporated herein by reference, City staff recommended to the Council approval of Village One Specific Plan Amendment No. 9 [sic] 10, as amended by attachments to said report, a copy of which attachments are on file in the Office of the City Clerk, to accomplish the following:

> To eliminate redundancy between the General Plan Housing Element and Village One Specific Plan and to remove language that is too restrictive

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. 10 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. 9 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing element and make changes to various Housing Policy language, as set forth in the report marked Exhibit "A", attached hereto and incorporated herein by reference, which report is amended by attachments to said report, a copy of which attachments 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 6th day of May, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Fisher, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 5/6/97

April 18, 1997

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: AMENDMENT NO. 9 TO THE VILLAGE ONE SPECIFIC PLAN TO ELIMINATE REDUNDANCY WITH THE GENERAL PLAN HOUSING ELEMENT AND MAKE CHANGES TO VARIOUS HOUSING POLICY LANGUAGE

I. RECOMMENDED COUNCIL ACTION:

The Planning Commission by Resolution No. 97-27 recommends the City Council adopt a Resolution adopting Amendment No. 9 to the Village One Specific Plan to remove redundancy with the General Plan Housing Element Policies and eliminate language that is too restrictive.

II. BACKGROUND:

On October 16, 1990, the City Council approved the Village One Specific Plan. Just prior to adoption, inclusionary housing recommendations were dropped and details of an Affordable Housing Strategy deferred. The successful Measure A vote occurred on November 6, 1990. Seven months later, on June 18, 1991, the City Council adopted the first Amendment to the Specific Plan (SPA No. 1) by significantly expanding the affordable housing policies presented in the original plan. Throughout all subsequent amendments to the Village One Specific Plan, the affordable housing policies, adopted by SPA No. 1, have remain unchanged.

At the time of adoption of SPA No. 1, the Housing Element to the General Plan was being prepared, but was not adopted until May 19, 1992. Many of the programs and policies presented in SPA No. 1 eventually became incorporated into the Housing Element, which obviously applies Citywide, not just in Village One.

With regard to the $0.80 per square foot Affordable Housing Fee/Equity Sharing Program, the Village One Specific Plan contained certain policies which encouraged the establishment of such a program. However, subsequent administrative actions would be necessary before that policy could be implemented, and before the fee could be imposed within Village One (see Attachment 1 Location Map).

On August 6, 1996, the City Council declined to officially establish the Equity Sharing Program, with its $0.80 per square foot fee. The fee was not imposed on Charleston Place, the first residential development in Village One. Eventually, on March 18, 1997, the City Council amended the Housing Element to remove the Program which supported this fee, instead relying on the other Programs in the Housing Element to facilitate affordable housing in the community.

Therefore, the present action contemplated by SPA No. 9 has three purposes:

1. To specifically eliminate any references to the $0.80 per square foot Affordable Housing Fee and its associated Equity Sharing Program; and

2. To remove any redundancy between the remaining affordable housing policies and the adopted Housing Element; and finally

3. To remove any policies which may be in potential conflict with recent legislation and/or court decisions.

III. SUMMARY OF ISSUES:

The General Plan Housing Element contains most of the programs/policies that were placed into the Affordable Housing Program section of the Village One Plan. Almost all of these policies would be administered on a community-wide basis. Therefore, this amendment is proposed to eliminate redundant policy language. An additional purpose is to eliminate or revise policy language that is too restrictive to allow a community-wide approach.

IV. REASONS FOR RECOMMENDED ACTIONS:

The following are reasons for the recommended action:

There are 16 specific changes proposed to the Village One Specific Plan. Attachment 2 presents the full text of the proposed changes and Attachment 3 provides the reasons for the proposed changes in the form of a brief explanation for each deletion or revision.

Conformance with Specific Plan Amendment Criteria:

The proposed amendment meets the specific plan amendment criteria in the Village One Plan as described below:

A. Need for Amendment

The amendment is needed to eliminate redundancy between the General Plan Housing Element and Village One Specific Plan and to remove language that is too restrictive.

B. Supplemental Studies

The proposed amendment would not result in any physical changes to the Specific Plan's development program (number or type of residential units built). Compared to the adopted Specific Plan the effects of the proposed amendment would be as follows:

1. The amended plan would conform to the Guiding Principles described in Chapter I of the Village One Specific Plan, because the General Plan Housing Element Policies would provide for affordable housing goals.

2. There are no compatibility issues with the proposed amendment because the amendment would not result in physical design changes to the Specific Plan.

3. The amended plan would be consistent with the Comprehensive policies found in Chapter II of the Village One Specific Plan, because the Housing Element policies would provide the necessary programs.

PLANNING COMMISSION
RESOLUTION NO. 97-27

RECOMMENDING TO CITY COUNCIL ADOPTION OF AMENDMENT NO. 9 TO THE VILLAGE ONE SPECIFIC PLAN TO ELIMINATE REDUNDANCY WITH THE ADOPTED GENERAL PLAN HOUSING ELEMENT AND CHANGE VARIOUS HOUSING POLICY LANGUAGE

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 the 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. 95-409 adopted the Village One Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body; and

WHEREAS, the purpose of Amendment No. 9 is to eliminate redundancy with the adopted General Plan Housing Element and revise policies that are too restrictive, and

WHEREAS, staff review of the proposed amendment leads to the determination that the project is exempt from environmental review under the General Rule, that it can be seen with certainty that the project would result in no significant effect on the environment, CEQA Guidelines Section 15061(b)(3), and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 7, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 9, and to consider making a recommendation to the City Council on said Proposed Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds and determines as follows:

SECTION 1. That the proposed Amendment No. 9 to the Village One Specific Plan is consistent with the Goals and Policies of the City's General Plan.

SECTION 2. That the proposed Amendment No. 9 to the Village One Specific Plan is consistent with goals and policies of the Village One Specific Plan.

SECTION 3. That it recommends to the City Council adoption of Amendment No. 9 to the Village One Specific Plan which specific details are set forth in Exhibit "A", attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission on April 7, 1997, by Dan Thayer, who moved its adoption, which motion was seconded by Rod DeCristofaro, and carried by the following vote:

AYES: Feller, Pratt, DeCristofaro, Ustach, Thayer, and Ward
NOES: None
ABSENT: Cruz

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Robert S. Cannell, Acting Secretary

Attachment: Exhibit A

H. Village One Affordable Housing Program

1. Introduction

Affordable housing is defined as housing units with prices or rents not exceeding 30% of income for households earning less than 120% of the regional median income for the area (Modesto Metropolitan Statistical Area--Stanislaus County). There are three levels of housing within the affordable category. Very-low-income households

small lot single-family homes make it possible to produce and maintain affordable housing.

c) The City shall maintain 15% of Village One housing as long-term affordable housing for rental and ownership households.

Although it is less than the City's total regional housing needs, the provision of 15% of Village One's housing as affordable over the long term is reasonable in light of the limited local, state and federal resources available to help make new housing affordable. This objective is also appropriate because Village One is only one area of the City of Modesto, and Village One is not expected to address all of the housing needs of the entire City. In addition, it is important that most of the affordable units remain affordable beyond the initial sale price or rent. Without specific mechanisms to insure long-term affordability, home price escalation and increasing rental rates will soon begin to undermine the program's long-term affordable housing objectives.

The minimum duration of affordability for affordable rental housing should be consistent with state law for density bonuses. State law requires that affordable units, produced through the provision of a density bonus, remain affordable for ten years (30 years if there are additional incentives granted). The minimum duration of affordability for affordable ownership housing should be 30 years, consistent with traditional mortgage standards.

d) ~~The City shall determine the mix of affordable units for very-low-, low-, and moderate-income households on a Precise Plan Area basis, generally consistent with needs established in the City's Housing Element.~~

~~At the time of the Specific Plan's adoption, the 1983 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was used to determine the affordable housing needs for Village One. This report indicated that Modesto's affordable housing needs were distributed at 39% very-low-income, 29% low-income, and 32% moderate-income. The City should use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.~~

~~Because the subsidies required to make a low-density house on a large lot affordable to very-low income households are so large, units for very low income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low-income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate-income households can be integrated with all housing types, and include sales as well as rental units.~~

3.

be responsible for the housing needs of very-low-income households that require substantial subsidies.

5. Affordable Housing Implementation - Institutional Actions

~~The following policies implement a variety of institutional actions by the City that will help achieve greater housing affordability.~~ 6.

a) ~~The City shall designate specific staff with the responsibility for ensuring development of affordable housing.~~

~~City staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.~~ 7.

b) ~~The City should establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.~~

~~Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.~~ 8.

c) The City shall establish a Housing Trust Fund as a multiple-purpose vehicle for providing affordable housing.

The City will establish a Housing Trust Fund as a flexible vehicle to manage and channel its housing assistance programs, ~~such as an Equity Sharing Program. The Equity Sharing Program, funded by Village One single-family developers will assist low and moderate-income~~ to assist households in purchasing single-family housing units in Village One. 9.

d) ~~The City shall pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.~~

~~Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance programs such as Section 8 Rent Assistance. Federal incentive programs, such as mortgage revenue bonds, low-income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.~~ 10.

b) The City will create an Equity Sharing Program administered as part of the Housing Trust Fund, as the vehicle to provide "gap" financing.

The Equity Sharing Program, funded by Village One developers of single family housing, will assist low and moderate income households with "gap" financing. The "gap" makes up the difference between housing price and income. In applying gap financing, the City will take an equity share in the home, and upon sale or refinancing of the home, the assisted homeowner will repay the loan, together with interest and a share of the appreciation. The proceeds will be deposited in a revolving account from which new loans to other qualified low income and moderate income households can be made. This process will insure that the program achieves its long-term objectives.

c) Village One developers of single family housing will be responsible for meeting the estimated needs of 101 low-income and 355 moderate-income households, by contributing to the Equity Sharing Program administered through a Housing Trust Fund or by providing affordable housing equal in scope and amount.

Developer participation in the Equity Sharing Program is the foundation of the Village One Affordable Housing Program and is expected to provide the bulk of affordable housing, including opportunities for home ownership, in Village One. To serve as an incentive to developers to build smaller, less expensive housing, the program established a performance standard based on affordability, using house size as an indicator. The program is based on an 800 square foot home, costing $78,000, which is affordable to households in the upper end of the low-income category (assuming the current average price of $97.50 per square foot, including land, for new single family housing currently offered in the greater Modesto area).

Developers who build units larger than 800 square feet will be required to contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single family home in excess of 800 square feet. These fees will be used to fund the Equity Sharing Program described in Policy 2 above. Developers who build a home of 800 square feet or less will not be assessed a fee because a house of this size is expected to be affordable without assistance.

Based on the cost of a modest starter home of 1,100 square feet, an estimated $3.8 million will be needed to assist 101 low-income households and 355 moderate-income households. Because the Housing Trust Fund fee is based on the size of homes actually constructed in Village One, the funds raised should be in balance with what is needed. If larger, more expensive homes are built in Village One, the amount needed and raised will also increase. Similarly, if smaller, less-expensive homes are constructed the amount needed and raised will decrease.

13.

~~infrastructure and financing. The Precise plan shall also address the provision of affordable housing~~. 16.

I. Adoption of EIR Mitigation Measures

The certified Program EIR for the Village One Specific Plan (SCH #900-20181) contained 143 Mitigation Measures. These Mitigation Measures shall be incorporated, where appropriate, into the Facilities Master Plan and/or relevant Precise Plans, as described in Chapter IV. This Section implements Section 21081.6 of the Public Resources Code, relating to mitigation monitoring.

5. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

6. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

7. ~~The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.~~] 16.

8. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

> "All deeds for lots sold in this subdivision shall contain the following statement:
>
> > 'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

9. All Precise Plans which propose residential development shall include the following requirement:

> The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.
>
> -or-
>
> As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

ATTACHMENT NO. 5

PLANNING COMMISSION MINUTES

Item D - Public Hearing - Consideration of Proposed Amendment No. 9 to the Village One Specific Plan to Eliminate Redundancy with the General Plan Housing Element and Make Changes to Various Housing Policy Language

ACTION: RESOLUTION NO. 97-27, adopted (Thayer/DeCristofaro, unanimous; Cruz, absent) RECOMMENDING TO CITY COUNCIL ADOPTION OF AMENDMENT NO. 9 TO THE VILLAGE ONE SPECIFIC PLAN TO ELIMINATE REDUNDANCY WITH THE ADOPTED GENERAL PLAN HOUSING ELEMENT AND CHANGE VARIOUS HOUSING POLICY LANGUAGE

ATTACHMENT NO. 6

PLANNING COMMISSION
PERTINENT PARTIES LIST

ATTACHMENTS NO. 1, 2, 3, 4, 5 & 6

TO REPORT DATED April 18, 1997,

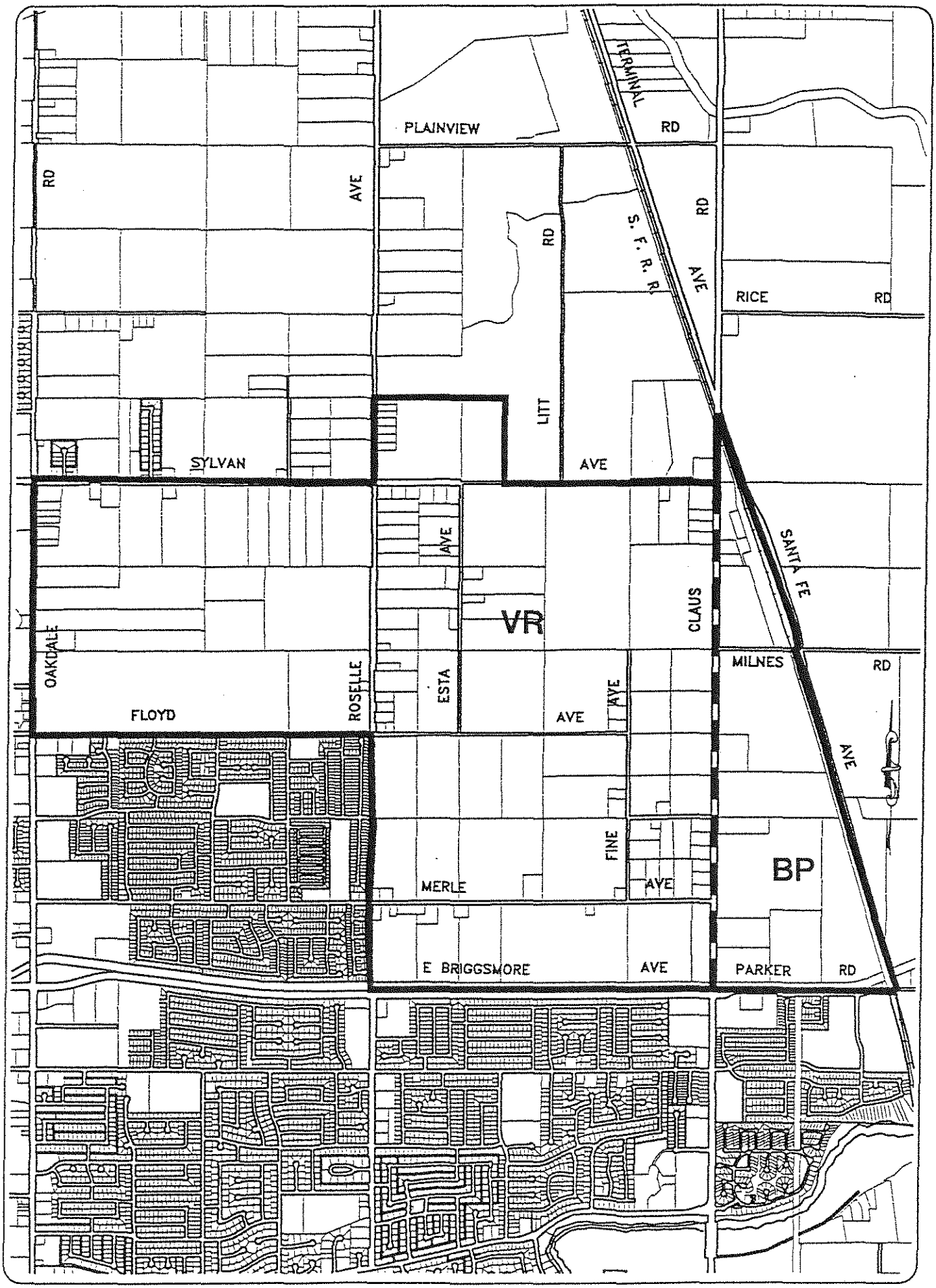
ARE ON FILE IN

THE OFFICE OF THE CITY CLERK

ATTACHMENT NO. 1

LOCATION MAP

VILLAGE ONE C.P.D.



ATTACHMENT NO. 2

PROPOSED CHANGES

PROPOSED CHANGES TO THE VILLAGE ONE SPECIFIC PLAN

The following changes will be made to Chapter II, Section H, the Village One Affordable Housing Program, of the Village One Specific Plan, the annotated pages follow with the specific text changes:

	Proposed Change to:	Action:
1.	p. II-39, Policy H.1	Delete
2.	p. II-39, Policy H.2.a)	Delete
3.	p. II-40, Policy H.2.d)	Delete
4.	p. II-41, Policy H.3. intro.	Delete
5.	p. II-41, Policy H.3.a)	Delete
6.	p. II-42, Policy H.5. intro.	Revise
7.	p. II-42, Policy H.5.a)	Delete
8.	p. II-42, Policy H.5.b)	Delete
9.	p. II-42, Policy H.5.c)	Delete
10.	pp. II-42 & 43, Policy H.5.d)	Delete
11.	p. II-43, Policies H.5.e),f) & g)	Delete
12.	p. II-43, Policy H.6.a)	Revise
13.	pp. II-44 & 45, Policies H.6.b) & c) p. II-52, Table II-4	Delete Delete
14.	p. II-45, Policy H.6.d)	Revise
15.	p. II-45, Policy H.6.e)	Delete portion
16.	p. II-45 & 46, Policy H.6. p. III-5, Policy III.D.7. p. IV-14, Policy IV.C.4.(e) p. IV-16, Policy IV.C.7.(b)	Delete Delete Delete Delete portion

H. Village One Affordable Housing Program

1. Introduction

Affordable housing is defined as housing units with prices or rents not exceeding 30% of income for households earning less than 120% of the regional median income for the area (Modesto Metropolitan Statistical Area--Stanislaus County). There are three levels of housing within the affordable category. Very-low-income households

are defined as those earning less than 50% of the area median; low-income households between 50% and 80% of the area median; and moderate income households between 80% and 120% of the area median income.

~~As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce housing that much of the population can afford. This is partly because of decreasing amounts of federal involvements as well as changes in the tax code, which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.~~ 1.

~~Village One is anticipated to meet Modesto's residential land use needs for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1992 Housing Element, namely encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. By including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall City plan for housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.~~

2. Affordable Housing - Overall Policies

The overall goal of the Village One Affordable Housing Program is to provide housing opportunities for people of all income levels, consistent with the neighborhood and residential design objectives of the Village One Specific Plan. This goal is implemented through the following policies.

a) ~~The City shall maintain 15% of Village One housing as long-term affordable housing units, and shall encourage that an additional 10% of the units be provided initially at affordable prices.~~

~~The affordable housing goals have two components: maintaining 15% of Village One housing as affordable by policy over the long term, and encouraging an additional 10% of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small, low or moderate income households, and this should be encouraged to continue.~~ 2.

b) The Village One Specific Plan shall include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center and multi-family housing, to single-family housing on lots to half an acre in size. The senior housing, multi-family housing, and

small lot single-family homes make it possible to produce and maintain affordable housing.

c) The City shall maintain 15% of Village One housing as long-term affordable housing for rental and ownership households.

Although it is less than the City's total regional housing needs, the provision of 15% of Village One's housing as affordable over the long term is reasonable in light of the limited local, state and federal resources available to help make new housing affordable. This objective is also appropriate because Village One is only one area of the City of Modesto, and Village One is not expected to address all of the housing needs of the entire City. In addition, it is important that most of the affordable units remain affordable beyond the initial sale price or rent. Without specific mechanisms to insure long-term affordability, home price escalation and increasing rental rates will soon begin to undermine the program's long-term affordable housing objectives.

The minimum duration of affordability for affordable rental housing should be consistent with state law for density bonuses. State law requires that affordable units, produced through the provision of a density bonus, remain affordable for ten years (30 years if there are additional incentives granted). The minimum duration of affordability for affordable ownership housing should be 30 years, consistent with traditional mortgage standards.

d) ~~The City shall determine the mix of affordable units for very-low-, low-, and moderate-income households on a Precise Plan Area basis, generally consistent with needs established in the City's Housing Element.~~

~~At the time of the Specific Plan's adoption, the 1983 Regional Housing Needs Report, produced by the Stanislaus Area Association of Governments, was used to determine the affordable housing needs for Village One. This report indicated that Modesto's affordable housing needs were distributed at 39% very-low-income, 29% low-income, and 32% moderate-income. The City should use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.~~

~~Because the subsidies required to make a low-density house on a large lot affordable to very-low income households are so large, units for very low income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low-income households can be produced in senior and multi family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate-income households can be integrated with all housing types, and include sales as well as rental units.~~

3.

3. Affordable Housing - Design Quality Policies

The City shall ensure that the provision of affordable housing in Village One does not diminish the design quality of the community nor stigmatize the occupants of the units.

~~Successful affordable housing programs can be implemented in ways that represent positive enhancement for any community. Housing prices have escalated to the point where few households can afford to purchase a house, and over half of the households in a community have incomes that make them eligible for affordable housing. The cost of rental housing has also increased significantly. Those affected include young working households such as store clerks, teachers, and police officers; single parents; and senior citizens living on social security.~~ 4.

Dispersing the affordable housing throughout the community and designing the housing to be indistinguishable from market-rate housing, will have a positive effect on the residents of the affordable housing and eliminate the stigma associated with more traditional public housing. The following policies implement this direction:

a) ~~Affordable housing, as defined by state Title 25 criteria (very-low-, low-, and moderate-income), shall be dispersed throughout the Village, making sure that it is indistinguishable from, and integrated with, market-rate housing.~~

~~With the exception of senior housing and small 100% affordable developments, affordable housing shall be dispersed within the Village and fully integrated and indistinguishable from market-rate units in a given development. Also, with the above exceptions, no more than 20% of any development shall be rented to very-low-income households.~~ 5.

b) The City shall ensure that affordable housing is built in a manner that does not diminish the quality of the community.

Affordable units will be built to the same construction standards, with the same parking requirements, same open space and other provisions, as market-rate housing. The intent is for the affordable units to look like the market-rate housing. Therefore, the same standards will be adhered to for exterior finishes and details. However, if the builder wishes to alter interior details (such as reducing the number of bathrooms or leaving the top floor unfinished) in order to reduce costs and build a more affordable unit, he will be allowed to do so.

4. Affordable Housing Implementation - Overview

The Village One Affordable Housing Program is a true public-private partnership, requiring the full participation of both the City and Village One developers. Each partner's responsibilities are geared to capitalize on their unique abilities and characteristics. Village One developers, using market-oriented methods and incentives, will be responsible for approximately two-thirds of the affordable housing objectives aimed specifically at low-income and moderate-income households. The City, using state and federal housing programs, will

be responsible for the housing needs of very-low-income households that require substantial subsidies.

5. Affordable Housing Implementation - Institutional Actions

~~The following policies implement a variety of institutional actions by the City that will help achieve greater housing affordability.~~ 6.

a) ~~The City shall designate specific staff with the responsibility for ensuring development of affordable housing.~~

~~City staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.~~ 7.

b) ~~The City should establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.~~

~~Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.~~ 8.

c) The City shall establish a Housing Trust Fund as a multiple-purpose vehicle for providing affordable housing.

The City will establish a Housing Trust Fund as a flexible vehicle to manage and channel its housing assistance programs, ~~such as an Equity Sharing Program. The Equity Sharing Program, funded by Village One single-family developers will assist low and moderate-income~~ to assist ^ households in purchasing single-family housing units in Village One. 9.

d) ~~The City shall pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.~~

~~Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance programs such as Section 8 Rent Assistance. Federal incentive programs, such as mortgage revenue bonds, low-income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.~~ 10.

~~Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low-interest loans from financial institutions.~~ 10.

e) ~~The City should rely primarily on local housing initiatives and programs to meet Village One's affordable housing objectives while aggressively pursuing state and federal assistance.~~

~~Significant cutbacks in the funding of state and federal housing programs has resulted in increased competition for the remaining funds. This means that the only way to insure that the Village One specific Plan's affordable housing objectives can be met is through locally initiated programs. Access to state and federal housing programs, such as Section 8 rental assistance and Proposition 84 funds are generally confined to nonprofit housing corporations, housing authorities, and other governmental entities. These types of organizations are typically the only ones able to cope with the long and difficult application process.~~ 11.

f) ~~The City should utilize mixed-use development and reduced parking requirements in order to achieve affordability in senior housing developments.~~

~~Housing over Village Center retail or community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.~~

g) ~~The City shall establish criteria for eligibility for affordable housing.~~

~~Demand for affordable housing is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.~~

6. Affordable Housing Implementation-City and Developer Requirements

The affordable housing program in Village One shall be a shared effort between the City and developers. This combined participation can help meet the Village One Specific Plan's affordable housing goals, The following policies determine the responsibilities involved to assure that the Village One Specific Plan's affordability goals are met.

a) The City will be responsible for meeting all the very-low-income housing needs for Village One~~, estimated at 433 units~~: The City shall aggressively pursue all local, state, and federal programs to provide affordable rental housing and subsidized housing. 12.

The City will utilize available local, state, and federal housing and financing programs such as Mortgage Revenue Bonds, Section 8, Section 202, Low-Income Tax Credits.

b) The City will create an Equity Sharing Program administered as part of the Housing Trust Fund, as the vehicle to provide "gap" financing.

The Equity Sharing Program, funded by Village One developers of single family housing, will assist low and moderate income households with "gap" financing. The "gap" makes up the difference between housing price and income. In applying gap financing, the City will take an equity share in the home, and upon sale or refinancing of the home, the assisted homeowner will repay the loan, together with interest and a share of the appreciation. The proceeds will be deposited in a revolving account from which new loans to other qualified low income and moderate income households can be made. This process will insure that the program achieves its long-term objectives.

c) Village One developers of single family housing will be responsible for meeting the estimated needs of 101 low-income and 355 moderate-income households, by contributing to the Equity Sharing Program administered through a Housing Trust Fund or by providing affordable housing equal in scope and amount.

Developer participation in the Equity Sharing Program is the foundation of the Village One Affordable Housing Program and is expected to provide the bulk of affordable housing, including opportunities for home ownership, in Village One. To serve as an incentive to developers to build smaller, less expensive housing, the program established a performance standard based on affordability, using house size as an indicator. The program is based on an 800 square foot home, costing $78,000, which is affordable to households in the upper end of the low-income category (assuming the current average price of $97.50 per square foot, including land, for new single family housing currently offered in the greater Modesto area).

Developers who build units larger than 800 square feet will be required to contribute to the Housing Trust Fund on a per-square-foot basis for the floor area of each single family home in excess of 800 square feet. These fees will be used to fund the Equity Sharing Program described in Policy 2 above. Developers who build a home of 800 square feet or less will not be assessed a fee because a house of this size is expected to be affordable without assistance.

Based on the cost of a modest starter home of 1,100 square feet, an estimated $3.8 million will be needed to assist 101 low-income households and 355 moderate-income households. Because the Housing Trust Fund fee is based on the size of homes actually constructed in Village One, the funds raised should be in balance with what is needed. If larger, more expensive homes are built in Village One, the amount needed and raised will also increase. Similarly, if smaller, less-expensive homes are constructed the amount needed and raised will decrease.

13

~~Based on the 1,770-square foot average size of a new single-family home, currently being offered in the greater Modesto area, the 5,505 single-family homes that will be constructed in Village One should yield 5.3 million square feet of total floor area that is in excess of 800 square feet. A Housing Trust Fund fee of $0.70 is obtained by dividing the amount needed, $3.8 million, by the 5.3 million floor area, in excess of 800 square feet. Ten percent is added to cover the costs to administer the program (rounded off to $0.80).~~

~~To keep pace with inflation, annual adjustments will be made to the square foot fee based on the Capital Facilities Fees land appraisals for land costs, and Engineering News Record Index for building costs. Also, a full review and assessment of the program's performance will be made five years from the start of implementation to ensure that the program is meeting its goals. (See Table II-4, Village One Affordable Housing Program)~~

~~As an alternative to the Housing Trust Fund fee, developers could provide affordable housing, if the affordable housing is equivalent in scope and amount to the housing assistance offered by the Equity Sharing Program.~~

13.

d) ~~The developer of multi-family units will be providing, through the required Village One multi-family density (p II-1), the equivalent of a 25% density bonus. This density bonus, as defined by Section 65915 et seq. of the state Government Code, has already been calculated into this density. In addition, Section 65915 requires that 20% of these multi-family units shall be made available to low-income households.~~

14.

e) Except for senior housing planned for the Village Center, assisted housing, whether private or government sponsored, should remain dispersed. Households receiving assistance shall be free to choose housing in Village One consistent with their needs and financial capability.

Taken together, the Village One Affordable Housing Program matches the type of housing assistance with the capabilities of each provider ~~(Housing Trust Fund fee and density bonus for the developer, vs. state and federal housing programs for the City)~~ in a way that maximizes individual choice. By emphasizing the assistance to low and moderate-income households rather than providing specific units, the Village One Affordable housing Program helps insure that assisted housing will be dispersed and that affordable housing does not diminish the quality of Village One housing.

15.

f) ~~Village One developers in the Precise plan shall address the provision of affordable housing in their Precise Plan that will govern the development of their property.~~

~~Precise Plans are required for development in Village One. Precise Plans, which establish the program for development of property in Village One, are required to address the provision of~~

16.

~~infrastructure and financing. The Precise plan shall also address the provision of affordable housing~~.

16

I. Adoption of EIR Mitigation Measures

The certified Program EIR for the Village One Specific Plan (SCH #900-20181) contained 143 Mitigation Measures. These Mitigation Measures shall be incorporated, where appropriate, into the Facilities Master Plan and/or relevant Precise Plans, as described in Chapter IV. This Section implements Section 21081.6 of the Public Resources Code, relating to mitigation monitoring.

13.

Table II-4
VILLAGE ONE
AFFORDABLE HOUSING PROGRAM

The following reflects the distribution of affordable units in Village One and illustrates the affordable housing program.

DISTRIBUTION OF AFFORDABLE UNITS

Estimated Total Housing Units in Village One	7,400
Affordable Housing Units (25% of total)	1,850
10% Market Affordable	740
15% Program Affordable	1,100

HOUSING TRUST FUND/EQUITY SHARING PROGRAM

Assumptions:

Price per square foot	$97.50
Price affordable to low-income households	$78,000.00
Price affordable to moderate-income households	$105,000.00
Size of affordable unit	800 s.f.
Size of "starter home"	1,100 s.f.
Price of "starter home"	$107,250.00
Average home size	1,770 s.f.
Average home price	$155,178.00

Subsidy needed to fund Equity Sharing Program:

Low-income (101 households x $29.250)	$2,954,250.00
Moderate-income (355 households x $2.250)	$798,750.00
Total Subsidy	$3,753,000.00

Fee for homes over 800 square feet*

(1,770 - 800 sq. ft.) x 5,505 units	5,339,850 s.f.
Fee ($3,753,000/5,339,850 sq. ft.)	$0.70 s.f.
With administrative fee (10%)	$0.80 s.f.

DENSITY BONUS PROGRAM

Assumptions:

Acres designated for multi-family	70 ac.
Maximum permitted density	21 d.u.'s/ac.
Total multi-family units (@ 75% density)	1,103
Number of low-income units (1,103 units X 20% self-aside requirement)	221

*Fee to be adjusted annually.

5. All road alignments for connector streets shall be consistent with the Facilities Master Plan.

6. The Land Use and Community Design Policies presented in Chapter II (Section II-G) shall be incorporated, where relevant, into each Precise Plan. The Development Review process to implement these policies may specify that, for existing and proposed lots greater than 5,000 square feet in size, performance standards may be utilized, in lieu of architectural and plot plan submittals, to demonstrate conformance with the Land Use and Community Design Policies.

7. ~~The Village One Affordable Housing Program presented in Chapter II (Section II-H) shall be implemented throughout each Precise Plan which proposes residential development.~~] 16

8. All Precise Plans which propose residential development shall include the following requirement for residential subdivisions notifying future home buyers in the project area of potential land use impacts although it may not fully mitigate the impact:

> "All deeds for lots sold in this subdivision shall contain the following statement:
>
> > 'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

9. All Precise Plans which propose residential development shall include the following requirement:

> The Developer shall provide Pedestrian linkage to school facilities serving the particular residential Precise Plan Area. Linkage may consist of any surface and route agreed to by the City Transportation Division and School District Facilities Planners to provide safe and continuous linkage from the residential areas to the school facility.
>
> -or-
>
> As an alternative to construction of pedestrian linkage, reimburse the school district for busing arrangement until such time as necessary pedestrian linkage is in place.

(3) Any Tentative Subdivision Maps, if a concurrent subdivision is proposed.

(d) An Infrastructure Financing Program, which includes:

(1) A plan for the participation of properties located in the Precise Plan area in the financing of (a) the costs of preparation of the Village One Specific Plan EIR, Village One Financing Plan, Public Facilities Master Plan and related studies, and (b) the phased construction of the sanitary sewer, water, storm drain, circulation, school facilities, and other facilities as described in the Village One Specific Plan.

(2) A plan for financing the costs of maintenance of medians, alleys, common open space areas, and other facilities in the Precise Plan Area.

(e) ~~A plan for providing affordable housing consistent with the Village One Specific Plan Affordable Housing Program, as described in Chapter II.~~] 16.

(f) Written documentation of conformance to the Precise Plan Area policies in Chapter III.

(g) A proposed development review process, consistent with Section IV-D, which effectively implements the relevant Land Use and Community Design Principles specified in Section II-G (Chapter II).

For lots which are 5,000 square feet and larger, the Final Development Plan requirements shall allow the Final Subdivision Map to be recorded without the requirement for plot plans and elevations of model homes. Instead, prior to each individual single-family building permit, the applicant must submit plot plans and elevations for those structures which are designed to meet the following objectives:

- Garage setback a minimum of 20 feet
- House setback between 10 and 28 feet
- Garage width no more than one-half the width of the house

(h) If required by development phasing or other reasons, a Draft Development Agreement consistent with the Development Agreement Form prescribed by the City Attorney.

(i) Precise Plans can focus on the parcels being considered for development entitlements such as zoning and subdivision, as long as the overall policies for the Precise Plan can still be achieved.

These findings shall be in addition to the findings otherwise required by resolution, ordinance or statute for any other discretionary approval, permit or other entitlement considered concurrently with a Precise Plan.

7. Precise Plans - Administration

The following provisions shall govern the review of all projects proposed in areas covered by adopted Precise Plans:

(a) All applications for discretionary approvals, permits or other entitlements shall be found consistent with the adopted Precise Plan and Village One Specific Plan, and the Principal Underlying Zoning and Development Agreement before they can be approved. This finding shall be in addition to any findings otherwise required by resolution, ordinance, statutes or the Development Agreement.

(b) Major modifications or changes to a Precise Plan, such as a substantial increase or decrease in density; significant change in the circulation pattern; or significant change in the Infrastructure Master Plan, the Infrastructure Financing Plan, the Mitigation Plan, or ~~Affordable Housing Plan~~, shall require an amendment to the Precise Plan. The procedures for the adoption of a Precise Plan shall apply to the amendment of an adopted Precise Plan. Minor modifications to a Precise Plan, which do not involve new uses or require significant site plan redesign, may be approved by the Community Development Director. Any such modifications shall be noted in the project file.] 16.

(c) The procedures for revocation of a Precise Plan shall be those set forth in Section 10-2.1711 of the Municipal Code.

D. Subsequent Development Review Procedures

1. Overview

A review by the Community Development Department shall be required of any project in an area covered by a Precise Plan, prior to the issuance of any building permit that authorizes the construction or remodeling of any building or structure, excluding those issued for minor accessory buildings, electrical, plumbing or other special service, or for remodeling that is entirely confined to the interior of a building or structure. This review shall be for the purpose of determining compliance with all of the requirements of the Precise Plan, including the design and development standards of the Village One Specific Plan. It is the expressed intent of the City to provide maximum flexibility to the project applicants throughout this subsequent development review process, and to encourage design creativity to meet the standards presented in this Specific Plan.

ATTACHMENT NO. 3

REASONS FOR CHANGES

REASONS FOR CHANGES:

1. This language is proposed to be deleted because it is redundant with text in Section "B. SUMMARY OF HOUSING NEEDS, CONSTRAINTS, & OPPORTUNITIES" in the General Plan Housing Element.

2. This policy language is proposed to be deleted because staff believes affordable housing policy should be based on a Community-wide approach as set forth in the General Plan Housing Element rather than individual policies in Specific Plans. The Housing Element (adopted subsequent to Village One) contains affordable housing goals and Quantified Objectives which can be applied on a Community-wide basis.

3. This policy language is being deleted because the Housing Element contains Quantified Objectives which address the mix of affordable housing. In addition, staff proposes this issue be approached on a Community-wide basis and not on a Precise Plan area basis.

4. This language is proposed for deletion because it is a duplication of text found in Section "B. SUMMARY OF HOUSING NEEDS, CONSTRAINTS, & OPPORTUNITIES" in the General Plan Housing Element.

5. This policy language is proposed for deletion because staff proposes that the 20% limitation on the maximum number units to be rented to very-low income is too restrictive and would interfere with the Stanislaus County Housing Authority's efforts at providing affordable housing. There are no policies in Section F of the Housing Element which conflict with this deletion.

6. This language is proposed for revision to provide linkage to the General Plan's Housing Element because staff believes that the Housing Element contains Housing Policies which provide adequate "institutional actions". The proposed revised language is as follows:

   > The adopted General Plan Housing Policies found in Section F of the General Plan Housing Element provide a full range of institutional actions including local, state and federal programs that will help achieve greater housing affordability when applied to the development of Village One.

7. This policy language is proposed for deletion because the type of action it would implement is already accomplished through ongoing administration of the Community Development Department. Notwithstanding, each of the 39 Housing Policies identifies a responsible agency for their implementation.

8. This language is proposed to be deleted to remove redundancy with the adopted Housing Element. Housing Policies 10 and 13 of the Housing Element already provide for this need.

9. This language is proposed for deletion in order for the Specific Plan to be consistent with the amended General Plan Housing Element as amended by the City Council on March 18, 1997 (Resolution No. 97-137).

10. This language is proposed for deletion to remove duplication of adopted Housing Element policies that pursue the use of state, federal and private assistance. Housing Element Policies 9, 14, 17, 19, 21, 24, 26, 33, 38, 42, 43, 44, 45, 46, and 47 are among those that already provide for this need.

11. This language is proposed to be deleted to remove duplication of adopted Housing Element policies and procedures that would accomplish the same goal. Housing Policies 4, 27, 34, 36, 41 35 and 23 are among those that provide for these needs.

12. This policy language is proposed for deletion so the Village One Specific Plan is consistent with the amended General Plan (the deletion of Housing Policy 15, Council Res. No. 97-137).

13. This policy language and table is proposed for deletion so that the Village One Specific Plan is consistent with the amended General Plan Housing Element with Housing Policy 15 deleted by the City Council March 18,1997 (Resolution No. 97-137).

14. This policy language is proposed for revision because according to the City Attorney, Government Code Section 65915 only allows use of the Density Bonus upon application by the developer. Thus, the following wording is proposed:

> The developer of multi-family units may provide, through application in accordance with Government Code Section 65915, up to the maximum Village One multi-family density (p II-1), an equivalent of a 25% density bonus. In addition, Section 65915 requires that 20% of these multi-family units shall be made available to low-income households.

15. This policy language is proposed to be deleted in order to be consistent with the amended General Plan Housing Element which had Housing Policy 15 removed by the City Council on March 18, 1997 (Resolution No. 97-137).

16. This policy language is proposed for deletion because staff believes affordable housing policy should be a Community-wide approach implementing the General Plan Housing Element rather than separate policies in Specific Plans or Precise Plans. The Housing Element contains affordable housing goals and quantified objectives to be applied on a Community-wide basis.

ATTACHMENT NO. 4

PLANNING COMMISSION RESOLUTION

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-226

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR REPLACEMENT COPY MACHINES FOR THE POLICE DEPARTMENT AND CENTRAL SERVICES COPY DIVISION

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 replacement copy machines for the Plice Department and Central Services Copy Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 20, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-227

A RESOLUTION ACCEPTING THE CO-COMPOST SITE DEVELOPMENT PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the co-compost site development project has been completed by Teichert Construction, in accordance with the contract agreement dated August 13, 1996.

NOW, THEREFORE, BE IT RESOLVED that the co-compost site development 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 $798,205.00, 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 6th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-228

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SOFTWARE AND ENGINEERING SERVICES FROM HSQ TECHNOLOGY FOR $25,866.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of software and engineering services are hereby waived.

BE IT FURTHER RESOLVED that the purchase of software and engineering services from HSQ Technology for $25,866.00, 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 May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-229

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF PORTABLE RADIOS AND COMMUNICATIONS CENTER SAFETY UPGRADE EQUIPMENT AND RELATED INSTALLATION FROM INDUSTRIAL COMMUNICATION SALES AND RAY'S RADIO FOR $37,000.05

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of portable radios and communications center safety upgrade equipment and related installation are hereby waived.

BE IT FURTHER RESOLVED that the purchase of portable radios and communications center safety upgrade equipment and related installation from Industrial Communication Sales and Ray's radio for $37,000.05 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 May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-230

Print

A RESOLUTION RE-ESTIMATING REVENUE FOR THE FY 1996-97 ANNUAL BUDGET OF THE CITY OF MODESTO

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 1996-97;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the revenue for fiscal year 1996-97 has been re-estimated.

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 May, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Debra Eggimann for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-231

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE THIRD QUARTER OF FISCAL YEAR 1996-97

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 1996-97;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 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 day of May 6, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-232

A RESOLUTION APPROVING LOAN AGREEMENTS WITH ASHWOOD VILLAGE APARTMENTS, L.P. FOR A $765,000 HOME LOAN FOR ASHWOOD VILLAGE RENTAL UNITS AT LOU ANN DRIVE AND BRENNER WAY

BE IT RESOLVED by the Council of the City of Modesto that the loan agreements with Ashwood Village Apartments, L.P. for a $765,000 HOME loan for Ashwood Village Rental Units be, and are hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, by Councilmember Dobbs, 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-233

A RESOLUTION APPROVING A DENSITY BONUS AGREEMENT WITH ASHWOOD VILLAGE APARTMENTS L.P. FOR A 120-UNIT APARTMENT PROJECT LOCATED AT THE SOUTHEAST CORNER OF RUMBLE ROAD AND LOU ANN DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the density bonus agreement with Ashwood Village Apartments L.P. for a 120-unit apartment project located at the southeast corner of Rumble Road and Lou Ann Drive be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-234

A RESOLUTION APPROVING AN AGREEMENT WITH YOSEMITE COMMUNITY COLLEGE DISTRICT AND STANISLAUS COUNTY FOR PARTICIPATION IN THE RAY SIMON REGIONAL LAW ENFORCEMENT TRAINING CENTER

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Yosemite Community College District and Stanislaus County for participation in the Ray Simon Regional Law Enforcement Training 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 6th day of May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-235

A RESOLUTION ADOPTING ENGINEERING STANDARDS FOR POLYVINYL CHLORIDE (PVC) SEWER PIPE STANDARDS FOR VILLAGE ONE

WHEREAS, City staff and the Building Industry Association have been cooperatively developing specifications for using Polyvinyl Chloride (PVC) sewer pipe in Village One, and

WHEREAS, in an effort to maintain PVC's cost effectivness and maintainability, standards have been developed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt the standards entitled, "Specifications for the Design and Construction of Polyvinyl Chloride Pipe for Sanitary Sewers within Village One," marked "Exhibit A", a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997 by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

PVC Sewers - Village One

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EXHIBIT "A"

Specifications for the Design
and Construction of
Polyvinyl Chloride Pipe for
Sanitary Sewers within Village One

5.01 GENERAL

The installation of Polyvinyl Chloride (PVC) pipe sewers is allowed in Village One only. It is being allowed as an experiment to evaluate the use of this type of pipe, the field installation, and the long term stability of the pipe. PVC pipe sewers shall be installed by a Contractor holding the appropriate license for such work under the provisions of the State of California Business and Professions Code. **These special specifications are a supplement to the current Modesto Standard Specifications**. Where there is a conflict of specifications, these specifications shall take precedence.

5.02 DESIGN

PVC pipe sewers shall not be used for sewers that exceed the nominal diameter of 8-inches. PVC pipe sewers shall be sized to carry the quantity of sewage which will be discharged from their service area with a minimum design flow of 0.007 cfs/acre. When using PVC, sewer mains shall be no smaller than 8-inch diameter. Eight inch dia. sewers shall have a grade of not less than 0.35% (n coefficient = .013).

All sewers shall have a minimum cover of 3-feet 6 inches from the top of the pipe to finished grade and a minimum of 2 feet to bottom of street subgrade. Sewers with less than minimum cover shall be ductile iron pipe.

5.03 MANHOLES

Connections of PVC pipe and fittings to a manhole shall be water tight. The use of manhole water stops per manufacturer's requirements shall be approved by the City Engineer prior to the installation of any pipe or fitting.

5.04 PVC Pipe Material

PVC pipe and fittings 4 inch through 8 inch shall conform to the current ASTM Specifications D-3034 SDR 35 with an initial pipe stiffness of 46 lbs./in./in. Additives and fillers including but not limited to stabilizers, antioxidants, lubricants, colorants, etc., shall not exceed 10 parts by weight per 100 parts of PVC resin in the compound per ash test results conducted in accordance with ASTM D817.

All pipe, fittings, and couplings shall be clearly marked at intervals not to exceed 5 feet as

follows:

1) Nominal pipe diameter.
2) Date of Manufacture.
3) Manufacturer's name or logo.
4) ASTM and SDR designation..

For fittings and couplings, the Pipe Stiffness is not required.

All pipe and fittings shall be suitable for use as a gravity sewer conduit, with provisions for expansion and contraction at each joint. All joints shall be made with flexible elastomeric seals meeting the requirements of ASTM D3212, and shall be capable of passing all tests specified in said standard and within these specifications. A factory applied reference mark shall be provided on the spigot end to ensure proper positioning in the adjoining bell. The pipe shall be uniform in color, opacity, density, and other physical properties.

Wyes for house service connections shall be complete molded fittings. Solvent type saddle and wye are not allowed at any time.

Any wye found to have been solvent welded will require the complete removal of both pipe and joint and replaced with a complete fitting and repair couplings. The cost of repairs shall be borne by the Contractor.

Written certification (compliance), by the manufacturer, shall be submitted showing that all pipe and fittings meet the requirements herein.

When testing is required by the City Engineer because of suspect quality or because the date of manufacture to installation exceeds 13 months, one test pipe shall be selected at random by the City Engineer from each 1,000 feet or fraction thereof of each size of pipe delivered to the work site. But no less than one test pipe per lot. The length of specimen for each selected pipe shall be a minimum of 8 feet. The cost of such tests shall be borne by the Contractor.

The standards for testing set forth in the specifications will need to be 95% or better of ASTM's recommended initial values for Tensile Strength, Modulus of Tensile Elasticity, Pipe Flattening and Stiffness. Impact strength will meet 90% of the recommended ASTM value for pipe manufacturers. .

Flexible Pipe not installed within 120 days of the latest test shall not be used without prior written approval from the City Engineer.

Care shall be taken during transporting of the pipe to insure that the binding and tie down methods do not cut the pipe in any manner. Pipe bowed, deformed or otherwise damaged during shipping or storage shall be rejected.

Pipe stored on the job site for an excessive duration, over 8 months, shall be covered with canvas or other opaque material to protect it from the sun's rays. Air circulation shall be provided under the covering.

Pipe shall be made of PVC plastic having a cell classification of 12454-B or C as defined in ASTM D 1784. The fittings shall be made of PVC plastic having a cell classification of 12454-C. PVC compounds of other cell classifications shall be approved by the City Engineer.

5.05 EXCAVATION

Trench width shall be a minimum width not less than the greater of either the pipe outside diameter plus 16 in. (400mm) or the pipe outside diameter times 1.25 plus 12 in. (300 mm).

PVC sewer pipes shall be over excavated a minimum of 4 inches below the pipe or bell, which ever is lower in elevation.

5.06 SEWER SERVICE MATERIALS

PVC pipe shall be used for all sewer services from 4 inches to 8 inches. PVC pipe shall not be used for any sewer services on VCP or Ductile Iron Sewer Mains. PVC pipe shall not be used for any sewer services over 8 inch in diameter.

Connections to PVC Pipe sewer mains shall utilize a "wye" fitting. "Tee" connections to PVC Pipe will not be allowed. Solvent type fittings are not allowed.

When cutting in a wye, 3/4 inch crushed stone shall be placed under the main line and the sewer service lateral within the right of way line.

5.07 BEDDING

PVC pipe and fittings shall be bedded in conformance with these specifications.

Bedding shall be defined as that material supporting, surrounding, and extending a minimum of 4 inches under the pipe or projecting bell which ever is lowest to 1 foot above the top of the pipe or projecting bell which ever is highest. Where it becomes necessary to remove boulders or other interfering objects at subgrade for bedding, any void below such subgrade shall be filled with the bedding material.

If soft, spongy, unstable, or other similar material is encountered upon which the bedding material is to be placed, this unsuitable material shall be removed to a depth ordered by the City Engineer and replaced with bedding material suitably densified.

Bedding Material shall first be placed on a firm and unyielding subgrade so that the pipe is

supported for the full length of the barrel. There shall be a minimum of 4 inches of bedding below the pipe barrel or projecting bell which ever is lowest. Haunching of the Class II bedding around pipe shall be done by hand to provide the maximum performance. Bedding material shall be placed, and densified by mechanical means in lifts not exceeding 6 inches to an elevation of 1 foot over the top of the pipe. Bedding material shall be compacted to 90 percent relative compaction. Jetting of the bedding material will not be allowed. Unless the sheeting and shoring is to be cut off and left in place, densification of bedding for pipe shall be accomplished after the sheeting or shoring has been removed from the bedding zone, and prior to the placement of backfill.

Remaining backfill shall be in accordance with the Modesto Standard Specifications unless noted on the improvement plans.

Except where otherwise specified, bedding material shall consist of clean sand & gravels, Class II material (ASTM designation D 2321) or manufactured granular angular material, Class IB (ASTM designation D 2321). The description of the material may also be found in Table 10.8 of the Uni-Bell Handbook of PVC Pipe.

Written certification, by a certified geotechnical laboratory, shall be submitted showing that the bedding material meets the requirements herein prior to the placement. If the sand bedding material changes, the Contractor shall resubmit written certification that the new bedding material meets the requirements herein.

5.08 BACKFILL

PVC pipe shall be bedded in accordance with these Standards. Above this bedding, all clods of any kind shall be removed which are larger than 3 inches in diameter. Ponding or jetting may not be allowed.

In existing paved streets, Class 1 aggregate sub-base conforming to Section 25-1.02A of the State Standards shall be used as the backfill material where a sewer wye is installed on an existing main. Ponding or jetting will not be allowed in existing paved streets, either paved or undeveloped.

Compaction tests shall be performed by a soils technician under the supervision of a registered Civil or Geotechnical Engineer retained at the Contractor's expense.

5.09 AIR PRESSURE TEST

The Contractor shall furnish all materials, equipment, and labor for making an air test. Air test equipment shall be approved by the City Engineer unless otherwise provided on the Plans or in the Specifications.

The Contractor may conduct an initial air test of the sewer mainline after densification of the backfill, but prior to installation of the house connection sewers. Such tests will be considered to be for the Contractor's convenience and need not be performed in the presence of the City Engineer.

Each section of sewer shall be tested between successive manholes by plugging and bracing all openings in the sewer mainline and the upper ends of all house connection sewers. Prior to any air pressure testing, all pipe plugs shall be checked with a soap solution to detect any air leakage. If any leaks are found, the air pressure shall be released, the leaks eliminated, and the test procedure started over again The Contractor has the option of wetting the interior of the pipe prior to the test.

The final leakage test of the sewer mainline and branching house connection sewers, shall be conducted in the presence of the City Engineer in the following manner:

Air shall be introduced into the pipeline until 3.0 psi gage pressure has been reached, at which time the flow of air shall be reduced and the internal air pressure shall be maintained between 2.5 and 3.5 psi gage pressure for at least 2 minutes to allow the air temperature to come to equilibrium with the temperature of the pipe walls. Pressure in the pipeline shall be constantly monitored by a gage and hose arrangement separate from hose used to introduce air into the line. Pressure in the pipeline shall not be allowed to exceed 5 psi gage pressure.

TABLE 5.2
AIR PRESSURE TEST

Main Line		4" House Connection				
Diameter	Length	House Connection Length				
(Inches)	(Feet)	0 ft.	100 ft.	200 ft.	300 ft.	400 ft.
	0	0	20	40	50	70
	50	40	50	70	90	80
	100	70	90	100	100	90
8	150	110	120	110	100	100
	200	140	120	110	110	100
	300	140	130	120	110	110
	400	140	130	120	120	110
Main Line		6" House Connection				
Diameter	Length	House Connection Length				
(Inches)	(feet)	0 ft.	100 ft.	200 ft.	300 ft.	400 ft.
	0	0	40	80	100	100
	50	40	70	110	110	110
	100	70	110	120	110	110
8	150	110	120	120	120	110
	200	140	130	120	120	120
	300	140	130	120	120	120
	400	140	130	130	120	120

Time in Seconds for Pressure to Drop from 2.5 to 1.5 psi Gage Pressure

After the temperature has stabilized and no air leaks at the plugs have been found, the air pressure shall be permitted to drop and, when the internal pressure has reached 2.5 psi gage pressure, a stopwatch or sweep-second-hand watch shall be used to determine the time lapse required for the air pressure to drop to 1.5 psi gage pressure.

If the time lapse (in seconds) required for the air pressure to decrease from 2.5 to 1.5 psi gage pressure exceeds that shown in Table No. 5.2 the pipe shall be presumed to be within acceptance limits for leakage.

If the time lapse is less than that shown in Table No. 5.2 the Contractor shall make the necessary corrections to reduce the leakage to acceptance limits.

5.10 DEFLECTION TESTING

Deflection testing shall be conducted following final compaction of the rock base in the streets but no sooner than 30 days following pipe installation. Percent allowable deflection shall be 5% of the base inside diameter as established by the ASTM Standard. With the Village One standard of 8" PVC sewer pipe (7.665 in. base diameter), the minimum inside diameter shall be 7.282 inches.

Following the placement and densification of backfill and prior to the placing of permanent pavement, 100 percent of all mainline PVC sewer pipe installed shall be cleaned and measured for obstructions (deflections, joint offsets, and lateral pipe intrusions). A rigid, odd numbered-leg (9 legs minimum) mandrel, with a circular cross section having a minimum diameter at any point along the full length of 7.282 inches, shall be pulled through the pipe by hand in the presence of the City Engineer. The minimum length of the circular portion of the mandrel shall be equal to the ID of the pipe. Contractor shall submit its design of the mandrel to the City Engineer for approval. Once the deflection testing has started the mandrel(s) shall stay in the possession of the City Engineer.

The initial maximum deflection shall be 5% (95% of 7.665 for 8" SDR 35). Vertical deflection exceeding 5% shall be cause for rejection of the pipe and all related work. Any over deflected pipe shall be uncovered and, if not damaged, reinstalled. Damaged pipe shall not be reinstalled, but shall be removed from the work site. Any pipe subjected to any method or process other than removal, which attempts, even successfully, to reduce or cure any over deflection, shall be uncovered, removed from the job site and replaced with new pipe (such as the use of a "re-rounder"). Any pipe found to be re-rounded will be replaced from structure to structure with new pipe at the expense of the contractor.

All deflection testing conducted by the Contractor shall be under the inspection and approval of

the City Engineer. All reports and records of deflection testing shall be given to the City Engineer. The costs of the initial deflection test shall be borne by the contractor. Any retests for vertical deflection due to failure shall be borne by the contractor.

The maximum 11 month deflection for PVC pipe shall be 6 percent. The City will conduct deflection testing approximately one month prior to expiration of the contractor's one year warranty period. Any pipe failing the 6% deflection test within the one-year warranty period will be subject to replacement by the Contractor at his/her expense.

Any pipe which has been replaced will be re-tested by the contractor at his/her expense.

5.11 INSPECTION

Defects such as high and low spots, joint separations, offset joints, chipped ends, cracked or damaged pipe, infiltration points, and debris in lines shall be corrected by the contractor at his/her expense. For joint separations, low spots, and chipped ends, the following maximum acceptable limits will apply for eight and ten inch pipes:

Joint separations - 1/2 inch

Low spots -	6"	-	1/2" (.04')	Depth tolerance of trapped water
	8"	-	3/4" (.06')	
	10"	-	1" (.08')	
	12" & larger		depth tolerance = 10% of pipe area	

Chipped ends - 1/4 inch

For pipe larger than 10 inches, specific maximum limits will be specified by the City for each project.

5.12 SPECIAL DETAILS REQUIRED ON DESIGN PLANS

Design Engineers specifying the use of 8" PVC sewer line shall place the standard trench backfill detail within the set of improvement plans and a note detailing the mandrel and air test requirements.

Any Design Engineer specifying PVC sewer pipe to be installed deeper than 16 feet from finished grade shall use the ASCE methods to calculate the deflection. The design engineer must also provide all pertinent soils evaluation which shall include testing of the import backfill and existing soils down to the depth of installation. These calculations and soils testing must be provided to the City Engineer before improvement plans are signed.

TABLE 5.1
DESCRIPTION OF MATERIAL CLASSIFICATION
As Defined in ASTM D 2321

Class	Type	Soil Group Symbol	Description ASTM D 2487	Percentage Passing Sieve Sizes 1.5 in (40mm)	No. 4 (4.75mm)	No. 200 (0.075) (mm	Atterberg Limits LL	PI	Coefficients Uniformity C_U	Curvature C_C
IA	Manufactured Aggregates: open-graded class	None	Angular, crushed stone or rock, crushed gravel, broken coral, crushed slag, cinders or shells; large void content, contain little or no fines	100%	≤10%	<5%	Non Plastic			
IB	Manufactured, Processed Aggregates: dense-graded, clean	None	Angular, crushed stone (or other Class IA materials) and stone/sand mixtures with gradations selected to minimize migration of adjacent soils; contain little or no fines	100%	≤50%	<5%	Non Plastic			
II	Coarse-Grained Soils, clean	GW	Well-graded gravels and gravel-sand mixtures; little or no fines	100%	<50% of Coarse Fraction	<5%	Non Plastic		>4	1 to 3
		GP	Poorly-graded gravels and gravel-sand mixtures; little or no fines						<4	<1 or >3
		SW	Well-graded sands and gravelly sands; little or no fines		>50% of Coarse Fraction				>6	1 to 3
		SP	Poorly-graded sands and gravelly sands; little or no fines						<6	<1 or >3
	Coarse-Grained Soils, borderline clean w/fines	eg. GW-GC, SP-SM	Sands and gravels which are border-line between clean and with fines	100%	Vanes	5% to 12%	Non Plastic		Same as for GW, GP, SW and SP	

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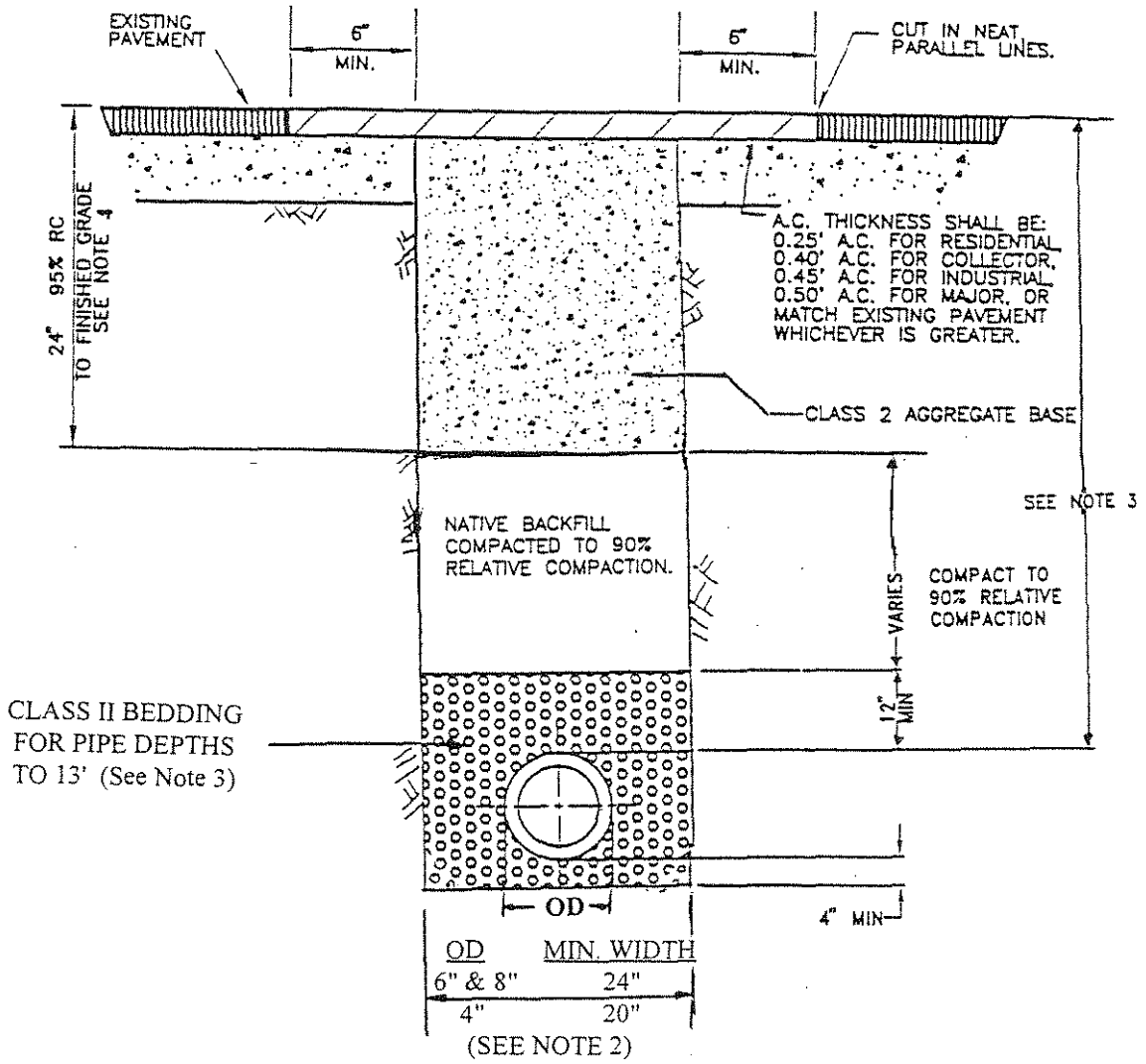


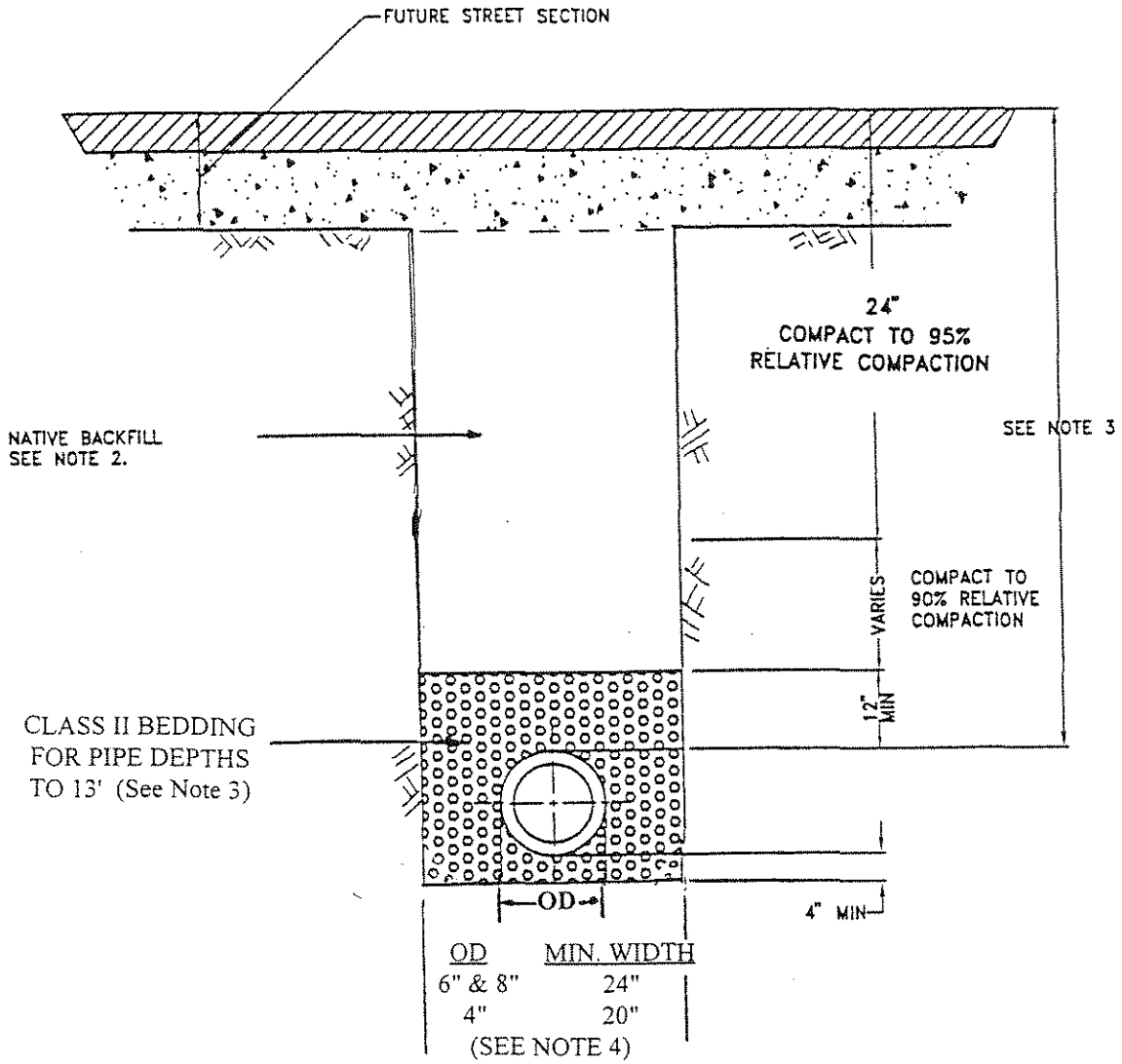
SECTION

Notes

1. Trench section shall be backfilled and mechanically compacted to grade (No Jetting).
2. Trench width shall be a minimum width not less than the greater of either the pipe outside diameter plus 16 in. (400mm) or the pipe outside diameter times 1.25 plus 12 in. (300mm).
3. Maximum cover with Class II bedding is 13 feet. Maximum cover with Class IB bedding is 16 feet.
4. On industrial streets or where the TI is 10 or above, the depth of relative compaction shall be determined by the City Engineer.
5. In existing pavement, contractor shall furnish 2" temporary pavement.
6. Excavations that leave 3 feet or less of existing surface shall have the remaining surfacing removed and repaved with the same material as the trench section.

APPROVED BY CITY COUNCIL:		
APPROVED BY:	DIRECTOR:	**P.V.C. SEWER TRENCH BACKFILL IN EXISTING STREETS**
	RE:	
REVISED:	DATE:	
REVISED:	DATE:	DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DATE:	DRAWN:	CITY OF MODESTO DETAIL NO. 516V

VILLAGE ONE ONLY



SECTION

Notes

1. Trench section shall be backfilled and mechanically compacted to grade (No Jetting).
2. In landscape areas the native backfill shall be compacted to 85% relative compaction.
3. Maximum cover with Class II bedding is 13 feet. Maximum cover with Class IB bedding is 16 feet.
4. Trench width shall be a minimum width not less than the greater of either the pipe outside diameter plus 16 in. (400mm) or the pipe outside diameter times 1.25 plus 12 in. (300mm).

APPROVED BY CITY COUNCIL:		
APPROVED BY:	DIRECTOR:	
	RE:	
REVISED:	DATE:	
REVISED:	DATE:	
DATE:	DRAWN:	

P.V.C. SEWER
TRENCH BACKFILL
UNDEVELOPED STREETS

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

CITY OF MODESTO
DETAIL NO.
517V

VILLAGE ONE ONLY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-236

A RESOLUTION DETERMINING THAT THE NINTH STREET BRIDGE OVER THE TUOLUMNE RIVER IS A CRITICAL LINK IN THE CITY OF MODESTO'S TRANSPORTATION NETWORK.

WHEREAS, the Seismic Retrofit Program, which is being administered by Caltrans, has reviewed the Ninth Street Bridge for its potential for failure during a seismic event, and

WHEREAS, based on initial review of the bridge structure under the program guidelines, Caltrans is considering replacing the entire structure rather than attempting to retrofit the existing structure, and

WHEREAS, in order to proceed, Caltrans needs a determination from the City of Modesto as to the local need for the structure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby makes the determination, as recommended by City staff, that the Ninth Street Bridge is a critical link in the Modesto Urban Area's transportation network, based on the following:

1. The Ninth Street Bridge over the Tuolumne River carries approximately 20,000 vehicles a day.

2. The bridge provides a vital transportation link between downtown Modesto and the South Modesto area.

3. The closest alternate Tuolumne River crossing is the Seventh Street Bridge, which has a bridge sufficiency rating of 2.0 out of a possible 100. It is likely that a seismic event of a magnitude that would render the Ninth Street Bridge unusable

would also inflict serious damage on the Seventh Street Bridge. The Seventh Street Bridge currently has a maximum load limit of four tons, prohibiting its use by Fire apparatus and Transit buses.

4. The nearest upstream crossing of the Tuolumne River is located approximately 2.75 miles upstream of Ninth Street.

5. State route 99 is the nearest crossing of the Tuolumne River that is likely to be usable following a significant seismic event and would be impacted by the loss of the Ninth Street Bridge and the Seventh Street Bridge, with the diversion of approximately 25,000 vehicles per day from these two crossings.

6. The loss of the Ninth Street Bridge would significantly impact the ability of the City of Modesto and the County of Stanislaus to provide emergency services to its citizens.

7. The loss of the Ninth Street Bridge would significantly impact the City's ability to provide public transportation to a significant portion of the public.

8. The loss of the Ninth Street Bridge would severely impact business in the area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-237

A RESOLUTION ACCEPTING IMPROVEMENTS IN NOTTINGHAM PLACE, PHASE 1 SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE STANDBY LETTERS OF CREDIT

WHEREAS, Stewart W. and Betty J. Bradley, subdividers of Nottingham Place Phase I subdivision, have caused to be filed an Irrevocable Standby Letter of Credit in the amount of $47,230.00 to serve as a performance bond to guarantee improvements and an Irrevocable Standby Letter of Credit in the amount of $23,615.00 to serve as a labor and materials bond for Nottingham Place Phase 1 subdivision and;

Whereas, the Director of Community Development, in a memorandum dated April 25, 1997, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Department; and

WHEREAS, the Director of Community Development 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 Irrevocable Standby Letters of Credit upon expiration of the statutory period.

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

1. The improvements in Nottingham Place Phase I 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 $47,230.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for labor and materials in the amount of $23,615.00 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 May, 1997 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-238

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN NOTTINGHAM PLACE, PHASE 2 SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE STANDBY LETTERS OF CREDIT

WHEREAS, Stewart W. and Betty J. Bradley, subdividers of Nottingham Place Phase I subdivision, have caused to be filed an Irrevocable Standby Letter of Credit in the amount of $641,632.00 to serve as a performance bond to guarantee improvements and an Irrevocable Standby Letter of Credit in the amount of $320,816.00 to serve as a labor and materials bond for Nottingham Place Phase 2 subdivision and;

Whereas, the Director of Community Development, in a memorandum dated April 25, 1997, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Department; and

WHEREAS, the Director of Community Development 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 Irrevocable Standby Letters of Credit upon expiration of the statutory period.

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

1. The improvements in Nottingham Place Phase 2 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 $641,632.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for labor and materials in the amount of $320,816.00 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 May, 1997 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-239

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF $399,600 TO COMPLETE THE AIRPORT'S CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 1998.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvements, and

WHEREAS, an application for federal funds has been submitted through the Federal Aviation Administration (FAA), and

WHEREAS, following the submittal of the grant application, the FAA notified City staff that $500,000 was tentatively allocated for the Modesto City-County Airport projects, and

WHEREAS, the proposed projects have an estimated construction cost of $444,000, City staff is requesting only $399,600 in federal funds and $44,400 in passenger facility charges (PFC),

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 application for federal funds in the amount of $399,600 to complete the airport's recommended fiscal year 1998 improvement projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to execute any and all pertinent documents on behalf of the City of

Modesto in relation to this application for federal funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison G. Barratt-Green for
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-240

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Fleet Procurement Specialist

The job specification for the classification of Fleet Procurement Specialist (Range 118), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall

become effective on and after May 6, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 4334

MAY, 1997

FLEET PROCUREMENT SPECIALIST

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

DEFINITION

Under general direction, assist in the operation and coordination of the City's fleet/equipment parts purchasing and automotive parts room inventory program.

SUPERVISION RECEIVED

Receives general supervision from the Stores Manager and direct supervision from the Fleet Manager.

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 operation and coordination of the City's fleet/equipment parts purchasing program.

Coordinate material requirements for the City's Fleet Services Division.

Locate and maintain sources for fleet/equipment parts.

Review and ensure that written specifications for supplies, materials, and equipment conform to good and accepted purchasing practices and to industry standards.

Prepare informal bids, evaluate bids and purchase fleet parts/equipment. Assist in the preparation and evaluation of formal bids for fleet parts/equipment.

Maintain knowledge of public purchasing, the Uniform Commercial Code, and City of Modesto purchasing policy and procedures.

Ensure that the City obtains the best value for parts given the required material specifications, delivery urgency, and available vendors.

Process fleet,equipment parts purchase requisitions and purchases orders in a timely, professional manner.

EXAMPLES OF DUTIES (Continued)

Receive, count, and inspect fleet/equipment materials to ensure accurate quantity and quality.

Store and issue a variety of fleet/equipment parts; process requests for parts room items via computer.

Make periodic inventory counts of parts room items to ensure proper identification and resupply needs. Prepare reorder requests.

Maintain the fleet, equipment parts room in a clean and orderly fashion and in accordance with standard accepted warehouse procedures.

Marginal Functions:

Maintain records, memos, letters, and related documentation on hazardous materials.

Perform other related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, supplies, and equipment used in fleet/equipment parts industries.

Fundamental principles and practices of public purchasing and material management methods and procedures, particularly those in fleet/equipment parts specialties; the Uniform Commercial Code, and City of Modesto purchasing policy and procedures.

Principles of vehicle parts management.

Specific terminology of the fleet/equipment industry.

History and format of fleet/equipment part numbering and supersession.

Warehousing/storekeeping methods and procedures.

Inventory control methods and procedures.

Techniques for establishing sources of supply.

Basic computer skills with an emphasis on Windows-based programs.

QUALIFICATIONS (Continued)

Principles and procedures of record keeping and inventory management.

Hazardous materials storage and handling.

Basic mathematical principles.

Ability to:

Interact with automotive mechanics at a highly technical level.

Prepare fleet,equipment parts purchase specifications.

Maintain required purchasing fleet/equipment parts records.

Use automotive parts catalogs to identify correct parts to be ordered.

Operate a personal computer and related word processing and/or spreadsheet software.

Evaluate needs and estimate future supply requirements for a variety of fleet/equipment parts and related items.

Apply Federal, State, and municipal purchasing laws and procedures.

Tactfully and skillfully obtain materials and services in a timely manner for a fair and reasonable price.

Select and recommend the purchase of routinely used materials and supplies.

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

Communicate clearly and concisely, both orally and in writing.

Type at a speed necessary for successful job performance.

Perform arithmetic calculations accurately and rapidly.

Lift/carry objects of up to 100 pounds of weight; work under adverse physical conditions such as heat and cold.

Operate a forklift and drive a medium-size truck.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in automotive parts-related work involving the selection, purchasing, storing, and issuing of a variety of fleet/equipment materials and supplies.

A Certified Purchasing Manager (CPM) Certificate may be substituted for two years of experience.

Training:

Possession of a high school diploma or GED Certificate.

License or Certificate

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

The acquisition and maintenance of an Automotive Service Excellence (A.S.E.), Automotive Parts Specialist, Certification within two years of appointment.

The acquisition of certification in the purchasing profession within four years of employment is desirable.

WORKING CONDITIONS

Environmental Conditions:

Warehouse environment; work both in- and out-of-doors. Hot and cold temperatures.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 100 pounds of weight, climbing ladders, standing and/or for long periods of time, climbing stairs, extensive telephone usage and operator of a computer terminal for long periods of time.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-241

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH A SALARY RANGE FOR FLEET PROCUREMENT SPECIALIST.

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 May 6, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Fleet Procurement Specialist (Range 118).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 6, 1997.

05/06/97-CA OP0N44IY/lk

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective May 6, 1997

RANGE	TITLE
101	Custodian I
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 & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator

116	Code Enforcement Officer II Equipment Operator Fire Prevention Technician I Meter Reader/Repair Worker Motor Sweeper Operator Traffic Technician Traffic Painter Traffic Sign Worker Water Line Worker Wastewater Collection System Operator
117	Electrical Technician II Storm Water Inspector
118	Fleet Procurement Specialist Senior Storeskeeper Street Trees Crewleader 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
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician Systems Technician Meter Reader Crewleader
121	

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

133

134 Senior Building Inspector
Senior Construction Inspector
Fire Plan Checker
Plan Review Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-242

A RESOLUTION APPROVING A SCOPE OF SERVICES AGREEMENT WITH DAVID M. GRIFFITH & ASSOCIATES FOR PARTICIPATION IN A JOINT PROJECT WITH STANISLAUS COUNTY FOR THE CONSTRUCTION OF A FISCAL IMPACT MODEL FOR ANALYZING ANNEXATION PROPOSALS

BE IT RESOLVED by the Council of the City of Modesto that the scope of services agreement with David M. Griffith & Associates for participation in a joint project with Stanislaus County for the construction of a fiscal impact model for analyzing annexation proposals 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 May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-243

A RESOLUTION APPROVING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE MODESTO A'S

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the license agreement with the Modesto A's be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the 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 6th day of May, 1997, by Councilmember Fisher, 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, McClanahan, Mayor Lang
NOES:	Councilmembers:	Cogdill, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-244

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LOAN AGREEMENT WITH MODESTO IRRIGATION DISTRICT TO PAY FOR A PORTION OF THE JOHN THURMAN FIELD CONSTRUCTION COSTS

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate a loan agreement with the Modesto Irrigation District to pay for a portion of the John Thurman Field construction costs.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Cogdill, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-245

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE $154,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO FUND A PORTION OF THE JOHN THURMAN FIELD CONSTRUCTION COSTS

WHEREAS, MID has offered to finance certain electrical facilities needed for the John Thurman Field project; and

WHEREAS, actual costs to complete the project exceed the estimates established in December 1996.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as follows:

Transfer From Account #010-800-8000-8003	$(154,000)
Transfer to Account #130-310-H868	154,000

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 day of May 6, 1997, by Councilmember McClanahan, 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, McClanahan, Mayor Lang

NOES: Councilmembers: Cogdill, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-246

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING SEVEN VARIABLE FREQUENCY DRIVES

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 seven variable frequency drives, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 2, 1997, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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 May, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-247

A RESOLUTION ACCEPTING THE BID OF BARHAM INCORPORATED FOR FLOOD DAMAGE RESTORATION REPAIRS AT LEGION HALL FOR $35,180.00

WHEREAS, Resolution No. 97-178, adopted by the Council of the City of Modesto on April 8, 1997, authorized bids to be opened for flood damage restoration repairs at Legion Hall, and

WHEREAS, the bids received for the flood damage repairs at Legion Hall, were opened at 11:00 a.m. on March 25, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Barham Incorporated for flood damage restoration at Legion Hall for the total amount of $35,180.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Barham Incorporated for flood damage restoration at Legion Hall be accepted and the preparation of a formal purchase order and a Notice to Proceed by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-248

Print

A RESOLUTION ACCEPTING THE BID OF RANDIK PAPER COMPANY AND UNISOURCE CORPORATION FOR THE PURCHASE OF RECYCLED JANITORIAL PRODUCTS UNDER A COOPERATIVE LOCAL GOVERNMENT AGENCY BID FOR A TOTAL ESTIMATED COST OF $32,000.00

WHEREAS, Resolution No. 97-126, adopted by the Council of the City of Modesto on March 11, 1997, authorized bids to be opened for furnishing recycled janitorial paper products under a cooperative local government agency bid; and

WHEREAS, the bids received for the recycled janitorial paper products, were opened at 11:00 a.m. on March 31, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Randik Paper Company and Unisource Corporation for recycled janitorial paper products under a cooperative local government agency bid for the total amount of $32,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Randik Paper Company and Unisource Corporation for recycled janitorial paper products 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 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-249

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT SERVICES INC. FOR OPERATION OF THE MODESTO AREA EXPRESS (MAX) BUS SERVICE FOR A FIVE-YEAR PERIOD EFFECTIVE JUNE 1, 1997

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Laidlaw Transit Services Inc. for operation of the Modesto Area Express (MAX) bus service for a five-year period effective June 1, 1997 with an annual cost estimated at $2,837,646 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-250

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LAIDLAW TRANSIT SERVICES INC. FOR A NO-COST LEASE OF OFFICE SPACE AT THE TRANSPORTATION CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Laidlaw Transit Services Inc. for a no-cost lease of office space at the transportation center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

RESCINDED
1997 - 313
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

CITY OF MODESTO
LOCAL AGENCY RESOLUTION

NUMBER 97-251

RESOLUTION AUTHORIZING AND APPROVING THE BORROWING OF FUNDS FOR FISCAL YEAR 1997-1998; THE ISSUANCE AND SALE OF A 1997-1998 TAX AND REVENUE ANTICIPATION NOTE THEREFOR AND PARTICIPATION IN THE CALIFORNIA COMMUNITIES CASH FLOW FINANCING PROGRAM

WHEREAS, local agencies are authorized by Section 53850 to 53858, both inclusive, of the Government Code of the State of California (the "Act") (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of the Government Code) to borrow money by the issuance of temporary notes;

WHEREAS, the legislative body (the "Legislative Body") of the local agency specified in Section 25 hereof (the "Local Agency") has determined that a sum (the "Principal Amount"), not to exceed the Maximum Amount of Borrowing specified in Section 25 hereof, which Principal Amount is to be confirmed and set in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the Local Agency, to satisfy obligations of the Local Agency, and that it is necessary that said Principal Amount be borrowed for such purpose at this time by the issuance of a note therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to its fiscal year ending June 30, 1997 ("Fiscal Year 1997-1998");

WHEREAS, the Local Agency hereby determines to borrow, for the purposes set forth above, the Principal Amount by the issuance of the Note (as hereinafter defined);

WHEREAS, it appears, and this Legislative Body hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys of the Local Agency attributable to Fiscal Year 1997-1998 and available for the payment of the principal of the Note and the interest thereon;

WHEREAS, no money has heretofore been borrowed by or on behalf of the Local Agency through the issuance of tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by, taxes, income, revenue, cash receipts or other moneys for Fiscal Year 1997-1998;

WHEREAS, pursuant to Section 53856 of the Act, certain moneys which will be received by the Local Agency during and attributable to Fiscal Year 1997-1998 can be pledged for the payment of the principal of the Note and the interest thereon (as hereinafter provided);

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WHEREAS, the Local Agency has determined that it is in the best interests of the Local Agency to participate in the California Communities Cash Flow Financing Program (the "Program"), whereby participating local agencies (collectively, the "Issuers") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the Program requires the participating Issuers to sell their tax and revenue anticipation notes to the California Statewide Communities Development Authority (the "Authority") pursuant to note purchase agreements (collectively, "Purchase Agreements"), each between such individual Issuer and the Authority, and dated as of the date of the Pricing Confirmation, a form of which has been submitted to the Legislative Body;

WHEREAS, the Authority, in consultation with Sutro & Co. Incorporated, as financial advisor for the Program (the "Financial Advisor"), will form one or more pools of notes (the "Pooled Notes") and assign each note to a particular pool (the "Pool") and sell a series (the "Series") of bonds (the "Bonds") secured by each Pool pursuant to an indenture (the "Indenture") between the Authority and U.S. Trust Company of California, N.A., as trustee (the "Trustee"), each Series distinguished by whether or what type(s) of Credit Instrument(s) (as hereinafter defined) secure(s) such Series, by the principal amounts of the notes assigned to the Pool or by other factors, and the Local Agency hereby acknowledges and approves the discretion of the Authority to assign the Note to such Pool and such Indenture as the Authority may determine;

WHEREAS, as additional security for the owners of each Series of Bonds, all or a portion of the payments by all of the Issuers of the notes assigned to such Series may or may not be secured (by virtue or in form of the Bonds, as indicated in the Pricing Confirmation, being secured in whole or in part) by an irrevocable letter (or letters) of credit or policy (or policies) of insurance or proceeds of a separate bond issue issued for such purpose (the "Reserve Fund") or other credit instrument (or instruments) (collectively, the "Credit Instrument") issued by the credit provider or credit providers designated in the Indenture, as finally executed (collectively, the "Credit Provider"), pursuant to a credit agreement or agreements or commitment letter or letters or, in the case of the Reserve Fund, an indenture (the "Reserve Indenture") (collectively, the "Credit Agreement") between (i) in the case of an irrevocable letter (or letters) of credit or policy (or policies) of insurance, the Authority and the respective Credit Provider and (ii) in the case of the Reserve Fund, the Authority and U.S. Trust Company of California, N.A., as trustee of the Reserve Indenture (the "Reserve Trustee");

WHEREAS, if, as designated in the Pricing Confirmation, the Credit Instrument is the Reserve Fund, bonds issued pursuant to the Reserve Indenture (the "Reserve Bonds") may, as indicated in the Pricing Confirmation, be secured by an irrevocable letter of credit or policy of insurance or other credit instrument (the "Reserve Credit Instrument") issued by the credit provider identified in the Reserve Indenture as finally executed (the "Reserve Credit Provider"), pursuant to a credit agreement or commitment letter (the "Reserve Credit Agreement") identified in the Reserve Indenture as finally executed, such Reserve Credit Agreement being between the Authority and the Reserve Credit Provider;

WHEREAS, the net proceeds of the Note may be invested by the Local Agency in Permitted Investments (as defined in the Indenture) or in any other investment permitted by the laws of the State of California, as now in effect and as hereafter amended, modified or supplemented from time to time;

WHEREAS, as part of the Program each participating Issuer approves the Indenture, the alternative forms of Credit Agreements, if any, and the alternative forms of Reserve Credit Agreements, if any, in substantially the forms presented to the Legislative Body, with the final form of Indenture, type of Credit Instrument and corresponding Credit Agreement and type of Reserve Credit Instrument and

corresponding Reserve Credit Agreement, if any, to be determined and approved by delivery of the Pricing Confirmation;

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of (a) the fees of the Trustee and the costs of issuing the applicable Series of Bonds, and (b), if applicable, the fees of the Credit Provider, the fees of the Reserve Credit Provider (which shall be payable from, among other sources, investment earnings on the Reserve Fund and moneys in the Costs of Issuance Fund established and held under the Indenture), the Issuer's allocable share of all Predefault Obligations and the Issuer's Reimbursement Obligations, if any (each as defined in the Indenture);

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of the fees of the Reserve Trustee and the costs of issuing the applicable Series of Reserve Bonds, all such costs and fees being payable from the proceeds of the applicable Series of Bonds (or, with respect to costs and fees of the Reserve Credit Provider, as may otherwise be provided in the Reserve Indenture);

WHEREAS, pursuant to the Program, the underwriter will submit an offer to the Authority to purchase, in the case of each Pool of Notes, the Series of Bonds which will be secured by the Indenture to which such Pool will be assigned;

WHEREAS, it is necessary to engage the services of certain professionals to assist the Local Agency in its participation in the Program;

NOW, THEREFORE, the Legislative Body hereby finds, determines, declares and resolves as follows:

Section 1. **Recitals**. This Legislative Body hereby finds and determines that all the above recitals are true and correct.

Section 2. **Authorization of Issuance**. This Legislative Body hereby determines to borrow solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1997-1998, by the issuance of a note in the Principal Amount under Sections 53850 et seq. of the Act, designated the Local Agency's "1997-1998 Tax and Revenue Anticipation Note" (the "Note"), to be issued in the form of one fully registered note at the Principal Amount thereof, to be dated the date of its delivery to the initial purchaser thereof, to mature (without option of prior redemption) not more than fifteen months thereafter on a date indicated on the face thereof and determined in the Pricing Confirmation (the "Maturity Date"), and to bear interest, payable at maturity (and if the maturity is more than twelve months from the date of issuance, payable on the interim payment date set forth in the Pricing Confirmation) and computed upon the basis of a 360-day year consisting of twelve 30-day months, at a rate not to exceed ten percent (10%) per annum as determined in the Pricing Confirmation and indicated on the face of the Note (the "Note Rate"). If the Series of Bonds issued in connection with the Note is secured in whole or in part by a Credit Instrument or such Credit Instrument (other than the Reserve Fund) secures the Note in whole or in part and all principal of and interest on the Note is not paid in full at maturity or if payment of principal of and/or interest on the Note is paid (in whole or in part) by a draw under, payment by or claim upon a Credit Instrument which draw, payment or claim is not fully reimbursed on such date, such Note shall become a Defaulted Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or the portion (including the interest component, if applicable) thereof with respect to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate (as defined in the Indenture). If the Credit Instrument is the Reserve Fund and the Reserve Bonds issued to fund the Reserve Fund are

secured by the Reserve Credit Instrument and a Drawing (as defined in the Indenture) pertaining to the Note is not fully reimbursed by the Reserve Principal Payment Date (as defined in the Indenture), such Note shall become a Defaulted Reserve Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or portion (including the interest component, if applicable) with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. If the Note or the Series of Bonds issued in connection with the Note is unsecured in whole or in part and the Note is not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Instrument applies which is unpaid) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding three sentences, the obligation of the Local Agency with respect to such Defaulted Note or unpaid Note shall not be a debt or liability of the Local Agency prohibited by Article XVI, Section 18 of the California Constitution and the Local Agency shall not be liable thereon except to the extent of any available revenues attributable to Fiscal Year 1997-1998, as provided in Section 8 hereof. The percentage of the Note to which a Credit Instrument, if any, applies (the "Secured Percentage") shall be equal to the amount of the Credit Instrument divided by the aggregate amount of unpaid principal of and interest on the unpaid notes (or portions thereof) of all Issuers, expressed as a percentage (but not greater than 100%) as of the maturity date. The percentage of the Note to which the Reserve Credit Instrument, if any, applies (the "Secured Reserve Percentage") shall be equal to the amount of the Reserve Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof, including the interest component, if applicable), expressed as a percentage (but not greater than 100%) as of the Reserve Principal Payment Date.

Both the principal of and interest on the Note shall be payable in lawful money of the United States of America. The principal of and interest on the Note at maturity shall be paid upon surrender of the Note at the corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California.

The Note shall be issued in conjunction with the note or notes of one or more other Issuers as part of the Program and within the meaning of Section 53853 of the Act.

Section 3. Form of Note. The Note shall be issued in fully registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A as attached hereto and by reference incorporated herein, the blanks in said forms to be filled in with appropriate words and figures.

Section 4. Sale of Note; Delegation. The Note shall be sold to the Authority pursuant to the Purchase Agreement. The form of the Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit A thereto, presented to this meeting are hereby approved. The authorized representatives set forth in Section 25 hereof (the "Authorized Representatives") are each hereby authorized and directed to execute and deliver the Purchase Agreement in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the Purchase Agreement shall not be effective and binding on the Local Agency until the execution and delivery of the Pricing Confirmation. The Authorized Representatives are each hereby further authorized and directed to execute and deliver the Pricing Confirmation in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed ten percent (10%) per annum, the discount on the Note, when added to the Local Agency's share of the costs of issuance of the Bonds, shall not exceed one percent (1.0%), and the Principal Amount shall not exceed the Maximum Amount of

Borrowing. Delivery of an executed copy of the Pricing Confirmation by fax or telecopy shall be deemed effective execution and delivery for all purposes.

Section 5. Program Approval. The Pricing Confirmation shall indicate whether and what type of Credit Instrument and, if applicable, Reserve Credit Instrument will apply.

The forms of Indenture, alternative general types and forms of Credit Agreements, if any, and alternative general types and forms of Reserve Credit Agreements, if any, presented to this meeting are hereby acknowledged, and it is acknowledged that the Authority will execute and deliver the Indenture, one or more Credit Agreements, if applicable, and one or more Reserve Credit Agreements, if applicable, which shall be identified in the Pricing Confirmation, in substantially one or more of said forms with such changes therein as the Authorized Representative who executes the Pricing Confirmation shall require or approve (substantially final forms of the Indenture, the Credit Agreement and, if applicable, the Reserve Credit Agreement are to be delivered to the Authorized Representative concurrent with the Pricing Confirmation), such approval of the Authorized Representative and this Legislative Body to be conclusively evidenced by the execution of the Pricing Confirmation. If the Credit Agreement identified in the Pricing Confirmation is the Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds pursuant to and as provided in the Reserve Indenture as finally executed.

Any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Financial Advisor or the underwriter with such information relating to the Local Agency as the Financial Advisor or the underwriter shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement of the Authority. Upon inclusion of the information relating to the Local Agency therein, the Preliminary Official Statement and Official Statement or such other offering document is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the Local Agency and any Authorized Representative of the Local Agency is authorized to execute a certificate to such effect. If, at any time prior to the end of the underwriting period, as defined in the Rule, any event occurs as a result of which the information contained in the Preliminary Official Statement or other offering document relating to the Local Agency might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Local Agency shall promptly notify the Financial Advisor and the underwriter.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which full reimbursement on a draw, payment or claim has not been made by the Maturity Date shall be deemed outstanding and shall not be deemed to be paid until (i) any Credit Provider providing a Credit Instrument with respect to the Note or the Series of Bonds issued in connection with the Note, has been reimbursed for any drawings, payments or claims made under or from the Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the applicable Credit Agreement, and, (ii) the holders of the Note, or Series of the Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Reserve Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Reserve Credit Instrument, if any, applies for which full reimbursement on a Drawing has not been made by the Reserve Principal Payment

Date shall be deemed outstanding and shall not be deemed paid until (i) any Reserve Credit Provider providing a Reserve Credit Instrument with respect to the Reserve Bonds (against the Reserve Fund of which such Drawing was made) has been reimbursed for any Drawing or payment made under the Reserve Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the Reserve Credit Agreement, and (ii) the holders of the Note, or Series of Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For the purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

The Local Agency agrees to pay or cause to be paid, in addition to the amounts payable under the Note, any fees or expenses of the Trustee and, to the extent permitted by law, if the Local Agency's Note is secured in whole or in part by a Credit Instrument and, if applicable, a Reserve Credit Instrument (by virtue of the fact that the Series of Bonds is secured by a Credit Instrument and, if applicable, Reserve Bonds are secured by a Reserve Credit Instrument), any Predefault Obligations and Reimbursement Obligations (to the extent not payable under the Note), (i) arising out of an "Event of Default" hereunder (or pursuant to Section 7 hereof) or (ii) arising out of any other event (other than an event arising solely as a result of or otherwise attributable to a default by any other Issuer). In the case described in (ii) above with respect to Predefault Obligations, the Local Agency shall owe only the percentage of such fees, expenses and Predefault Obligations equal to the ratio of the principal amount of its Note over the aggregate principal amounts of all notes, including the Note, of the Series of which the Note is a part, at the time of original issuance of such Series. Such additional amounts will be paid by the Local Agency within twenty-five (25) days of receipt by the Local Agency of a bill therefor from the Trustee.

Section 6. No Joint Obligation. The Note will be issued in conjunction with a note or notes of one or more other Issuers, assigned to secure a Series of Bonds. In all cases, the obligation of the Local Agency to make payments on or in respect to its Note is a several and not a joint obligation and is strictly limited to the Local Agency's repayment obligation under this Resolution and the Note.

Section 7. Disposition of Proceeds of Note. A portion of the moneys received from the sale of the Note in an amount equal to the Local Agency's share of the costs of issuance (which shall include any fees and expenses in connection with any Credit Instrument (and the Reserve Credit Instrument, if any) applicable to the Note or Series of Bonds and the corresponding Reserve Bonds, if any) shall be deposited in the Costs of Issuance Fund held and invested by the Trustee under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The balance of the moneys received from the sale of the Note to the Authority shall be deposited in the Local Agency's Proceeds Subaccount hereby authorized to be created pursuant to, and held and invested by the Trustee under, the Indenture for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Subaccount as specified in the Indenture. Amounts in the Proceeds Subaccount are hereby pledged to the payment of the Note. The Trustee will not create subaccounts within the Proceeds Fund, but will keep records to account separately for proceeds of the Bonds allocable to the Local Agency's Note on deposit in the Proceeds Fund which shall constitute the Local Agency's Proceeds Subaccount.

Section 8. Source of Payment.

(A) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal

governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1997-1998 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency hereby pledges certain unrestricted revenues (as hereinafter provided, the "Pledged Revenues") which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1997-1998, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such Pledged Revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1997-1998 and which are generally available for the payment of current expenses and other obligations of the Local Agency. The Noteholders, Bondholders, Credit Provider and, if applicable, the Reserve Credit Provider shall have a first lien and charge on such certain unrestricted revenues as hereinafter provided which are received by the Local Agency and are attributable to Fiscal Year 1997-1998.

In order to effect the pledge referenced in the preceding paragraph, the Local Agency hereby agrees and covenants to establish and maintain a special account within the Local Agency's general fund to be designated the "1997-1998 Tax and Revenue Anticipation Note Payment Account" (the "Payment Account") and further agrees and covenants to maintain the Payment Account until the payment of the principal of the Note and the interest thereon. Notwithstanding the foregoing, if the Local Agency elects to have Note proceeds invested in Permitted Investments to be held by the Trustee pursuant to the Pricing Confirmation, a subaccount of the Payment Account (the "Payment Subaccount") shall be established for the Local Agency under the Indenture and proceeds credited to such account shall be pledged to the payment of the Note. The Trustee need not create a subaccount, but may keep a record to account separately for proceeds of the Note so held and invested by the Trustee which record shall constitute the Local Agency's Proceeds Subaccount. Transfers from the Payment Subaccount shall be made in accordance with the Indenture. The Local Agency agrees to transfer to and deposit in the Payment Account the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1997-1998) until the amount on deposit in the Payment Account, together with the amount, if any, on deposit in the Payment Subaccount, is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentage of the principal and interest due on the Note specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Account from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Account shall nevertheless be subject to the lien and charge created herein. Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note required to be on deposit in the Payment Account and/or the Payment Subaccount in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such Authorized Representative; provided, however, that the maximum number of Repayment Months shall be six and the maximum amount of Pledged Revenues required to be deposited in each Repayment Month shall not exceed fifty percent (50%) of the aggregate principal and interest due on the Note. In the event on the day in each such Repayment Month that a deposit to the Payment Account is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Account of the full amount of Pledged Revenues to be deposited in the Payment Account from said unrestricted revenues in said month, then the amount of any deficiency shall be

satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available.

(B) Any moneys placed in the Payment Account or the Payment Subaccount shall be for the benefit of (i) the holder of the Note and the holders of Bonds issued in connection with the Notes, (ii) (to the extent provided in the Indenture) the Credit Provider, if any, and (iii) (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the Reserve Credit Provider, if any. The moneys in the Payment Account and the Payment Subaccount shall be applied only for the purposes for which such Accounts are created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity (in accordance with the requirements for defeasance of the Bonds as set forth in the Indenture) and, if applicable, (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the payment of all Predefault Obligations and Reimbursement Obligations owing to the Credit Provider and, if applicable, the Reserve Credit Provider.

(C) The Local Agency hereby directs the Trustee to transfer on the Note Payment Deposit Date (as defined in the Indenture), any moneys in the Payment Subaccount to the Bond Payment Fund (as defined in the Indenture). In addition, on the Note Payment Deposit Date, the moneys in the Payment Account shall be transferred by the Local Agency to the Trustee, to the extent necessary (after crediting any transfer pursuant to the preceding sentence), to pay the principal of and/or interest on the Note or to reimburse the Credit Provider for payments made under or pursuant to the Credit Instrument. In the event that moneys in the Payment Account and/or the Payment Subaccount are insufficient to pay the principal of and interest on the Note in full when due, such moneys shall be applied in the following priority: first to pay interest on the Note; second to pay principal of the Note; third to reimburse the Credit Provider for payment, if any, of interest with respect to the Note; fourth to reimburse the Credit Provider for payment, if any, of principal with respect to the Note; fifth to reimburse the Reserve Credit Provider, if any, for payment, if any, of interest with respect to the Note; sixth to reimburse the Reserve Credit Provider, if any, for payment, if any, of principal with respect to the Note; and seventh to pay any Reimbursement Obligations of the Local Agency and any of the Local Agency's pro rata share of Predefault Obligations owing to the Credit Provider and Reserve Credit Provider (if any) as applicable. Any moneys remaining in or accruing to the Payment Account and/or the Payment Subaccount after the principal of the Note and the interest thereon and any Predefault Obligations and Reimbursement Obligations, if applicable, have been paid, or provision for such payment has been made, shall be transferred to the general fund of the Local Agency, subject to any other disposition required by the Indenture, or, if applicable, the Credit Agreement. Nothing herein shall be deemed to relieve the Local Agency from its obligation to pay its Note in full on the Maturity Date.

(D) Moneys in the Proceeds Subaccount and in the Payment Subaccount shall be invested by the Trustee pursuant to the Indenture as directed by the Local Agency in Permitted Investments as described in and under the terms of the Indenture. Any such investment by the Trustee shall be for the account and risk of the Local Agency, and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, the Predefault Obligations or Reimbursement Obligations, if any, by reason of such investment of the moneys in its Proceeds Subaccount or the Payment Subaccount.

(E) At the written request of the Credit Provider, if any, or the Reserve Credit Provider, if any, the Local Agency shall, within ten (10) Business Days following the receipt of such written request, file such report or reports to evidence the transfer to and deposit in the Payment Account required by this Section 8 and provide such additional financial information as may be required by the Credit Provider, if any, or the Reserve Credit Provider, if any.

Section 9. Execution of Note. Any one of the Authorized Representatives of the Local Agency or any other officer designated by the Legislative Body shall be authorized to execute the Note by manual or facsimile signature and the Secretary or Clerk of the Legislative Body of the Local Agency, or any duly appointed assistant thereto, shall be authorized to countersign the Note by manual or facsimile signature. Said Authorized Representative of the Local Agency, is hereby authorized to cause the blank spaces of the Note to be filled in as may be appropriate pursuant to the Pricing Confirmation. The Authorized Representative is hereby authorized and directed to cause the Authority to assign the Note to the Trustee, pursuant to the terms and conditions of the Purchase Agreement, this Resolution and the Indenture. In case any Authorized Representative whose signature shall appear on any Note shall cease to be an Authorized Representative before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Note need not bear the seal of the Local Agency, if any.

Section 10. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 11. Representations and Covenants of the Local Agency.

The Local Agency makes the following representations for the benefit of the holder of the Note, the owners of the Bonds, the Credit Provider, if any, and the Reserve Credit Provider, if any:

(A) The Local Agency is duly organized and existing under and by virtue of the laws of the State of California and has all necessary power and authority to (i) adopt this Resolution and perform its obligations thereunder, (ii) enter into and perform its obligations under the Purchase Agreement, and (iii) issue the Note and perform its obligations thereunder.

(B) (i) Upon the issuance of the Note, the Local Agency shall have taken all action required to be taken by it to authorize the issuance and delivery of the Note and the performance of its obligations thereunder, and (ii) the Local Agency has full legal right, power and authority to issue and deliver the Note.

(C) The issuance of the Note, the adoption of the Resolution and the execution and delivery of the Purchase Agreement, and compliance with the provisions hereof and thereof do not conflict with, breach or violate any law, administrative regulation, court decree, resolution, charter, by-laws or other agreement to which the Local Agency is subject or by which it is bound.

(D) Except as may be required under blue sky or other securities laws of any state or Section 3(a)(2) of the Securities Act of 1933, there is no consent, approval, authorization or other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the Local Agency required for the issuance and sale of the Note or the consummation by the Local Agency of the other transactions contemplated by this Resolution, except those the Local Agency shall obtain or perform prior to or upon the issuance of the Note.

(E) The Local Agency has (or will have prior to the issuance of the Note) duly, regularly and properly adopted a preliminary budget for Fiscal Year 1997-1998 setting forth expected revenues and expenditures and has complied with all statutory and regulatory requirements with respect to the adoption of such budget. The Local Agency hereby covenants that it shall (i) duly, regularly and properly prepare and adopt its final budget for Fiscal Year 1997-1998, (ii) provide to the Trustee, the Credit Provider, if any, the Reserve Credit Provider, if any, and the Financial Advisor and the underwriter, promptly upon adoption, copies of such final budget and of any subsequent revisions, modifications or amendments thereto and (iii) comply with all applicable laws pertaining to its budget.

(F) The sum of the principal amount of the Local Agency's Note plus the interest payable thereon, on the date of its issuance, shall not exceed fifty percent (50%) of the estimated amounts of the Local Agency's uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1997-1998, all of which will be legally available to pay principal of and interest on the Note.

(G) The Local Agency (i) has not defaulted within the past twenty (20) years, and is not currently in default, on any debt obligation and (ii), to the best knowledge of the Local Agency, has never defaulted on any debt obligation.

(H) The Local Agency's most recent audited financial statements present fairly the financial condition of the Local Agency as of the date thereof and the results of operation for the period covered thereby. Except as has been disclosed to the Financial Advisor and the underwriter, the Credit Provider, if any, and the Reserve Credit Provider, if any, there has been no change in the financial condition of the Local Agency since the date of such audited financial statements that will in the reasonable opinion of the Local Agency materially impair its ability to perform its obligations under this Resolution and the Note. The Local Agency agrees to furnish to the Authority, the Financial Advisor, the underwriter, the Trustee, the Credit Provider, if any, and the Reserve Credit Provider, if any, promptly, from time to time, such information regarding the operations, financial condition and property of the Local Agency as such party may reasonably request.

(I) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, arbitrator, governmental or other board, body or official, pending or, to the best knowledge of the Local Agency, threatened against or affecting the Local Agency questioning the validity of any proceeding taken or to be taken by the Local Agency in connection with the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution, or seeking to prohibit, restrain or enjoin the execution, delivery or performance by the Local Agency of any of the foregoing, or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the Local Agency's financial condition or results of operations or on the ability of the Local Agency to conduct its activities as presently conducted or as proposed or contemplated to be conducted, or would materially adversely affect the validity or enforceability of, or the authority or ability of the Local Agency to perform its obligations under, the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution.

(J) Upon issuance of the Note and execution of the Purchase Contract, this Resolution, the Purchase Contract and the Note will constitute legal, valid and binding agreements of the Local Agency, enforceable in accordance with their respective terms, except as such enforceability may be limited by bankruptcy or other laws affecting creditors' rights generally, the application of equitable principles if equitable remedies are sought, the exercise of judicial discretion in appropriate cases and the limitations on legal remedies against local agencies, as applicable, in the State of California.

(K) The Local Agency and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them, if any, for the levy, receipt, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Note.

(L) The Local Agency shall not incur any indebtedness secured by a pledge of its Pledged Revenues unless such pledge is subordinate in all respects to the pledge of Pledged Revenues hereunder.

(M) So long as the Credit Provider, if any, is not in payment default under the Credit Instrument or the Reserve Credit Provider, if any, is not in default under the corresponding Reserve Credit Agreement, the Local Agency hereby agrees to pay its pro rata share of all Predefault Obligations and all Reimbursement Obligations attributable to the Local Agency in accordance with provisions of the Credit Agreement, if any, the Reserve Credit Agreement, if any, and/or the Indenture, as applicable. Prior to the Maturity Date, moneys in the Local Agency's Payment Account and/or Payment Subaccount shall not be used to make such payments. The Local Agency shall pay such amounts promptly upon receipt of notice from the Credit Provider or from the Reserve Credit Provider, if applicable, that such amounts are due to it.

(N) So long as any Bonds issued in connection with the Notes are Outstanding, or any Predefault Obligation or Reimbursement Obligation is outstanding, the Local Agency will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

Section 12. Tax Covenants. (A) The Local Agency shall not take any action or fail to take any action if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Note or Bonds under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the Local Agency shall not make any use of the proceeds of the Note or Bonds or any other funds of the Local Agency which would cause the Note or Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code, a "private activity bond" within the meaning of Section 141(a) of the Code, or an obligation the interest on which is subject to federal income taxation because it is "federally guaranteed" as provided in Section 149(b) of the Code. The Local Agency, with respect to the proceeds of the Note, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued or applicable thereunder to the extent that such requirements are, at the time, applicable and in effect.

(B) The Local Agency hereby (i) represents that the aggregate face amount of all tax-exempt obligations (including any tax-exempt leases, but excluding private activity bonds), issued and to be issued by the Local Agency during calendar year 1997, including the Note, is not reasonably expected to exceed $5,000,000; or (ii) covenants that the Local Agency will take all legally permissible steps necessary to ensure that all of the gross proceeds of the Note will be expended no later than the day that is six months after the date of issuance of the Note so as to satisfy the requirements of Section 148(f)(4)(B) of the Code.

(C) Notwithstanding any other provision of this Resolution to the contrary, upon the Local Agency's failure to observe, or refusal to comply with, the covenants contained in this Section 12, no one other than the holders or former holders of the Note, the owners of the Bond, the Credit Provider, if any, the Reserve Credit Provider, if any, or the Trustee on their behalf shall be entitled to exercise any right or remedy under this Resolution on the basis of the Local Agency's failure to observe, or refusal to comply with, such covenants.

(D) The covenants contained in this Section 12 shall survive the payment of the Note.

Section 13. Events of Default and Remedies.

If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(A) Failure by the Local Agency to make or cause to be made the transfers and deposits to the Payment Account, or any other payment required to be paid hereunder, including

payment of principal and interest on the Note, on or before the date on which such transfer, deposit or other payment is due and payable;

(B) Failure by the Local Agency to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given to the Local Agency by the Trustee, the Credit Provider, if applicable, or the Reserve Credit Provider, if applicable, unless the Trustee and the Credit Provider or the Reserve Credit Provider, if applicable, shall all agree in writing to an extension of such time prior to its expiration;

(C) Any warranty, representation or other statement by or on behalf of the Local Agency contained in this Resolution or the Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the Local Agency or in any instrument furnished in compliance with or in reference to this Resolution or the Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(D) A petition is filed against the Local Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect and is not dismissed within 30 days after such filing, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' (or Noteholders') interests;

(E) The Local Agency files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(F) The Local Agency admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the Local Agency or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' or Noteholders' interests.

Whenever any Event of Default referred to in this Section 13 shall have happened and be continuing, the Trustee, as holder of the Note, shall, in addition to any other remedies provided herein or by law or under the Indenture, if applicable, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the Local Agency to pay to the Trustee, as holder of the Note, an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the Local Agency the same shall become immediately due and payable by the Local Agency without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder and under the Note or to enforce any other of its rights hereunder.

Notwithstanding the foregoing, if the Local Agency's Note is secured in whole or in part by a Credit Instrument (other than the Reserve Fund) or if the Credit Provider is subrogated to rights under the Local Agency's Note, as long as the Credit Provider has not failed to comply with its payment obligations under the Credit Instrument, the Credit Provider shall have the right to direct the remedies upon any Event of Default hereunder, and, not withstanding the foregoing, if a Reserve Credit Instrument is applicable, as long as the Reserve Credit Provider has not failed to comply with its payment obligations under the Reserve Credit Agreement, the Reserve Credit Provider shall have the right (prior to the Credit Provider) to direct the remedies upon any Event of Default hereunder, in each case so long as such action will not materially adversely affect the rights of any Bond Owner, and the Credit Provider's and Reserve Credit Provider's (if any) prior consent shall be required to any remedial action proposed to be taken by the Trustee hereunder.

If the Credit Provider is not reimbursed for any drawing, payment or claim, as applicable, used to pay principal of and interest on the Note due to a default in payment on the Note by the Local Agency, or if any principal of or interest on the Note remains unpaid after the Maturity Date, the Note shall be a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been made shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

If the Credit Instrument is the Reserve Fund and the Reserve Bonds are secured by the Reserve Credit Instrument and all principal of and interest on the Note is not paid in full by the Reserve Principal Payment Date, the Defaulted Note shall become a Defaulted Reserve Note and the unpaid portion (including the interest component, if applicable) thereof (or the portion thereof with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Reserve Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

Section 14. Trustee. The Local Agency hereby directs and authorizes the payment by the Trustee of the interest on and principal of the Note when such become due and payable, from amounts received by the Trustee from the Local Agency in the manner set forth herein. The Local Agency hereby covenants to deposit funds in such account or fund, as applicable, at the time and in the amount specified herein to provide sufficient moneys to pay the principal of and interest on the Note on the Note Payment Deposit Date. Payment of the Note shall be in accordance with the terms of the Note and this Resolution.

Section 15. Sale of Note. The Note shall be sold to the Authority, in accordance with the terms of the Purchase Agreement, hereinbefore approved, and issued payable to the Trustee, as assignee of the Authority.

Section 16. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 17. Approval of Actions. The aforementioned Authorized Representatives of the Local Agency are hereby authorized and directed to execute the Note and cause the Trustee to accept delivery of the Note, pursuant to the terms and conditions of the Purchase Agreement and the Indenture. All actions heretofore taken by the officers and agents of the Local Agency or this Legislative Body with respect to the sale and issuance of the Note and participation in the Program are hereby approved, confirmed and ratified and the Authorized Representatives and agents of the Local Agency are hereby authorized and directed, for and in the name and on behalf of the Local Agency, to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents which

they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note in accordance with, and related transactions contemplated by, this Resolution. The Authorized Representatives of the Local Agency referred to above in Section 4 hereof are hereby designated as "Authorized Local Agency Representatives" under the Indenture.

In the event that the Note or a portion thereof is secured by a Credit Instrument, any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Credit Provider and, if applicable, the Reserve Credit Provider, with any and all information relating to the Local Agency as such Credit Provider or Reserve Credit Provider may reasonably request.

Section 18. Proceedings Constitute Contract. The provisions of the Note and of this Resolution shall constitute a contract between the Local Agency and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrepealable. The Credit Provider, if any, and the Reserve Credit Provider, if any, are third party beneficiaries of the provisions of this Resolution and the Note.

Section 19. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the Local Agency shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 8 hereof.

Section 20. Amendments. At any time or from time to time, the Local Agency may adopt one or more Supplemental Resolutions with the written consents of the Authority, the Credit Provider, if any, and the Reserve Credit Provider, if any, but without the necessity for consent of the owner of the Note or of the Bonds issued in connection with the Note for any one or more of the following purposes:

(A) to add to the covenants and agreements of the Local Agency in this Resolution, other covenants and agreements to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(B) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(C) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(D) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(E) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owners of the Note or of the Bonds issued in connection with the Notes.

Any modifications or amendment of this Resolution and of the rights and obligations of the Local Agency and of the owner of the Note or of the Bonds issued in connection with the Note may be made by a Supplemental Resolution, with the written consents of the Authority, the Credit Provider,

if any, and the Reserve Credit Provider, if any, and with the written consent of the owners of at least a majority in principal amount of the Note and of the Bonds issued in connection with the Note outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note or any Bonds issued in connection with the Note remain outstanding, the consent of the owners of such Note or of such Bonds shall not be required. No such modification or amendment shall permit a change in the maturity of the Note or a reduction of the principal amount thereof or an extension of the time of any payment thereon or a reduction of the rate of interest thereon, or a change in the date or amounts of the pledge set forth in this Resolution, without the consent of the owners of such Note or the owners of all the Bonds issued in connection with the Note, or shall reduce the percentage of the Note or Bonds the consent of the owners of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee without its written assent thereto.

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program. The Local Agency acknowledges that Bond Counsel regularly performs legal services for many private and public entities in connection with a wide variety of matters, and that Bond Counsel has represented, is representing or may in the future represent other public entities, underwriters, trustees, rating agencies; insurers, credit enhancement providers, lenders, financial and other consultants who may have a role or interest in the proposed financing or that may be involved with or adverse to Local Agency in this or some other matter. Given the special, limited role of Bond Counsel described above the Local Agency acknowledges that no conflict of interest exists or would exist, waives any conflict of interest that might appear to exist, and consents to any and all such relationships.

Section 23. Appointment of Financial Advisor and Underwriter. Sutro & Co. Incorporated, Los Angeles, California is hereby appointed as financial advisor for the Program. Morgan Stanley & Co. Inc., together with such co-underwriters, if any, identified in the Purchase Contract, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

(A) Name of Local Agency: CITY OF MODESTO

(B) Maximum Amount of Borrowing: $4,000,000

(C) Authorized Representatives:

TITLE

1. Director or Interim Director of Finance
2. City Manager
3. City Clerk/Auditor

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

[NAME OF LOCAL AGENCY]
1997-1998 TAX AND REVENUE ANTICIPATION NOTE, [SERIES _][*/]

Interest Rate	Maturity Date	Date of Original Issue

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

FOR VALUE RECEIVED, the Local Agency designated above (the "Local Agency"), acknowledges itself indebted to and promises to pay to the registered owner identified above, or registered assigns, on the maturity date set forth above, the principal sum specified above in lawful money of the United States of America, and to pay interest thereon [on _____, 1997 and] at maturity at the rate of interest specified above (the "Note Rate"). Principal of and interest on this Note are payable in such coin or currency of the United States as at the time of payment is legal tender for payment of private and public debts. Principal and interest at maturity shall be paid upon surrender hereof at the principal corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California, or its successor in trust (the "Trustee"). Interest shall be calculated on the basis of a 360-day year, consisting of twelve 30-day months. Both the principal of and interest on this Note shall be payable only to the registered owner hereof as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the holder hereof fails to properly present this Note for payment. If the Local Agency fails to pay this Note when due or the Credit Provider (as defined in the Resolution hereinafter described and in that certain Indenture of Trust, dated as of _____ 1, 1997 (the "Indenture"), by and between the California Statewide Communities Development Authority and U.S. Trust Company of California, N.A., as trustee), if any, is not reimbursed in full for the amount drawn on or paid pursuant to the Credit Instrument (as defined in the Resolution and the Indenture) to pay all or a portion (including the interest component, if applicable) of this Note on the date of such payment, this Note shall become a Defaulted Note (as defined in the Resolution and the Indenture and with the consequences set forth in the Resolution and the Indenture, including, without limitation, that this Note as a Defaulted Note (and any related reimbursement obligation with respect to a credit instrument) shall bear interest at the Default Rate, as defined in the Indenture).

It is hereby certified, recited and declared that this Note represents the authorized issue of the Note in the aggregate principal amount authorized, executed and delivered pursuant to and by authority of certain resolutions of the Local Agency duly passed and adopted heretofore, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the "Resolution"), to all of the provisions and limitations of which the owner of this Note, by acceptance hereof, assents and agrees.

The principal of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1997-1998 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency has pledged the first amounts of unrestricted revenues of the Local Agency received on the last day of ____ and ____ (and any amounts received thereafter attributable to Fiscal Year 1997-1998) until the amount on deposit in the Payment Account (as defined in the Resolution), together with available amounts, if any, on deposit in the Payment Subaccount (as defined in the Resolution) in each such month, is equal to the corresponding percentages of principal of and interest due on the Note as set forth in the Pricing Confirmation (as defined in the Resolution) (such pledged amounts being hereinafter called the "Pledged Revenues"), and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues, and to the extent not so paid shall be paid from any other moneys of the Local Agency lawfully available therefor as set forth in the

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[*/] If more than one Series of Bonds is issued under the Program in Fiscal Year 1997-1998 and if the Note is pooled with notes issued by other Issuers (as defined in the Resolution).

Resolution. The full faith and credit of the Local Agency is not pledged to the payment of the principal of or interest on this Note.

The Local Agency and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Local Agency and the Trustee shall not be affected by any notice to the contrary.

It is hereby certified that all of the conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of California and that the amount of this Note, together with all other indebtedness of the Local Agency, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

IN WITNESS WHEREOF, the Legislative Body of the Local Agency has caused this Note to be executed by the manual or facsimile signature of a duly Authorized Representative of the Local Agency and countersigned by the manual or facsimile signature of the Secretary or Clerk of the Legislative Body as of the date of authentication set forth below.

[NAME OF LOCAL AGENCY]

By _____
Title:

Countersigned

By _____
Title:

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-252

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 1997-1 AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT

WHEREAS, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (the "City"), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to finance the construction and/or acquisition of certain public facilities having a useful life of five years or longer (the "Facilities"), more particularly described in Exhibit "A", including expenses incidental thereto, and

WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district is established, it is the intention of the Council to finance the costs of both the Facilities and the Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the Community Facilities District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act,

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

SECTION 1. The above recitals are true and correct. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", (a copy of which is on file with the City Clerk), adopted by the City Council on September 3, 1996 and Resolution No. 96-545, adopted by the City Council on October 8, 1996, amending the "Policies and Procedures for the Use of Mello-Roos Community Facilities District" (a copy of which is on file with the City Clerk) were adopted by the City Council, pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. The name proposed for the community facilities district is "Community Facilities District No. 1997-1" and is referred to in this Resolution as the "District."

SECTION 3. (a) The boundaries of the District are shown on a map, entitled "Boundary Map of Community Facilities District No. 1997-1 (North Beyer Specific Plan)," a copy of which is attached hereto as Exhibit "C". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in the City Clerk's office and, within fifteen (15) days after the adoption of this Resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 9, file a copy of the map with the County Recorder of the County of Stanislaus.

(b) The Council finds that no land proposed to be included in the District is devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products.

SECTION 4. (a) The Facilities proposed to be provided by the District are public facilities authorized to be acquired or constructed under the Act that have a useful life of five (5) years or longer. The proposed Facilities are governmental facilities which the Council is authorized by law to contribute revenue to, or construct, own or operate; or which a local public agency is authorized by law to provide.

(b) The Facilities are proposed to include any and all incidental expenses related hereto, as authorized by the Act.

SECTION 5. The Services proposed to be financed by the District are more particularly set forth in Exhibit "A" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the district before the district was created.

SECTION 6. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 7. (a) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities and the Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment and manner of collection of such proposed special tax is set forth in Exhibit "B". Exhibit "B" provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and the Services.

(b) The component of the special tax to be levied in order to finance the costs of the Facilities will not be levied on "any parcel used for private residential purposes," as defined in Section 53321(d) of the Act.

(c) As permitted by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit "B" is based on the cost of making facilities and authorized services available to each parcel in the district and not on the ownership of real property.

SECTION 8. The landowners within the District who have advanced funds or provided work-in-kind shall be reimbursed, and the District also shall be reimbursed for money and services advanced for the formation of the District and the acquisition, purchase, modification, expansion, improvement, rehabilitation, leasing and/or construction of the Facilities, all in accordance with and subject to the Act (including without limitation Section 53314.9 of the Act) or other applicable law.

SECTION 9. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, June 24, 1997, 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 thirty (30) or more than sixty (60) days following the adoption hereof.

SECTION 10. The Public Works & Transportation Director, as the officer of the City who will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established, is directed to study the proposed District, and, at or before the time of the hearing, cause to be prepared and filed with the Council a report containing:

(a) a brief description of the Facilities by type which will in such officer's opinion be required to adequately meet the needs of the District;

(b) an estimate of the cost of providing the Facilities;

(c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased;

(d) a brief description of the Services by type which will in such officer's opinion be required to adequately meet the needs of the District;

(e) an estimate of the cost of providing the Services; and

(f) an estimate of the fair and reasonable cost of incidental expenses to be incurred in connection with providing both the Facilities and the Services, including the costs as provided in Section 53345.3 of the Act.

The report shall be made a part of the record of the hearing to be held pursuant to Section 9 hereof.

SECTION 11. At the time and place set forth in this Resolution for the hearing, any interested persons, including taxpayers, property owners and registered voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special tax will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity of 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 12. The City Clerk is directed to publish a notice (the "Notice") of the hearing described in Section 9, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 13. The City Clerk may also send a copy of the notice of the hearing not later than fifteen (15) days prior thereto, by first-class United States mail, postage prepaid, to each registered voter and to each landowner within the proposed

District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.

SECTION 14. (a) If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (1/2) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the District, or to levy the specified special tax, shall be taken for a period of one year from the date of the decision of the Council.

(b) If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of the Facilities or Services within the District, or against levying a specified special tax, those types of Facilities or Services or the specified special tax shall be eliminated from the District proceedings.

At the conclusion of the hearing, if the Council determines to establish the District, it shall adopt a resolution of formation and then submit the levy of any special taxes to the qualified electors of the District in a special election.

SECTION 15. (a) If, after the hearing described in Section 9, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk shall, within three (3) business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow the election official to determine the boundaries of the District, to the official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing district's boundaries and if requested by the official conducting the election.

(b) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the election official conducting the election shall be required.

(c) Such time limits, or requirement pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election.

(d) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the close of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one vote.

(e) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The official conducting the election may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(g) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(h) If the election is to be conducted by mail ballot, the election official conducting the election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(i) The procedures set forth in this Section 15 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

DESCRIPTION OF FACILITIES AND SERVICES WITH OPINION OF COSTS

DRAFT

EXHIBIT A

NORTH BEYER PARK SPECIFIC PLAN
Description of Facilities and Services with Opinion of Costs

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	=	$9,000
Subtotal for Oakdale Road	=	$69,349
Eng., Inspection, Admin., Contingency (25%)	=	$17,350
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	=	$9,000
Subtotal for Oakdale Road	=	$51,499
Eng., Inspection, Admin., Contingency (25%)	=	$12,900
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)

Landscaped Median:		
35,165 sq. ft. @ $.42/sq. ft./Annual Maintenance	=	$14,769
Landscape Planter:		
44,200 sq. ft. @ $.42/sq. ft./Annual Maintenance	=	$18,564
Total for Pelandale Expressway	=	$33,333

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	=	$2,142
Total for Oakdale Road	=	$6,972

3. **Coffee Road (Minor Arterial)**

Landscaped Median:		
11,500 sq. ft. @ $.42/sq. ft./Annual Maintenance	=	$4,830

Total for operation and maintenance of street parkways and open space in North Beyer Park Specific Plan Area
= $45,135

Summary of Street Parkway and Open Space Facilities and Services and Costs

	Capital Costs	Maintenance
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**	**$45,135**

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT B

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:

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.

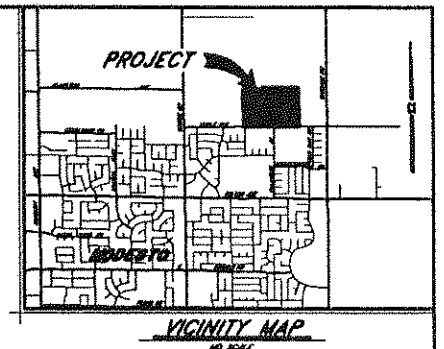
c:\wp51\files\modesto\nrthbyer\rma3.497

EXHIBIT C

COMMUNITY FACILITIES DISTRICT - BOUNDARY MAP

BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 1997-1 (NORTH BEYER SPECIFIC PLAN)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA
MAY 1997



VICINITY MAP
NO SCALE

PARCEL 1
47-PM-9

PARCEL 2
47-PM-9

PARCEL 3
3-S-66

CLARATINA AVENUE

PARCEL 4
47-PM-9

A.P.N. 52-05-28
19.08 ACRES

A.P.N. 52-05-24
36.42 ACRES

SCALE 1"=150'

MABLE AVENUE

PARCEL B
19-PM-61

PARCEL A
19-PM-61

SYLVAN MEADOWS EAST NO. 8

BLOCK 12 & 84

25-N-81

COFFEE ROAD

NORTHWAY DRIVE

PALMWOOD DRIVE

OAKDALE ROAD

PREPARED BY:

MID-VALLEY ENGINEERING
900 " H " STREET-SUITE " G "
MODESTO, CALIFORNIA 95354

FILED IN THE OFFICE OF THE CLERK OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THIS _____ DAY OF _____ OF 19____.

_____
CLERK, CITY OF MODESTO
CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1997-1 (NORTH BEYER SPECIFIC PLAN) COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA AT A REGULAR MEETING OF THE CITY COUNCIL THEREOF HELD ON THE _____ DAY OF _____ 19____, BY ITS RESOLUTION No. _____.

_____
CLERK, CITY OF MODESTO
CALIFORNIA

FILED THIS _____ DAY OF _____ 19____ AT THE HOUR OF _____ O'CLOCK ___M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGES _____ THROUGH _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

_____
COUNTY RECORDER, COUNTY OF STANISLAUS,
CALIFORNIA

SHEET 1 OF 1 SHEETS

Job No. 70-326

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-253

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MEMORIAL HOSPITAL ASSOCIATION OF STANISLAUS COUNTY FOR PURCHASE OF RIGHT-OF-WAY FOR COFFEE ROAD/BRIGGSMORE AVENUE INTERSECTION WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Memorial Hospital Association of Stanislaus County for purchase of right-of-way for Coffee Road/Briggsmore Avenue intersection widening project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-254

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:

Wastewater Collection System Operator

Supervising Building Inspector

Plan Review Engineer

Senior Building Inspector

The job specifications for the classifications of Wastewater Collection System Operator (Range 116), as shown on the attached Exhibit "A", Supervising Building Inspector (Range

442), as shown on the attached Exhibit "B", Plan Review Engineer (Range 134), as shown on the attached Exhibit "C", and Senior Building Inspector (Range 134), as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 13, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

WASTEWATER COLLECTION SYSTEM OPERATOR

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

DEFINITION

To perform a variety of skilled maintenance, operational, inspection and repair tasks, according to required standards, to ensure proper flows and minimum interruption of sewer and storm drain systems for commercial/industrial and residential facilities; and to ensure public health and safety by preventing and/or responding to sewage overflows and blockages.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

May exercise functional and technical supervision over lower level maintenance staff.

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

Essential Functions:

1. Drive and operate heavy duty rodding machines, hydra flush truck and the rodder/vacuum trucks to remove roots, grease, grit and debris that clogs sewer lines and drains.

2. Inspect sewer and positive storm drain lines with closed circuit television equipment.

3. Clean and service rockwells, catch basins and drain lines, and wet wells at lift stations.

4. Respond to emergencies involving wastewater overflows and restore service.

5. Operate pumping equipment during emergency bypass operations.

6. Repair and replace sewer lines, storm lines, catch basins and rockwells as required.

7. Complete work report sheets, record time for work projects.

Essential Functions (Continued)

8. Use tripods, cranes, harnesses, hazardous gas/air sensor equipment and ladders to enter confined spaces.

9. Set-up barricades, safety cones, flag stands, signs and arrow boards for directing traffic.

10. Clean and service tools and equipment.

Marginal Functions:

1. Provide training to lower level staff as required.

2. Perform standby on-call duties as scheduled; report to appropriate agencies; liaison with Police, Fire, and the Environmental Health Department.

3. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Function and characteristics of gravity/pressure sewer and storm collection systems and their related structures.

Terminology, materials, methods and equipment used in construction, maintenance and repairs of sewer and storm collection systems.

Operation and maintenance of technical equipment used for collection system work.

Safety and health hazards related to sewer/storm collection systems work.

Confined space entry procedure required to comply with CAL-OSHA standards.

Safe work practices.

Ability to:

Operate a variety of complex technical equipment, specialized for maintenance of sewer/storm collection systems.

Understand, follow and complete oral and written instructions.

QUALIFICATIONS (Continued)

Ability to:

Perform a variety of skilled maintenance and construction tasks requiring prolonged standing, walking, bending, climbing, lifting up to 75 pounds.

Work in confined spaces and follow confined space entry/egress procedures.

Perform duties in all weather conditions and at any time as needed, including nights, weekends and holidays.

Work independently or in a crew situation to investigate and resolve sewer and storm complaints, using good judgement and tact with irate citizens/customers.

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

Learn first aid and CPR procedures.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines
Any combination of experience and training that would likely provide the required knowledge and abilities would be:

Experience:

One year of increasingly responsible experience, performing sewer/storm maintenance work including the operations of large technical equipment such as: truck or trailer mounted industrial rodding machines, jet rodder vacuum trucks, hydraflush trucks, cable/bucket cleaning machines and dump trucks.

Possession of a certificate of completion in the operation and maintenance of wastewater collection systems issued by California State University Sacramento may be substituted for six months of the required experience.

Experience and Training Guidelines (continued)

Training:

Formal or informal education or training which ensures the ability to read, write and communicate at a level necessary for successful job performance.

License or Certificate:

Possession of a valid Class B California Drivers License is required according to Memorandum of Understanding (MOU) provision.

Possession of a Grade I certification or higher in Collection System Maintenance by California Environmental Association is desirable.

WORKING CONDITIONS

Environmental Conditions:

Water and wastewater treatment plant environment; exposure to noise, dust, grease, smoke, fumes, gases; work in or with water. Confined spaces environment (OSHA Title 8).

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for bending, stooping, kneeling, crawling, walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
No. 3230

MAY, 1997

SUPERVISING BUILDING INSPECTOR

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 supervise and coordinate the activities of the Building Division; to examine plans for compliance with codes and ordinances; to perform a full range of building plans examining work; to coordinate building inspection activities with other divisions and departments; and to provide highly complex staff assistance to the Chief Building Official.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Chief Building Official.

Exercises direct supervision over technical and clerical staff.

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

Essential Functions:

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

2. Supervise and coordinate building inspection activities; coordinate building inspection activities with other City departments, contractors and developers.

3. Supervise and participate in the development of the building inspection work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

4. Issue contractor's licenses including contractor testing, reference checking and state license requirements.

5. Supervise the issuance of building permits and calculate building permit fees for various construction projects.

ESSENTIAL FUNCTIONS (Continued)

6. Examine plans on all construction projects, including commercial and residential, for compliance with codes and ordinances; approve such plans for construction.

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

8. Provide technical and administrative assistance to the Chief Building Official; develop, prepare and present reports, surveys and other administrative activities.

9. Participate in professional and public meetings as required including job site and construction meetings.

10. Supervise inspectors under the City Housing Rehabilitation Program; supervise enforcement of Citywide Housing Code and Dangerous Building Code.

11. Issue notices and citations for projects not complying with building codes and ordinances.

12. Oversee and direct the building inspection office operations; maintain appropriate records and files; coordinate work flow.

13. Assist in preparing presentation for City Council; assist in preparing ordinances and ordinance amendments related to building activities.

14. Respond to the most difficult inquiries and complaints by the public; and to perform the most difficult building inspections.

15. Prepare reports, memoranda, letters and other forms of correspondence.

Marginal Functions:

1. Assist in recommending and drafting building and related code changes.

2. Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of the Uniform Building, Plumbing, Mechanical, and Electrical Codes.

Principles and methods of plans examination.

Principles of structural design, engineering mathematics and building inspection.

Research methods and sources of information related to building code enforcement.

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

Principles of supervision, training and performance evaluation.

Modern office procedures, methods and computer equipment.

Ability to:

Supervise a variety of building inspection activities.

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

Analyze, interpret and check complex plans, specifications, calculations, laws, and regulations.

Assist in preparing ordinances and code amendments.

Interpret building policies and procedures to the general public.

Interpret and apply City policies, procedures, rules and regulations as well as the Uniform Building Codes.

Select, supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

QUALIFICATIONS - (Continued)

Ability to:

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in the inspection for public, commercial, industrial and residential buildings.

Training:

Equivalent to an Associate of Arts degree with major course work in construction technology or a related field.

License or Certificate

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

Possession of I.C.B.O. certificates as a Certified Building Inspector and as a Combination Dwelling Inspector.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

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

CITY OF MODESTO MAY, 1997
NO. 3351

PLAN REVIEW ENGINEER

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

DEFINITION

To review plans submitted to the Building Inspection Division for compliance to building codes and ordinances; to provide necessary corrections to bring plans up to code; and to provide technical support to engineering staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level engineering staff.

May exercise technical supervision over lower level engineering staff.

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

Essential Functions:

1. Check routine building plans for conformance to City codes and the Uniform Building Codes; ensure compliance with the Uniform Building Codes including handicap provisions, energy, mechanical and electrical codes; review test results from laboratories and consulting engineers; make field inspections as required.

2. Review and check residential and commercial building plans or related structures for conformance with City zoning requirements; perform engineering design calculations.

3. Assist inspection staff with interpretation of building plans and uniform building codes.

4. Coordinate assigned activities with consultants, engineers, developers, contractors, other City departments and divisions, and with outside agencies; interpret various codes.

Essential Functions (Continued)

5. Provide support and assistance at the public counter and over the telephone; provide general information and assistance to the public regarding requirements for obtaining approval of plan and building permits.

6. Calculate and determine a variety of fees for plan checks and permits; determine building valuations based upon established standards.

7. Make field inspections of buildings during various stages of construction and remodeling to ensure compliance with applicable codes and regulations of City, State and Federal agencies.

8. Maintain records of plans and related documents.

Marginal Functions:

1. May oversee the work of lower level engineering staff.

2. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Construction practices, methods and terminology.

Uniform Building, Electrical, Plumbing, Mechanical and other related codes.

Basic principles and practices of civil and structural engineering.

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

Principles and procedures of record keeping.

Principles of advanced mathematics and their application to engineering work.

Pertinent laboratory tests and procedures.

Modern developments, current literature and sources of information regarding civil engineering.

QUALIFICATIONS (Continued)

Knowledge of:

Modern office procedures, methods and computer equipment.

Ability to:

Learn and apply City engineering policies and procedures.

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

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

Prepare technical reports.

Communicate clearly and concisely, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience as a combination building inspector.

Experience and Training Guidelines (Continued)

Training:

Equivalent to Associate of Arts degree with major course work in civil engineering, building inspection technology or a related field.

License or Certificate

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

Possession of an I.C.B.O. certificate as a Plans Examiner is required at time of appointment.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

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

CITY OF MODESTO
NO. 3231

MAY, 1997

SENIOR BUILDING INSPECTOR

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

DEFINITION

To perform a variety of commercial, industrial and complex residential building inspection duties at various stages of construction, alteration and repair; to provide technical assistance to other inspection staff; and to provide information and assistance to the public.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Chief Building Official.

Exercises functional and technical supervision over building inspection staff.

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

Essential Functions:

1. Make field inspections of industrial, commercial, and complex residential buildings during various stages of construction and remodeling to assure compliance with applicable codes and regulations of City, State and Federal agencies.

2. Check plans and specifications of proposed buildings and structures for compliance with uniform building codes and accepted engineering practices; review test reports from laboratories and consulting engineers; make field inspections as required.

3. Provide technical assistance and educational programs to other building inspection staff in area of assigned specialization.

Essential Functions (Continued):

4. Review building, electrical, mechanical, plumbing and other specialty plans and specifications to ensure conformance to California Energy laws outlined in Title 24; conduct field review of plans and specifications; approve changes in work procedures.

5. Ascertain conformance to Uniform Building Code, Mechanical, Plumbing and Electrical Codes, Dangerous Building and Housing Codes, and pertinent provisions of State and County health and environmental ordinances.

6. Confer with architects, contractors, builders and the general public in the field and office; explain and interpret requirements and restrictions.

7. Inspect foundation, concrete, steel, masonry and wood construction, framing, plastering, plumbing, heating, and electrical installations, and a large variety of other complex and routine building system elements insuring proper and safe installations.

8. Coordinate inspection activities with other City departments and divisions.

9. Maintain detailed records and prepare reports.

10. Assist in the preparation of performance evaluation of field personnel.

Marginal Functions:

1. Respond to requests and inquiries from the general public.

2. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Accepted safety standards and methods of building construction for commercial, industrial and residential buildings.

Building related codes and ordinances enforceable by the City, including the Uniform Building, Electrical, Plumbing and Mechanical Codes.

QUALIFICATIONS (Continued)

Knowledge of:

Advanced principles and techniques of building inspection work.

Principles of structural design and engineering calculations.

Research methods and sources of information related to building code enforcement.

Ability to:

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Read and interpret complex building plans, specifications, and building codes.

Understand and carry out oral and written directions.

Advise on standard construction methods and requirements for residential, commercial and industrial buildings.

Provide technical assistance and direction of other building inspection staff in assigned area of specialization.

Make arithmetical computations rapidly and accurately.

Enforce necessary regulations with firmness and tact.

Determine that construction systems conform to City Code requirements.

Apply City codes and policies regarding environmental matters, and other regulations to field situations.

Work independently with minimal supervision.

Communicate clearly and concisely, both orally and in writing.

QUALIFICATIONS (Continued)

Ability to:

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience as a combination building inspector.

Training:

Equivalent to an Associate of Arts degree with major course work in building inspection technology or a related field.

License or Certificate

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

Possession of an I.C.B.O. certificate as a "Certified Building Inspector" is required at time of appointment. An additional I.C.B.O. certificate in any of the following: electrical, plumbing, mechanical or combination is required within one year of appointment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

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

Clerk
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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-255

A RESOLUTION APPROVING THE FINAL MAP OF THE ROSE LANE NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 17.71 acres, known as Rose Lane No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 26th day of November, 1996, 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. 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 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 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison A Barratt-Green for
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-256

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MIKE PRATT FROM THE BOARD OF ZONING ADJUSTMENT, EFFECTIVE MAY 13, 1997

WHEREAS, Mike Pratt was appointed a member of the Board of Zoning Adjustment on January 2, 1996; and

WHEREAS, Mike Pratt has tendered his resignation from the Board of Zoning Adjustment, effective May 13, 1997; and

WHEREAS, Mike Pratt 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 Mike Pratt 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 Mike Pratt 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 13th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-257

A RESOLUTION APPOINTING JOCELYN REED AS AN INTERIM ALTERNATE TO THE STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES, SOLID WASTE MANAGEMENT DIVISION'S LOCAL TASK FORCE ON SOLID WASTE

WHEREAS, a vacancy was created in the Alternate position with the retirement of the Solid Waste Program Manager, and;

WHEREAS, there is an immediate need to appoint an interim Alternate until the Program Manager position is filled.

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

SECTION 1. Jocelyn Reed is hereby appointed as an interim alternate to the Stanislaus County Department of Environmental Resources, Solid Waste Management Division's Local Task Force on Solid Waste.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Local Task Force on Solid Waste, 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 May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-258

A RESOLUTION APPOINTING CHARLES HARDING, JOHN HERLIHY, DINA OLIVARES, AND WILLIAM WETMORE 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Charles Harding, John Herlihy, Dina Olivares, and William Wetmore are hereby appointed to the Community Qualities Forum with term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-259

A RESOLUTION APPOINTING JAMIE CHRISTLY 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Jamie Christly is hereby appointed to Human Relations Commission with a term expiration of January 1, 2001.

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 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-260

A RESOLUTION REAPPOINTING MARGIE LEE AND RICARDO CORDOVA TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Margie Lee and Ricardo Cordova are hereby reappointed to the Citizens Housing & Community Development Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-261

A RESOLUTION APPOINTING JESS DACUYCUY AS THE HUMAN RELATIONS COMMISSION REPRESENTATIVE 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Jess Dacuycuy is hereby appointed as the Human Relations Commission representative to the Citizens Housing and Community Development Committee with a term expiration of January 1, 1999.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-262

A RESOLUTION APPOINTING RICARDO CORDOVA AS THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE REPRESENTATIVE TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Ricardo Cordova is hereby appointed as the Citizens Housing & Community Development Committee representative to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-263

A RESOLUTION REAPPOINTING LINDA MCDANIEL TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Linda McDaniel is hereby reappointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2001.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-264

A RESOLUTION APPOINTING MARY VAN LOON AS THE HUMAN RELATIONS COMMISSION REPRESENTATIVE TO THE AFFIRMATIVE ACTION 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. Mary Van Loon is hereby appointed as the Human Relations Commission representative to the Affirmative Action Commission with a term expiration of June 30, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Human Relations Commission representative to the Affirmative Action 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 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-265

A RESOLUTION REAPPOINTING ROBERT DEGRASSE, SHERRE WONG, DONNA HUCKABAY AND MICHAEL PRATT TO THE DISABLED ACCESS APPEALS BOARD

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

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

SECTION 1. Robert DeGrasse, Sherre Wong, Donna Huckabay and Michael Pratt are hereby reappointed to Disabled Access Appeals Board with term expirations of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-266

A RESOLUTION REAPPOINTING LINDA REESE 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. Linda Reese is hereby reappointed to the Economic Development Loan Committee with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed 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 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-267

A RESOLUTION REAPPOINTING HARRY BAKKER 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. Harry Bakker is hereby reappointed to the Local Cable Programming Committee with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed 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 13th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-268

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(521). (MICHAEL W. BIRCH)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Michael W. Birch on February 21, 1997, to reclassify from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(521), to allow conversion of a dwelling to a Business/Professional Office, property located at 133 Downey Avenue on the north side of Downey Avenue west of Johnson Street, described as follows:

R-3 to P-D(521)

Lots 22 and 23 and the East 12 feet of Lot 21 in Block 568 of the CITY OF MODESTO, as per Map thereof recorded December 21, 1942 in Book 15 of Maps, Stanislaus County Records.

Also including the northerly 40 feet of 80-foot Downey Avenue, located immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on April 21, 1997, 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. 97-29, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. Conversion of the subject property to office use is in concert with a predictable land use pattern in that there are few remaining properties that have not converted to non-residential use in over a mile stretch of the north side of Downey Avenue/Scenic Drive.

2. The emerging non-residential pattern conforms to a similar pattern established in 1988 for the north side of Needham Street west of McHenry Avenue.

3. The retention of the residential style for the office building especially as a transition between downtown and the residential fringe is highly desirable.

and

WHEREAS, after a public hearing held on May 20, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Michael W. Birch 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. 97-29 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3041 -C.S. on the 20th day of May, 1997, reclassifying the above-described property from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(521).

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

1. All development shall conform to the plot plan and floor plans titled "P-D Application, Mike Birch, 133 Downey Avenue, Modesto, California" as amended in red, stamped approved by the City Council on May 20, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the east property line. Landscaping

and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Eight-foot-high decorative masonry wall along the rear portion of the east property line as shown on the plan.

   b. 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 extending north from 20 feet back from property line as shown on the plan.

4. Street and alley improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director alleviate a health, safety, or traffic problem in the area. The Downey Avenue curb cut shall be widened approximately ten feet on the east side.

5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

6. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed ofbuilding materials consistent with those used in the major buildings as approved by the Community Development Director.

7. All signs shall comply with the sign requirements of the P-O 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(521):

> The entire construction program be accomplished in one phase, construction to begin on or before April 21, 1999, and completion to be not later than April 21, 2000.

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 the ordinance reclassifying the above-described property to Planned Development Zone, P-D(521), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-269

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 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(521), PROPERTY LOCATED AT 133 DOWNEY AVENUE ON THE NORTH SIDE OF DOWNEY AVENUE WEST OF JOHNSON STREET. (MICHAEL W. BIRCH)

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

WHEREAS, Michael W. Birch has proposed that the zoning designation for the property located at 133 Downey Avenue on the north side of Downey Avenue west of Johnson Street be amended to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(521), property located at 133 Downey Avenue on the north side of Downey Avenue west of Johnson Street, in the City of Modesto ("the project"), and

WHEREAS, on April 11, 1997, the City's Community Development Department by Environmental Assessment 97-20 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that,

therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on April 21, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on April 11, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

E.A. No. 97-20

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title: **Application of Michael W. Birch to Rezone from R-3 to P-D, Planned Development Zone for Conversion of a Dwelling to a Business/Professional Office, Property Located at 133 Downey Ave.**

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Michael W. Birch 1020 15th St. #24 Modesto, Ca 95354
(209) 522-6196

D. Project Location:
133 Downey Avenue, on the north side of Downey Ave. west of Johnson Street

E. Project sponsor: Michael W. Birch applicant/owner

F. General Plan Designation: MU, Mixed Use, adjoining the City's Redevelopment area

G. Current Zoning: R-3, Medium-high-density residential, zone

H. Description of Proposed Project: This project is an amendment to

EXHIBIT A

the Zoning Map to rezone from R-3 to P-D to allow conversion of a dwelling to office space, including addition of offstreet parking.

I. Surrounding land uses: This project is bordered on the west by the overflow parking area for the Ralston Tower senior housing development across Downey Avenue, on the north and east by dwellings, and by The Shops at Lincoln School commercial development 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 project will provide approximately 1800 square feet of building area, converted from an older two-story dwelling. The zone amendment in itself will not present impacts that were not analyzed in the MEIR. Because this relatively small-scale proposal involves building conversion only, a traffic mitigation study is not being required for this project. The Traffic Division, upon referral, expressed no concerns and had no comments. All new public improvements will be to City standard as required by the MMC. This 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 project will provide infill non-residential development within the City of Modesto. It will not have 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 project is adjacent to and surrounded by urban development. Although the project will add very little additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. There will be no new noise-generating activity that is not already possible with the existing development. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The project is already a developed site and there will be no loss of agricultural land 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, therefore still valid.

E. **Increased Demand for Water Supplies**
This project which will provide for additional non-residential 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.

F. **Increased Demand for Sanitary Sewer Services**
This 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**
This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological 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 development of this project 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 development of this project 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 project will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**
This project will not generate any additional demand upon the local school districts. In addition, 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 proposal has 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 project proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is less than 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 project and subsequent 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 proposal will result in no 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 project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the
Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**
This proposal 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 P-D zoning application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

B. The Project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are not specific features unique to this zone change to P-D that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide, ncluding this project as appropriate.

E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: Robert S. Cannell Date: 4-11-97

EA RESOLUTION

1	Attorney
1	CDD - Const. Admin.
1	CDD - George Osner
3	

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-270

Print

A RESOLUTION APPROVING THE FISCAL YEAR 1997-98 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EXCEPTING ITEMS 37, 38, 43, AND 47 OF SAID PLAN; APPROVING THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM, AND EMERGENCY SHELTER GRANT (ESG); AUTHORIZING SUBMITTAL OF APPLICATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 20, 1997, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1997-1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production, and Homeless Assistance, and

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) excepting items 37, 38, 43 and 47 of said plan, the Home Investment Partnership (HOME) Program, and the Emergency Shelter Grant (ESG) are hereby approved, and a copy of said Annual Action Plan is on file in the office of the City Clerk.

2. That the City Manager or his authorized designee are hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is

hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1997-1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production, and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison A Barratt-Green for
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-271

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE COST OF PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF PAYMENT

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the California Streets and Highways Code establishes a procedure that certain improvements may be required; and

WHEREAS, the Council did, on May 21, 1996, adopt its Resolution No. 96-268, ordering the construction of improvements along certain alleys and directing the Superintendent of Streets to give notice requiring such improvements; 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 of paving abutting the property hereafter described; and

WHEREAS, May 20, 1997, at 7:00 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh 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 assessed in three annual installments as a special assessment against the parcel(s) of property fronting upon the work so constructed.

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.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of Streets and Highways Code, it is hereby 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 prescribed 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 20th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Parcel No.	Property Address	Owners's Name and Address	Frontage	Property Owner's Cost
032-1806	908 Rose Avenue	Erwin & Mildred Salomon 908 Rose Avenue	232'	$4,715.00
032-5206	1000 Rose Avenue	J. C. & Tressie J. Campbell 1000 Rose Avenue	144.52'	$3,822.00
032-5203	1028 Rose Avenue	Salvatore & Rose Benenati 1028 Rose Avenue	175.48'	$3,715.00
032-1719	720 Brighton Avenue	James M. Lima 1441 Coldwell Avenue Modesto, CA 95350	74.47'	$1,369.50
032-1702	802 Brighton Avenue	Sudesh and Mimla K. Kumar 1004 Copper Lake Court Modesto, CA 95355	81'	$1,522.00
032-1701	804 Brighton Avenue	Richard E. Adams 3104 Laramie Drive Modesto, CA 95355-3529	90'	$1,716.00
029-1823	1027 Elm Avenue	Clarence E. & Lois J. Simpson 3628 Ganado Way Modesto, CA 95356-0310	139'	$2,152.50
029-1821	501 N. Emerald	Bill H. & Pauline Cameron 1409 Riverette Dr. Modesto, CA 95354	329'	$6,957.50
029-2437	100 N. Emerald	Ruby Smith 100 N. Emerald Ave.	247'	$3,260.00

PFD 11 Construction & Administration	$84,139.20
CCO 100 N. Emerald Ave.	$12,215.00
Total Construction Costs	**$96,354.20**
Assessments to be applied now	$25,969.50
Assessment- hold collection	$ 3,260.00
City Costs	$67,124.70

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-272

A RESOLUTION ACCEPTING THE BIDS OF INFINET, COMPUTERWARE, COMPUSA, MODESTO PC, COMPUTER DISCOUNT WAREHOUSE, AND MICRO-WAREHOUSE FOR FURNISHING COMPUTER AND RELATED EQUIPMENT FOR A TOTAL COST OF $105,783.61

WHEREAS, Resolution No. 97-118, adopted by the Council of the City of Modesto on March 4, 1997 approved the Request for Bids for furnishing computer and related equipment; and

WHEREAS, the bids received for furnishing computer and related equipment, were opened at 11:00 a.m. on April 11, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of Infinet for $50,460.89; ComputerWare for $5,347.28; CompUSA for $16,100.82; Modesto PC for $19,343.56; Computer Discount Warehouse for $13,142.70 and Micro WareHouse for $1,388.36 for a total amount of $105,783.61 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Infinet, ComputerWare, CompUSA, Modesto PC, Computer Discount Warehouse and Micro WareHouse be accepted and the preparation of a 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 20th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-273

Print

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "BRIGGSMORE/COFFEE INTERSECTION IMPROVEMENTS" IN THE AMOUNT OF $1,668,820.05

WHEREAS, the bids received for Briggsmore/Coffee Intersection Improvements were opened at 11:00 a.m. on April 11, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $1,668,820.05 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 $1,668,820.05 from 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 20th day of May, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-274

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO TRANSFER FUNDS FROM ACCOUNT #141-430-H060 AND #628-480-H084 AND TO APPROPRIATE ESTIMATED REVENUE INTO ACCOUNT #141-430-F698 TO FULLY FUND THE BRIGGSMORE/COFFEE INTERSECTION IMPROVEMENTS

WHEREAS, the scope of this project was increased to extend the Briggsmore Avenue past the Calvary Temple Church; and

WHEREAS, funding in the amount of $42,124 will be transferred from the CFF Fund in the Briggsmore/McHenry right-of-way Account 141-480-H069; and

WHEREAS, State and Local Transportation Program Funds in the amount of $214,276 were approved for this project in August 1996 and these revenues will be estimated and appropriated in Account 141-430-F698; and

WHEREAS, the Memorial Hospital entered into an agreement to reimburse the City for costs involved in the design and installation of the traffic signal at Coffee and Spanos. This new revenue is estimated to be $168,000 and appropriated in Account 141-430-F698.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated below:

Revenues	
#141-430-4057 Developer's Share of Project	$168,000
#141-430-3138 State Share of Project	60,000
Expenditures	
#141-430-H069-6030 Briggsmore/McHenry Intersection	(42,124)
#141-430-F698-6040 Briggsmore/Coffee Intersection	424,400

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 20th day of May, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-275

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY INC. FOR THE PROJECT TITLED "SCADA SYSTEM ADDITION-PHASE II" FOR THE AMOUNT OF $103,000.00

WHEREAS, the bids received for SCADA System Addition-Phase II were opened at 11:00 a.m. on April 29, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Collins Electrical Company Inc. for $103,000.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company Inc. for $103,000.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-276

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED SCADA SYSTEM ADDITIONS-PHASE I AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled SCADA System Additions-Phase I, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated March 26, 1996.

NOW, THEREFORE, BE IT RESOLVED that the SCADA System Additions-Phase I 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 $112,356.00 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 20th day of May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-277

A RESOLUTION ACCEPTING THE PROJECT TITLED BEARD BROOK PARK BALLFIELD LIGHTING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Beard Brook Park Ballfield Lighting, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated February 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Beard Brook Park Ballfield Lighting 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 $111,956.00 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 20th day of May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-278

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LABOR AND MATERIALS NECESSARY TO UPGRADE THE POLICE/FIRE DEPARTMENT'S SHARED TELEPHONE SWITCH (PBX) FROM EVANS COMMUNICATIONS FOR THE TOTAL PRICE OF $38,682.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of labor and materials necessary to upgrade the Police/Fire Department's shared telephone switch (PBX) is hereby waived.

BE IT FURTHER RESOLVED that purchase of labor and materials necessary to upgrade the Police/Fire Department's shared telephone switch (PBX) for a not to exceed price of $38,682.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-279

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO REVIEW THE PROPOSED 1997-98 OPERATING BUDGET AND PROPOSED 1997-2001 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 3, 1997, at 7:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to review the proposed 1997-98 Operating Budget and the proposed 1997-2001 capital improvement program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-280

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FEDERAL GRANT FUNDING UNDER THE CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION BOND ACT OF 1988 FOR THE MODESTO REFORESTATION PROJECT 1997, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID APPLICATION.

WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, which provides funds to the State of California and its political subdivisions for urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies and non-profit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant (City of Modesto) to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the applicant (City of Modesto) will enter into an agreement with the State of California to carry out a tree planting project,

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

1. The Council hereby approves the submittal of an application to the State of California Department of Forestry and Fire Protection for the Urban Forestry Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project, and

2. The Council certifies that said City of Modesto has or will have sufficient funds to operate and maintain the project, and

3. The Council certifies that funds under the jurisdiction of the City of Modesto are available to begin the project.

4. The Council certifies that said City of Modesto will expend grant funds prior to January 31, 1999.

5. The Council appoints the City Manager or his authorized designee as agent of the City of Modesto to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, or payment requests, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of May, 1997, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

05/22/97

OPONOKMW/CA/rh

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-281

A RESOLUTION DENYING THE APPEAL OF JASPAL C. SEKHON TO THE DENIAL OF AN APPLICATION FOR A VARIANCE TO ALCOHOL BEVERAGE CONTROL (ABC) STANDARDS FOR A TYPE 20, OFF-SALE BEER AND WINE LICENSE AT 1725 PRESCOTT ROAD IN THE CITY OF MODESTO.

WHEREAS, regulations require the State Alcoholic Beverage Control Board to review applications and to approve or deny applications based on undue concentration of liquor licenses in census tracts, pursuant to Business and Professions Code (Chapter 6, Article 1, Section 23958 et seq.), and

WHEREAS, denial of certain types of applications are now appealable to the "local governing body" to consider recommending approval of the license "if public convenience or necessity would best be served", and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants requesting liquor licenses on premises in the City of Modesto may apply for a determination as to whether the public convenience or necessity would best be served by the issuance of such licenses at a requested location, and

WHEREAS, on February 27, 1996, by Resolution No. 96-84, the City Council adopted a policy entitled "Criteria for Variance to the ABC Standards", which provides criteria and conditions governing liquor license applications in the City of Modesto's jurisdiction, as well as providing for review and decision by an

Administrative Hearing Officer, and

WHEREAS, on June 11, 1996, by Resolution No. 96-332, the Council approved an amendment to said policy to include an Alcoholic Beverage Control Worksheet/Checklist, and

WHEREAS, Jasper C. Sekhon filed an application with the Alcohol Beverage Control (ABC) Board for a new license, Type 20, which would authorize the sale of beer and wine only at 1725 Prescott Road in Modesto, and

WHEREAS, on April 25, 1997, a hearing was conducted to review the merits of the application and to receive input from City staff, after which it was concluded by the Administrative Hearing Officer that the issuance of the license for 1725 Prescott Road did not meet established criteria, and said application was therefore denied, and

WHEREAS, by letter(s) received by the City Clerk's Office from Jaspal S. Sekhon, an appeal was filed with the City Council, and

WHEREAS, said appeal was considered by the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 20, 1997, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council found and determined that said application did not meet established criteria and should be denied as recommended by the Administrative Hearing Officer,

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

1. Issuance of a license for this location would add to an undue concentration in this area. Quik-Seven, 1725 Prescott Road, is located in Census Tract 8.03. The recommended license as allowed by the California Department of Alcohol Beverage Control is five, and currently there are five off-sale licenses in this census tact.

2. The applicant's premises is located in a crime district that has a 20% or greater number of reported crimes than the average number of reported crimes as determined by all reporting districts within the jurisdiction of the local law enforcement agency. In the total reporting district city-wide, there is an average of 61.57 reported crimes. In the target location, there were 457 reported crimes for the period of March 31, 1996, through March 31, 1997.

3. Significant residential growth in this Census Tract 8.03 is not likely to occur to allow for increased license ratios. In addition, the crime rate for the first three months of 1997 is trending upward and may project an even greater disparity in the crime rate than the previous twelve months.

BE IT FURTHER RESOLVED that, with respect to subparagraph (3) of Section 23958.4 of the Business and Professions Code, the Council finds that the ratio of off-sale retail beer and wine licenses to population in the census tract in which the applicant premises are located exceeds the ratio of off-sale retail liquor licenses to population in which the applicant premises are located, therefore, the application of Jasper C. Sekhon for an off-sale retail beer and wine license for "Quik-Seven" located at 1725 Prescott Road, in the City of

Modesto, is hereby denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-282

Print

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 84-173 ENTITLED "A RESOLUTION AMENDING SECTION 1 OF MODESTO CITY COUNCIL RESOLUTION NO. 79-588, TO ALLOW C-2 USES IN P-D(225), PROPERTY LOCATED AT THE NORTHEAST CORNER OF CARPENTER ROAD AND ELM AVENUE, IN THE CITY OF MODESTO."

WHEREAS, the Modesto City Council, by Ordinance No. 1840-C.S., which was introduced on June 12, 1979, finally adopted on June 19, 1979, and which became effective on July 19, 1979, granted P-D(225) to allow a retail furniture store and warehouse, property located on the northeast corner of Carpenter Road and Elm Avenue, and

WHEREAS, City Council Resolution No. 79-588, approved the development plan and schedule for P-D(225), and also contained the conditions of approval for the development of said uses on the P-D(225) property, and

WHEREAS, on March 19, 1984, by Resolution No. 84-55, the Planning Commission recommended an amendment to P-D(225) to allow a retail-wholesale building supply business and C-2 zone uses, except for ambulance service and alcoholic beverage sales, as sought by Gary Bedrosian, and

WHEREAS, the Modesto City Council, by Ordinance No. 2250-C.S., which was introduced on April 3, 1984, finally adopted on April 10, 1984, and which became effective on May 10, 1984, amended P-D(225) to allow all C-2 Zone uses along with establishing a wholesale-retail business in an existing 52,500 square foot building, property located at the northeast corner of Carpenter Road and Elm Avenue, and

WHEREAS, City Council Resolution No. 84-173 adopted by the City Council on April 3, 1984, granted the amendment to P-D(225) as sought by Mr. Bedrosian, and

WHEREAS, Planning Commission Resolution No. 84-82 adopted April 20, 1984, granted a revised development plan for an outdoor storage enclosure serving the P.V. Farm and General Merchandise store and expanding the off-street parking area subject to business hours of 7:00 a.m. to 10:00 p.m. seven days a week, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(225), was filed by Art Mitchell on February 24, 1997, to allow serving of alcoholic beverages (beer and wine) and for extended hours in conjunction with a new restaurant to occupy a portion of the existing building at 500 Carpenter Road, on the east side of Carpenter Road south of Kansas Avenue, and

WHEREAS, after a public hearing on April 21, 1997, 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. 97-32, that amendment of Planned Development Zone, P-D(225), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. That the general commercial uses allowed within this planned development zone include a restaurant which is normally permitted the serving of alcoholic beverages in conjunction with meals.

2. That this commercial use is in conformance with the General Plan and is well insulated from the adjoining residential neighborhood to the east by a generous setback of the commercial buildings, a solid masonry wall, and screen landscaping.

3. That the limitation of hours for activity in the loading dock and outdoor storage areas of the retail businesses within the planned development zone will continue to provide a degree of compatibility with adjacent uses.

WHEREAS, by Resolution No. 97-32 the Planning Commission recommended to the Council that Planned Development Zone, P-D(225), be amended to allow serving of alcoholic beverages (beer and wine) and for extended hours in conjunction with a new restaurant to occupy a portion of the existing building at 500 Carpenter Road, on the east side of Carpenter Road south of Kansas Avenue, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m. on May 27 , 1997, and

WHEREAS, after said public hearing held on May 27 , 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Art Mitchell for an amendment to Planned Development Zone, P-D(225), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-32 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3043 -C.S. on the 27th day of May , 1997, amending Section 1 of Ordinance No. 2250-C.S, to allow the permitted uses to also include serving of alcoholic beverages (beer and wine) in conjunction with a new restaurant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 84-173 entitled "A Resolution Amending Section 1 of Modesto City Council Resolution No. 79-588, to Allow C-2 Uses in P-D(225), Property Located at the Northeast Corner of Carpenter Road and Elm Avenue, in the City of Modesto" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(225), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Landscaping Plan, VRH's Furniture" as amended in red, stamped approved by the City Council on June 12, 1979.

2. Prior to occupancy, the applicant shall obtain certification from the Parks and Recreation Director that the landscaping and irrigation system generally conforms to City standards and/or any previously approved plans.

3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. That the applicant shall record a "Notice of Conditions" form.

5. That the applicant shall install fire hydrants and the pipeline system therefore in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to construction of any structures.

6. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Community Development Director. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of decorative masonry as determined by the Community Development Director.

7. That prior to occupancy of the premises, an eight-foot high solid decorative masonry wall shall be constructed along the east boundary of the property adjacent to residential zoning.

8. That all signs shall comply with the sign requirements of the C-3 Zone.

9. That the development shall be connected to public water and sewer facilities in accordance with the requirements of the Public Works and Transportation Director.

10. That 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 located no the premises shall be soundproofed in accordance with the requirements of the Public Works and Transportation Director.

11. That prior to the issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies serving the development and in accordance with the requirements of the Public Works and Transportation Director.

12. That all outdoor lighting shall be shielded from adjacent residential properties in accordance with the requirements of the Public Works and Transportation Director.

13. That prior to the issuance of a building permit, street improvement plans for the required street improvements shall be prepared by a registered civil engineer and submitted to the Public Works and Transportation Director for approval. All public improvements shall be constructed in accordance with the approved plans.

14. That upon demand by the City, the developer shall dedicate additional right-of-way to complete Carpenter Road to a major street standard in accordance with the requirements of the Public Works and Transportation Director.

15. That upon demand by the City, the developer shall dedicate additional right-of-way to complete Elm Avenue to a collector street standard in accordance with the requirements of the Public Works and Transportation Director.

16. That the developer shall improve Carpenter Road to major street standards in accordance with the requirements of the Public Works and Transportation Director prior to occupancy or upon demand by the City of Modesto, whichever occurs first.

17. That the developer shall improve Elm Avenue to collector street standards in accordance with the requirements of the Public Works and Transportation Director prior to occupancy or upon demand by the City of Modesto, whichever occurs first.

18. The entire premises shall not be used for outside storage of any type of material except as authorized in Section 10-2.1009 of the Modesto Municipal Code.

19. All retail commercial businesses may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m. seven days a week and any activity in the loading dock area or outdoor storage enclosure at the rear of the building area also limited to the same hours, except that the "Legends" restaurant may be open from 6:00 a.m. to 12:00 midnight."

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-283

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 94-221 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(501). (HAGOPIAN, LUST, AND CALLAWAY)". (KEARNEY VENTURES)

WHEREAS, the Modesto City Council, by Ordinance No. 2905-C.S., which was introduced on April 26, 1994, finally adopted on May 3, 1994, and which became effective on June 2, 1994, granted P-D(501) to allow a neighborhood shopping center, property located on the northwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, City Council Resolution No. 94-221 adopted by the City Council on April 26, 1994, approved the development plan for Planned Development Zone, P-D(501), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(501), was filed by Kearney Ventures on February 24, 1997, to allow an auto-oriented commercial strip center in place of the previously approved neighborhood shopping center, and

WHEREAS, after a public hearing on May 5, 1997, 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. 97-38, that amendment of Planned Development Zone, P-D(501), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. That the commercial strip center is within the Baseline development area in an area designated for (MU) Mixed Uses including service and retail commercial uses as set forth in the General Plan.

2. The amended P-D zone including revised conditions of approval will insure that commercial development of this property will continue to have a degree of compatibility consonant with the surrounding properties.

WHEREAS, by Resolution No. 97-38 the Planning Commission recommended to the Council that Planned Development Zone, P-D(501), be amended to allow an auto-oriented commercial strip center on property located on the northwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m. on May 27, 1997, and

WHEREAS, after said public hearing held on May 27, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Kearney Ventures for an amendment to Planned Development Zone, P-D(501), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-38 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3044-C.S. on the 27th day of May, 1997, amending Sections 1 and 2 of Ordinance No. 2905-C.S, to allow an auto-oriented commercial strip center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 94-221 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(501). (Hagopian, Lust and Callaway)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(501), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan/Village Center" as amended in red, stamped approved by the City Council on May 27, 1997. The developer shall provide a finished appearance to the west elevation of the mini-storage building as required by the Community Development Director.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation. Screen landscaping shall be installed along the entire west and portion of the north property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Tree planting within the screen landscaping area shall be minimum five-gallon material of a type to provide a fifteen foot screen within five years.

3. Fences and walls shall be constructed prior to occupancy of any use and shall be as follows:

    a. Eight-foot-high decorative masonry wall along a portion of the north property line adjoining the vacant R-2 Zoned lot as indicated in red on the approved plans. Provision shall also be made for vines and irrigation to be included on the north side of the wall. Said vines and irrigation system shall be as approved by the Director of Parks and Recreation.

    b. Eight-foot-high decorative masonry wall setback a minimum of ten-feet from Carson Oak Drive property line with a two-foot off-set every 50-feet and extending from the mini-warehouse facility south to a point 40-feet north of the ultimate dedication for Sylvan Avenue as shown in red on the approved plans.

4. The following street right-of-way dedication and improvements are traffic related conditions and shall be provided prior to issuance of a building permit and prior to occupancy respectively, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area:

   a. The developer shall dedicate the Oakdale Road frontage to a major arterial standard as per the General Plan. This dedication shall provide for three southbound through lanes, two left-turn lanes and a raised median along the entire length. A full access median break will be allowed at the project's central entrance on Oakdale Road.

   b. The developer shall dedicate Sylvan Avenue to a major arterial standard as per the General Plan and Village One Infrastructure Master Plan. This dedication shall provide for three westbound through lanes, two eastbound left turn lanes at the Oakdale intersection, and one westbound left turn lane at the Carson Oak intersection, and a raised median along the entire length. A bus turnout, located between Oakdale Road and the driveway on Sylvan Avenue, shall also serve the project. A left-in-only median break will be allowed at the project's central entrance on Sylvan Avenue.

   c. Two driveway accesses on Oakdale Road will be allowed. One is to be lined up with the central driveway on the opposite side of Oakdale Road about 425' north of the property line at Sylvan Avenue. The other is the proposed right-in right-out access to the south. A third driveway at the northeast corner of the development shall be either deleted, provided as a shared central driveway with the adjacent property, or as a single driveway with a vehicular access way connection between properties. Fifty percent of costs resulting from any modifications to the driveway or parking area of the adjacent office development, to resolve this driveway issue, shall be the responsibility of the applicant or developer of the strip commercial center.

   d. One driveway access on Sylvan Avenue will be allowed. This access will be limited to right-in right-out and left-in movements.

   e. The developer shall improve the Oakdale Road and Sylvan Avenue frontages pursuant to the "Interim Improvements Plan."

f. The developer shall dedicate and secure improvement of Carson Oak Drive to a collector street standard as per the Standard Specifications.

g. The design of the on-site traffic movements serving the fast-food drive-through is to be redesigned to the approval of the Director of Public Works and Transportation.

5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

6. 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.

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

9. 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.

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

11. All signs in the strip commercial center shall comply with the sign requirements of the C-3 Zone. Except that one gas price sign including additional sign area for "Foodini's" as shown on the Chevron sign package plan, sheet G-1, titled Graphics Identification Plan is permitted on Oakdale Road near the intersection of Sylvan Avenue.

12. No informational or directional signs shall be permitted above eight feet in height on the west face of the retail/drug store building or the mini-storage building. No advertising or identification signs shall be placed on the west face of either of these buildings.

13. The developer shall provide direct pedestrian access to main entrances of all building from existing or potential public transit stops and the sidewalk. Such access shall include but not be limited to paved walkways, ramps, or stairways.

14. Tree planting throughout the site shall be subject to the requirements of the Parks and Recreation Director and the Modesto Municipal Code.

15. The developer shall provide for curb-side bus service in accordance with the requirement of the Public Works and Transportation Director.

16. The developer shall provide an easement for future bus shelters as requested by the City of Modesto and the transit providers.

17. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.

18. Any business may be open to the public 24-hours seven days a week, except that the drug store building located at the southwest corner of the property is limited to drive-thru and loading dock hours of 6:00 a.m. to 10:00 p.m."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(501):

That the entire construction program be accomplished in one phase, construction to begin on or before May 5, 1999, and be completed by not later than May 5, 2000."

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, 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: Dobbs, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Cogdill, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-284

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(501), TO ALLOW AN AUTO-ORIENTED COMMERCIAL STRIP, PROPERTY LOCATED ON THE NORTHWEST CORNER OF SYLVAN AVENUE AND OAKDALE ROAD. (KEARNEY VENTURES)

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, Kearney Ventures has proposed an amendment to Planned Development Zone, P-D(501), to allow an auto-oriented commercial strip center in place of the previously approved neighborhood shopping center, property located on the northwest corner of Sylvan Avenue and Oakdale Road, in the City of Modesto ("the project"), and

WHEREAS, on April 24, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-26 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on May 5, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on April 24, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, 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:	Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Cogdill, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

E.A. No. 97-26

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title: **Application of Kearney Ventures to Amend Planned Development Zone, P-D 501 to Allow an Auto-oriented General Commercial Strip Center Including a Mini-warehouse Facility, Property Located at the Northwest Corner of Oakdale Rd. and Sylvan Avenue.**

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Dennis Wilson c/o Mid-Valley Engineering
(209) 526-4214

D. Project Location:
North-West corner of Oakdale Rd. and Sylvan Avenue

E. Project sponsor: Kearney Ventures, c/o Dennis Wilson, Mid-Valley Engineering

F. General Plan Designation: MU, Mixed Use

G. Current Zoning: Planned Development, P-D 501 zone

H. Description of Proposed Project: This project is an amendment to

EXHIBIT A

P-D 501 to Replace an approved supermarket-anchored Neighborhood Shopping Center with an auto-oriented commercial strip center including a tire store, auto parts store, fast food restaurant, gas/retail store, and retail/drug store. A mini-storage facility will occupy the north-west portion of the site.

I. Surrounding land uses: This project is surrounded by mixed commercial zoning and land uses on the east and southeast, undeveloped land to the south, and residential to the west and north-west. A public utility office and undeveloped residential land adjoin to the north.

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 project will provide approximately 36400 square feet of commercial building area and 73650 square feet of mini-warehouse area. The zone amendment in itself will not present impacts that were not analyzed in the MEIR because the site has long been considered commercial. Because this proposal involves significant traffic generation and on/off-site traffic turning movements, etc., a traffic mitigation study is required for this project and has been prepared by the firm of K.D. Anderson, transportation engineers. This study is predicated on frontage improvements to be made along both Sylvan Ave. and Oakdale Road. A significant amount of public improvement is indicated pursuant to traffic mitigation and will be reflected in the conditions of approval. All new public improvements will be to City standard as required by the MMC. This 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 project will provide infill commercial development within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. Air-quality related conditions to be included as part of this project are direct pedestrian access from transit stops, planting trees throughout and especially along the west frontage, curbside bus service, and easements as

required for bus shelters. 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 project is adjacent to and surrounded by urban development. Although the project will add additional traffic to the neighborhood, it will not create additional significant noise effects beyond those identified in the impact analysis. There will be no new noise-generating activity that is not already possible with the existing development entitlement. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The project is already a developed site and there will be no loss of agricultural land 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, therefore still valid.

E. **Increased Demand for Water Supplies**
This project which will provide for additional commercial 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.

F. **Increased Demand for Sanitary Sewer Services**
This 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**
This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance

of Archeological 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 development of this project 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 development of this project 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 project will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**
This project will not generate any additional demand upon the local school districts. In addition, 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 proposal has 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 project proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 7 is less than 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 project and subsequent 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 proposal will result in no 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 project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the
Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy
This proposal 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 P-D 501 zone amendment application is within the scope of the General Plan covered by a Master Environmental Impact Report(SCH #92052017).

B. The Project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are not specific features unique to this P-D amendment that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: Robert S. Cannell Date: 4-24-97

EA RESOLUTION

1 Attorney
1 CDD - Const. Admin.
1 CDD - George Osner
3

MODESTO CITY COUNCIL
RESOLUTION NO. 97-285

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 190 BULLET PROOF VESTS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 190 bullet proof vests from the State contract, per Modesto Municipal Code Section 8-3.95(h) is hereby waived.

BE IT FURTHER RESOLVED that purchase of 190 bullet proof vests for a not to exceed price of $28,627.03.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-286

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BIOLOGICAL OXYGEN DEMAND (BOD) LABORATORY EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of biological oxygen demand (BOD) laboratory equipment from Skalar Inc. is hereby waived.

BE IT FURTHER RESOLVED that purchase of biological oxygen demand (BOD) laboratory equipment for a not to exceed price of $62,088.74.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-287

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN & CALDWELL FOR A COST OF SERVICE STUDY FOR THE WATER, SEWER, AND STORM DRAINAGE ENTERPRISES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brown & Caldwell for a Cost of Service Study for the water, sewer, and storm drainage enterprises be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-288

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS AND AUTHORIZING SOLICITATION FOR RENEWAL OF THE RANCH LEASE.

WHEREAS, as a form of privatization, the City's reclaimed water irrigation operation has been successfully contracted out to private ranch operators for many years, and

WHEREAS, the primary purpose of the Ranch is the disposal of wastewater, and

WHEREAS, the Utility Services and Franchise Committee discussed the timing options of the proposed Ranch Lease on April 23, 1997, and

WHEREAS, by staff report dated May 15, 1997, a copy of which is on file in the office of the City Clerk, City staff has recommended the continuation of contracting out the reclaimed water operation and has requested authorization to issue a Request for Proposals and to solicit for renewal of the Ranch Lease,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a Request for Proposals and grants authorization to solicit for renewal of the Ranch Lease.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-289

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR THE DESIGN OF THE SEGREGATED CANNERY WASTEWATER RANCH PUMPING FACILITY.

WHEREAS, the construction of the Segregated Cannery Wastewater Ranch Pumping Facility and distribution system is an integral component in the successful execution of the direct disposal of cannery wastewater to ranch land, in accordance with the 1995 Wastewater Master Plan, and

WHEREAS, by staff report dated May 14, 1997, a copy of which is on file in the office of the City Clerk, City staff has recommended the solicitation of proposals for the design of the Segregated Cannery Wastewater Ranch Pumping Facility, due to the complex hydraulic engineering involved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a Request for Proposals for the Design of the Segregated Cannery Wastewater Ranch Pumping Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-290

CERTIFYING THE WASTEWATER MASTER PLAN MASTER ENVIRONMENTAL IMPACT REPORT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the City of Modesto ("City"), accepted a recommendation of an audit of City's Public Works and Transportation Department in September, 1992, to develop a long range Master Plan for the Wastewater Treatment Plant and Wastewater Collection System, and

WHEREAS, a draft Wastewater Master Plan was presented to City's Council in September, 1994, and in May, 1995, the City Council adopted the Final Draft 1995 Wastewater Master Plan as a "proposed project" for purposes of commencing the environmental review process, and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.), and the California CEQA Guidelines (14 California Code of Regulations 15000 et. seq.), on May 27, 1997, the City Council certified the Final Master Environmental Impact Report for the Wastewater Master Plan entitled "Wastewater Master Plan Master Environmental Impact Report" ("MEIR"), and

WHEREAS, the City certified the Final Master Environmental Impact Report on the Urban Area General Plan ("GPMEIR") on August 15, 1995, and the City's Wastewater Master Plan is listed in the GPMEIR as an "anticipated subsequent project" in the context of

Section 21157 of CEQA (GPMEIR, Exhibit 19-1, page VIII-9), the MEIR therefore served to focus the environmental analysis of the Wastewater Master Plan, and

WHEREAS, the information contained in the MEIR was reviewed and considered by the City Planning Commission, and

WHEREAS, the City Council held a public hearing on May 27, 1997, and considered the adequacy of the MEIR, its Mitigation Monitoring Program and Statement of Overriding Considerations, and

WHEREAS, information contained in the MEIR, evidence, testimony and staff reports for the project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the MEIR.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. RECITALS. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Effects not examined in this Final EIR. As permitted by Section 21158(b) of the Public Resources Code, the MEIR did not further examine the environmental effects of the land application of Class A biosolids since the City is currently circulating for public review a draft Master EIR for the land application of Class A biosolids (land application MEIR) to address environmental issues raised by the land application of those biosolids. The MEIR does address the environmental impacts of the production of biosolids at the City's Wastewater Treatment Plant, along with several other projects.

3. Wastewater Master Plan Projects. The Wastewater Master Plan consists of smaller individual projects which will be carried out in phases [Public Resources Code "PRC", Section 21157(a)(2)]. Those projects were collectively analyzed in the MEIR and are considered to be subsequent projects. The location, size and capacity of the proposed projects are described in Chapter II of the MEIR. The specific subsequent projects are as follows:

(1) Construct new and replacement collection system facilities.

(2) Construct facilities for the segregation of cannery wastewater.

(3) Rehabilitate the Sutter Avenue Treatment Plant.

(4) Negotiate a water exchange agreement.

(5) Construct a demonstration Water Reclamation Plant.

(6) Construct a full water reclamation facility.

(7) Modify the Jennings Road Treatment Plant.

4. Additional Anticipated Project to be Undertaken. The specific type of project anticipated to be undertaken consists of ongoing operations and maintenance of the Sutter Avenue Plant, the Jennings Road Plant, and the City's wastewater collection system. The maximum and minimum intensity of ongoing operations and maintenance and the anticipated location and alternative locations for any related development projects are discussed in the MEIR at page III-4, IV-5 and IV-6.

5. Effects Examined in the MEIR. It was determined through the scoping process that the following effects should be addressed in the MEIR as potential project

specific effects on the environment:

(1) Growth Inducing Impacts.

(2) Traffic and Circulation Needs.

(3) Degradation of Air Quality and Generation of Odors.

(4) Generation of Noise.

(5) Loss of Productive Agricultural Land.

(6) Increased Demand for Water Supplies.

(7) Increased Demand for Sanitary Sewer Services.

(8) Loss of Sensitive Wildlife and Plant Habitat.

(9) Disturbance of Archeological or Historical Sites.

(10) Drainage, Flooding, and Water Quality.

(11) Increased Demand for Storm Drainage.

(12) Increased Demand for Parks and Open Space.

(13) Increased Demand for Schools.

(14) Increased Demand for Police Services.

(15) Increased Demand for Fire Services.

(16) Generation of Solid Wastes.

(17) Generation of Hazardous Materials.

(18) Landslides and Seismic Activity.

(19) Energy.

(20) Significant Unavoidable Impacts.

(21) Significant Reversible Environmental Changes.

6. Pursuant to Public Resources Code Section 21081, the City is required to make one or more of the following findings with respect to each significant effect identified in the MEIR:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. The potential impacts of planned growth, including all of the impacts previously listed in this resolution, were analyzed in the GPMEIR, and all of the impacts and mitigation measures identified in the GPMEIR were incorporated into the MEIR by reference. Except as further described herein, the MEIR identified no significant effects on the environment additional to or greater than those discussed and dealt with in the GPMEIR. This approach is specifically approved in CEQA Guidelines 15152 and generally in Guideline 15153 as permitting the elimination of repetitive discussion of the same issues as discussed in a previous EIR, and permitting the focus of the EIR under review on the actual issues right for decision at each level of the environmental review. Accordingly, the Wastewater MEIR environmental effects,

mitigation measures, alternatives and overriding considerations discussed in that document and found to be true here, based on all of the evidence provided to the Council, shall refer only to those impacts that are in excess of or represent a significant departure from those discussed in the GPMEIR, or, more particularly, those peculiar to the projects specifically contemplated by the Wastewater Master Plan.

7. The City finds, based on substantial evidence in the record, that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the following additional significant effects on the environment:

(1) Degradation of Air Quality and Generation of Odors.

(a) The increase in system wastewater flows at the Sutter Avenue Plant would increase odorous emissions.

(b) The biosolids processing facility at the Jennings Road Plant and the excavation of solids from the secondary treatment ponds may cause odors to any potential future residential communities in the area.

(2) Loss of Productive Agricultural Land.

(a) Construction of the portion of the parallel outfall pipeline from Whitmore Avenue to Hackett Road could temporarily displace a limited area of orchard and other agricultural lands.

8. The City finds, based on substantial evidence in the record, that changes or alterations required in, or to be incorporated into, the project which mitigate or avoid the following additional significant effects on the environment are within the responsibility and

jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(1) Loss of Sensitive Wildlife and Plant Habitat.

(a) The proposed outfall pipeline connecting the Sutter Avenue Plant to the Jennings Road Plant would traverse the Tuolumne River and Pipeline 24C would cross Dry Creek. Based on preconstruction surveys, sensitive species may be identified in an area where project noise or habitat modification could result in the loss of important habitat and/or displacement of the species of the area. Sensitive habitat potentially affected would include wetlands and riparian natural communities. Sensitive species potentially affected include Sacramento Split Tail, Swaison's Hawk, and Valley Elderberry Longhorned Beetle. While no Valley Elderberry bushes (habitat for the Valley Elderberry Longhorned Beetle) were observed during the site reconnaissance, there remains potential for occurrence in the project area, particularly along Dry Creek.

9. The City finds, based on substantial evidence in the record, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the GPMEIR for the following additional significant effects on the environment. The City also finds, based on substantial evidence in the record, that overriding specific economic, legal, social, technological, or other benefits of the project outweigh the following significant effects on the environment.

(1) Transportation and Circulation. The Wastewater Master Plan will cause significant and unavoidable impact in this area. Additional impacts on transportation and circulation may result from implementation of the General Plan, which is accommodated by implementation of the Wastewater Master Plan. The City relies on substantial evidence such as that found in MEIR (SCH No. 96042009), at page VI-20. Specifically, the GPMEIR assumed the funding and construction of certain transportation improvement projects. However, funding for these projects is not currently available and it is not anticipated to be available in the reasonably foreseeable future, and therefore is infeasible.

(2) Degradation in Air Quality and Generation of Odors. Under the proposed Wastewater Master Plan, system wastewater flows by the year 2025 would increase ROG on the order of 50-100 pounds per day and NO_x 250-500 pounds per day. The predicted increases of ROG and NO_x would incrementally contribute to regional ozone concentrations. No feasible mitigation is available. Compliance with SJVUAPCD permit conditions and the use of emissions abatement technology would still exceed threshold levels. The City relies on substantial evidence found in the MEIR (SCH No. 96042009), at page VI-32.

10. Impacts Found Not to be Significantly Greater than Identified Previously.

(1) Growth Inducing Impact. Significant impacts were identified in the GPMEIR. The City adopted a Statement of Overriding Considerations for these impacts when it approved the GPMEIR. The Wastewater Master Plan Master EIR will result in no additional significant environmental effects to these resources.

(2) Traffic and Circulation Needs. With the implementation of

standard construction methods described in MEIR page VI-A, no significant impacts on traffic and circulation are expected. Operation of the Wastewater Master Plan Facility would incrementally increase traffic on Modesto roadways. Pursuant to MEIR VI-A.2 the increase in daily trips would not be considered significant.

(3) Degradation of Air Quality and Generation of Odors. Pursuant to MEIR VI-B.5., this effect would not be significant. The removal of solids that have accumulated in the secondary treatment pond system could generate PM-10 emissions. Pursuant to MEIR page VI-B.6, PM-10 emissions would be minimal since the solids would have a high moisture content when removed. The proposed biosolids processing at the Jennings Road facility can result in substantial odor and dust emissions. However, the City does not control future land use development in the vicinity of the Jennings Road facility. The co-composting facility at the Jennings Road plant would generate airborne particulates. As discussed at MEIR page VI-B.8., the City will comply with the SJVUAPCDs' rule 8030, and the visible dust emissions standard in this rule would be used by the City to indicate when dust abatement measures should be implemented.

(4) Generation of Noise. Noise generated from the construction operation of the Wastewater Master Plan Facility would significantly affect adjacent land uses. Noise generated from construction and operation of the Wastewater Master Plan Facility would be within the normally accepted range. MEIR page VI-C.

(5) Loss of Productive Agricultural Land. Biosolids by reason of potentially containing heavy metals and pathogens could cause agricultural lands to become

unsuitable for that use over extended periods of application. However, the proposed project does not propose to over apply or encourage over application of biosolids. MEIR page VI-D.2.

(6) Increased Demand for Water Supplies. The project would actually increase the availability of local water supplies, a beneficial impact.

(7) Increased Demand for Sanitary Sewer Services. The Wastewater Master Plan is, in effect, a response to the potential for increased demand for sanitary sewer services. MEIR page VI-F.

(8) Disturbance of Archeological or Historical Sites. No cultural resources were identified through completion of the record search and field surveys. MEIR page IV-K.

(9) Drainage, Flooding and Water Quality. Construction could have a variety of effects on the environment. The measures required for adequate mitigation are contained at MEIR pages VI-I.1, 2 and 3. Operation of water reclamation facilities would result in discharge of advanced treated effluent to the City's park and recreation facilities. Cannery flows would be directly applied to the crops on the City's ranch or other application site. Irrigation water that is not consumed by plants would either percolate to ground water or would run off to area creeks or rivers. Discharges would need to comply with Title 22 requirements for reuse and the Basin Plan in order to obtain a permit from the regional board. The Wastewater Master Plan would eventually result in a cessation of direct discharges to the San Joaquin River. MEIR page VI-I.4. Surface and ground waters could potentially be contaminated from the land application of co-composted biosolids. The City's proposed biosolids facility will produce

biosolids meeting Class A exceptional quality specifications. These biosolids would be unlikely to cause a significant degradation of water quality. MEIR page VI-I.5.

(10) Increased Demand for Storm Drainage. The expansion of the collection and treatment system would have a beneficial impact to the City's ability to relieve overloaded storm drains by diverting more flows to the sewer system. MEIR page VI-J.

(11) Increased Demand for Parks and Open Space. Facility construction may have temporary impacts on the usage of City parks. However, implementation of the Wastewater Master Plan would not be anticipated to result in the long term disruption of the normal use of parks or require the reduction in size of an existing park. MEIR page VI-K.

(12) Increased Demand for Schools. The Wastewater Master Plan would not generate a demand for schools beyond that analyzed in the GPMEIR. MEIR page VI-L.

(13) Potential for Increased Demand for Fire Services. The Wastewater Master Plan would not generate significantly greater cause for fire services beyond that analyzed in the GPMEIR. MEIR page VI-N.1. Additionally, the Wastewater Master Plan Facility would not be expected to significantly increase the risk of a hazardous material incident requiring fire department services. MEIR page VI-N.2.

(14) Generation of Solid Waste. The biosolids component of the project would recycle green waste that would otherwise be land filled, a beneficial impact. MEIR page VI-O. The Wastewater Master Plan would not generate significantly greater solid waste beyond that analyzed in the GPMEIR. MEIR page VI-O.

(15) Generation of Hazardous Materials. Construction activities, increased volume of traffic and movement of hazardous materials, and additional use and storage of hazardous materials for plant operations will occur. All of these effects are adequately dealt with in the MEIR. See pages VI-P.1, 2 and 3.

(16) Land Slides and Seismic Activity. All structures are required to conform to Uniform Building Code Regulations which mitigate the threat to public health and safety to below significant levels.

(17) Energy. Although the project would require additional electrical energy for operation of expanded treatment plants and pump stations and would require energy for construction, the co-generation digester gas burning engine would convert wasted gases to electricity. Thus, the Wastewater Master Plan would not create a significant increase in demand for energy beyond that analyzed in the GPMEIR. MEIR page VI-R.

11. With regard to the effects that are significant but mitigable, the City adopts new and additional mitigation measures, as permitted by Public Resources Code Section 21158(a). These mitigation measures are presented in the Executive Summary, attached hereto as Exhibit "1" and incorporated by reference herein, and are further presented in Exhibit "2", the Final EIR, which is not attached hereto but a copy of which is on file in the Office of the City Clerk.

12. Pursuant to Public Resources Code Section 21081, and CEQA Guidelines 15091 and 15093, the City has balanced the benefits of the proposed project against its unavoidable environmental risk in determining whether to approve the project and hereby

determine that some of the adverse environmental effects although significant and unavoidable are outweighed by certain economic, fiscal, social, environmental, land use and other overriding considerations. In that regard, Exhibit "3" attached hereto and adopted and incorporated herein by this reference, entitled Statement of Findings of Significant Unavoidable Impacts and Overriding Considerations states the significant adverse, unavoidable impacts identified in the MEIR and that certain economic, social or other considerations make infeasible certain mitigation measures and project alternatives identified in the MEIR.

13. Cumulative Impacts, Growth Inducing Impacts and Irreversible Significant Effects on the Environment. The City hereby finds, that the analysis presented in the GPMEIR regarding cumulative impacts, growth inducing impacts and irreversible significant effects on the environment, is adequate for the MEIR. This analysis is presented throughout the MEIR.

14. Alternatives Evaluated. The MEIR contains additional analysis of alternatives beyond the analysis presented in the GPMEIR. These include: expanded treatment without cannery separation, expanded treatment with cannery separation, year-round discharge without cannery separation, year-round discharge with cannery separation, water reclamation without cannery separation, and no project. The major characteristics of each aforementioned alternative and their environmental impacts associated therewith are summarized in the MEIR at page VII-4.

15. Proposed Modifications to the GPMEIR. Public Resources Code Section 21157.6(b) permits the MEIR to modify the GPMEIR, by including updated information.

Chapter VIII of the MEIR presents this information which generally reflects a revised land use diagram and a revised projected population and employment table. These are reproduced at MEIR page VIII-1 and is hereby adopted and incorporated into the GPMEIR. (Exhibit "4")

16. Mitigation Monitoring. Public Resources Code Section 21081.6(b) provides that mitigation monitoring requirements can be achieved by incorporating the mitigation measures into the plan, policy, regulation, or project design. A mitigation monitoring program has been accomplished by directly incorporating the mitigation measures set forth in the Executive Summary to the MEIR. The City adopts the Statement of the Mitigation Monitoring Program attached hereto as Exhibit "5", and incorporated herein by reference.

17. Certification. Based on the above facts and findings, the City Council of the Modesto hereby certifies the MEIR for the Wastewater Master Plan as both accurate and adequate. The City Council further certifies that the MEIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

18. Location and Custodian of Documents. The record of project approval shall be kept in the Office of the City Clerk, City of Modesto, City Hall, 801 - 11th Street, Modesto, California, 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: R. Steven Asst.
MICHAEL D. MILICH, City Attorney

CHAPTER I
EXECUTIVE SUMMARY

A. INTRODUCTION

This Master Environmental Impact Report (EIR) has been prepared to evaluate the potential environmental impacts from implementing the proposed City of Modesto Wastewater Master Plan. The Wastewater Master Plan is a long-range strategic plan to guide the improvement and expansion of the City's wastewater collection, treatment, and disposal facilities and operations over the next 30 years. The plan is necessary because:

1. The existing wastewater treatment system is overloaded by flows in the late summer months from the food processing canneries in the City and from stormwater infiltration/inflow during winter storms.

2. The system is being operated near its capacity throughout the year and with projected population growth will soon be operating above its capacity. New sewers are needed to accommodate planned growth in outlying areas

3. The facilities are aging and need to be upgraded or rehabilitated.

4. Regulations governing the discharge of treated wastewater to the San Joaquin River are becoming stricter and may affect the ability of the City to continue discharging.

5. There are opportunities to recycle treated wastewater effluent and biosolids and beneficially use these waste products.

The goal of the Wastewater Master Plan is to accommodate the wastewater service needs of the population and land uses described in the City's Urban Area General Plan planned through 2025. Objectives of the Master Plan include:

1. Implement the City's economic goals by planning for, and providing, sewer infrastructure in a timely and cost effective manner to serve new and existing development.

2. Continue the City's policy of providing affordable and attractive wastewater rates.

3. Plan for state-of-the-art facilities that meet changing regulatory requirements reliably and economically and that can be endorsed by City officials, public citizens, and industry.

4. Replace outdated facilities such as the gas chlorination facility at the Sutter Avenue Plant with safer and more environmentally sensitive equipment.

5. Firmly commit to community sensitivity by controlling odors at the Sutter Avenue Plant.

EXHIBIT 1

6. Encourage the regional beneficial use of reclaimed water.

7. Maintain quality standards, as established by the Central Valley Regional Water Quality Control Board, for effluent and biosolids to protect public health and the environment.

The Department of Health Services in its letter dated February 19, 1997 concurs with the objective of the Wastewater Master Plan to encourage the use of recycled water provided that public health is protected.

This Master EIR is intended to be used by City officials in considering approval of the Wastewater Master Plan and by state and local agencies in authorizing permits and approvals for implementing the Plan. It has been prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines, as currently amended.

GROWTH INDUCING IMPACTS

The City of Modesto is anticipating and planning for a significant increase in population over the next 30 years. This growth is considered beneficial and necessary to achieve key economic and social goals of the City. These goals include increasing employment opportunities in the region and providing affordable housing for area residents, among others.

In planning for its future, the City has developed population and employment projections based on a number of assumptions of future conditions, including household size and employees per acre for the various land uses designated in the Urban Area General Plan. These assumptions are educated estimates and while the City believes they are reasonable and appropriate, the development and population that would actually occur on a given parcel may vary considerably, depending on future economic and social factors. For example, the City assumed a household size of 3.0 persons per home. It would not be unreasonable, depending on social and economic factors, for the actual household size in year 2025 to be between 2.5 and 3.5 persons which would significantly change the total population and the needed facilities for the wastewater system to accommodate the population.

The proposed Wastewater Master Plan used the same land use designations and population and employment factors as the General Plan and, therefore, is planned to accommodate the same Modesto year 2025 estimated population (467,000) as the General Plan. Additional assumptions on wastewater flow rate generation and standard engineering practices, such as the use of standard size pipes and factors of safety, were adhered to in the development of the Wastewater Master Plan which also introduces variability in the total accommodated population.

Since the proposed Wastewater Master Plan and the General Plan are based on the same growth assumptions and accommodate the same estimated populations, the growth inducing impacts of the proposed project are the same impacts as the General Plan impacts which are described in

Chapter V of this document. Some of these impacts are significant and unavoidable, and the City has previously prepared a Statement of Overriding Considerations to address the environmental consequences.

The California Department of Transportation in Comment H-19 of their letter dated June 12, 1995 inquired about the City's policy for funding transportation improvements and the mitigation of traffic impacts caused by additional population growth. Funding and construction of certain transportation projects was assumed in the GPMEIR to mitigate significant impacts on traffic caused by implementing the General Plan. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future. Therefore, funding of improvements as a mitigation is not considered "feasible" as defined in CEQA Section 21061.1 (i.e. "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.") Thus, the overall conclusion reached in the GPMEIR that there would be significant unavoidable traffic impacts as a result of implementing the City's updated General Plan remains valid. While this is a re-statement of the conclusion made in the GPMEIR and is therefore not a new finding of the Wastewater Master Plan Master EIR, the City will also include this clarifying language in the GPMEIR for consistency.

The project impacts are consistent with an approved, orderly land use plan supported as much as possible by adequate public services. However, as described in CEQA Section 15126(g) the expansion of wastewater facilities may allow for more construction and foster economic or population growth and this growth may further tax existing community services. The proposed project would remove an obstacle to growth which would result in significant unavoidable impacts.

According to CEQA Section 15126 (g), "It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." However, in this case, the growth accommodated by the Wastewater Master Plan would be beneficial as it would foster the objectives of the City's General Plan. These objectives include job creation, provisions for affordable housing, and other economic and social considerations.

MASTER EIR AND ANTICIPATED SUBSEQUENT PROJECTS

This document was prepared as a Master EIR under CEQA Section 21157 because the Wastewater Master Plan is a project that consists of smaller individual projects which will be carried out over time. The anticipated subsequent projects are described in Chapter III.

Subsequent projects would be the subject of an Initial Study to analyze whether the subsequent project may cause significant effects that were not examined in this Master EIR. After considering the Initial Study, the City may determine that the proposed subsequent project would

have no additional significant impacts and that no new environmental document is required. If the Initial Study identifies potentially new or additional significant effects, the subsequent project would undergo environmental review by the use of a Mitigated Negative Declaration or Focused EIR. The subsequent environmental document would analyze only the subsequent project's additional significant effects not addressed in this Master EIR and/or the Master EIR for the 1995 General Plan Update.

Not all of the information about certain anticipated subsequent projects is known at this time, and therefore, a full assessment of their potential impacts cannot be made. For this reason, and as described in CEQA Section 21157(b)(3), the various impacts sections in Chapter VI include a description of "Aspects of the Analysis For Which There is Not Sufficient Information Available at this Time." This section will help to focus subsequent environmental review. In addition, it should be noted that the City will not be precluded from relying on this Master EIR solely because a subsequent project, as ultimately proposed for approval, is not specifically identified or listed by name in this document.

A Draft Master EIR was circulated to local, state and federal agencies to review and comment on the report. On January 7, 1997 the City of Modesto released the Draft EIR for a 45-day public review and comment period which closed on February 21, 1997. The City received 11 letters from various agencies and a member of the public. Responses to the comments were prepared and are presented in Appendix D. These comments and comments from City staff resulted in a number of modifications to the Draft EIR, however, none of the modifications were significant and the City has chosen to not recirculate the Draft EIR.

The City Council may consider certifying this Final EIR. Upon Final EIR certification, the City may proceed with project approval actions and construction.

RELATIONSHIP TO OTHER CEQA DOCUMENTS

As provided under CEQA Section 21158(a), this Master EIR evaluates the significant environmental effects on the environment of the project not addressed in the City's Urban Area General Plan Master EIR (GPMEIR). The Wastewater Master Plan was identified in the GPMEIR as an anticipated subsequent project.

The City is currently preparing a Master EIR for the Land Application of Class A Exceptional Quality Biosolids (Land Application MEIR). This Wastewater Master Plan Master EIR addresses the environmental impacts of the production of biosolids at the City's wastewater treatment plant, along with several other projects. The Land Application MEIR addresses environmental issues raised by the land application of those biosolids. Land application of biosolids was identified in the City's General Plan as the most environmentally beneficial use of this resources compared to landfilling or incineration.

B. PROJECT DESCRIPTION

The City wastewater facilities serve both domestic wastewater (sewage) from residences and offices in the service area and wastewater generated at industrial facilities, most notably the numerous food processors (canneries) in the southeastern part of the City. Wastewater flows to the City's Sutter Avenue treatment plant in sewers mostly by gravity, however, in some areas of the City it is pumped uphill through "force mains". All wastewater generated in the service area undergoes physical (primary) treatment. After treatment, the liquid portion of the treated wastewater (effluent) is conveyed in a large pipeline (Outfall) to the City's Secondary Wastewater Treatment Plant on Jennings Road in unincorporated Stanislaus County.

The stabilized solid portion of the treated wastewater (biosolids) is applied on the City's ranch or nearby farms as a fertilizer. At the Jennings Road Plant, the effluent undergoes biological (secondary) treatment and is discharged either by irrigating the City's ranch or to the San Joaquin River. The solid portion of the secondary treatment has been accumulating in the plant's treatment ponds and has not been removed or further treated.

The Wastewater Master Plan consists of a collection of projects to correct system deficiencies, accommodate future wastewater service needs, and meet regulatory requirements. The adopted Land Use Diagram in the City's Urban Area General Plan plans for an estimated buildout population in 2025 of 467,000, more than double the current population. The wastewater treatment system, with a current Average Daily Dry Weather Flow capacity of 29 million gallons per day (mgd), will need to accommodate over 72 mgd in 2025.

Projects proposed in the Master Plan as the Preferred Alternative are:

1. Construct New and Replacement Collection System Facilities. This includes sewers to relieve overloaded sewers, extensions of trunk sewers to serve new developments, pump stations, and force mains.

2. Construct Facilities for the Segregation of Cannery Wastewater. New sewers dedicated to the canneries in the southeastern part of the City would be constructed to increase the efficiency of the wastewater system. The flows would be diverted to a land application area at the Jennings Road wastewater treatment plant.

3. Rehabilitate the Sutter Avenue Treatment Plant. A number of near-term improvements are necessary within the existing plant.

4. Negotiate a Water Exchange Agreement. This would involve an agreement with a water agency in the area to exchange reclaimed water suitable for agricultural irrigation with potable water.

5. Construct a Demonstration Water Reclamation Plant. A 5 million gallon per day (mgd) plant would be sited at the Sutter Avenue treatment plant to demonstrate the high water quality that can be produced at the plant for irrigation uses.

6. Construct a Full Water Reclamation Facility. This plant may also be sited at the Sutter Avenue treatment plant, although other sites are also under consideration.

7. Modify the Jennings Road Treatment Plant. The modifications would convert half of the existing pond system to sludge dewatering facilities, add a co-composting facility to produce Class A Exceptional Quality biosolids from wastewater sludge, and construct pipelines from the Sutter Avenue plant.

The distinguishing elements of the Preferred Alternative are the separation of cannery flows, which would significantly decrease the flows to the wastewater treatment system, and the recycling of effluent through a water reclamation plant, which would allow the City to discontinue discharge to the San Joaquin River.

C. ALTERNATIVES

Several alternatives to the project, including the No Project alternative were analyzed.

Expanded Treatment Without Cannery Separation. Under this scenario, the existing wastewater treatment and disposal practices of seasonal discharge to the San Joaquin River and irrigation of crops would continue without the water reclamation components of the Preferred Alternative. The capacities of the facilities would be expanded to accommodate the projected flow increases. This alternative would achieve the objective of providing treatment of wastewater to meet current water quality regulations. However, it is likely that stricter discharge requirements will be imposed in the future and that the capacity of the City's Ranch to absorb higher irrigation flows will be exceeded. To continue the current discharge practices under stricter water regulations and higher flows could require extensive upgrades of the treatment processes and additional irrigation land. This alternative would continue to provide treatment of the cannery flows and would continue discharging to the San Joaquin River. Treating these flows would require substantially more energy and chemical usage and would result in additional impacts to air quality than the Preferred Alternative.

Expanded Treatment With Cannery Separation. This alternative is similar to the above alternative, but would add the cannery separation components. As with the Preferred Alternative, the separation of cannery wastes would reduced the flows to the treatment system. The concerns noted above for the viability of future discharges to the river would also be evident for this alternative. All other impacts would remain substantially as those from the Preferred Alternative.

Year-round Discharge Without Cannery Separation. This alternative is similar to the Expanded Treatment Alternative, with the addition of advanced treatment at the Jennings Road location. This alternative, however, would upgrade the treatment system so that discharge to the San Joaquin River could be done without the seasonal restrictions by the Regional Board. By

expanding the treatment capability, the City would avoid additional land purchases and modifications to the irrigation system. With the de-emphasis on irrigation, the existing City property becomes more flexible to accommodate cannery flows or sludge (biosolids) application.

This alternative would continue to provide treatment of the cannery flows and would continue discharging to the San Joaquin River. Treating these flows would require substantially more energy and chemical usage and would result in additional impacts to air quality than the Preferred Alternative. This alternative would not have the beneficial effect of recycling wastewater for irrigation on City parks and the corresponding reduction in potable water demand.

Year-round Discharge With Cannery Separation. This alternative is similar to the Year-Round Discharge alternative described above, with the addition of the cannery separation components of the Preferred Alternative. The separation of cannery wastes would reduce the flows to the treatment system. The impacts of this alternative would be similar to the impacts of the Year-Round Discharge alternative described above, but by land applying cannery waste, the impacts to energy, chemical use, and air quality would be reduced as with the Preferred Alternative. The concerns noted above for the viability of future discharges to the river would also be evident for this alternative.

Water Reclamation Without Cannery Separation. This alternative is similar to the Preferred Alternative except the cannery wastes would continue to be treated by the wastewater system and would not be segregated. All of the effluent would be reused or stored for subsequent irrigation. This alternative would provide treatment of the cannery waste (commingled with the domestic waste) and would incur the corresponding additional energy and chemical use and air quality impacts.

No Project. The No Project Alternative would continue the present wastewater collection, treatment, and discharge system. Wastewater flows would continue to increase as the City grows. Development outside the existing trunk system would be limited to low-density developments served by individual septic systems. Without the relief sewers, the existing trunk sewers would soon be overloaded and the City may be forced to place a moratorium on new developments. The City would continue to treat wastes from the canneries, incurring operational costs of over $1 million annually for energy and chemicals. The Sutter Avenue Plant facilities would continue to decay. Odors would continue. The sludge buildup in the Jennings Plant aeration basins would continue to accumulate, further decreasing the treatment effectiveness and potentially causing violations of the NPDES permit for discharging poor quality effluent. Co-composting and water reclamation for producing irrigation water for parks would not be conducted, foregoing the opportunity to reuse these materials.

The Environmentally Superior Alternative would be the Preferred Alternative because it would maximum reuse of waste products (recycled water and biosolids) resulting in beneficial impacts to water supply demand and solid waste generation, minimum use of energy and chemicals, and lesser air quality impacts (from separation of cannery wastes).

D. ISSUES TO BE RESOLVED AND AREAS OF CONTROVERSY

In accordance with CEQA, the City circulated a Notice of Preparation of an Environmental Impact Report (NOP) for the project from April 1, 1996 through April 30, 1996. The NOP included an Initial Study and made determinations as to the scope of the EIR based on initial staff review of the project. It was determined that the EIR should conduct further environmental analysis of:

1. Growth Inducing Impacts
2. Cumulative Impacts
3. Increased Demand for Sanitary Sewers
4. Increased Demand for Water Supplies
5. Loss of Sensitive Wildlife and Plant Habitat
6. Disturbance of Archaeological or Historical Sites
7. Degradation of Air Quality
8. Increased Demand for Parks and Open Space
9. Loss of Agricultural Land
10. Increased Demand for Storm Drainage
11. Increased Demand for Fire Services
12. Landslides and Seismic Activity
13. Generation of Hazardous Materials

The City circulated the Draft Master EIR to agencies and the public and received letters commenting on the project which are shown in Appendix D. Based on a review of these letters, the following issues may still remain unresolved and/or controversial:

1. Traffic and Circulation

   As noted in Section A above, during the public review of the Draft Wastewater Master Plan Master EIR, Caltrans inquired about the City's policy for funding transportation improvements and the mitigation of traffic impacts caused by additional population growth. Funding and construction of certain transportation projects was assumed in the General Plan Master EIR to mitigate significant impacts on traffic caused by implementing the General Plan. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future.

   This issue has been controversial with Caltrans since the General Plan was approved in 1995 and remains unresolved.

2. Growth Inducing Impacts

   The projections of wastewater flow were based on population forecasts prepared for the General Plan. The population projections were developed using certain assumptions about

the intensity of development, population, and employment in the City. While no controversy was raised on this issue since publication of the Draft Wastewater Master Plan Master EIR, long term growth projections, however, are estimates and may always have some uncertainty which may remain unresolved.

E. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Many of the potential environmental impacts of the project would be mitigated by existing environmental regulations and policies at the various levels of government. For this reason, Chapter VI includes a section that describes, "Conditions That Mitigate Potential Environmental Effects" for each environmental resource evaluated.

The potential environmental impacts of the project are described in Chapter VI and summarized in Table I-1 below. The project would cause significant, unmitigable effects on air quality from the increased air emissions attributable to the higher wastewater flowrates and from construction activities. All other impacts were found to be less than significant or could be mitigated to a less than significant level.

F. CHANGES IN THE MASTER EIR RESULTING FROM LETTERS RECEIVED DURING THE PUBLIC REVIEW AND COMMENT PERIOD

1. It has been noted in Section A that the Department of Health Services in its letter dated February 19, 1997 concurs with the objective of the Wastewater Master Plan to encourage the use of recycled water provided that public health is protected.

2. Section IV of Table I-1 was modified to add the Growth Inducing Impact based on the letter dated February 21, 1997 from the Stanislaus Area Association of Governments.

3. Information was provided in Section A - Growth Inducing Impacts and in Table I-1 on additional growth impacts on traffic from implementing the General Plan based on Caltrans letter dated June 12, 1995.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

I. IMPACTS THAT ARE SIGNIFICANT BUT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed (including the adoption of mitigation measures) to avoid, or substantially lessen the magnitude of, the impact or, if this finding is not possible, the agency may make other findings as appropriate. The following section of this table presents the impacts of this project that are mitigable to a less-than-significant level, the mitigation measures, and the mitigation monitoring requirements.

ENVIRONMENTAL IMPACT	MITIGATION
DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS	
VI-B.1. The increase in system wastewater flows at the Sutter Avenue Plant would increase odorous emissions.	**VI-B.1.a.** The proposed Wastewater Master Plan includes several inter-related components specifically included for the purpose of reducing odors emanating from the Sutter Avenue facility. Odor control methods include injection of ferrous chloride at upstream locations in the sewer system and at the plant, covering the DAF thickeners and the effluent launders of the primary clarifiers and collecting the gas for subsequent scrubbing and processing. **VI-B.1.b.** The City would develop and implement an Odor Contingency Plan to reduce or eliminate odors related to upset conditions.
VI-B.2. The biosolids processing facilities at the Jennings Road Plant and the excavation of solids from the secondary treatment ponds may cause odors to any potential future residential communities in the area.	**VI-B.2.** The City would keep the County informed of its plans for the Jennings Road facility and would encourage the County to maintain the current agricultural land designations for lands within a mile of the Jennings Road facility.
LOSS OF PRODUCTIVE AGRICULTURAL LAND	
VI-D.1. Construction of the portion of the parallel outfall pipeline from Whitmore Avenue to Hackett Road could temporarily displace a limited area of orchard and other agricultural lands.	**VI-D.1.** 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 any displacement of agricultural lands is minimized.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

II. IMPACTS THAT ARE SIGNIFICANT BUT WHOSE MITIGATION FALLS OUTSIDE THE JURISDICTION OF THE CITY OF MODESTO

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make findings that the project has been changed as described in Section I of this table or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical or other considerations make the mitigation measure infeasible.

ENVIRONMENTAL IMPACT	MITIGATION
LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT	
VI-G. The proposed outfall pipeline connecting the Sutter Avenue Plant to the Jennings Road Plant would traverse the Tuolumne River and Pipeline 24C would cross Dry Creek. Based on pre-construction surveys (see mitigation measures below), sensitive species may be identified in an area where project noise or habitat modification could result in the loss of important habitat and/or displacement of the species of the area. Sensitive habitat potentially affected would include wetlands and riparian natural communities. Sensitive species potentially affected include Sacramento splittail, Swainson's hawk, and Valley elderberry longhorn beetle. While no Valley elderberry bushes (habitat for the Valley elderberry long beetle) were observed during the site reconnaissance, there remains potential for occurrence in the project area, particularly along Dry Creek.	**VI-G.** Sensitive species surveys would be conducted in the Dry Creek and Tuolumne River areas at the appropriate season to determine occurrence of Swainson's hawk, passerine birds and other raptors. Surveys would employ accepted methodologies as determined by CDFG and USFWS. Any elderberry bushes shall be avoided and preserved, and avoided areas shall also be protected by fencing, signage and/or establishment of buffer areas. At the time the specific alignment for the new pipeline crossings are identified and marked in the field, a qualified biologist should review the alignment to confirm absence. Where Swainson's hawk are determined present within 0.25 miles of the trenching operation, and actively involved in pre-nesting or nesting behaviors, either: A. No construction will take place until the end of the nesting season (July), or B. A qualified observer (Certified Wildlife Biologist) shall monitor the nest to determine if construction operations will jeopardize nesting success, in which case operations shall be suspended as per (A), above.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

III. IMPACTS THAT ARE SIGNIFICANT AND NOT MITIGABLE

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of facts for each significant impact identified in the EIR (Public Resources Code 21081). The lead agency must make one of three possible findings: that the project has been changed; or that the changes to the project are within another agency's jurisdiction and that such changes have been or should be adopted; or that specific economic, social, legal, technical, or other considerations make the mitigation measure infeasible. The following section of this table presents the impacts that are not mitigable to a less-than-significant level.

ENVIRONMENTAL IMPACT	MITIGATION
TRANSPORTATION AND CIRCULATION	
VI-A. Additional impacts on transportation and circulation may result from implementation of the General Plan, which is accommodated by implementation of the Wastewater Master Plan.	**VI-A.** The analysis of impacts and mitigation of transportation and circulation in the GPMEIR assumed the funding and construction of certain transportation improvement projects. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future, and therefore is not feasible.
DEGRADATION IN AIR QUALITY AND GENERATION OF ODORS	
VI-B.3. Under the proposed Wastewater Master Plan, system wastewater flows by 2025 would increase ROG on the order of 50 to 100 pounds per day, and NO_x 250 to 500 pounds per day. The predicted increases of ROG and NO_x would incrementally contribute to regional ozone concentrations.	No feasible mitigation is available. Compliance with SJVUAPCD permit conditions and the use of emissions abatement technology would still exceed threshold levels.
VI-B.4. Construction activities are anticipated to exceed the NO_x significance threshold of 55 pounds per day and 10 tons per year in some years.	**VI-B.4.** No feasible mitigation is available.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

IV. IMPACTS FOUND NOT TO BE SIGNIFICANTLY GREATER THAN IDENTIFIED PREVIOUSLY

The following section of this table presents the impacts that are found not be significant, or are impacts identified in the GPMEIR and the City finds that no additional significant environmental effects will result.

ENVIRONMENTAL IMPACT	RATIONALE
GROWTH INDUCING IMPACT	
V-1. Implementation of the Wastewater Master Plan would remove an obstacle to growth which would contribute to significant impacts identified in the General Plan Master EIR. These significant impacts are on Traffic and Circulation, Degradation of Air Quality, Noise, Loss of Productive Agricultural Land, Increased Demand for Water Supply, Drainage, Flooding and Water Quality, and Increased Demand for Storm Drainage.	**V-1.** Significant impacts to these resources were identified in the General Plan Master EIR. The City adopted a Statement of Overriding Considerations for these impacts when it approved the General Plan Master EIR. The Wastewater Master Plan Master EIR will result in no additional significant environmental effects to these resources.
TRAFFIC AND CIRCULATION NEEDS	
VI-A.1. Construction of the cannery segregation sewers, sewer extensions, relief sewers, the new force main, and the new outfall and sludge pipelines may have temporary impacts on the operation of the Modesto roadway network.	**VI-A.1.** With the implementation of standard construction methods described in VI.1.I.C., no significant impacts on traffic and circulation would be expected.
VI-A.2. Operation of the Wastewater Master Plan facilities would incrementally increase traffic on Modesto roadways.	**VI-A.2.** Traffic generation associated with the WWMP includes that generated by a small increase in the number of persons required to operate the facilities, approximately ten truck trips per day for the delivery of green waste and approximately 20 truck trips per day for shipment of the finished product from the biosolids co-composting facility at the Jennings Road Plant. This increase in daily truck trips would not be considered significant.
DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS	
VI-B.5. Modifications to the wastewater treatment facilities and increases in wastewater flow would change the overall amount of emissions of toxic air contaminants and the associated health risks.	**VI-B.5.** This effect would not be significant since the SJVUAPCD's calculated risk value of 0.5 is sufficiently low that even a ten-fold increase in TAC emissions (which would not be expected) would not cause the risk to approach the significance threshold of 10 in a million.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

ENVIRONMENTAL IMPACT	RATIONALE
VI-B.6. The removal of solids that have accumulated in the secondary treatment pond system could generate PM-10 emissions.	**VI-B.6.** PM-10 emissions would be minimal since the solids would have a high moisture content when removed.
VI-B.7. The proposed biosolids processing at the Jennings Road facility can result in substantial odor and dust emissions. However, the City does not control future land use development in the vicinity of the Jennings Road facility, and if the County were to allow new residential development near the facility, the biosolids processing activities could result in nuisance and health concerns for those residents.	**VI-B.7.a.** The potential for substantial impacts related to odor and PM-10 (finer particulates) would be minimized by the lack of existing sensitive land uses in the vicinity of the Jennings Road facility. **VI-B.7.b.** To avoid the potential for land use conflicts with development of new and expanded biosolids processing facilities at the Jennings Road facility, the City would keep the County informed of its plans for the Jennings Road facility and would encourage the County not to approve new residential development within a mile of the Jennings Road facility.
VI-B.8. The co-composting facility at the Jennings Road Plant would generate airborne particulates.	**VI-B.8.** The City would comply with the SJVUAPCD's Rule 8030 "Fugitive Dust Requirements for Control of Fine Particulate Matter (PM-10) from Handling and Storage of Bulk Materials." The "visible dust emissions" standard in this rule would be used by the City to indicate when dust abatement measures should be implemented and would have the beneficial effect of reducing PM-10 as well as the larger particulate that would fall out on neighboring agricultural fields. Potential dust abatement measures would include wetting, installation of wind breaks, minimizing mechanical disturbance, lowering of drop heights, etc.
GENERATION OF NOISE	
VI-C. Noise generated from construction and operation of the Wastewater Master Plan facilities would not significantly affect adjacent land uses.	**VI-C.** Noise generated from construction and operation of the Wastewater Master Plan facilities would be within the normally accepted range and would not significantly affect ambient noise levels of surrounding residential or other sensitive land uses in most instances. In addition, construction related impacts would be temporary. The Generation of Noise was examined at a sufficient level in the GPMEIR. All mitigation measures identified in the GPMEIR will apply citywide, including those applicable to the Wastewater Master Plan.
LOSS OF PRODUCTIVE AGRICULTURAL LAND	
VI-D2. Biosolids, by reason of potentially containing heavy metals and pathogens, could cause agricultural lands to become unsuitable for that use over extended periods of application. This might occur either as a result of toxicity to crops and livestock, or as a result of the unacceptability of the final product to be marketed.	**VI-D2.** The proposed project does not propose to over-apply or encourage over-application of biosolids. There is an economic disincentive to overapplying biosolids in that the cost of purchasing, transporting and applying the biosolids would be similar to other forms of fertilizer or soil amendments. Bulk material (e.g. biosolids which is not bagged) which meets the pollutant concentrations in Section 503.13(b)(3), Class A pathogen requirements, and one of the vector attraction reduction requirements in Section 503.33 (b) (1) through (b) (8) presents a negligible risk to the public, agriculture or livestock. Consequently, there are not expected to be any significant adverse environmental consequences of the proposed biosolids land application.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

ENVIRONMENTAL IMPACT	RATIONALE
INCREASED DEMAND FOR WATER SUPPLIES	
VI-E. The project would increase the availability of local water supplies, a beneficial impact.	**VI-E.** By more fully recycling the City's wastewater, the City would be able to further decrease demand for potable water. In addition, the additional recycled water applied as irrigation water would percolate to the groundwater basin and would be added to the City's groundwater supply.
INCREASED DEMAND FOR SANITARY SEWER SERVICES	
VI-F. Potential for increased demand for sanitary sewer services.	**VI-F.** The proposed Wastewater Master Plan is, in effect, a response to the potential for increased demand for sanitary sewer services. Staff's Initial Determination that no further analysis is needed for increased demand for sewer services was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding.
DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES	
VI-H. Potential for disturbance of archaeological or historical sites.	**IV-K.** Within the facilities and routes for the Preferred Alternative, no cultural resources were identified through completion of the records search and field surveys. Given this absence of cultural resources in the Area of Potential Effect (APE), there are no significant impacts and therefore no requirements for mitigation. In conducting the literature review and field surveys, the City has ensured that the Wastewater Master Plan projects would not adversely impact any known or recorded cultural resources.
DRAINAGE, FLOODING AND WATER QUALITY	
VI-I.1. Proposed earthwork would expose disturbed soils to wind and water erosion and could, in turn, result in sedimentation of the adjacent rivers and drainage channels.	**VI-I.1.** The City would implement both the erosion control measures described in Section VI-Q, Landslides and Seismic Activity of the EIR, and dust control program described in Section VI-B, Air Quality of the EIR. In addition, the RWQCB requires an NPDES Stormwater Permit for certain construction sites to prevent erosion and subsequent degradation of surface and groundwater.
VI-I.2. Construction of facilities at the Sutter Avenue Plant and Jennings Road Plant would result in additional structures within the 100-year floodplain.	**VI-I.2.** The modifications proposed at both facilities would not involve habitable structures and would not result in an increase in risk to life or property. All structures within this area would comply with flood hazard protection requirements and flood insurance requirements. Buildings would have berms around them or be raised 1 foot above the base flood elevation.
VI-I.3. Construction of the proposed Master Plan facilities would involve short-term dewatering of groundwater in excavated areas. Groundwater may be encountered during excavation and would need to be removed by pumping. Groundwater would be discharged to the rivers or placed in the City's stormwater or sewer system.	**VI-I.3.** This dewatering activity would not substantially reduce the amount of groundwater or alter the direction of groundwater flow.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

ENVIRONMENTAL IMPACT	RATIONALE
VI-I.4. Operation of water reclamation facilities would result in discharge of advanced treated effluent to the City's parks and recreation facilities. Cannery flows would be directly applied to the crops on the City's Ranch or other application site. Irrigation water that is not consumed by plants would either percolate to groundwater or would runoff to area creeks or rivers.	**VI-I.4** Discharges would need to comply with Title 22 requirements for reuse and the Basin Plan in order to obtain a permit from the Regional Board. The Wastewater Master Plan would eventually result in a cessation of direct discharges to the San Joaquin River.
VI-I.5. Surface and groundwaters could potentially be contaminated from the land application of co-composted biosolids.	**VI-I.5.** The City's proposed biosolids facility would produce biosolids meeting Class A Exceptional Quality specifications, the quality of biosolids with the lowest concentration of potentially harmful constituents. Class A biosolids are treated to where they contain very low concentrations of pathogens, metals, and nutrients. Incidental discharges of small amounts of Class A biosolids would be unlikely to cause a significant degradation of water quality. The low levels of pathogens in the material would create water quality conditions no worse than those downstream of a wastewater treatment plant discharge or grazing livestock area. Metals in Class A biosolids are also required to be at low levels. If discharged, some of the metals would dissolve into solution, but most would be insoluble. For conceivable discharge volumes, the resulting concentrations would be less than drinking water standards. Organic matter from discharged biosolids would increase the BOD in the water. Any increase in BOD from an incidental biosolids discharge would be temporary and localized.
INCREASED DEMAND FOR STORM DRAINAGE	
VI-J. Potential for increased demand for storm drain facilities.	**VI-J.** The expansion of the collection and treatment system would have a beneficial impact to the City's ability to relieve overloaded storm drains by diverting more flows to the sewer system. Relief sewers would be able to convey additional flows to the plant. The expanded facilities at the plant would allow for additional intentional infiltration, particularly during non-peak wastewater flow periods. Relief sewers would be able to convey additional flows to the plant. The expanded facilities at the plant would allow for additional intentional infiltration, particularly during non-peak wastewater flow periods.
INCREASED DEMAND FOR PARKS AND OPEN SPACE	
VI-K. Construction of the individual cannery segregation sewers, sewer extensions, relief sewers, the new force main, and the pipelines crossing the Tuolumne River may have temporary impacts on the usage of City parks, such as Beard Brook Park, and open space.	**VI-K.** Implementation of the Wastewater Master Plan would not be anticipated to result in the long-term disruption of the normal use of a park or require the reduction in size of an existing park.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

ENVIRONMENTAL IMPACT	RATIONALE
INCREASED DEMAND FOR SCHOOLS	
VI-L. Potential for increased demand for schools.	**VI-L.** Staff's Initial Determination that no further analysis is needed for increased demand for schools was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. The Wastewater Master Plan would not generate a demand for schools beyond that analyzed in the GPMEIR.
POTENTIAL FOR INCREASED DEMAND FOR POLICE SERVICES	
VI-M. Potential for increased demand for police services.	**VI-M.** Staff's Initial Determination that no further analysis is needed for increased demand for police services was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. The Wastewater Master Plan would not generate significantly greater calls for police services beyond that analyzed in the GPMEIR.
POTENTIAL FOR INCREASED DEMAND FOR FIRE SERVICES	
VI-N.1. Fire services may be potentially impacted from construction activities that may temporarily impact traffic flow on streets leading to fire stations.	**VI-N.1.** The City would provide advanced notification of construction schedules to the Fire Department and all affected agencies. The Wastewater Master Plan would not generate significantly greater calls for fire services beyond that analyzed in the GPMEIR.
VI-N.2. The proposed wastewater treatment facilities would require larger quantities of treatment plant chemicals and a new chemical, ferrous chloride, would be used at the plant and at the four major pumping plants. A release of hazardous materials would require a response from the Fire Department.	**VI-N.2.** The existing gas chlorination facilities at the Sutter Avenue plant would be abandoned and a new facility designed to meet current fire and building codes would be constructed as part of the water reclamation facility. It would be enclosed and would include chlorine scrubbers. The Wastewater Master Plan facilities would not be expected to significantly increase the risk of a hazardous material incident requiring Fire Department services.
GENERATION OF SOLID WASTE	
VI-O. The biosolids component of the project would recycle green wastes that would otherwise be landfilled, a beneficial impact.	**VI-O.** Staff's Initial Determination that no further analysis is needed for increased demand for police services was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. The Wastewater Master Plan would not generate significantly greater solid waste beyond that analyzed in the GPMEIR.

TABLE I-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES (Continued)

ENVIRONMENTAL IMPACT	RATIONALE
GENERATION OF HAZARDOUS MATERIALS	
VI-P.1. Construction activities proposed at the treatment plant sites or cleanup of hazardous materials or wastes potentially in the area could pose a threat to construction workers and the public.	**VI-P.1.** OSHA has stringent regulations governing worker safety that must be followed by the City and contractors.
VI-P.2. Increased volume of traffic and movement of hazardous materials to the expanded plant would result indirectly in greater potential for accidents involving hazardous materials.	**VI-P.2.** Increased traffic related to the expanded plant might increase the probability of an accident occurring, or might increase the actual frequency of accidents, but would not change the type of accident that might occur. Hazardous material packaging and transportation requirements are stringent, and accident rates involving hazardous materials are low.
VI-P.3. Implementation of the Wastewater Master Plan would expand wastewater treatment capabilities and thus would require additional use and storage of hazardous materials for plant operations. Construction activities will involve the storage and use of fuels.	**VI-P.3.** The City would follow existing policies and regulations for the use and storage of hazardous materials. All modifications to wastewater facilities would be required to meet current applicable regulations. The existing gas chlorination facility at the Sutter Avenue Plant would be abandoned and a new facility, part of the proposed water reclamation facilities, would be designed to meet current fire and building codes that require it to be enclosed and have chlorine scrubbers.
LANDSLIDES AND SEISMIC ACTIVITY	
VI-Q. Potential for increased landslides or seismic activity.	**VI-Q.** All structures are required to conform to Uniform Building Code (UBC) regulations which mitigate the threat to public health and safety to below significant levels.
ENERGY	
VI-R. Increased energy use.	**VI-R.** Staff's Initial Determination that no further analysis is needed for energy impacts was published in the NOP on April 1, 1996. Comments were solicited from responsible agencies, and no comments were provided that contradicted the finding. Although the project would require additional electrical energy for operation of the expanded treatment plants and pump stations and would require energy for construction, the co-generation digester gas burning engine would convert wasted gases to electricity. The Wastewater Master Plan would not create a significant increase in the demand for energy beyond that analyzed in the GPMEIR.

On file in the Office of the City Clerk.

ATTACHMENT A

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan, the City Council has determined that the Wastewater Master Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Master Plan are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are the Issue Areas, identified in the Final Master EIR, in which the mitigation measures have been judged to be infeasible. In other words, the Wastewater Master Plan will cause significant and unavoidable impact on the following areas:

1. Transportation and Circulation

a) Finding No. 1: Additional impacts on transportation and circulation may result from implementation of the General Plan, which is accommodated by implementation of the Wastewater Master Plan.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-20.

b) Finding No. 2: The analysis of impacts and mitigation of transportation and circulation, in the Master EIR for the Modesto Urban Area General Plan, assumed the funding and construction of certain transportation improvement project. However, funding for these projects is not currently available and is not anticipated to be available in the reasonably foreseeable future, and therefore is not feasible.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-20.

2. Degradation in Air Quality and Generation of Odors

a) Finding No. 1: Under the proposed Wastewater Master Plan, system wastewater flows by 2025 would increase ROG on the order of 50 to 100 pounds per day, and No_x 250 to 500 pounds per day. The predicted

increases of ROG and No_x would incrementally contribute to regional ozone concentration. No feasible mitigation is available. Compliance with SJVUAPCD permit conditions and the use of emissions abatement technology would still exceed threshold levels.

b) Finding No. 2: Construction activities are anticipated to exceed the NO_x significance threshold of 55 pounds per day and 10 tons per year in some years. No feasible Mitigation is available.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-32.

B. Findings Regard Impacts Which Are Significant, But Whose Mitigation Falls Outside the Jurisdiction of the City of Modesto

In order to support its decision on a project for which an EIR has been prepared, a lead agency must prepare written findings of fact for each significant impact identified in the EIR (Public Resources Code 21081). Following are the Issue Area(s), identified in the Final Master EIR, for which mitigation is not within the City's jurisdiction.

1. Loss of Sensitive Wildlife and Plant Habitat

a) Finding No. 1: The proposed outfall pipeline connecting the Sutter Avenue Plant to the Jennings Road Plant would traverse the Tuolumne River and Pipeline 24C would cross Dry Creek. Based on pre-construction surveys (see mitigation measures below), sensitive species may be identified in an area where project noise or habitat modification could result in the loss of important habitat and/or displacement of the species of the area. Sensitive habitat potentially affected would include wetlands and riparian natural communities. Sensitive species potentially affected include Sacramento splittail, Swainson's hawk, and Valley elderberry longhorn beetle. While no Valley elderberry bushes (habitat for the Valley elderberry long beetle) were observed during the site reconnaissance, there remains potential for occurrence in the project area, particularly along Dry Creek.

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-68.

b) Finding No. 2: The following Mitigation Measure would be applied to the Project:

"Sensitive species surveys would be conducted in the Dry Creek and Tuolumne River areas at the appropriate season to determine occurrence of Swainson's hawk, passerine birds and other

raptors. Surveys would employ accepted methodologies as determined by CDFG and USFWS. Any elderberry bushes shall be avoided and preserved, and avoided areas shall also be protected by fencing, signage and/or establishment of buffer areas. At the time the specific alignment for the new pipeline crossings are identified and marked in the field, a qualified biologist should review the alignment to confirm absence.

Where Swainson's hawk are determined present within 0.25 miles of trenching operation, and actively involved in pre-nesting or nesting behaviors, either:

A. No construction will take place until the end of the nesting season (July), or
B. A qualified observer (Certified Wildlife Biologist) shall monitor the nest to determine if construction operations will jeopardize nesting success, in which case operations shall be suspended as per (A), above."

Substantial Evidence:

Final Master EIR (SCH #96042009), page VI-69.

c) Finding No. 3: The above mitigation measure cannot be fully implemented by the City of Modesto. Another jurisdiction(s), namely California Department of Fish and Game, and/or the U.S. Fish and Wildlife Service exercise jurisdiction over this measure.

Substantial Evidence:

Final Master EIR (SCH #96042009), page I-11.

C. Impacts That Are Substantial But Mitigable

Section 21081 of the Public Resources Code requires the City to make findings that the project has changed (including the adoption of mitigation measures) to avoid, or substantially less the magnitude of, the impact. Following are the Issue Areas, identified in the Final Master EIR, in which the impacts of the project are mitigable to a less-than-significant level.

1. Degradation of Air Quality and Generation of Odors

a) Finding No. 1: The increase in system wastewater flows at the Sutter Avenue Plant would increase odorous emissions. In addition, the biosolids processing facilities at the Jennings Road Plant and the excavation of solids from the secondary treatment ponds may cause odors to any potential future residential communities in the area.

b) Finding No. 2: The following Mitigation Measures will be applied to the project, to reduce these impacts to a less-than-significant level.

- The proposed Wastewater Master Plan includes several inter-related components specifically included for the purpose of reducing odors emanating from the Sutter Avenue facility. Odor control methods include injection of ferrous chloride at upstream locations in the sewer system and at the plant, covering the DAF thickeners and the effluent launders of the primary clarifiers and collecting the gas for subsequent scrubbing and processing.

- The City would develop and implement an Odor Contingency Plan to reduce or eliminate odors related to upset conditions.

- The City would keep the County informed of its plans for the Jennings Road facility and would encourage the County to maintain the current agricultural land designation for lands within a mile of the Jennings Road facility.

Substantial Evidence:

Final EIR (SCH #96042009), page VI-32 through VI-36.

2. Loss of Productive Agricultural Land

a) Finding No. 1: Construction of the portion of the parallel outfall pipeline from Whitmore Avenue to Hackett Road could temporarily displace a limited area of orchard and other agricultural lands.

b) Finding No. 2: The following Mitigation Measure will be applied to the project, to reduce this impact to a less-than-significant level:

- 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 any displacement of agricultural lands is minimized.

Substantial Evidence:

Final EIR (SCH #96042009), pages VI-49 and VI-50.

D. General Overriding Considerations

1. Implementation of this Project Forwards the Goals of the City of Modesto Urban Area General Plan

a) Finding No. 1: In 1995, the City of Modesto adopted the new City of Modesto Urban Area General Plan. This General Plan was accompanied by a Master Environmental Impact Report ("MEIR") which analyzed the impacts and offered mitigation measures relative to the buildout of the General Plan as adopted. The General Plan recognizes the development of this property and through the General Plan goals and policies attempts to provide a diversity of employment opportunities within the Modesto urban area. The MEIR prepared on the Modesto Urban Area General Plan recognized certain significant and unavoidable environmental affects which would be associated with development in the General Plan area an made the requisite overriding consideration findings.

Although the MEIR identified significant and unavoidable environmental impacts and made the appropriate overriding consideration findings, the MEIR and Modesto Urban Area General Plan did not state that future projects could not also have significant and unavoidable environmental affects which were specifically related to the individual project. This project, the Wastewater Master Plan is in an area which contains five additional significant and unavoidable environmental affects related to the buildout of this project. These significant and unavoidable environmental affects are specifically related to traffic and circulation needs, and generation of odors/air quality.

The development of this project is necessary to implement the goals and policies set forth in the Modesto Urban Area General Plan. The Wastewater Master Plan specifically recognizes that the provision of Wastewater facilities to accommodate future development is required to meet the overall intent of the General Plan. As such, if a significant and unavoidable environmental affect were permitted to stop provision of facilities development in any area of the General Plan where such an impact existed, then the overall goals of the General Plan would be frustrated and provision of employment opportunities, the funding of needed infrastructure, and other policies in the General Plan would be frustrated. On the basis of the foregoing, the City Council hereby finds and declares that implementing the General Plan and its supporting goals and policies are necessary for a healthy and thriving community and find that the need to implement the General Plan and its supporting goals and policies are benefits associated with this project.

Substantial Evidence:

1. "Modesto Urban General Plan: pages I-5, I-6.

2. "Recommended Modesto Economic Development Strategy," prepared by Kreines & Kreines.

3. Goals and Project Objectives of the Wastewater Master Plan

a) Finding No. 1: The Wastewater Master Plan is a long-range strategic plan to guide the improvement and expansion of the City's wastewater collection, treatment, and disposal facilities and operations over the next 30 years. The plan is necessary because:

1. The existing wastewater treatment system overloaded by flows in the late summer months from the food processing canneries in the City and from stormwater infiltration/inflow during winter storms.

2. The system is being operated near its capacity throughout the year and with projected population growth will soon be operating above its capacity. New sewers are needed to accommodate planned growth in outlying areas.

3. The facilities are aging and need to be upgraded or rehabilitated.

4. Regulations governing the discharge of treated wastewater to the San Joaquin River are becoming stricter and may affect the ability of the City to continue discharging.

5. There are opportunities to recycle treated wastewater effluent and biosolids and beneficially use these waste products.

Substantially Evidence:

Final Master EIR for the Wastewater Master Plan, page I-1.

b) Finding No. 2: The goal of the Wastewater Master Plan is to accommodate the wastewater service needs of the population and land uses described in the City's Urban Area General Plan planned through 2025. Objectives of the Master Plan include:

1. Implement the City's economic goals by planning for, and providing, sewer infrastructure in a timely and cost effective manner to serve new and existing development.

2. Continue the City's policy of providing affordable and attractive wastewater rates.

3. Plan for state-of-the-art facilities that meet changing regulatory requirements reliably and economically and that can be endorsed by City officials, public citizens, and industry.

4. Replace outdated facilities such as the gas chlorination facility at the Sutter Avenue Plant with safer and more environmentally sensitive equipment.

5. Firmly commit to community sensitivity by controlling odors at the Sutter Avenue Plant.

6. Encourage the regional beneficial use of reclaimed water.

7. Maintain quality standards, as established by the Central Valley Regional Water Quality Control Board, for effluent and biosolids to protect public health and the environment.

Substantial Evidence:

Final Master EIR for the Wastewater Master Plan, page I-2.

c) Finding No. 3: Letter dated February 19, 1997, from Joseph O. Spano, District Engineer, Drinking Water Field Operations Branch, State Department of Health Services. Letter filed in Appendix D of Final Master EIR for Wastewater Master Plan (Letter C).

CHAPTER VIII

KEEPING THE GENERAL PLAN MASTER EIR CURRENT

Pursuant to CEQA Section 21157.6(b), this Master EIR is for a project identified in the previously certified Master EIR for the Modesto Urban Area General Plan as an Anticipated Subsequent Project. As such, this EIR can be a vehicle to modify the GPMEIR.

The GPMEIR adopted by the City Council on August 15, 1995 was based on a modification to the General Plan Preferred Alternative described and analyzed in the GPMEIR. The Project Description of the General Plan was revised and presented in Exhibit C-3 of the Addendum to the Final EIR. This Addendum shows a revised Land Use Diagram as Attachment D-2 and Table I-5, Projected Population and Employment, General Plan Alternatives as Attachment D-1. This table incorrectly states the population projections for the Preferred Alternative. The correct projections are shown in Table IV-4 of this Master EIR and repeated below:

TABLE IV-4
PROJECTED POPULATION AND EMPLOYMENT,
GENERAL PLAN PREFERRED ALTERNATIVE

Population	
Redevelopment Area	2,300
Baseline Developed Area	300,300
Planned Urbanizing Area	164,400
Total	467,000
Employment	
Redevelopment Area	53,700
Baseline Development Area	100,500
Planned Urbanizing Area	167,600
Total	321,800

The assumptions underlying the estimated population and employment projections are explained in Chapters IV and V of this Master EIR. Table I-5 in Attachment D-1 of the GPMEIR is hearby modified to reflect these numbers and assumptions.

CHANGES IN THE MASTER EIR RESULTING FROM LETTERS RECEIVED DURING THE PUBLIC REVIEW AND COMMENT PERIOD

Based on letters dated January 22, 1997 and June 12, 1995 from the California Department of Transportation, the following changes are made in the GPMEIR:

Page IV-1-18. after the 2nd paragraph of Section B, add: "The City's policy for funding transportation-related mitigation measures is through its capital facilities fee program. Conditions of approval for individual development projects would address requirements for contribution toward needed mitigation of transportation impacts generated by these developments. Other sources for funding include those identified in the Section I.B, Base Year 1994 Policies of the Master EIR for the Urban Area General Plan, sales taxes, exactions of right-of-way for specific actions, flexible congestion relief State funds, and Federal funds through grants."

"The traffic analysis assumed that certain transportation improvements would be made. However, the funding for these improvements is not currently available and is not anticipated to be available in the foreseeable future. Therefore, funding of improvements as a mitigation is not considered "feasible" as defined in CEQA Section 21061.1 (i.e. "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.") Thus, the overall conclusion reached below that there would be significant unavoidable traffic impacts as a result of implementing the City's updated General Plan remains valid."

Page IV-1-31, at the end of Section D, add: "Additionally, funding for certain roadway improvements assumed in the analysis is not currently available and is not anticipated to be available in the foreseeable future. This further substantiates the conclusion that effects from implementing the General Plan remain significant after mitigation."

Page IV-1-13, under 3. Other Governmental Polices, the heading "County Congestion Management Plan" is changed to read "County Congestion Management Program".

Page III-3, second paragraph, third sentence is revised to read "Other County plans include the Regional Transportation Plan and Congestion Management Program, prepared by the Stanislaus Area Association of Governments."

Page IV-1-14, fifth bulleted item is revised to read "A program to biennially monitor implementation of all CMP elements;".

Page IV-1-13, the following sentence is added following the third paragraph: "Caltrans District 10 uses LOS "D" as a conceptual level objective for state highways in the Modesto urbanized area. All improvements to the state highway system must conform to State design standards and requirements."

Attachment B
Mitigation Monitoring Program

The following Mitigation Measures, from the Final Master EIR (SCH #96042009) have been incorporated into the Wastewater Master Plan:

1. The proposed Wastewater Master Plan includes several inter-related components specifically included for the purpose of reducing odors emanating from the Sutter Avenue facility. Odor control methods include injection of ferrous chloride at upstream locations in the sewer system and at the plant, covering the DAF thickeners and the effluent launders of the primary clarifers and collecting the gas for subsequent scrubbing and processing.

2. The City would develop and implement an Odor Contingency Plan to reduce or eliminate odors related to upset conditions.

3. The City could keep the County informed of its plans for the Jennings Road facility and would encourage the County to maintain the current agriculture land designations for lands within a mile of the Jennings Road facility.

4. 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 any displacement of agricultural lands is minimized.

5. Sensitive species surveys would be conducted in the Dry Creek and Tuolumne River areas at the appropriate season to determine occurrence of Swaison's hawk, passerine birds and other raptors. Surveys would employ accepted methodologies as determined by California Department of Fish and Game and U.S. Fish and Wildlife Service. Any elderberry bushes shall be avoided and preserved, and avoided areas shall also be protected by fencing, signage and/or establishment of buffer areas. At the time the specific alignment for the new pipeline crossings are identified and marked in the field, a qualified biologist should review the alignment to confirm absence.

   Where Swainson's hawk are determined present within 0.25 miles of the trenching operation, and actively involved in pre-nesting or nesting behaviors, either:

   A. No construction will take place until the end of the nesting season (July), or
   B. A qualified observer (Certified Wildlife Biologist) shall monitor the nest to determine if construction operations will jeopardize nesting success, in which case operations shall be suspended as per (A), above.

Note: Minor editorial revisions may be necessary, to accommodate the above measures' context within the Wastewater Master Plan.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-291

Print

A RESOLUTION ADOPTING THE FINAL 1995 WASTEWATER MASTER PLAN.

WHEREAS, the City of Modesto ("City"), accepted a recommendation of an audit of the City Public Works and Transportation Department in September, 1992, to develop a long range Master Plan for the Wastewater Treatment Plant and Wastewater Collection System, and

WHEREAS, a draft Wastewater Master Plan was presented to the City Council in September, 1994, and in May, 1995, the City Council adopted the Final Draft 1995 Wastewater Master Plan as a "proposed project" for purposes of commencing the environmental review process, and

WHEREAS, by a written report from the Acting Director of Public Works and Transportation, dated May 16, 1997, staff recommended to the Council adopting the Final 1995 Wastewater Master Plan, a copy of said staff report is on file in the Office of the City Clerk, and

WHEREAS, on May 27, 1997, the Council adopted Resolution No. 97-290 Certifying the Wastewater Master Plan Master Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring Program, and

WHEREAS, the Wastewater Master Plan provides direction that will enable the City of Modesto to meet treatment and discharge standards for wastewater treatment and disposal now and

in the future, and

WHEREAS, on May 15, 1997, the Utilities Services and Franchise Committee recommended approval as presented by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Final 1995 Wastewater Master Plan prepared for the City of Modesto as recommended by City staff. A copy of the final revision of the Master 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 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Stevens, Asst.
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-292

A RESOLUTION APPROVING AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF MODESTO AND URS GREINER INC. FOR A FEASIBILITY STUDY FOR THE REPAIR/REPLACEMENT OF THE 7TH STREET BRIDGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for engineering services between the City of Modesto and URS Greiner Inc. for a feasibility study for the repair/replacement of the 7th Street bridge be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-293

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $19,266 TO FULLY FUND A FEASIBILITY STUDY FOR THE REPAIR/REPLACEMENT OF THE 7TH STREET BRIDGE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfers are approved:

From Fund 070 430 F682 6010 $15,000
Fund 070 430 H062 6010 $ 4,266

To Fund 979 430 C926 6010 $19,266

Additional funds are needed to cover the cost of previous expenditures such as aerial photography, historic property survey report and negotiating with Caltrans for an extra $25,000 to fund the study. Contingencies totaling $8,000 are also included in the transfer amount.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1996, by Councilmember Friedman, who moved its adoption, whch motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-294

A RESOLUTION APPROVING AN AGREEMENT FOR BETWEEN THE CITY OF MODESTO AND MODESTO AND EMPIRE TRACTION COMPANY (M&ET) FOR INSTALLATION OF A NEW GRADE CROSSING AT FUTURE NORSEMAN DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto and Empire Traction Company (M&ET) for installation of a new grade crossing at future Norseman Drive be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-295

A RESOLUTION ORDERING THE PUBLIC WORKS 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 Public Works 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 May, 1997 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Alison Barratt Green for
MICHAEL D. MILICH, City Attorney

Corrected 6/24/97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-296

Print

A RESOLUTION ORDERING THE PUBLIC WORKS 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

Corrected 6-24-97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-296

A RESOLUTION ORDERING THE PUBLIC WORKS 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. 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. 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 Public Works 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 May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allison E. Barratt Breen for
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-297

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND JEFF GRANT FOR THE LEASE OF 1204 RIVER ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Jeff Grant for the lease of 1204 River Road at $475 per month 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 27th day of May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-298

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE AN ADDITIONAL $17,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO YOUTH/SENIOR FINANCIAL ASSISTANCE

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in Fiscal Year 1993-94, with the purpose of providing a 90% subsidy to low income, qualifying youth and seniors (adding in 1995-96) through the issuance of "leisure bucks" cards; and

WHEREAS, expenditures have steadily increased as more people learn of this program and the $40,000 budgeted for the current fiscal year was spent by the end of March, 1997 and at the recommendation of the Financial Policy Committee, an additional $20,000 was appropriated; and

WHEREAS, due to funds provided primarily to youth sports organizations co-sponsored by the City, the budget for this program will not be sufficient to provide funding for current card holders who wish to enroll in summer recreation programs, which begin at the end of May, 1997.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate an additional $17,000 from Account #010-800-8003, General Fund Contingency Reserve to Account #010-370-3715-1060, Youth/Senior Financial Assistance.

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 May, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-299

Print

A RESOLUTION AUTHORIZING THE CO-SPONSORSHIP OF 'MODESTO CELEBRATES MEAGAN'S LAW" THROUGH THE PROVISION OF LIABILITY INSURANCE.

WHEREAS, "Modesto Celebrates Meagan's Law" is a community event organized by Debra White, representative of a non-profit organization, which proposes to be a two-day event scheduled to take place on Saturday, May 31, 1997, with a children's walk beginning at the Stanislaus County Courthouse and ending at Modesto Junior College, and

WHEREAS, children's activities and entertainment are scheduled following the walk, and child and home safety information will be provided, and

WHEREAS, in addition, a public forum will be held in the evening with guest speakers, including Sheriff Weidman of Stanislaus County and Jack Stevens, Deputy Attorney General, and

WHEREAS, the event proposed to include self-defense workshops to be offered to women and teens on Saturday, May 31, and Sunday, June 1, 1997, and

WHEREAS, the Modesto Junior College has agreed to co-sponsor this function and has waived the rental fee for the facilities, and

WHEREAS, the City of Modesto has been requested to provide liability insurance coverage for the two-day event,

NOW, THEREFORE, BE IT RESOLVED that the Council has determined that "Modesto Celebrates Meagan's Law", organized by a non-profit organization, meets the criteria required for the Council to support the event with the exception of the self-defense workshops,

thus, the Council does hereby authorize the liability insurance coverage for this event as requested, however, the City will not provide coverage for the proposed self-defense workshops..

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th date of May, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO FORM;

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-300

A RESOLUTION ADOPTING AMENDMENT NO. 11 TO THE VILLAGE ONE SPECIFIC PLAN TO EXEMPT PUBLIC FACILITIES FROM PRECISE PLAN REQUIREMENT, TO STREAMLINE THE SPECIFIC PLAN AMENDMENT PROCESS, AND TO PROVIDE MINOR CLARIFICATION TO VARIOUS POLICES AND DIAGRAMS.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and

reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to

reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to amend the Precise Plan portion of the Village One Specific Plan to delete the multiple-family development designation from the Precise Plan for Area No. 8, (PPA No. 8), and Precise Plan for Area No. 33, (PPA No. 33,) respectively, and Resolution No. 96-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Village One Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan pertaining to standards for dwelling setbacks and three-car garages which are to be applied to all single-family developments throughout the Village One Specific Plan,

WHEREAS, the City Council on May 6, 1997, by Resolution

No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on May 5, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 11, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 97-40, recommended to the City Council approval of an amendment to the Village One Specific Plan to exempt Public Facilities from Precise Plan requirement, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on June 3, 1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, and

WHEREAS, by a report to the Council dated May 26, 1997, 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. 10 [sic] 11, to exempt Public Facilities from Precise Plan requirement, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and

diagrams, 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. 11 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. 11 to the Village One Specific Plan to exempt Public Facilities from Precise Plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, which includes the following:

1) Exempt Public Facilities Projects from the Requirement to Prepare a Precise Plan,

2) Minor Administrative Revisions to Streamline the Specific Plan Amendment Process,

3) Specify flexibility in the location(s) of schools and parks through minor revisions to Precise Plan Areas: 11, 15, and 29,

4) Minor Corrections and Clarification to the Following Diagrams:

Figure II-5 (Principal Arterial),
Figure II-23 (Transit Streets),
Figure II-24 (Public Facilities), and

WHEREAS, said changes to the Village One Specific Plan, approved herein by the City Council, are as set forth in the

report marked 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 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Steven Beard
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Staff report dated May 26, 1997 for the June 3, 1997 Council Meeting, w/attachments.

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 6/3/97

May 26, 1997

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Public Hearing to Consider Amendment No. 10 to the Village One Specific Plan to Exempt Public Facilities from the Precise Plan Requirement, Streamline the Specific Plan Amendment Process, and Make Minor Revisions to Various Policies and Diagrams

I. RECOMMENDED COUNCIL ACTION:

The Planning Commission recommends the City Council adopt a Resolution adopting Amendment No.10 to the Village One Specific Plan to Exempt Public Facilities from the requirement to Prepare a Precise Plan, Streamline the Specific Plan Amendment Process, and make Minor Revisions to various Policies and Diagrams.

II. BACKGROUND:

On October 16, 1990, the City Council approved the Village One Specific Plan (Attachment 1). Since that time staff has processed a number of Precise Plan applications for development as well as several Specific Plan amendments. Staff has subsequently determined that there are several minor revisions that would improve project processing. They are included in this proposed amendment.

Processing of the Modesto Amtrak Station has lead to the conclusion that preparation of a precise plan for such a public facilities project is premature to development. Staff also has concluded that the Specific Plan Amendment process outlined in the Village One Plan could be improved upon. In working with the school district for the Plan area, staff concluded that some flexibility in locating school/park facilities would be desirable. Finally, five graphics were identified as needing minor revisions.

III. SUMMARY OF ISSUES:

The requirement for public facilities projects to prepare a Precise Plan, such as an Amtrak Station or MID substation, is an unnecessary requirement, because the Facilities Master Plan provides sufficient guidance. The Specific Plan Amendment process can be improved through more concise criteria, as proposed by this amendment. Flexibility is desirable in the location of school and park sites within the three Precise Plan Areas that contain them.

IV. REASONS FOR RECOMMENDED ACTIONS:

The following are reasons for the recommended action:

Specific Plan Amendment No. 10 proposes 21 specific changes to the Village One Specific Plan. Attachment 2 presents the full text of the proposed changes and Attachment 3 provides the reasons for the proposed changes in the form of a brief explanation for each deletion or revision.

Conformance with Specific Plan Amendment Criteria:

The proposed amendment meets the specific plan amendment criteria in the Village One Plan as described below:

A. Need for Amendment

The amendment is needed to improve some aspects of project processing and make minor technical revisions to diagrams.

B. Supplemental Studies

The proposed amendment would result in revisions to a public facilities policy and could result in some minor revisions to the location of land uses but would not change the overall development program. Compared to the adopted Specific Plan the effects of the proposed amendment would be as follows:

1. The amended plan would conform to the Guiding Principles described in Chapter I of the Village One Specific Plan, because the guiding principles do not specify the configuration of school/park sites.

2. There are no compatibility issues with the proposed amendment because the amendment would not result in changes to land uses within the Specific Plan.

3. The amended plan would be consistent with the Comprehensive policies found in Chapter II of the Village One Specific Plan.

4. The amended plan would have no effect on compatibility with surrounding development and land uses, because the proposed changes would not result in any physical design changes to the plan.

5. There would be no visual impacts, on or off-site resulting from the proposed amendment, because the proposed changes would not result in any physical design changes to the Plan.

6. The amendment would have no traffic impacts.

7. The scope and nature of Public Utilities, as described in the Specific Plan and Facilities Master Plan, would not be affected by the amendment.

V. ENVIRONMENTAL REVIEW:

Staff review of this project has determined that the proposed amendment is an administrative action which would result in no significant effects to the environment and is therefore exempt from review pursuant to the General Rule, CEQA Section 15061(b)(3).

This proposed amendment would not require change to the environmental analysis or mitigation measures in the Supplement to the Program EIR or General Plan Master EIR.

VI. REQUIRED FINDINGS:

Following are the findings necessary for the adoption of the proposed Specific Plan Amendment:

The proposed Amendment No. 10 to the Village One Specific Plan is consistent with Goals and Policies of the City's General Plan.

This finding can be made since the action considered does not conflict with the policy language in the General Plan regarding the Village One Comprehensive Planning District, Exhibit III-15.

VII. STEPS FOLLOWING APPROVAL:

Reprint the Specific Plan document with revisions based on the Council's action.

Prepared By: Steven R. Nish, Associate Planner

Reviewed By: Philip A. Testa, Community Development Director

Submitted By: J. Edward Tewes, City Manager

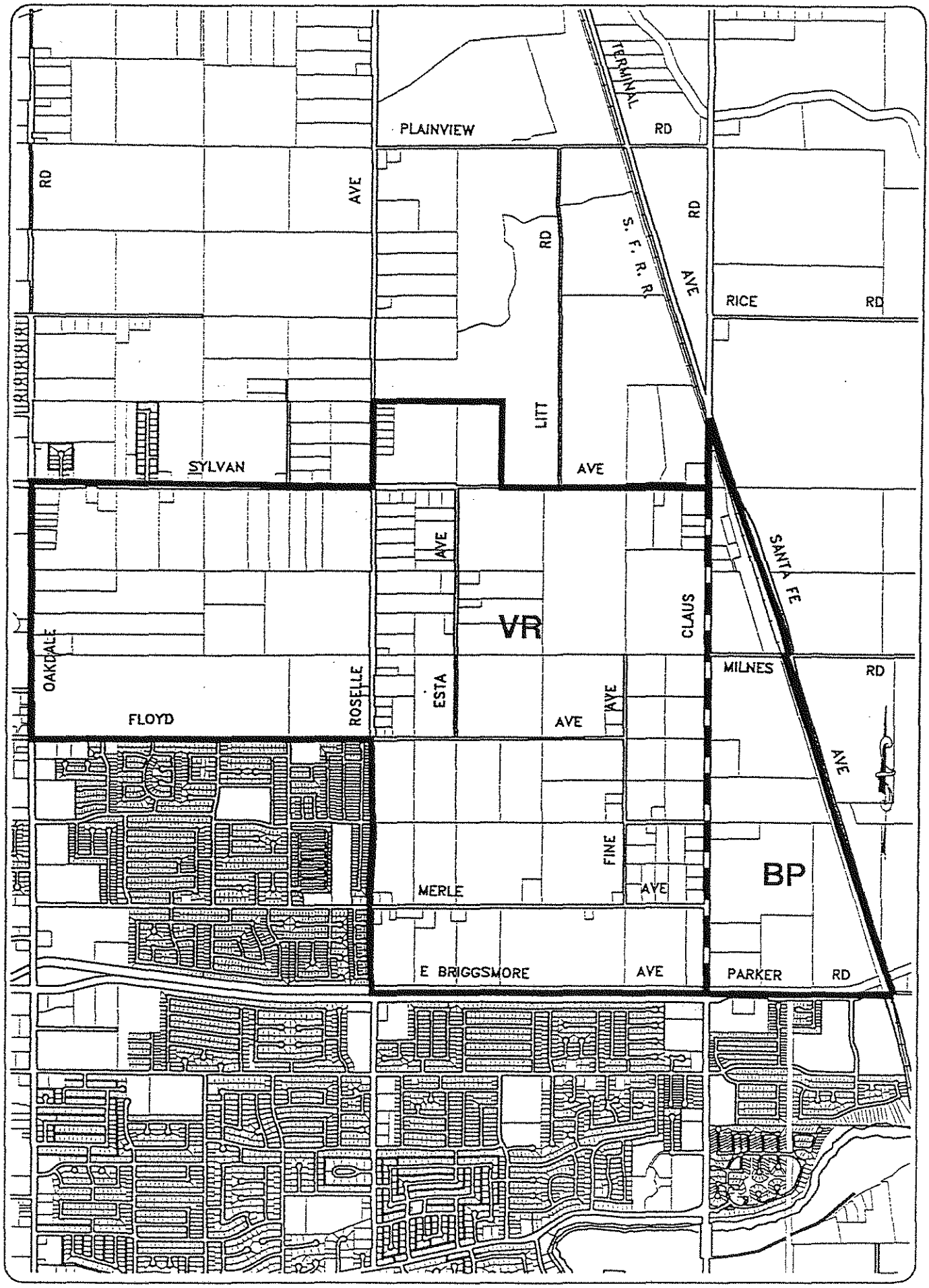
Attachments:
1. Location Map
2. Proposed Changes to Specific Plan
3. Reasons for Changes
4. Planning Commission Resolution No. 97-40
5. Minutes of Planning Commission 5/5/97
6. Planning Commission Pertinent Parties List

sn
cc: City Clerk(16)
City Attorney
Deputy City Attorney

ATTACHMENT NO. 1

Location Map

VILLAGE ONE C.P.D.



ATTACHMENT NO. 2

Proposed Changes to the Specific Plan

PROPOSED CHANGES TO THE VILLAGE ONE SPECIFIC PLAN

The following changes will be made to Chapters II, III, and V of the Village One Specific Plan, the annotated pages follow with the specific text and diagram changes:

	Proposed Change to:	Action:
1.	Policy III.D.16, P.III-8	Add new policy
2.	Chapter V Outline	Revise headings
3.	Policy A, P.V-1	Revise text
4.	Policy V.B.1., P.V-1	Revise text
5.	Policy V.B.2., P.V-1	Revise text
6.	Policy V.B.3., P.V-1 & V-2	Revise text
7.	Policy V.B.4., P.V-2	Revise text
8.	Policy V.B.5., P. V-2	Revise text
9.	Policy 3, Precise Plan Area #11, P.III-30	Revise text
10.	Figure III-12, Precise Plan Area #11, P.III-31	Revise diagram
11.	Policy 3, Precise Plan Area #15, P.III-38 & 39	Revise text
12.	Policy 4, Precise Plan Area #15 P.III-39	Revise text
13.	Figure III-16, Precise Plan Area #15 P.III-40	Revise diagram
14.	Policy 3, Precise Plan Area #29 P.III-75	Revise text
15.	Policy 4, Precise Plan Area #29 P.III-75	Revise text
16.	Figure III-30, Precise Plan Area #29 P. III-76	Revise diagram
17.	Figure II-15, P.II-57	Revise diagram
18.	Figure II-23, P. II-77	Revise diagram
19.	Figure II-24, P. II-78	Revise diagram

tion in perpetuity, of suitable grassland foraging habitat, and through the use of conservation easements on suitable "grassland-like" agricultural lands.

15. Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.

16. Public Facilities Projects

No Precise Plan shall be required for Public Facilities projects including, but not limited to, City of Modesto Fire, Police, Parks and Public Works and Transportation Department projects, Modesto City Schools, Sylvan Union School District, Passenger and freight rail and Public Utilities projects. Public facilities projects within Village One shall be of high quality design consistent with, at a minimum, design policies established for the Industrial/Business Park found in Section IIG 10.

E. Precise Plan Areas

The following pages present the 35 Precise Plan Areas established to implement the policies of the Village One Specific Plan.

CHAPTER OUTLINE

V. AMENDMENTS TO THE VILLAGE ONE SPECIFIC PLAN

		PAGE
A.	Purpose	V-1
B.	Specific Plan Plan Amendment Process	V-1
1.	~~Specific Details~~ Description of Amendment	V-1
2.	Presentation of Need for Amendment	V-1
3.	~~Submittal of Supplemental Studies~~ Criteria for Analysis	V-1
4.	~~Supplemental~~ Environmental ~~Analysis~~ Review	V-2
5.	City Staff Analysis	V-2
6.	Public Hearings	V-2

CHAPTER V

AMENDMENTS TO THE VILLAGE ONE SPECIFIC PLAN

A. Purpose

Over time, various sections of the Village One Specific Plan may need to be revised ~~as economic conditions or City need may dictate~~. The policies presented in the Village One Specific Plan contain some degree of flexibility, but any Specific Plan Amendments must be judged by relatively fixed criteria.

B. Specific Plan Amendment Process

The following process must be followed in reviewing proposed Specific Plan Amendments:

1. ~~Specific Details~~ Description of Amendment

Proposals to amend the Village One Specific Plan must be accompanied by detailed information to document 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.

2. Presentation of Need for Amendment

~~Since the City has invested a significant amount of time and money in the preparation of the Village One Specific Plan, a~~Any proposals to amend the Specific Plan must document the need for such changes. The applicant should indicate the economic, social, or technical issues which generate the need to amend the Specific Plan.

3. ~~Submittal of Supplemental Studies~~ Criteria for Analysis of Amendment

Any proposal to amend the Village One Specific Plan must be accompanied by ~~studies which analyze~~ an analysis of the Amendment's effects, compared to the adopted Specific Plan and any adopted Precise Plans, on the following issues:

a) Conformance with Specific Plan Guiding Principles in Chapter I of this Specific Plan.

b) Compatibility with any adopted Precise Plans which will be affected by the Specific Plan Amendment.

c) Consistency with the Comprehensive Policies presented in Chapter II of this Specific Plan.

d) Compatibility with surrounding existing and planned land uses ~~surrounding the proposed Specific Plan Amendment, as indicated by the adopted Specific Plan and/or any adopted Precise Plans~~.

e) Visual impacts, on-site and off-site.

f) Traffic impacts.

g) Preservation of Open Space.

h) Public Utilities, documented in Chapter II of this Specific Plan, as well as any adopted Public Facility Master Plans.

~~i) Any other issues identified by the Environmental Assessment Committee.~~

4. ~~Supplemental~~ Environmental ~~Analysis~~ Review

The proposed amendment must receive environmental review to determine if it is within the scope of the previous EIR or if further environmental analysis is required. ~~This may include review by the City's Environmental Assessment Committee~~

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).

5. City Staff Analysis of Amendment

The City staff will review all of the above submitted material and provide a staff report for presentation to the Planning Commission and the City Council. Staff may also request further clarification of the above studies, if necessary. The staff report will analyze whether the proposed Specific Plan Amendment is consistent with the General Plan and whether the need to amend the Specific Plan (Section V(B)-2) can be supported by the conclusions of the supplemental studies referenced in Section V(B)(3).

6. Public Hearings

Both the Planning Commission and the City Council must hold Public Hearings on the Specific Plan Amendment, in accordance with Section 65453 of the State Government Code.

PRECISE PLAN AREA #11
(Figure III-12)

1. Acreage: 37 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity

   a. Village Residential 19.0 Acres

   b. Elementary School 11.0 Acres

   c. Neighborhood Park 7.0 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. ~~Within Sub-area "A", only single-family residential uses shall be allowed:~~ The Village Residential, Elementary School, and Neighborhood Park may be located in any configuration in this Precise Plan area. However, all three facilities should be designed to be compatible with each other.

   1. The average number of dwelling units in the Village Residential area is 95.

~~b. Within Sub-area "B", only an elementary school shall be allowed.~~

~~c. Within Sub-area "C", only a neighborhood park shall be allowed.~~

b d. A Master Plan for the Elementary Schools and/or the Neighborhood Park shall suffice as the Precise Plan. Plans for development of the Village Residential area ~~Sub-area "A"~~ may be submitted separately but shall address all applicable Precise Plan policies. Figure II-29 presents a conceptual facility layout which is not binding, but illustrates a comprehensive design approach.

c e. The Master Plan should provide pedestrian access to the school/park site from the surrounding residential areas.

d f. School/park design shall incorporate facilities/structures that may function as a visual focal point ~~at the terminus of the radial road~~.

e g. Where possible, the Master Plan should maximize the open space access for the multi-family site to the north in Precise Plan Area #8.

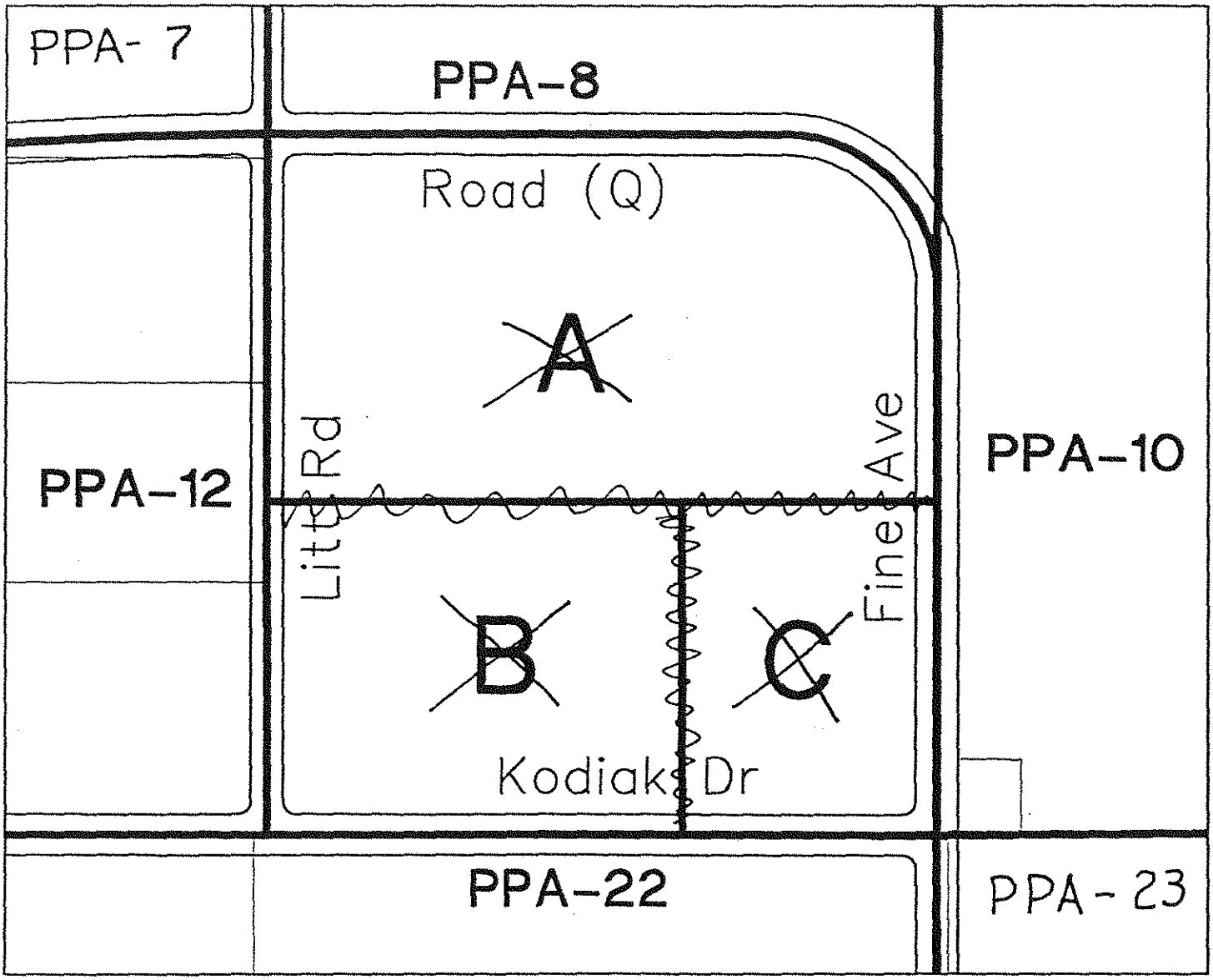
f h. The School District and City should work together to provide a pedestrian trail through the site that is a continuation of Kodiak Drive in order to provide more direct access to the Village Center from Precise Plan Areas 8, 9, and 10.

4. Principal Underlying Zone(s)

   a. R-1, Low-Density Residential

Figure III - 12

Precise Plan Area #11



PRECISE PLAN AREA #15
(Figure III-16)

1. Acreage — 41.9 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity

a.	Village Residential	10.0 Acres
b.	Ustach Middle School	14.9 Acres
c.	Elementary School	10.0 Acres
d.	Neighborhood Park	7.0 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

a. ~~Within Sub-area "A" only Village Residential shall be allowed.~~ The Village Residential, Middle School, Elementary School and Neighborhood Park may be located in any configuration in this Precise Plan Area. However, all four facilities should be designed to be compatible with each other.

   1. The average number of dwelling units is 50. for the Village Residential area

~~b. Within Sub-area "B" only a middle school shall be allowed.~~

~~c. Within Sub-area "C" only an elementary school shall be allowed.~~

~~d. Within Sub-area "D" only a neighborhood park shall be allowed.~~

b g. A Master Plan for the schools and/or neighborhood park shall suffice for a Precise Plan. Figure II-29 presents a conceptual facility layout which is not binding, but illustrates a comprehensive design approach.

c f. The Master Plan shall provide pedestrian access to the surrounding Precise Plan Areas.

d g. The Master Plan shall illustrate the relationship of the school/park facilities to the Storm Drainage Basin at the northwest corner of Precise Plan Area #14.

e h. The Master Plan shall illustrate how pedestrian access will be provided to open space areas from the multi-family site in Precise Plan Area #18 consistent with Section II(G)(12)(h) in Chapter II.

f i. The School District and City should work together to provide a pedestrian trail that is a continuation of Kodiak Drive through the site in order to provide more direct access to the Village Center from Precise Plan Areas 2, 3, and 16.

g-j. Road F and Lincoln Oak Drive shall tee into Kodiak Drive, and Road Q (See map III-I). There should be a visual focal point at the terminus of these intersections.

4. Principal Underlying Zone(s)

R-1, Low Density Residential

~~a. Sub-Area "A", R-1, single-family residential.~~

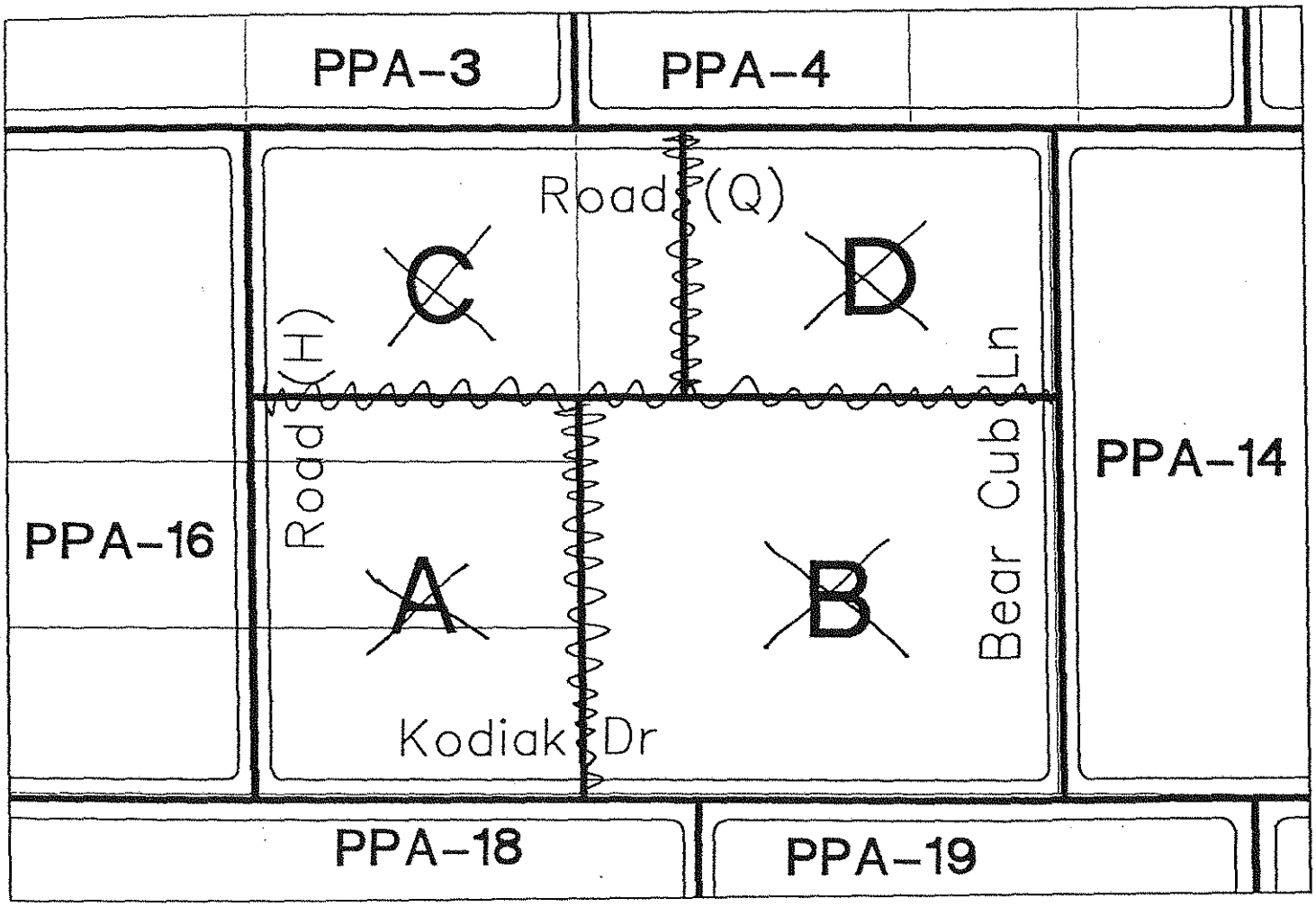
~~b. Sub-area "B", R-1, single-family residential.~~

~~c. Sub-area "C", R-1, single-family residential.~~

~~d. Sub-area "D", R-1, single-family residential.~~

Figure III – 16

Precise Plan Area #15



PRECISE PLAN AREA #29
(Figure III-30)

1. Acreage: 33 Acres (of which 0.0 Acres is devoted to noise setback area)

2. Land Use Intensity

School/Park Site

a. Middle School 17 Acres

b. Elementary School 9 Acres

c. Neighborhood Park 7 Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

The elementary school, middle school, and neighborhood park

a. ~~Within Sub-area "A" only a middle school site shall be allowed.~~ may be located in any configuration in this Precise Plan area. However, all three facilities

b. ~~Within Sub-area "B" only an elementary school site shall be allowed.~~ should be designed to be compatible with each other.

~~c. Within Sub-area "C" only a neighborhood park site shall be allowed.~~

b d. A Master Plan for the school sites and/or the neighborhood park shall suffice for a Precise Plan. Figure II-29 presents a conceptual facility layout which is not binding, but illustrates

c e. School/park design shall incorporate facilities/structures that will function as a visual focal point at the terminus of ~~radial~~ Road "K". a comprehensive design approach.

d f. The School District and City should work together to provide a pedestrian trail that is a continuation of ~~radial~~ Road "K" in order to provide more direct access to the Village Center from Precise Plan Area Nos. 30, 33 and 34.

4. Principal Underlying Zone~~s~~

R-1, Low Density Residential

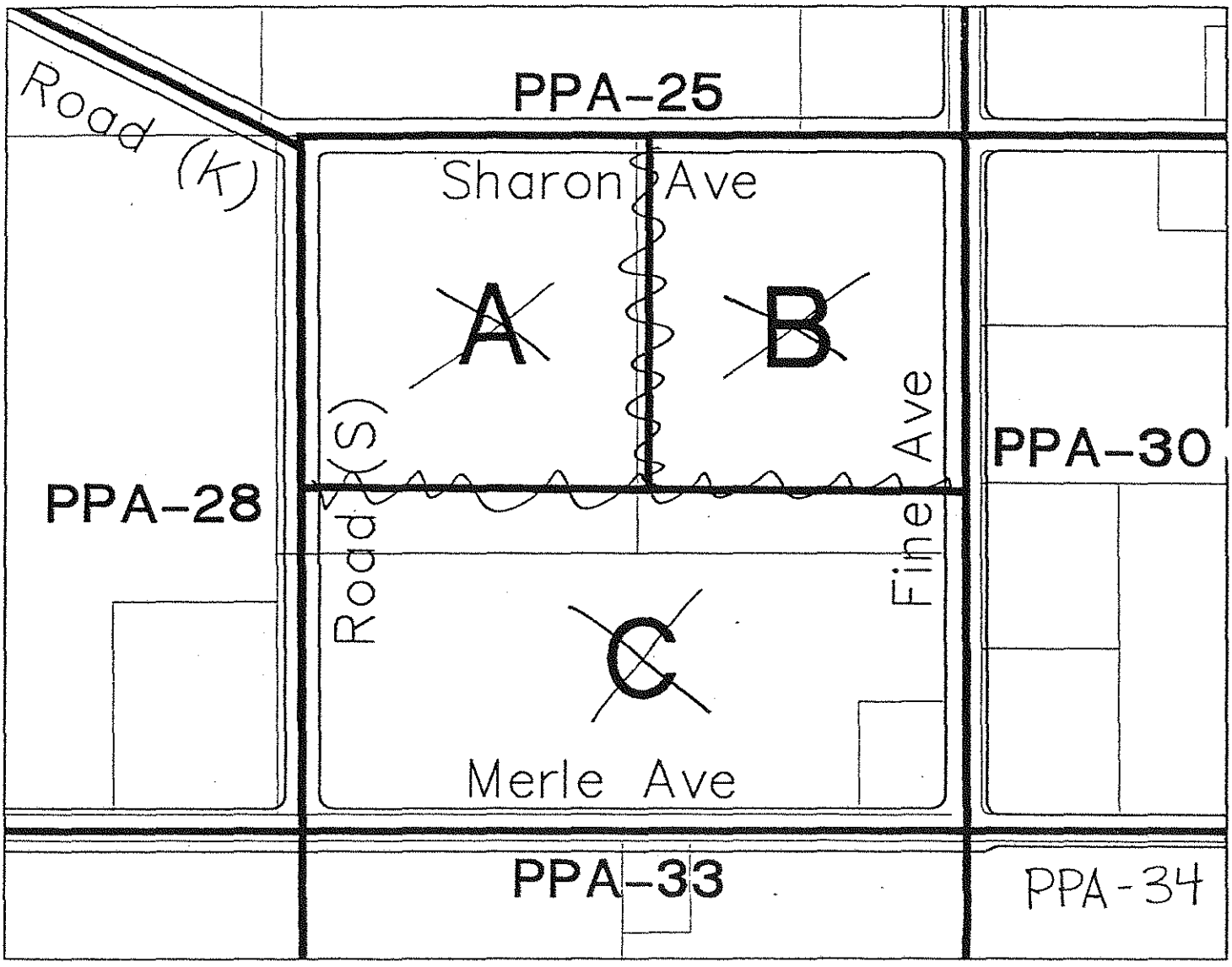
~~a. Sub-area "A" - R-1, Low-Density Residential~~

~~b. Sub-area "B" - R-1, Low-Density Residential~~

~~c. Sub-area "C" - R-1, Low-Density Residential~~

Figure III – 30

Precise Plan Area #29



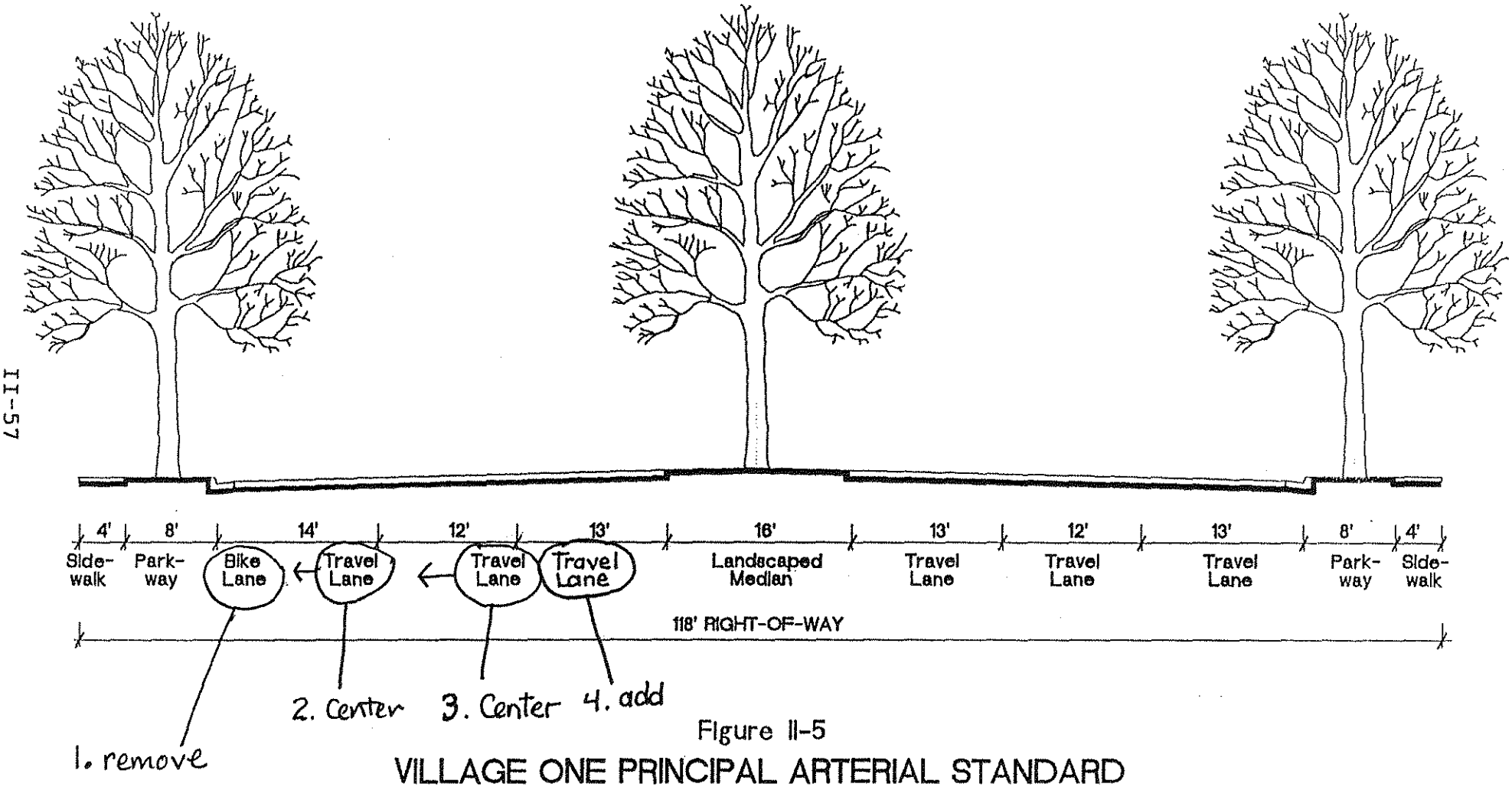
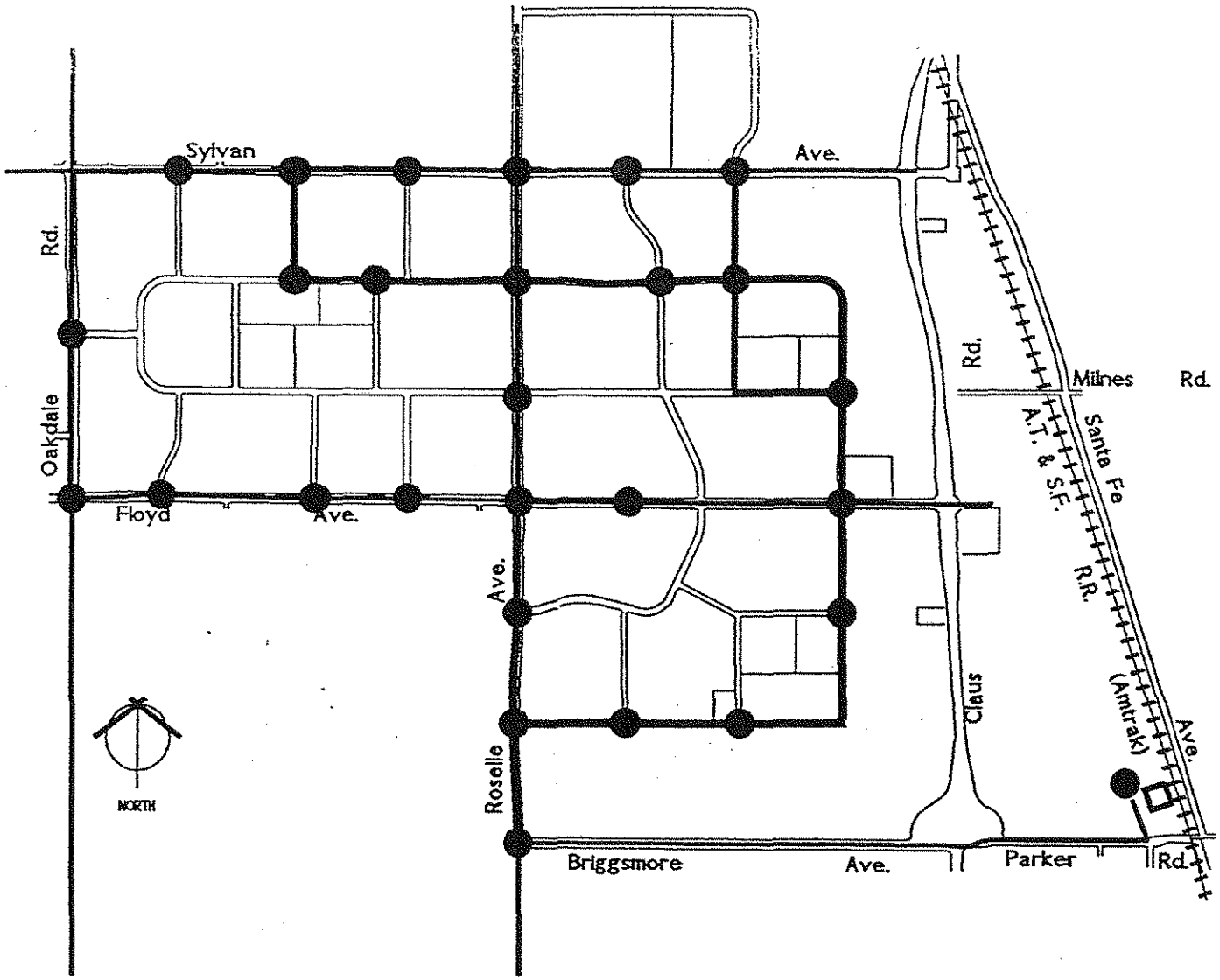


Figure II-5

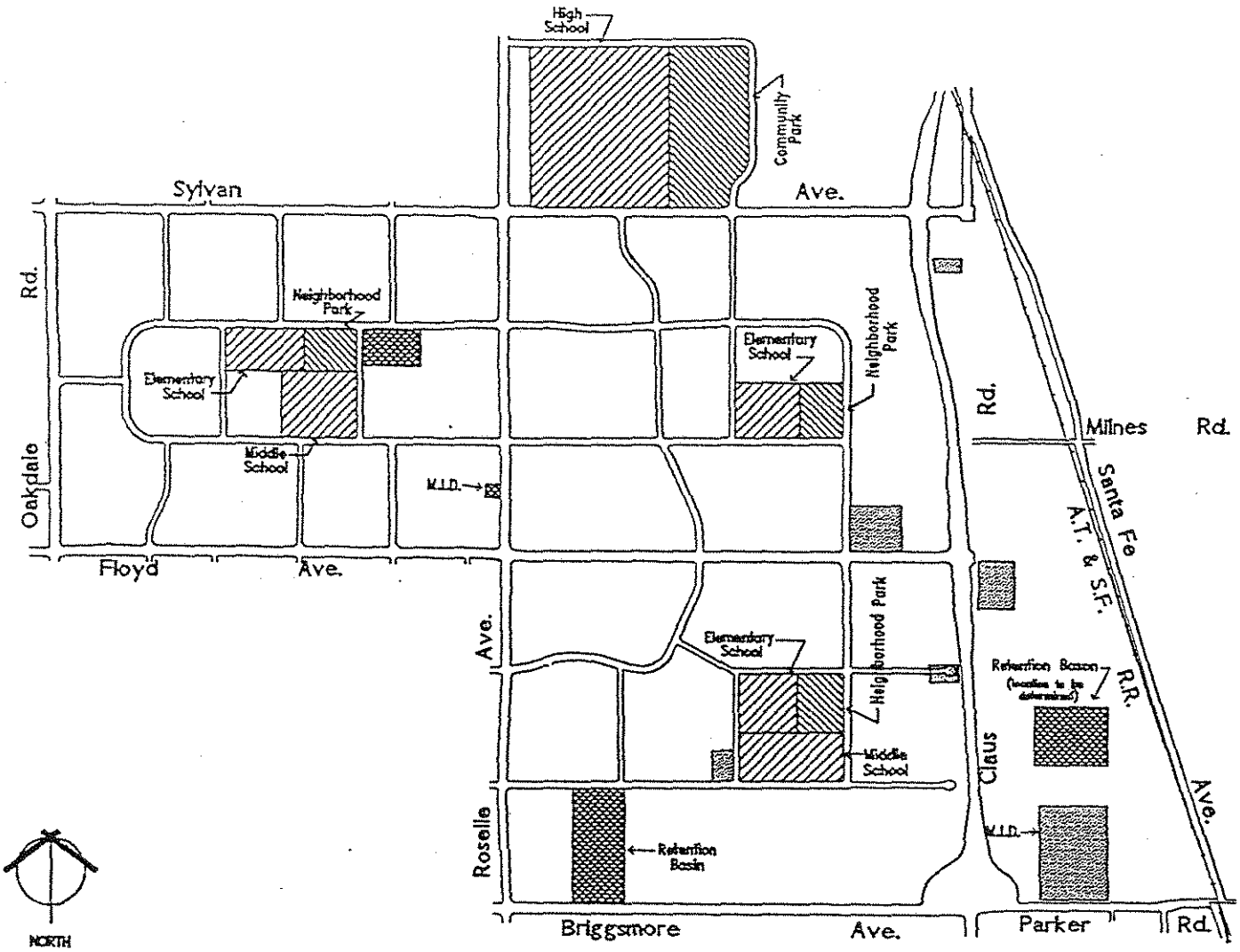
VILLAGE ONE PRINCIPAL ARTERIAL STANDARD



Illustrative

FIGURE II-23

Transit Streets



SCHOOLS:
3 Elementary Schools (30 acres total)
2 Middle Schools (35 acres total)
1 High Schools (62 acres)

TOTAL 127 acres

EXISTING FACILITIES:
5 Existing Churches (21 acres total)
2 M.I.D. Substations (23 acres total)

TOTAL 44 acres

PARKS:
3 Neighborhood Parks (22 acres total)
1 Community Park (39 acres)
Linear Recreational (6 acres)

TOTAL 67 acres

STORM WATER FACILITIES

3 Retention Basins

TOTAL 33 acres

-Illustrative

FIGURE II-24
Public Facilities

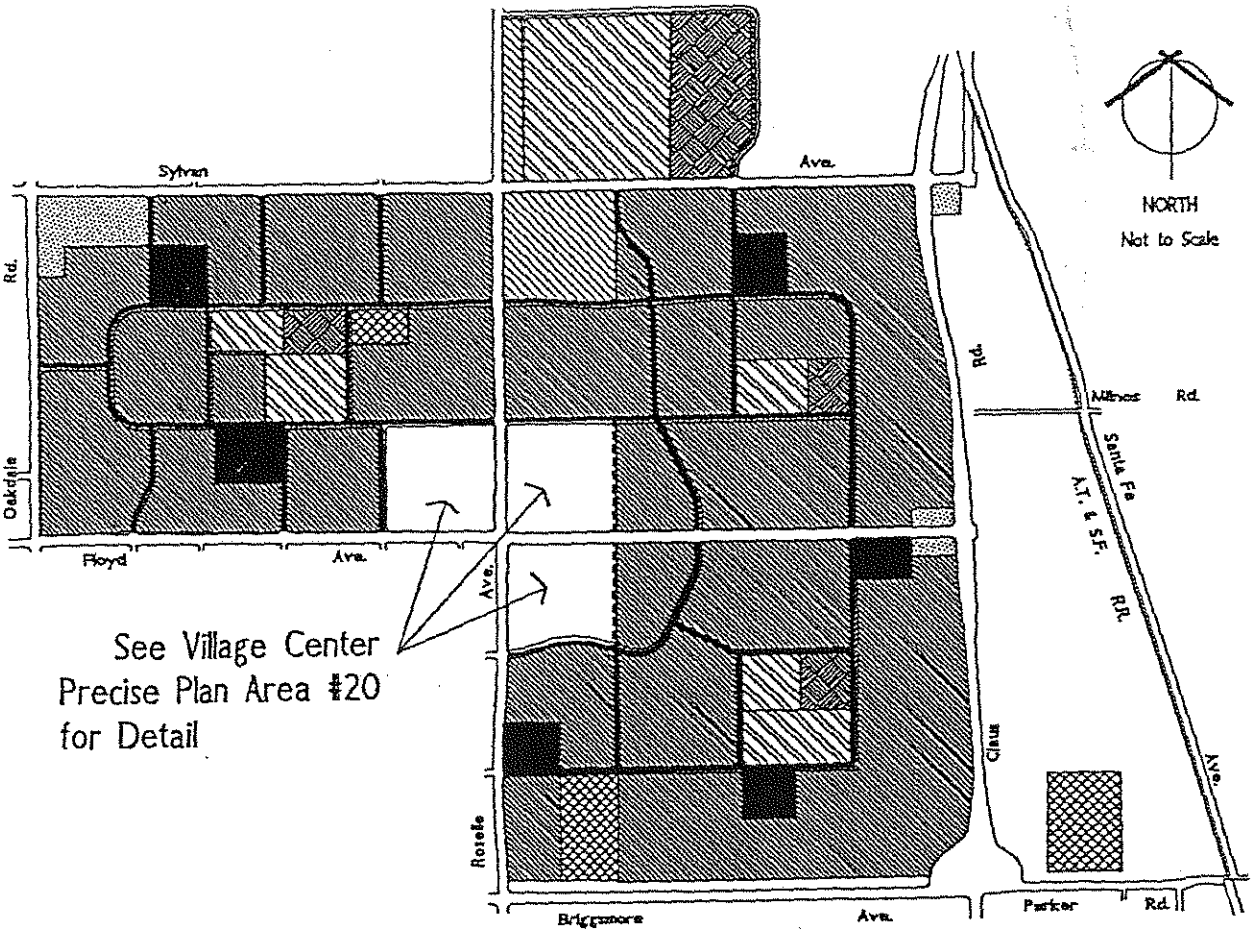


Figure II-1

LAND USE DIAGRAM

- Very Low Density
- Village Residential
- Multi-Family
- Industrial/Business Park
- Community Facilities
- General Commercial
- School
- Public Park
- Expressway
- Arterial
- Connector
- Residential
- Bike Trail & Landscape Setback Area

Note: School/Park sites are illustrative and may be reconfigured.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-301

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY INC. FOR THE PROJECT TITLED "STREET ILLUMINATION VARIOUS LOCATIONS"

WHEREAS, the bids received for Street Illumination Various Locations were opened at 11:00 a.m. on May 20, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Collins Electrical Company Inc. for $221,146 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company 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 3rd day of June, 1997, by Councilmember Freidman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-302

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "SISK ROAD WIDENING"

WHEREAS, the bids received for Sisk Road Widening were opened at 11:00 a.m. on May 20, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $78,870.00 by 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 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-303

A RESOLUTION REJECTING BIDS FOR YOSEMITE BOULEVARD WIDENING FROM McCLURE ROAD TO FRAZINE ROAD, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 20, 1997, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Yosemite Boulevard Widening from McClure Road to Frazine Road, were opened on May 20, 1997; and

WHEREAS, during the bid evaluation process, staff was made aware of a very recent court decision that places very specific restrictions on alternative bidding for public contracts. Said restrictions were established to assure that a public agency would not be able to select the lowest responsible bidder by selectively awarding certain bid alternates. Because the Yosemite Boulevard widening project contained bid alternates, staff recommends bids be rejected and re-evaluation of the specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Yosemite Boulevard Widening from McClure Road to Frazine Road, opened in the office of the City Clerk on May 20, 1997, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Yosemite Boulevard Widening from McClure Road to Frazine Road will be held June 24, 1997, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-304

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND BLACK & VEATCH FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE DESIGN OF THE CANNERY SEGREGATION PIPELINE; REPLACEMENT OF THE EMERALD TRUCK SEWER; AND HEADWORKS AND GRIT REMOVAL FACILITIES AT THE PRIMARY WATER QUALITY CONTROL PLANT TO PERFORM PROJECT ADMINISTRATION SERVICES DURING CONSTRUCTION FOR SECTION I OF THE CANNERY SEGREGATION PHASE I, AND THE PRIMARY PLANT HEADWORKS AND CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Black & Veatch to perform project administration services during construction for Section I of the cannery segregation Phase I, and the primary plant headworks and cannery segregation project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-305

Print

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEE'S RETIREMENT SYSTEM AND THE CITY OF MODESTO.

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said law, and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract, and

WHEREAS, the following is a statement of the proposed change:

> To provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous members and local safety members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby gives notice of intention to approve an amendment to the contract between the City of Modesto and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment is attached hereto, as an "Exhibit" and by this reference made a part hereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT

AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of above public agency, hereinafter referred to as Public Agency, having entered into a contract effective August 1, 1946, and witnessed July 27, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, March 28, 1978, July 4, 1978, November 1, 1980, October 20, 1981, June 29, 1982, October 15, 1985, June 24, 1986, April 14, 1987 and November 22, 1991 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective November 22, 1991, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members and age 50 for local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);

   b. Local Police Officers (herein referred to as local safety members);

PLEASE DO NOT SIGN "EXHIBIT ONLY"

c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

a. POLICE COURT EMPLOYEES; AND
b. ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.

5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

6. The percentage of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be determined in accordance with Section 21353 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 60 Full and Modified).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).

8. Public Agency elected and elects to be subject to the following optional provisions:

a. Section 21222.1 (Special 5% Increase-1970). Legislation repealed said Section effective January 1, 1980.

b. Section 21222.2 (Special 5% Increase-1971). Legislation repealed said Section effective January 1, 1980.

c. Section 21319 (Special 15% Increase for Local Miscellaneous Members).

d. Section 21571 (Basic Level of 1959 Survivor Benefits) for local safety members only.

e. Section 21572 (Increased Level of 1959 Survivor Benefits) for local miscellaneous members only.

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f. Section 20042 (One-Year Final Compensation).

g. Section 21427 (Improved Non-Industrial Disability Allowance) for local miscellaneous members only.

h. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members and those local miscellaneous members entering membership on or prior to October 20, 1981.

i. Section 21325 (Special 3% - 15% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1974.

j. Section 20475 (Different Level of Benefits). Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) are not applicable to local miscellaneous members entering membership after October 20, 1981.

k. Section 21322 (Special 4% Increase) for or on behalf of those local miscellaneous members and local safety members who retired or died prior to January 1, 1981.

l. Section 21317 (Special 15% Increase for Local Safety Members).

m. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.

9. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

11. Public Agency shall also contribute to said Retirement System as follows:

a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

PLEASE DO NOT COPY "EXHIBIT ONLY"

b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, 19____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-306

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND SHANNON, DAVIS & ASSOCIATES FOR RECRUITMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendement to an agreement between the City of Modesto and Shannon, Davis & Associates for recruitment services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Corrected 6/24/97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-307

Print

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 1997-98.

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:

MODESTO CITY COUNCIL
RESOLUTION NO. 97-307

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 18, 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 1996-97.

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 15th day of July, 1997, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Lewis Pert.
MICHAEL D. MILICH, City Attorney

Corrected 6/24/97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-308

Print

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 1997-98.

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 15th day of July, 1997, 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

Clerk 13

MODESTO CITY COUNCIL
RESOLUTION NO. 97-308

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

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 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:

Corrected 6-24-97

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 1997-98.

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 15th day of July, 1997, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-309

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:

Code Enforcement Officer I

Code Enforcement Officer II

The revised specifications for the classification of Code Enforcement Officer I/II (Range 119), 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 3, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3215
No. 3214

JUNE, 1997

CODE ENFORCEMENT OFFICER I
CODE ENFORCEMENT OFFICER II

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

DEFINITION

To investigate and enforce applicable ordinances, codes, and regulations related to environmental codes, zoning, land use, health and safety, blight, graffiti, and water waste.

DISTINGUISHING CHARACTERISTICS:

Code Enforcement Officer I: This is the entry level class in the Code Enforcement Officer series. This class is distinguished from the Code Enforcement Officer II by the performance of the more routine tasks and duties assigned to positions within the series including routine inspections and investigations.

Code Enforcement Officer II: This is the full journey level class within the Code Enforcement Officer series. Employees within this class are distinguished from the Code Enforcement Officer I by the performance of the full range of duties as assigned including a variety of investigations, inspections, and related code enforcement activities. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Code Enforcement Officer I: Receives immediate supervision from higher level supervisory and management staff.

Code Enforcement Officer II: Receives general supervision from higher level supervisory and management staff. May exercise technical supervision over less experienced staff.

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

EXHIBIT "A"

Essential Functions:

1. Receive, investigate, and respond to complaints of violations of local and state laws, ordinances, or codes (i.e. neighborhood blight, zoning, water waste, signs, etc.).

2. Patrol assigned area in a City vehicle to rectify and correct ordinance violations.

3. Conduct field investigations; maintain accurate and detailed information regarding code enforcement activity to substantiate violations.

4. Issue citations or notice of violations or make referrals to the City Attorney's Office.

5. Analyze, evaluate, and interpret all City codes; explain enforcement procedures to the public.

6. Develop and implement public information and education programs to inform citizens of the programs that this division enforces.

7. Prepare a variety of written reports, memos, and correspondence related to code enforcement activities.

8. Represent the City in public meetings, City Council meetings, neighborhood forums and necessary court appearances or administrative hearings.

9. Drive assigned City vehicles for entire work shift in a safe and knowledgeable manner.

10. Input daily inspection logs as well as generating necessary compliance letters to property owners and responsible and perform other general clerical tasks as needed.

Marginal Functions:

1. Interpret architectural drawings and read blueprints.

2. May assist the supervisor in a variety of duties including researching and rewriting ordinances and managing a variety of office functions.

3. Perform other duties as assigned.

QUALIFICATIONS

Code Enforcement Officer I

Knowledge of:

Basic personal computer operations.

Safe and efficient work practices related to code enforcement activities.

Procedures and techniques for dealing with the public in a tactful but firm manner.

Ability to:

Learn to enforce various codes, ordinances, laws and regulations.

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

Use sound judgement in decision making.

Communicate effectively; make and prepare clear presentations and reports both orally and in writing.

Maintain detailed reports and research code enforcement activities.

Work effectively and efficiently under stressful situations and with minimum supervision.

Carry out conflict resolution skills.

Type at a reasonable speed.

Read maps and learn the City's geography.

Handle multiple priorities at the same time.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

QUALIFICATIONS (Continued)

Code Enforcement Officer I

Ability to:

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines:
Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of experience dealing with the public in an enforcement, inspection, investigation or customer service capacity. Experience including the enforcement of municipal codes is highly desirable.

Training:

Equivalent to completion of the twelfth grade supplemented by college level coursework in public administration, business administration, criminal justice, or other related field. Equivalent to an Associate of Arts Degree from an accredited college in a related field is desirable.

License or Certificate:

Possession of a valid California driver's license.

Code Enforcement Officer II

In addition to the qualifications for Code Enforcement Officer I:

Knowledge of:

City codes, ordinances, laws and regulations pertaining to zoning, signs, water conservation, environmental issues and neighborhood blight.

Basic legal procedures regarding City/County services, programs and governmental operations.

QUALIFICATIONS (Continued)

Code Enforcement Officer II

In addition to the qualifications for Code Enforcement Officer I:

Knowledge of:

Principles, practices, methods and techniques of code enforcement including some familiarity with criminal law and enforcement.

Research methods.

Ability to:

Inspect and identify violations of applicable City codes and ordinances.

Use and interpret various government codes.

Work independently with minimum supervision.

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 journey level experience in code enforcement, investigative or public relations which include enforcing established laws, codes, or regulations, OR

One year of experience as a Code Enforcement Officer I.

Training:

Equivalent to completion of the twelfth grade supplemented by college level coursework in public administration, business administration, criminal justice, or other related field. Equivalent to an Associate of Arts Degree from an accredited college in a related field is desirable.

License or Certificate:

Possession of a valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; exposure to inclement weather conditions.

Field 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 for an entire work shift.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-310

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE TO AMEND THE SALARY RANGE FOR CODE ENFORCEMENT OFFICER I/II.

WHEREAS, Exhibit "A" of Resolution No. 95-26 has been previously amended by Resolution Nos. 95-349, 95-449, 96-328, 97-116, and 97-241, and

WHEREAS, the City Council desires to further 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 24, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" amends the class specifications for Code Enforcement Officer I from Range 112 to Range 119, and Code Enforcement Officer II from Range 116 to Range 119.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 3, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective June 24, 1997

RANGE	TITLE
101	Custodian I
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 & Property Specialist
112	
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator Code Enforcement Officer I

116	Equipment Operator Fire Prevention Technician I Meter Reader/Repair Worker Motor Sweeper Operator Traffic Technician Traffic Painter Traffic Sign Worker Water Line Worker Wastewater Collection System Operator
117	Electrical Technician II Storm Water Inspector
118	Fleet Procurement Specialist Senior Storeskeeper Street Trees Crewleader 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**
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Assistant Lab Technician Systems Technician Meter Reader Crewleader
121	

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

133

134 Senior Building Inspector
Senior Construction Inspector
Fire Plan Checker
Plan Review Engineer

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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-311

A RESOLUTION APPROVING THE FINAL MAP OF THE NOTTINGHAM PLACE PHASE 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Stewart W. Bradley and Betty J. Bradley, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.72 acres, known as Nottingham Place Phase 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission 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 Place Phase 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 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.

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 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-312

A RESOLUTION APPROVING AN AGREEMENT WITH BALL JANIK LLP FOR PROVISION OF FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY OF MODESTO FOR FISCAL YEAR 1997-98

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Ball Janik LLP for Federal Legislative Advocacy for the City of Modesto during 1997-98 fiscal 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 3rd day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

CITY OF MODESTO
LOCAL AGENCY RESOLUTION

Print

NUMBER 97-313

RESOLUTION AUTHORIZING AND APPROVING THE BORROWING OF FUNDS FOR FISCAL YEAR 1997-1998; THE ISSUANCE AND SALE OF A 1997-1998 TAX AND REVENUE ANTICIPATION NOTE THEREFOR AND PARTICIPATION IN THE CALIFORNIA COMMUNITIES CASH FLOW FINANCING PROGRAM, AND SUPERSEDING RES. NO. 97-251.

WHEREAS, local agencies are authorized by Section 53850 to 53858, both inclusive, of the Government Code of the State of California (the "Act") (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of the Government Code) to borrow money by the issuance of temporary notes;

WHEREAS, the legislative body (the "Legislative Body") of the local agency specified in Section 25 hereof (the "Local Agency") has determined that a sum (the "Principal Amount"), not to exceed the Maximum Amount of Borrowing specified in Section 25 hereof, which Principal Amount is to be confirmed and set in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the Local Agency, to satisfy obligations of the Local Agency, and that it is necessary that said Principal Amount be borrowed for such purpose at this time by the issuance of a note therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to its fiscal year ending June 30, 1997 ("Fiscal Year 1997-1998");

WHEREAS, the Local Agency hereby determines to borrow, for the purposes set forth above, the Principal Amount by the issuance of the Note (as hereinafter defined);

WHEREAS, it appears, and this Legislative Body hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys of the Local Agency attributable to Fiscal Year 1997-1998 and available for the payment of the principal of the Note and the interest thereon;

WHEREAS, no money has heretofore been borrowed by or on behalf of the Local Agency through the issuance of tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by, taxes, income, revenue, cash receipts or other moneys for Fiscal Year 1997-1998;

WHEREAS, pursuant to Section 53856 of the Act, certain moneys which will be received by the Local Agency during and attributable to Fiscal Year 1997-1998 can be pledged for the payment of the principal of the Note and the interest thereon (as hereinafter provided);

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WHEREAS, the Local Agency has determined that it is in the best interests of the Local Agency to participate in the California Communities Cash Flow Financing Program (the "Program"), whereby participating local agencies (collectively, the "Issuers") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the Program requires the participating Issuers to sell their tax and revenue anticipation notes to the California Statewide Communities Development Authority (the "Authority") pursuant to note purchase agreements (collectively, "Purchase Agreements"), each between such individual Issuer and the Authority, and dated as of the date of the Pricing Confirmation, a form of which has been submitted to the Legislative Body;

WHEREAS, the Authority, in consultation with Sutro & Co. Incorporated, as financial advisor for the Program (the "Financial Advisor"), will form one or more pools of notes (the "Pooled Notes") and assign each note to a particular pool (the "Pool") and sell a series (the "Series") of bonds (the "Bonds") secured by each Pool pursuant to an indenture (the "Indenture") between the Authority and U.S. Trust Company of California, N.A., as trustee (the "Trustee"), each Series distinguished by whether or what type(s) of Credit Instrument(s) (as hereinafter defined) secure(s) such Series, by the principal amounts of the notes assigned to the Pool or by other factors, and the Local Agency hereby acknowledges and approves the discretion of the Authority to assign the Note to such Pool and such Indenture as the Authority may determine;

WHEREAS, as additional security for the owners of each Series of Bonds, all or a portion of the payments by all of the Issuers of the notes assigned to such Series may or may not be secured (by virtue or in form of the Bonds, as indicated in the Pricing Confirmation, being secured in whole or in part) by an irrevocable letter (or letters) of credit or policy (or policies) of insurance or proceeds of a separate bond issue issued for such purpose (the "Reserve Fund") or other credit instrument (or instruments) (collectively, the "Credit Instrument") issued by the credit provider or credit providers designated in the Indenture, as finally executed (collectively, the "Credit Provider"), pursuant to a credit agreement or agreements or commitment letter or letters or, in the case of the Reserve Fund, an indenture (the "Reserve Indenture") (collectively, the "Credit Agreement") between (i) in the case of an irrevocable letter (or letters) of credit or policy (or policies) of insurance, the Authority and the respective Credit Provider and (ii) in the case of the Reserve Fund, the Authority and U.S. Trust Company of California, N.A., as trustee of the Reserve Indenture (the "Reserve Trustee");

WHEREAS, if, as designated in the Pricing Confirmation, the Credit Instrument is the Reserve Fund, bonds issued pursuant to the Reserve Indenture (the "Reserve Bonds") may, as indicated in the Pricing Confirmation, be secured by an irrevocable letter of credit or policy of insurance or other credit instrument (the "Reserve Credit Instrument") issued by the credit provider identified in the Reserve Indenture as finally executed (the "Reserve Credit Provider"), pursuant to a credit agreement or commitment letter (the "Reserve Credit Agreement") identified in the Reserve Indenture as finally executed, such Reserve Credit Agreement being between the Authority and the Reserve Credit Provider;

WHEREAS, the net proceeds of the Note may be invested by the Local Agency in Permitted Investments (as defined in the Indenture) or in any other investment permitted by the laws of the State of California, as now in effect and as hereafter amended, modified or supplemented from time to time;

WHEREAS, as part of the Program each participating Issuer approves the Indenture, the alternative forms of Credit Agreements, if any, and the alternative forms of Reserve Credit Agreements, if any, in substantially the forms presented to the Legislative Body, with the final form of Indenture, type of Credit Instrument and corresponding Credit Agreement and type of Reserve Credit Instrument and

corresponding Reserve Credit Agreement, if any, to be determined and approved by delivery of the Pricing Confirmation;

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of (a) the fees of the Trustee and the costs of issuing the applicable Series of Bonds, and (b), if applicable, the fees of the Credit Provider, the fees of the Reserve Credit Provider (which shall be payable from, among other sources, investment earnings on the Reserve Fund and moneys in the Costs of Issuance Fund established and held under the Indenture), the Issuer's allocable share of all Predefault Obligations and the Issuer's Reimbursement Obligations, if any (each as defined in the Indenture);

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of the fees of the Reserve Trustee and the costs of issuing the applicable Series of Reserve Bonds, all such costs and fees being payable from the proceeds of the applicable Series of Bonds (or, with respect to costs and fees of the Reserve Credit Provider, as may otherwise be provided in the Reserve Indenture);

WHEREAS, pursuant to the Program, the underwriter will submit an offer to the Authority to purchase, in the case of each Pool of Notes, the Series of Bonds which will be secured by the Indenture to which such Pool will be assigned;

WHEREAS, it is necessary to engage the services of certain professionals to assist the Local Agency in its participation in the Program;

NOW, THEREFORE, the Legislative Body hereby finds, determines, declares and resolves as follows:

Section 1. Recitals. This Legislative Body hereby finds and determines that all the above recitals are true and correct.

Section 2. Authorization of Issuance. This Legislative Body hereby determines to borrow solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1997-1998, by the issuance of a note in the Principal Amount under Sections 53850 et seq. of the Act, designated the Local Agency's "1997-1998 Tax and Revenue Anticipation Note" (the "Note"), to be issued in the form of one fully registered note at the Principal Amount thereof, to be dated the date of its delivery to the initial purchaser thereof, to mature (without option of prior redemption) not more than fifteen months thereafter on a date indicated on the face thereof and determined in the Pricing Confirmation (the "Maturity Date"), and to bear interest, payable at maturity (and if the maturity is more than twelve months from the date of issuance, payable on the interim payment date set forth in the Pricing Confirmation) and computed upon the basis of a 360-day year consisting of twelve 30-day months, at a rate not to exceed ten percent (10%) per annum as determined in the Pricing Confirmation and indicated on the face of the Note (the "Note Rate"). If the Series of Bonds issued in connection with the Note is secured in whole or in part by a Credit Instrument or such Credit Instrument (other than the Reserve Fund) secures the Note in whole or in part and all principal of and interest on the Note is not paid in full at maturity or if payment of principal of and/or interest on the Note is paid (in whole or in part) by a draw under, payment by or claim upon a Credit Instrument which draw, payment or claim is not fully reimbursed on such date, such Note shall become a Defaulted Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or the portion (including the interest component, if applicable) thereof with respect to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate (as defined in the Indenture). If the Credit Instrument is the Reserve Fund and the Reserve Bonds issued to fund the Reserve Fund are

secured by the Reserve Credit Instrument and a Drawing (as defined in the Indenture) pertaining to the Note is not fully reimbursed by the Reserve Principal Payment Date (as defined in the Indenture), such Note shall become a Defaulted Reserve Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or portion (including the interest component, if applicable) with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. If the Note or the Series of Bonds issued in connection with the Note is unsecured in whole or in part and the Note is not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Instrument applies which is unpaid) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding three sentences, the obligation of the Local Agency with respect to such Defaulted Note or unpaid Note shall not be a debt or liability of the Local Agency prohibited by Article XVI, Section 18 of the California Constitution and the Local Agency shall not be liable thereon except to the extent of any available revenues attributable to Fiscal Year 1997-1998, as provided in Section 8 hereof. The percentage of the Note to which a Credit Instrument, if any, applies (the "Secured Percentage") shall be equal to the amount of the Credit Instrument divided by the aggregate amount of unpaid principal of and interest on the unpaid notes (or portions thereof) of all Issuers, expressed as a percentage (but not greater than 100%) as of the maturity date. The percentage of the Note to which the Reserve Credit Instrument, if any, applies (the "Secured Reserve Percentage") shall be equal to the amount of the Reserve Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof, including the interest component, if applicable), expressed as a percentage (but not greater than 100%) as of the Reserve Principal Payment Date.

Both the principal of and interest on the Note shall be payable in lawful money of the United States of America. The principal of and interest on the Note at maturity shall be paid upon surrender of the Note at the corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California.

The Note shall be issued in conjunction with the note or notes of one or more other Issuers as part of the Program and within the meaning of Section 53853 of the Act.

Section 3. Form of Note. The Note shall be issued in fully registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A as attached hereto and by reference incorporated herein, the blanks in said forms to be filled in with appropriate words and figures.

Section 4. Sale of Note; Delegation. The Note shall be sold to the Authority pursuant to the Purchase Agreement. The form of the Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit A thereto, presented to this meeting are hereby approved. The authorized representatives set forth in Section 25 hereof (the "Authorized Representatives") are each hereby authorized and directed to execute and deliver the Purchase Agreement in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the Purchase Agreement shall not be effective and binding on the Local Agency until the execution and delivery of the Pricing Confirmation. The Authorized Representatives are each hereby further authorized and directed to execute and deliver the Pricing Confirmation in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed ten percent (10%) per annum, the discount on the Note, when added to the Local Agency's share of the costs of issuance of the Bonds, shall not exceed one percent (1.0%), and the Principal Amount shall not exceed the Maximum Amount of

Borrowing. Delivery of an executed copy of the Pricing Confirmation by fax or telecopy shall be deemed effective execution and delivery for all purposes.

Section 5. Program Approval. The Pricing Confirmation shall indicate whether and what type of Credit Instrument and, if applicable, Reserve Credit Instrument will apply.

The forms of Indenture, alternative general types and forms of Credit Agreements, if any, and alternative general types and forms of Reserve Credit Agreements, if any, presented to this meeting are hereby acknowledged, and it is acknowledged that the Authority will execute and deliver the Indenture, one or more Credit Agreements, if applicable, and one or more Reserve Credit Agreements, if applicable, which shall be identified in the Pricing Confirmation, in substantially one or more of said forms with such changes therein as the Authorized Representative who executes the Pricing Confirmation shall require or approve (substantially final forms of the Indenture, the Credit Agreement and, if applicable, the Reserve Credit Agreement are to be delivered to the Authorized Representative concurrent with the Pricing Confirmation), such approval of the Authorized Representative and this Legislative Body to be conclusively evidenced by the execution of the Pricing Confirmation. If the Credit Agreement identified in the Pricing Confirmation is the Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds pursuant to and as provided in the Reserve Indenture as finally executed.

Any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Financial Advisor or the underwriter with such information relating to the Local Agency as the Financial Advisor or the underwriter shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement of the Authority. Upon inclusion of the information relating to the Local Agency therein, the Preliminary Official Statement and Official Statement or such other offering document is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the Local Agency and any Authorized Representative of the Local Agency is authorized to execute a certificate to such effect. If, at any time prior to the end of the underwriting period, as defined in the Rule, any event occurs as a result of which the information contained in the Preliminary Official Statement or other offering document relating to the Local Agency might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Local Agency shall promptly notify the Financial Advisor and the underwriter.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which full reimbursement on a draw, payment or claim has not been made by the Maturity Date shall be deemed outstanding and shall not be deemed to be paid until (i) any Credit Provider providing a Credit Instrument with respect to the Note or the Series of Bonds issued in connection with the Note, has been reimbursed for any drawings, payments or claims made under or from the Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the applicable Credit Agreement, and, (ii) the holders of the Note, or Series of the Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Reserve Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Reserve Credit Instrument, if any, applies for which full reimbursement on a Drawing has not been made by the Reserve Principal Payment

Date shall be deemed outstanding and shall not be deemed paid until (i) any Reserve Credit Provider providing a Reserve Credit Instrument with respect to the Reserve Bonds (against the Reserve Fund of which such Drawing was made) has been reimbursed for any Drawing or payment made under the Reserve Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the Reserve Credit Agreement, and (ii) the holders of the Note, or Series of Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For the purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

The Local Agency agrees to pay or cause to be paid, in addition to the amounts payable under the Note, any fees or expenses of the Trustee and, to the extent permitted by law, if the Local Agency's Note is secured in whole or in part by a Credit Instrument and, if applicable, a Reserve Credit Instrument (by virtue of the fact that the Series of Bonds is secured by a Credit Instrument and, if applicable, Reserve Bonds are secured by a Reserve Credit Instrument), any Predefault Obligations and Reimbursement Obligations (to the extent not payable under the Note), (i) arising out of an "Event of Default" hereunder (or pursuant to Section 7 hereof) or (ii) arising out of any other event (other than an event arising solely as a result of or otherwise attributable to a default by any other Issuer). In the case described in (ii) above with respect to Predefault Obligations, the Local Agency shall owe only the percentage of such fees, expenses and Predefault Obligations equal to the ratio of the principal amount of its Note over the aggregate principal amounts of all notes, including the Note, of the Series of which the Note is a part, at the time of original issuance of such Series. Such additional amounts will be paid by the Local Agency within twenty-five (25) days of receipt by the Local Agency of a bill therefor from the Trustee.

Section 6. No Joint Obligation. The Note will be issued in conjunction with a note or notes of one or more other Issuers, assigned to secure a Series of Bonds. In all cases, the obligation of the Local Agency to make payments on or in respect to its Note is a several and not a joint obligation and is strictly limited to the Local Agency's repayment obligation under this Resolution and the Note.

Section 7. Disposition of Proceeds of Note. A portion of the moneys received from the sale of the Note in an amount equal to the Local Agency's share of the costs of issuance (which shall include any fees and expenses in connection with any Credit Instrument (and the Reserve Credit Instrument, if any) applicable to the Note or Series of Bonds and the corresponding Reserve Bonds, if any) shall be deposited in the Costs of Issuance Fund held and invested by the Trustee under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The balance of the moneys received from the sale of the Note to the Authority shall be deposited in the Local Agency's Proceeds Subaccount hereby authorized to be created pursuant to, and held and invested by the Trustee under, the Indenture for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Subaccount as specified in the Indenture. Amounts in the Proceeds Subaccount are hereby pledged to the payment of the Note. The Trustee will not create subaccounts within the Proceeds Fund, but will keep records to account separately for proceeds of the Bonds allocable to the Local Agency's Note on deposit in the Proceeds Fund which shall constitute the Local Agency's Proceeds Subaccount.

Section 8. Source of Payment.

(A) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal

governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1997-1998 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency hereby pledges certain unrestricted revenues (as hereinafter provided, the "Pledged Revenues") which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1997-1998, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such Pledged Revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1997-1998 and which are generally available for the payment of current expenses and other obligations of the Local Agency. The Noteholders, Bondholders, Credit Provider and, if applicable, the Reserve Credit Provider shall have a first lien and charge on such certain unrestricted revenues as hereinafter provided which are received by the Local Agency and are attributable to Fiscal Year 1997-1998.

In order to effect the pledge referenced in the preceding paragraph, the Local Agency hereby agrees and covenants to establish and maintain a special account within the Local Agency's general fund to be designated the "1997-1998 Tax and Revenue Anticipation Note Payment Account" (the "Payment Account") and further agrees and covenants to maintain the Payment Account until the payment of the principal of the Note and the interest thereon. Notwithstanding the foregoing, if the Local Agency elects to have Note proceeds invested in Permitted Investments to be held by the Trustee pursuant to the Pricing Confirmation, a subaccount of the Payment Account (the "Payment Subaccount") shall be established for the Local Agency under the Indenture and proceeds credited to such account shall be pledged to the payment of the Note. The Trustee need not create a subaccount, but may keep a record to account separately for proceeds of the Note so held and invested by the Trustee which record shall constitute the Local Agency's Proceeds Subaccount. Transfers from the Payment Subaccount shall be made in accordance with the Indenture. The Local Agency agrees to transfer to and deposit in the Payment Account the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1997-1998) until the amount on deposit in the Payment Account, together with the amount, if any, on deposit in the Payment Subaccount, is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentage of the principal and interest due on the Note specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Account from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Account shall nevertheless be subject to the lien and charge created herein. Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note required to be on deposit in the Payment Account and/or the Payment Subaccount in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such Authorized Representative; provided, however, that the maximum number of Repayment Months shall be six and the maximum amount of Pledged Revenues required to be deposited in each Repayment Month shall not exceed fifty percent (50%) of the aggregate principal and interest due on the Note. In the event on the day in each such Repayment Month that a deposit to the Payment Account is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Account of the full amount of Pledged Revenues to be deposited in the Payment Account from said unrestricted revenues in said month, then the amount of any deficiency shall be

satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available.

(B) Any moneys placed in the Payment Account or the Payment Subaccount shall be for the benefit of (i) the holder of the Note and the holders of Bonds issued in connection with the Notes, (ii) (to the extent provided in the Indenture) the Credit Provider, if any, and (iii) (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the Reserve Credit Provider, if any. The moneys in the Payment Account and the Payment Subaccount shall be applied only for the purposes for which such Accounts are created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity (in accordance with the requirements for defeasance of the Bonds as set forth in the Indenture) and, if applicable, (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the payment of all Predefault Obligations and Reimbursement Obligations owing to the Credit Provider and, if applicable, the Reserve Credit Provider.

(C) The Local Agency hereby directs the Trustee to transfer on the Note Payment Deposit Date (as defined in the Indenture), any moneys in the Payment Subaccount to the Bond Payment Fund (as defined in the Indenture). In addition, on the Note Payment Deposit Date, the moneys in the Payment Account shall be transferred by the Local Agency to the Trustee, to the extent necessary (after crediting any transfer pursuant to the preceding sentence), to pay the principal of and/or interest on the Note or to reimburse the Credit Provider for payments made under or pursuant to the Credit Instrument. In the event that moneys in the Payment Account and/or the Payment Subaccount are insufficient to pay the principal of and interest on the Note in full when due, such moneys shall be applied in the following priority: first to pay interest on the Note; second to pay principal of the Note; third to reimburse the Credit Provider for payment, if any, of interest with respect to the Note; fourth to reimburse the Credit Provider for payment, if any, of principal with respect to the Note; fifth to reimburse the Reserve Credit Provider, if any, for payment, if any, of interest with respect to the Note; sixth to reimburse the Reserve Credit Provider, if any, for payment, if any, of principal with respect to the Note; and seventh to pay any Reimbursement Obligations of the Local Agency and any of the Local Agency's pro rata share of Predefault Obligations owing to the Credit Provider and Reserve Credit Provider (if any) as applicable. Any moneys remaining in or accruing to the Payment Account and/or the Payment Subaccount after the principal of the Note and the interest thereon and any Predefault Obligations and Reimbursement Obligations, if applicable, have been paid, or provision for such payment has been made, shall be transferred to the general fund of the Local Agency, subject to any other disposition required by the Indenture, or, if applicable, the Credit Agreement. Nothing herein shall be deemed to relieve the Local Agency from its obligation to pay its Note in full on the Maturity Date.

(D) Moneys in the Proceeds Subaccount and in the Payment Subaccount shall be invested by the Trustee pursuant to the Indenture as directed by the Local Agency in Permitted Investments as described in and under the terms of the Indenture. Any such investment by the Trustee shall be for the account and risk of the Local Agency, and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, the Predefault Obligations or Reimbursement Obligations, if any, by reason of such investment of the moneys in its Proceeds Subaccount or the Payment Subaccount.

(E) At the written request of the Credit Provider, if any, or the Reserve Credit Provider, if any, the Local Agency shall, within ten (10) Business Days following the receipt of such written request, file such report or reports to evidence the transfer to and deposit in the Payment Account required by this Section 8 and provide such additional financial information as may be required by the Credit Provider, if any, or the Reserve Credit Provider, if any.

Section 9. Execution of Note. Any one of the Authorized Representatives of the Local Agency or any other officer designated by the Legislative Body shall be authorized to execute the Note by manual or facsimile signature and the Secretary or Clerk of the Legislative Body of the Local Agency, or any duly appointed assistant thereto, shall be authorized to countersign the Note by manual or facsimile signature. Said Authorized Representative of the Local Agency, is hereby authorized to cause the blank spaces of the Note to be filled in as may be appropriate pursuant to the Pricing Confirmation. The Authorized Representative is hereby authorized and directed to cause the Authority to assign the Note to the Trustee, pursuant to the terms and conditions of the Purchase Agreement, this Resolution and the Indenture. In case any Authorized Representative whose signature shall appear on any Note shall cease to be an Authorized Representative before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Note need not bear the seal of the Local Agency, if any.

Section 10. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 11. Representations and Covenants of the Local Agency.

The Local Agency makes the following representations for the benefit of the holder of the Note, the owners of the Bonds, the Credit Provider, if any, and the Reserve Credit Provider, if any:

(A) The Local Agency is duly organized and existing under and by virtue of the laws of the State of California and has all necessary power and authority to (i) adopt this Resolution and perform its obligations thereunder, (ii) enter into and perform its obligations under the Purchase Agreement, and (iii) issue the Note and perform its obligations thereunder.

(B) (i) Upon the issuance of the Note, the Local Agency shall have taken all action required to be taken by it to authorize the issuance and delivery of the Note and the performance of its obligations thereunder, and (ii) the Local Agency has full legal right, power and authority to issue and deliver the Note.

(C) The issuance of the Note, the adoption of the Resolution and the execution and delivery of the Purchase Agreement, and compliance with the provisions hereof and thereof do not conflict with, breach or violate any law, administrative regulation, court decree, resolution, charter, by-laws or other agreement to which the Local Agency is subject or by which it is bound.

(D) Except as may be required under blue sky or other securities laws of any state or Section 3(a)(2) of the Securities Act of 1933, there is no consent, approval, authorization or other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the Local Agency required for the issuance and sale of the Note or the consummation by the Local Agency of the other transactions contemplated by this Resolution, except those the Local Agency shall obtain or perform prior to or upon the issuance of the Note.

(E) The Local Agency has (or will have prior to the issuance of the Note) duly, regularly and properly adopted a preliminary budget for Fiscal Year 1997-1998 setting forth expected revenues and expenditures and has complied with all statutory and regulatory requirements with respect to the adoption of such budget. The Local Agency hereby covenants that it shall (i) duly, regularly and properly prepare and adopt its final budget for Fiscal Year 1997-1998, (ii) provide to the Trustee, the Credit Provider, if any, the Reserve Credit Provider, if any, and the Financial Advisor and the underwriter, promptly upon adoption, copies of such final budget and of any subsequent revisions, modifications or amendments thereto and (iii) comply with all applicable laws pertaining to its budget.

(F) The sum of the principal amount of the Local Agency's Note plus the interest payable thereon, on the date of its issuance, shall not exceed fifty percent (50%) of the estimated amounts of the Local Agency's uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1997-1998, all of which will be legally available to pay principal of and interest on the Note.

(G) The Local Agency (i) has not defaulted within the past twenty (20) years, and is not currently in default, on any debt obligation and (ii), to the best knowledge of the Local Agency, has never defaulted on any debt obligation.

(H) The Local Agency's most recent audited financial statements present fairly the financial condition of the Local Agency as of the date thereof and the results of operation for the period covered thereby. Except as has been disclosed to the Financial Advisor and the underwriter, the Credit Provider, if any, and the Reserve Credit Provider, if any, there has been no change in the financial condition of the Local Agency since the date of such audited financial statements that will in the reasonable opinion of the Local Agency materially impair its ability to perform its obligations under this Resolution and the Note. The Local Agency agrees to furnish to the Authority, the Financial Advisor, the underwriter, the Trustee, the Credit Provider, if any, and the Reserve Credit Provider, if any, promptly, from time to time, such information regarding the operations, financial condition and property of the Local Agency as such party may reasonably request.

(I) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, arbitrator, governmental or other board, body or official, pending or, to the best knowledge of the Local Agency, threatened against or affecting the Local Agency questioning the validity of any proceeding taken or to be taken by the Local Agency in connection with the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution, or seeking to prohibit, restrain or enjoin the execution, delivery or performance by the Local Agency of any of the foregoing, or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the Local Agency's financial condition or results of operations or on the ability of the Local Agency to conduct its activities as presently conducted or as proposed or contemplated to be conducted, or would materially adversely affect the validity or enforceability of, or the authority or ability of the Local Agency to perform its obligations under, the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution.

(J) Upon issuance of the Note and execution of the Purchase Contract, this Resolution, the Purchase Contract and the Note will constitute legal, valid and binding agreements of the Local Agency, enforceable in accordance with their respective terms, except as such enforceability may be limited by bankruptcy or other laws affecting creditors' rights generally, the application of equitable principles if equitable remedies are sought, the exercise of judicial discretion in appropriate cases and the limitations on legal remedies against local agencies, as applicable, in the State of California.

(K) The Local Agency and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them, if any, for the levy, receipt, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Note.

(L) The Local Agency shall not incur any indebtedness secured by a pledge of its Pledged Revenues unless such pledge is subordinate in all respects to the pledge of Pledged Revenues hereunder.

(M) So long as the Credit Provider, if any, is not in payment default under the Credit Instrument or the Reserve Credit Provider, if any, is not in default under the corresponding Reserve Credit Agreement, the Local Agency hereby agrees to pay its pro rata share of all Predefault Obligations and all Reimbursement Obligations attributable to the Local Agency in accordance with provisions of the Credit Agreement, if any, the Reserve Credit Agreement, if any, and/or the Indenture, as applicable. Prior to the Maturity Date, moneys in the Local Agency's Payment Account and/or Payment Subaccount shall not be used to make such payments. The Local Agency shall pay such amounts promptly upon receipt of notice from the Credit Provider or from the Reserve Credit Provider, if applicable, that such amounts are due to it.

(N) So long as any Bonds issued in connection with the Notes are Outstanding, or any Predefault Obligation or Reimbursement Obligation is outstanding, the Local Agency will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

Section 12. Tax Covenants. (A) The Local Agency shall not take any action or fail to take any action if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Note or Bonds under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the Local Agency shall not make any use of the proceeds of the Note or Bonds or any other funds of the Local Agency which would cause the Note or Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code, a "private activity bond" within the meaning of Section 141(a) of the Code, or an obligation the interest on which is subject to federal income taxation because it is "federally guaranteed" as provided in Section 149(b) of the Code. The Local Agency, with respect to the proceeds of the Note, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued or applicable thereunder to the extent that such requirements are, at the time, applicable and in effect.

(B) The Local Agency hereby (i) represents that the aggregate face amount of all tax-exempt obligations (including any tax-exempt leases, but excluding private activity bonds), issued and to be issued by the Local Agency during calendar year 1997, including the Note, is not reasonably expected to exceed $5,000,000; or (ii) covenants that the Local Agency will take all legally permissible steps necessary to ensure that all of the gross proceeds of the Note will be expended no later than the day that is six months after the date of issuance of the Note so as to satisfy the requirements of Section 148(f)(4)(B) of the Code.

(C) Notwithstanding any other provision of this Resolution to the contrary, upon the Local Agency's failure to observe, or refusal to comply with, the covenants contained in this Section 12, no one other than the holders or former holders of the Note, the owners of the Bond, the Credit Provider, if any, the Reserve Credit Provider, if any, or the Trustee on their behalf shall be entitled to exercise any right or remedy under this Resolution on the basis of the Local Agency's failure to observe, or refusal to comply with, such covenants.

(D) The covenants contained in this Section 12 shall survive the payment of the Note.

Section 13. Events of Default and Remedies.

If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(A) Failure by the Local Agency to make or cause to be made the transfers and deposits to the Payment Account, or any other payment required to be paid hereunder, including

payment of principal and interest on the Note, on or before the date on which such transfer, deposit or other payment is due and payable;

(B) Failure by the Local Agency to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given to the Local Agency by the Trustee, the Credit Provider, if applicable, or the Reserve Credit Provider, if applicable, unless the Trustee and the Credit Provider or the Reserve Credit Provider, if applicable, shall all agree in writing to an extension of such time prior to its expiration;

(C) Any warranty, representation or other statement by or on behalf of the Local Agency contained in this Resolution or the Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the Local Agency or in any instrument furnished in compliance with or in reference to this Resolution or the Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(D) A petition is filed against the Local Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect and is not dismissed within 30 days after such filing, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' (or Noteholders') interests;

(E) The Local Agency files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(F) The Local Agency admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the Local Agency or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' or Noteholders' interests.

Whenever any Event of Default referred to in this Section 13 shall have happened and be continuing, the Trustee, as holder of the Note, shall, in addition to any other remedies provided herein or by law or under the Indenture, if applicable, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the Local Agency to pay to the Trustee, as holder of the Note, an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the Local Agency the same shall become immediately due and payable by the Local Agency without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder and under the Note or to enforce any other of its rights hereunder.

Notwithstanding the foregoing, if the Local Agency's Note is secured in whole or in part by a Credit Instrument (other than the Reserve Fund) or if the Credit Provider is subrogated to rights under the Local Agency's Note, as long as the Credit Provider has not failed to comply with its payment obligations under the Credit Instrument, the Credit Provider shall have the right to direct the remedies upon any Event of Default hereunder, and, not withstanding the foregoing, if a Reserve Credit Instrument is applicable, as long as the Reserve Credit Provider has not failed to comply with its payment obligations under the Reserve Credit Agreement, the Reserve Credit Provider shall have the right (prior to the Credit Provider) to direct the remedies upon any Event of Default hereunder, in each case so long as such action will not materially adversely affect the rights of any Bond Owner, and the Credit Provider's and Reserve Credit Provider's (if any) prior consent shall be required to any remedial action proposed to be taken by the Trustee hereunder.

If the Credit Provider is not reimbursed for any drawing, payment or claim, as applicable, used to pay principal of and interest on the Note due to a default in payment on the Note by the Local Agency, or if any principal of or interest on the Note remains unpaid after the Maturity Date, the Note shall be a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been made shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

If the Credit Instrument is the Reserve Fund and the Reserve Bonds are secured by the Reserve Credit Instrument and all principal of and interest on the Note is not paid in full by the Reserve Principal Payment Date, the Defaulted Note shall become a Defaulted Reserve Note and the unpaid portion (including the interest component, if applicable) thereof (or the portion thereof with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Reserve Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

Section 14. Trustee. The Local Agency hereby directs and authorizes the payment by the Trustee of the interest on and principal of the Note when such become due and payable, from amounts received by the Trustee from the Local Agency in the manner set forth herein. The Local Agency hereby covenants to deposit funds in such account or fund, as applicable, at the time and in the amount specified herein to provide sufficient moneys to pay the principal of and interest on the Note on the Note Payment Deposit Date. Payment of the Note shall be in accordance with the terms of the Note and this Resolution.

Section 15. Sale of Note. The Note shall be sold to the Authority, in accordance with the terms of the Purchase Agreement, hereinbefore approved, and issued payable to the Trustee, as assignee of the Authority.

Section 16. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 17. Approval of Actions. The aforementioned Authorized Representatives of the Local Agency are hereby authorized and directed to execute the Note and cause the Trustee to accept delivery of the Note, pursuant to the terms and conditions of the Purchase Agreement and the Indenture. All actions heretofore taken by the officers and agents of the Local Agency or this Legislative Body with respect to the sale and issuance of the Note and participation in the Program are hereby approved, confirmed and ratified and the Authorized Representatives and agents of the Local Agency are hereby authorized and directed, for and in the name and on behalf of the Local Agency, to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents which

they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note in accordance with, and related transactions contemplated by, this Resolution. The Authorized Representatives of the Local Agency referred to above in Section 4 hereof are hereby designated as "Authorized Local Agency Representatives" under the Indenture.

In the event that the Note or a portion thereof is secured by a Credit Instrument, any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Credit Provider and, if applicable, the Reserve Credit Provider, with any and all information relating to the Local Agency as such Credit Provider or Reserve Credit Provider may reasonably request.

Section 18. Proceedings Constitute Contract. The provisions of the Note and of this Resolution shall constitute a contract between the Local Agency and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrepealable. The Credit Provider, if any, and the Reserve Credit Provider, if any, are third party beneficiaries of the provisions of this Resolution and the Note.

Section 19. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the Local Agency shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 8 hereof.

Section 20. Amendments. At any time or from time to time, the Local Agency may adopt one or more Supplemental Resolutions with the written consents of the Authority, the Credit Provider, if any, and the Reserve Credit Provider, if any, but without the necessity for consent of the owner of the Note or of the Bonds issued in connection with the Note for any one or more of the following purposes:

(A) to add to the covenants and agreements of the Local Agency in this Resolution, other covenants and agreements to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(B) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(C) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(D) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(E) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owners of the Note or of the Bonds issued in connection with the Notes.

Any modifications or amendment of this Resolution and of the rights and obligations of the Local Agency and of the owner of the Note or of the Bonds issued in connection with the Note may be made by a Supplemental Resolution, with the written consents of the Authority, the Credit Provider,

if any, and the Reserve Credit Provider, if any, and with the written consent of the owners of at least a majority in principal amount of the Note and of the Bonds issued in connection with the Note outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note or any Bonds issued in connection with the Note remain outstanding, the consent of the owners of such Note or of such Bonds shall not be required. No such modification or amendment shall permit a change in the maturity of the Note or a reduction of the principal amount thereof or an extension of the time of any payment thereon or a reduction of the rate of interest thereon, or a change in the date or amounts of the pledge set forth in this Resolution, without the consent of the owners of such Note or the owners of all the Bonds issued in connection with the Note, or shall reduce the percentage of the Note or Bonds the consent of the owners of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee without its written assent thereto.

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program. The Local Agency acknowledges that Bond Counsel regularly performs legal services for many private and public entities in connection with a wide variety of matters, and that Bond Counsel has represented, is representing or may in the future represent other public entities, underwriters, trustees, rating agencies; insurers, credit enhancement providers, lenders, financial and other consultants who may have a role or interest in the proposed financing or that may be involved with or adverse to Local Agency in this or some other matter. Given the special, limited role of Bond Counsel described above the Local Agency acknowledges that no conflict of interest exists or would exist, waives any conflict of interest that might appear to exist, and consents to any and all such relationships.

Section 23. Appointment of Financial Advisor and Underwriter. Sutro & Co. Incorporated, Los Angeles, California is hereby appointed as financial advisor for the Program. Morgan Stanley & Co. Inc., together with such co-underwriters, if any, identified in the Purchase Contract, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

(A) Name of Local Agency: CITY OF MODESTO

(B) Maximum Amount of Borrowing: $12,000,000

(C) Authorized Representatives:

TITLE

1. Director or Interim Director of Finance
2. City Manager
3. City Clerk/Auditor

Section 26. Supersede Previous Resolution. This resolution supersedes City Council Resolution No. 97-251.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

[NAME OF LOCAL AGENCY]
1997-1998 TAX AND REVENUE ANTICIPATION NOTE, [SERIES _][*/]

Interest Rate	Maturity Date	Date of Original Issue

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

FOR VALUE RECEIVED, the Local Agency designated above (the "Local Agency"), acknowledges itself indebted to and promises to pay to the registered owner identified above, or registered assigns, on the maturity date set forth above, the principal sum specified above in lawful money of the United States of America, and to pay interest thereon [on _____, 1997 and] at maturity at the rate of interest specified above (the "Note Rate"). Principal of and interest on this Note are payable in such coin or currency of the United States as at the time of payment is legal tender for payment of private and public debts. Principal and interest at maturity shall be paid upon surrender hereof at the principal corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California, or its successor in trust (the "Trustee"). Interest shall be calculated on the basis of a 360-day year, consisting of twelve 30-day months. Both the principal of and interest on this Note shall be payable only to the registered owner hereof as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the holder hereof fails to properly present this Note for payment. If the Local Agency fails to pay this Note when due or the Credit Provider (as defined in the Resolution hereinafter described and in that certain Indenture of Trust, dated as of _____ 1, 1997 (the "Indenture"), by and between the California Statewide Communities Development Authority and U.S. Trust Company of California, N.A., as trustee), if any, is not reimbursed in full for the amount drawn on or paid pursuant to the Credit Instrument (as defined in the Resolution and the Indenture) to pay all or a portion (including the interest component, if applicable) of this Note on the date of such payment, this Note shall become a Defaulted Note (as defined in the Resolution and the Indenture and with the consequences set forth in the Resolution and the Indenture, including, without limitation, that this Note as a Defaulted Note (and any related reimbursement obligation with respect to a credit instrument) shall bear interest at the Default Rate, as defined in the Indenture).

It is hereby certified, recited and declared that this Note represents the authorized issue of the Note in the aggregate principal amount authorized, executed and delivered pursuant to and by authority of certain resolutions of the Local Agency duly passed and adopted heretofore, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the "Resolution"), to all of the provisions and limitations of which the owner of this Note, by acceptance hereof, assents and agrees.

The principal of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1997-1998 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency has pledged the first amounts of unrestricted revenues of the Local Agency received on the last day of _____ and _____ (and any amounts received thereafter attributable to Fiscal Year 1997-1998) until the amount on deposit in the Payment Account (as defined in the Resolution), together with available amounts, if any, on deposit in the Payment Subaccount (as defined in the Resolution) in each such month, is equal to the corresponding percentages of principal of and interest due on the Note as set forth in the Pricing Confirmation (as defined in the Resolution) (such pledged amounts being hereinafter called the "Pledged Revenues"), and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues, and to the extent not so paid shall be paid from any other moneys of the Local Agency lawfully available therefor as set forth in the

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[*/] If more than one Series of Bonds is issued under the Program in Fiscal Year 1997-1998 and if the Note is pooled with notes issued by other Issuers (as defined in the Resolution).

Resolution. The full faith and credit of the Local Agency is not pledged to the payment of the principal of or interest on this Note.

The Local Agency and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Local Agency and the Trustee shall not be affected by any notice to the contrary.

It is hereby certified that all of the conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of California and that the amount of this Note, together with all other indebtedness of the Local Agency, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

IN WITNESS WHEREOF, the Legislative Body of the Local Agency has caused this Note to be executed by the manual or facsimile signature of a duly Authorized Representative of the Local Agency and countersigned by the manual or facsimile signature of the Secretary or Clerk of the Legislative Body as of the date of authentication set forth below.

[NAME OF LOCAL AGENCY]

By _____
Title:

Countersigned

By _____
Title:

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-314

A RESOLUTION COMMENDING THE MODESTO POLICE RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves ("Reserves") have contributed many hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, in 1996 there were approximately thirty-eight (38) Reserves in the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, and

WHEREAS, the Reserves worked with the Modesto Police Department, performing whatever duties might have been requested in the way of enforcing laws, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1996, the Reserves served a total of twenty thousand eight hundred ninety-six (20,896) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Reserve Officers who devoted many personal hours of service to the Modesto Police Reserves during the year 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-315

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT CITIZEN VOLUNTEERS FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Citizen Volunteers ("Volunteers") have contributed many hours each year to the City of Modesto by assisting the Police Department in providing hours of service to its citizens, and

WHEREAS, in 1996, there were approximately fifty-six (56) volunteer citizens from our community who devoted many hours of their own time to the Modesto Police Department, and

WHEREAS, the Volunteers worked with the Modesto Police Department, performing duties during the year which included assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, during the year 1996, the Volunteers served a total of five thousand five hundred forty (5,540) hours of time to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in recognition of performance of outstanding service to the City of Modesto Police Department, the Council hereby commends the participants of the Citizen Volunteer Program for their contribution to the community and for the reduction of costs and enhancement of services rendered by the contribution of many hours of service.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Volunteers who devoted many personal hours of service to the Modesto Police Department and citizens 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 10th day of June, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-316

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT EXPLORERS FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Explorers ("Explorers") have contributed numerous hours each year to the City of Modesto by assisting the Police Department in providing hours of service to its citizens, and

WHEREAS, in 1996 there were approximately twenty-seven (27) explorers in the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Explorers worked with the Modesto Police Department, performing whatever duties might have been requested in all the divisions of the Police Department, including assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, during the year 1996, the Explorers served a total of three thousand five hundred fifteen (3,515) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Department Explorers is hereby commended for contributing many hours of service in the organization which so

greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Explorers who devoted many personal hours of service to the Modesto Police Department and citizens 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 10th day of June, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-317

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT THE CORNER OF SIXTH AND "I" STREETS (COMMONLY REFERRED TO AS 601 AND 607 "I" STREET, AND 908 SIXTH STREET) A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Robbon Properties, a Partnership, and Susanna N. Grossman, an individual, have title to and are record owners of property located at the corner of Sixth and "I" Streets in the City of Modesto, County of Stanislaus (commonly referred to as 601 and 607 "I" Street, and 908 Sixth Street), hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at Sixth and "I" Streets consists of three separate buildings and a total of 14 individual apartment units, 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 to abate the nuisance by repair or demolition, and

WHEREAS, an inspection of the premises was conducted by City of Modesto Building Inspection personnel on February 25, 1997, and

WHEREAS, a "Notice to Vacate" was posted on the premises on March 4, 1997, pursuant to Section 1103.2 of the Uniform Housing Code, and

WHEREAS, a Notice and Order dated March 11, 1997, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence by May 12, 1997, and said Notice and Order also stipulated that repairs or demolition were to be completed no later than July 11, 1997, and

WHEREAS, said Notice and Order of March 11, 1997, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, 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 April 15, 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 March 11, 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 the security fence enclosing the premises has been routinely breached by vagrants and transients, and

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

WHEREAS, the owner(s) have been served with a Notice and Order to Repair or Demolish 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, June 10, 1997, 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 601 I Street, 607 I Street, and 908 Sixth Street, 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 owners 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 601 "I" Street and 607 "I" Street, and 908 Sixth Street, hereinafter referred to collectively as the "premises", is hereby declared a public nuisance.

2. That the owner(s) of said premises are hereby directed and ordered to abate the nuisance by repair or demolition within thirty (30) days from the date of the posting of this resolution.

3. That if owner(s) fail to abate the nuisance within thirty (30) days from the date of the posting of this resolution, then, pursuant to 25 California Code of Regulations, Section 66, the City shall acquire jurisdiction to abate the nuisance; and, accordingly, the Chief Building Official, or his authorized designee, is hereby authorized and directed to enter said premises for the purpose of conducting inspection to determine the existence of asbestos or other contaminants that may be located

on said premises.

4. That, on or about thirty (30) days after such inspection of the premises, as set forth in number 3. above, the Development Services Division of the Community Development Department shall appear before the Council to report to the Council whether asbestos or other contaminants were located in said buildings or on said premises, and if so, the effect of asbestos or other contaminants in relation to the cost of abatement of said premises.

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. 97-317, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within sixty (60) days after passage of this Resolution No. 97-317, 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 buildings 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 buildings are 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 10th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY of MODESTO
Office of City Clerk
(209) 577-5396 FAX (209) 571-5152
801 11th Street, P. O. Box 642, Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]

June 13 , 1997

CERTIFIED - RETURN RECEIPT REQUESTED

Robbon Properties, A General Partnership
c/o Robert Pack, General Partner
Robert Pack
Bonnie Sue Mandel
Susanna N. Grossman
5283 Vista Grande Drive
Santa Rosa, CA 95403

James Wakeman, President
Commercial Pacific Bank
1000 41st Avenue
Santa Cruz, CA 95062

NOTICE OF PASSAGE OF RESOLUTION DECLARING NUISANCE AND ORDER DIRECTING OWNERS TO ABATE NUISANCE WITHIN 30 DAYS

PLEASE TAKE NOTICE that on June 10, 1997, the City Council of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 601 I Street, 607 I Street, and 908 Sixth Street (hereinafter referred to collectively as the "premises"). Following the public hearing the City Council adopted Resolution No. 97-317, a true and correct copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION NO. 97-317, THE PREMISES HAS BEEN DECLARED A PUBLIC NUISANCE AND THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO ABATE SUCH NUISANCE BY REPAIRING OR DEMOLISHING THE BUILDINGS ON THE PREMISES WITHIN THIRTY (30) DAYS OF THE DATE THIS NOTICE IS POSTED ON THE PREMISES.

In the event the owners fail to abate the nuisance within thirty (30) days of the posting of the Notice, the City of Modesto shall acquire jurisdiction over the premises and the Chief Building Official is hereby ordered to enter the premises and conduct an inspection for the purpose of determining the presence of asbestos or other contaminants. Following such inspection, the Chief Building Officer shall report to City Council regarding his findings and submit cost estimates for abatement of the nuisance. The City Council may resolve to abate the nuisance and place a lien on the real property to recover the expense of abatement, including administrative costs.

PLEASE TAKE FURTHER NOTICE that the owners of the premises or any other interested person having any objections, or feeling aggrieved at any proceeding taken by the City of Modesto in ordering abatement of the nuisance, must bring an action in a court of competent jurisdiction within thirty (30) days after the date of posting on the premises the Notice of Resolution and Order Directing Abatement of Nuisance to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

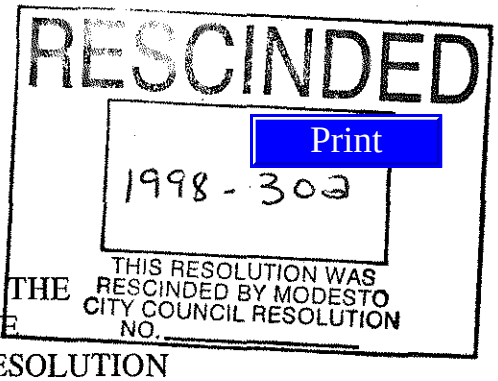
Dated: June 13, 1997

Jean Adams

JEAN ADAMS
City Clerk

JA/sw

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 97-318

A RESOLUTION REVISING TIPPING FEES AT THE WASTE-TO-ENERGY STANISLAUS RESOURCE RECOVERY FACILITY, AND RESCINDING RESOLUTION NO. 96-350.

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

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

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

WHEREAS, on April 1, 1997, the Board of Supervisors approved a tipping fee increase at the Waste-to-Energy Facility, and

WHEREAS, the Council of the City of Modesto is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed a $3.00 per ton increase in the tipping fees at the Facility and has recommended approval of said increase in the tipping fee, and City staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present $34.50 per ton to $37.50 per ton, effective July 1, 1997, and

WHEREAS, the 10th day of June, 1997, at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves an increase in the tipping fee at the Waste-to-Energy Facility from the present $34.50 per ton to $37.50 per ton, effective July 1, 1997.

BE IT FURTHER RESOLVED that Resolution No. 96-350 is hereby rescinded effective June 30, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

RESOLUTION NO. 97-319

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

Cannery Segregation Line Project

APNs 102-17-09; 102-17-11; 36-15-59; 36-24-08; 36-20-24; 36-20-37; 36-20-25; 36-15-58

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

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to implement the Cannery Segregation Line Project; and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article I, Section 19, of the Constitution of the State of California, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1250.240, 1240.410 and 1240.610 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 City Council of the City of Modesto 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.

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, the City of Modesto has made an offer to the owner or owners of record to acquire the real property for just compensation;

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED 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 permanent and temporary construction easements in, over, across, under and through 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 law firm of Meyers, Nave, Riback & Silver 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;

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 determined 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 10th day of June, 1997, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

W. H. BRESHEARS, INC.
APNs 102-17-09 and 102-17-11

EXHIBIT A

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 102-17-09 AND 102-17-11

Being a description of the centerline of a 20' wide P.U.E. in a portion of the Southeast 1/4 of Section 32 and the Southwest 1/4 of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at a point on the easterly line of the land described in the Grant Deed to W.H. Breshears, Inc., recorded May 22, 1996 as Instrument No. 040766, Stanislaus County Records, that is South 455.63 feet, and East 26.23 feet from the West 1/4 corner of Section 33; thence South 53°11'29" West, a distance of 142.56 feet to a point on the easterly right-of-way line of the Southern Pacific Railroad and the POINT OF TERMINATION, with the sidelines of said proposed Public Utility Easement to terminate on the above mentioned easterly right-of-way line of the Southern Pacific Railroad and the easterly line of the said Breshears property.

SUBJECT TO all easements and rights-of-way of record.

Containing 2,857 square feet, more or less.

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

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

70-72389.WPD

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 102-17-09 AND 102-17-11

Being a description of the centerline of a 50' wide temporary construction easement in a portion of the Southeast 1/4 of Section 32 and the Southwest 1/4 of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

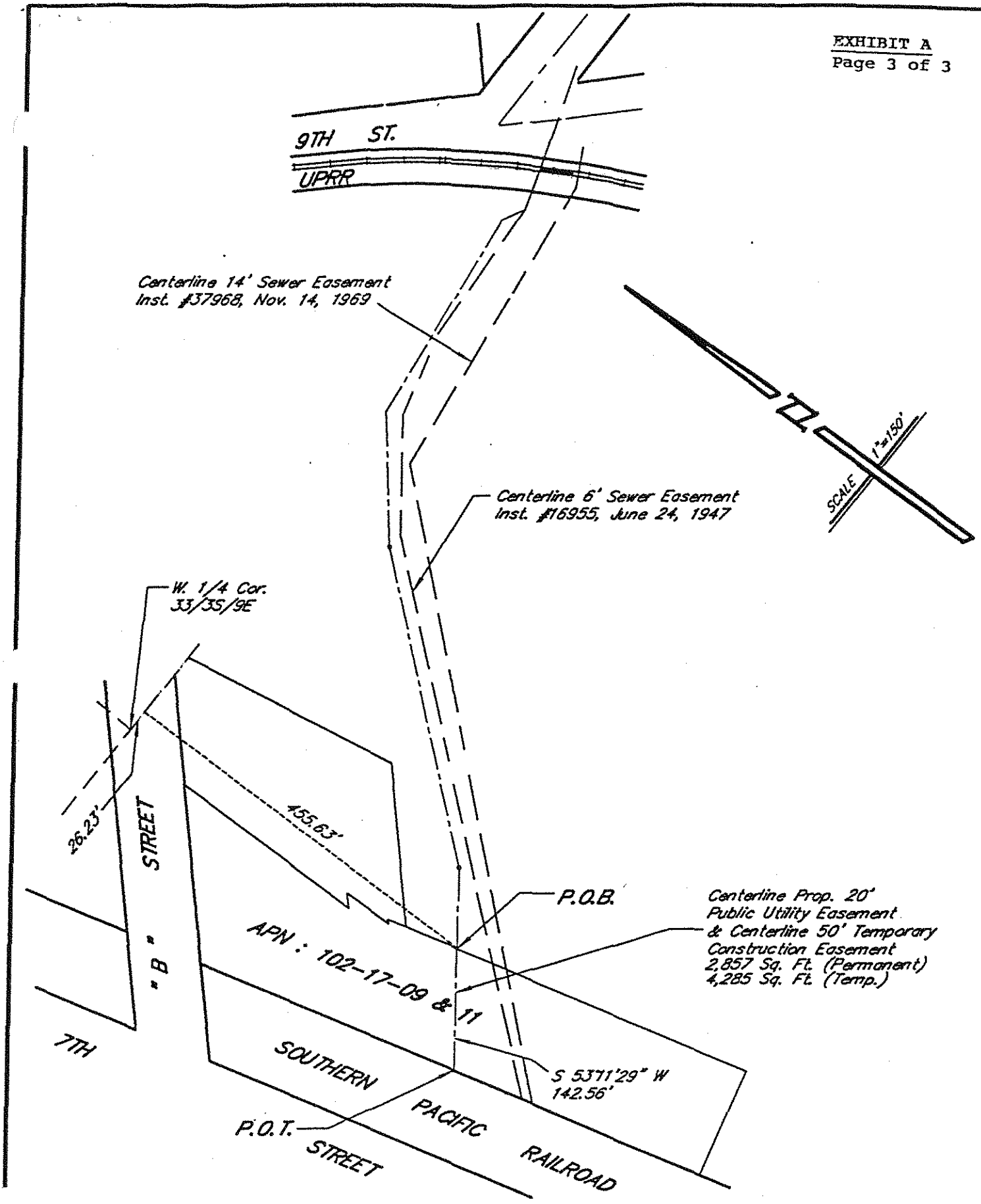
BEGINNING at a point on the right-of-way line of the land described in the Grant Deed to W.H. Breshears, Inc., recorded May 22, 1996 as Instrument No. 040766, Stanislaus County Records, that is South 455.63 feet, and East 26.23 feet from the West 1/4 corner of Section 33; thence South 53°11'29" West, a distance of 142.56 feet to a point on the easterly right-of-way line of the Southern Pacific Railroad and the POINT OF TERMINATION, with the sidelines of said proposed Temporary Construction Easement to terminate on the above mentioned easterly right-of-way line of the Southern Pacific Railroad and the easterly line of said Breshears property.

SUBJECT TO all easements and rights-of-way of record.

Containing 4,285 square feet, more or less (excludes permanent easement).

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

70-723C1.WPD



Drawn	E.T.
Date	05/01/97
Scale	1"=150'
Job No.	70-723
Dwg.	WHB

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF SECTIONS 32 AND 33, T3S, R9E, MDM
CITY OF MODESTO, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

MODESTO AND EMPIRE TRACTION
COMPANY RAILROAD
APN 36-15-59

EXHIBIT A

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-15-59

An easement 15.00 feet in width for public utility purposes only, the North line of which is described as follows:

ALL that certain real property being a portion of the Southwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northwest corner of PARCEL 4 as shown on that certain map filed for record on December 20, 1990 in Book 43 of Parcel Maps at Page 75, Stanislaus County Records; thence South 00°54'24" East along the West line of said parcel, a distance of 11.45 feet to a point on the South line of the 20.00 foot wide sewer easement granted to the City of Modesto by document recorded November 28, 1967 in Volume 2195 of Official Records at Page 787, Stanislaus County Records, and the TRUE POINT OF BEGINNING; thence South 89°26'52" West along last said line, a distance of 737.41 feet to a point on the East right-of-way line of a county road known as Mariposa Road and the POINT OF TERMINATION.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 11,061 square feet, more or less.

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

4/9/97

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

70-723A3.WPD

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-15-59

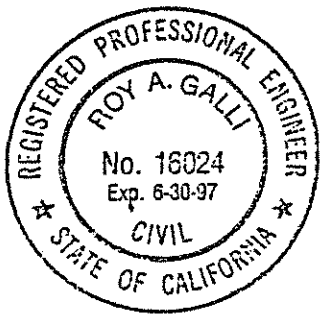
A temporary easement 15.00 feet in width for the construction of a sanitary sewer line and its appurtenances, the South line of which is described as follows:

ALL that certain real property being a portion of the Southwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northwest corner of PARCEL 4 as shown on that certain map filed for record on December 20, 1990 in Book 43 of Parcel Maps at Page 75, Stanislaus County Records; thence North 00°54'24" West along the West line of said parcel, a distance of 8.55 feet to a point on the North line of the 20.00 foot wide sewer easement granted to the City of Modesto by document recorded November 28, 1967 in Volume 2195 of Official Records at Page 787, Stanislaus County Records, with said point lying on the East-West quarter line through said section and the TRUE POINT OF BEGINNING; thence South 89°26'52" West along last said lines, a distance of 737.41 feet to a point on the East right-of-way line of a county road known as Mariposa Road and the POINT OF TERMINATION.

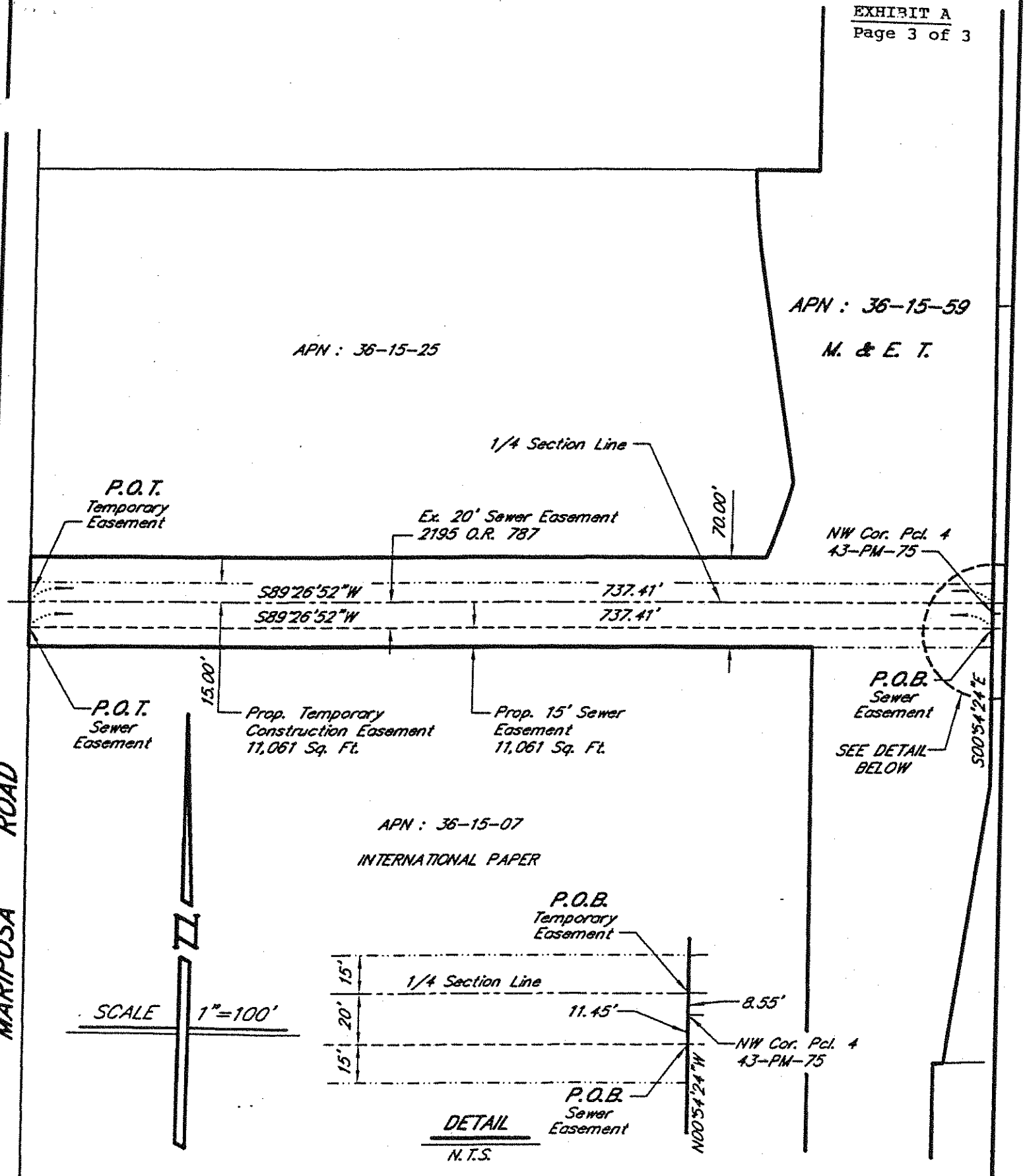
SUBJECT TO all easements and/or rights-of-way of record.

Containing 11,061 square feet, more or less.



4/9/97
Roy A. Galli
Roy A. Galli, R.C.E. 16024

70-723A4.WPD



Drawn	E.T.
Date	04/08/97
Scale	1"=100'
Job No.	70-723
Dwg.	361559

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF THE SOUTHWEST 1/4 OF SEC. 36, T3S, R9E, MDM STANISLAUS COUNTY, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

TRI-VALLEY GROWERS,
a California corporation
APN 36-24-08

EXHIBIT A

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-24-08

An easement for public utility purposes only, over and across the following described land:

ALL that certain real property being a portion of the Southeast quarter of Section 35 and the Southwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northeast corner of PARCEL 1 as shown on that certain map filed for record on November 24, 1976 in Book 23 of Parcel Maps at Page 97, with said point lying on the West right-of-way line of a county road known as Mariposa Road; thence South 00°54'24" East along the East line of said PARCEL 1 and along said right-of-way line, a distance of 55.00 feet to a point on the South line of the 20.00 foot wide sewer easement granted to the City of Modesto by document recorded November 28, 1967 in Volume 2195 of Official Records at Page 787, Stanislaus County Records, and the TRUE POINT OF BEGINNING; thence continuing South 00°54'24" East along the East line of said PARCEL 1 and along said right-of-way line, a distance of 13.04 feet; thence leaving last said lines and proceeding South 89°26'52" West along a line parallel with the South line of said sewer easement granted to the City of Modesto, a distance of 771.35 feet to an angle point; thence South 88°50'43" West, a distance of 434.16 feet; thence South 89°06'27" West, a distance of 501.62 feet; thence North 82°18'45" West, a distance of 118.96 feet to a point on the South right-of-way line of a county road known as Nathan Avenue; thence South 89°52'37" East along last said right-of-way line, a distance of 42.91 feet to its intersection with the East right-of-way line of a county road known as El Roya Avenue; thence North 01°59'17" West along last said right-of-way line, a distance of 10.01 feet to a point on the above mentioned South line of the sewer easement granted to the City of Modesto; thence South 89°52'37" East along said easement line, a distance of 505.78 feet to an angle point; thence continuing along said easement line North 89°26'52" East, a distance of 1276.37 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 29,057 square feet, more or less.

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

4/9/97

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

70-723A5.WPD

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-24-08

PARCEL NO. 1

A temporary easement, 17.00 feet in width, for the construction of a sanitary sewer line and its appurtenances, the South line of which is described as follows:

ALL that certain real property being a portion of the Southwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northeast corner of PARCEL 1 as shown on that certain map filed for record on November 24, 1976 in Book 23 of Parcel Maps at Page 97, with said point lying on the West right-of-way line of a county road known as Mariposa Road; thence South 00°54'24" East along the East line of said PARCEL 1 and along said right-of-way line, a distance of 35.00 feet to a point on the North line of the 20.00 foot wide sewer easement granted to the City of Modesto by document recorded November 28, 1967 in Volume 2195 of Official Records at Page 787, Stanislaus County Records, and the TRUE POINT OF BEGINNING; thence South 89°26'52" West along last said line, a distance of 1276.13 feet to a point on the West line of said Section 36 and the POINT OF TERMINATION.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 21,694 square feet, more or less.

PARCEL NO. 2

A temporary easement, 15.00 feet in width, for the construction of a sanitary sewer line and its appurtenances, the North line of which is described as follows:

ALL that certain real property being a portion of the Southeast quarter of Section 35, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northwest corner of PARCEL 1 as shown on that certain map filed for record on November 24, 1976 in Book 23 of Parcel Maps at Page 97, with said point lying on the East line of said Section 35; thence South 00°39'47" East along said Section line, a distance of 73.03 feet to the TRUE POINT OF BEGINNING; thence leaving last said line and proceeding South 89°06'27" West, a distance of 430.85 feet; thence North 82°18'45" West, a distance of 118.96 feet to a point on the South right-of-way line of a county road known as Nathan Avenue and the POINT OF TERMINATION, with the southerly line of said temporary easement to be extended to said South right-of-way line of Nathan Avenue.

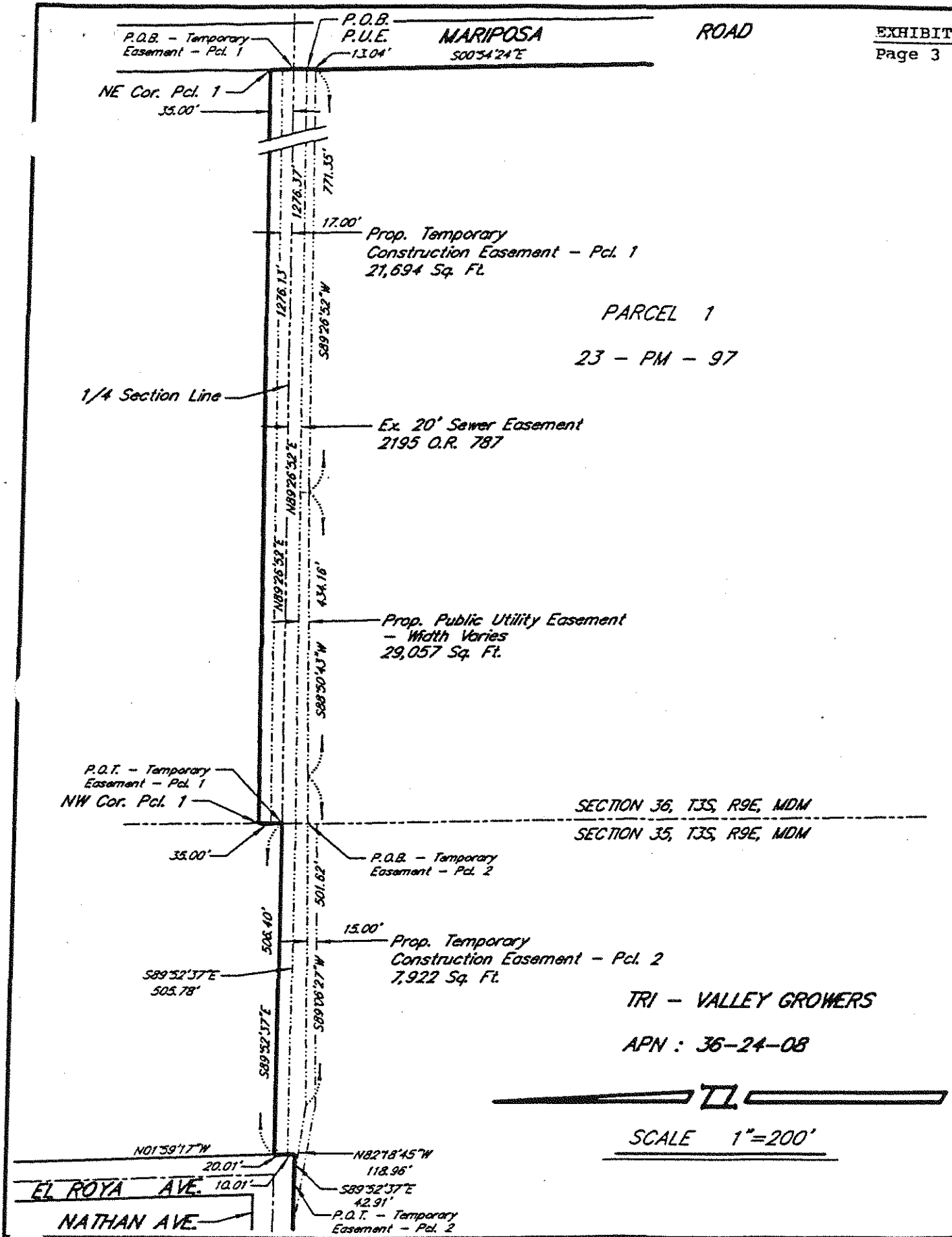
SUBJECT TO all easements and/or rights-of-way of record.

Containing 7,922 square feet, more or less.

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

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
4/9/97
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

70-72388.WPD



Drawn	E.T.
Date	04/08/97
Scale	1"=200'
Job No.	70-723
Dwg.	TVG-EASE

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF SECTIONS 35 AND 36
T3S, R9E, MDM
STANISLAUS COUNTY, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

BEARD LAND IMPROVEMENT COMPANY
APNs 36-20-24, 36-20-37,
36-20-25 and 36-15-58

EXHIBIT A

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-20-24

An easement 20.00 feet in width, for public utility purposes only, the centerline of which is described as follows:

ALL that certain real property being a portion of the Southwest quarter of Section 35, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the centerline - centerline intersection of Doherty Avenue with Nathan Avenue, with said point lying on the East-West quarter line through said Section 35; thence North 89°52'56" West along said quarter section line, a distance of 845.19 feet to the TRUE POINT OF BEGINNING; thence continuing North 89°52'56" West along said quarter section line, a distance of 210.00 feet to the POINT OF TERMINATION.

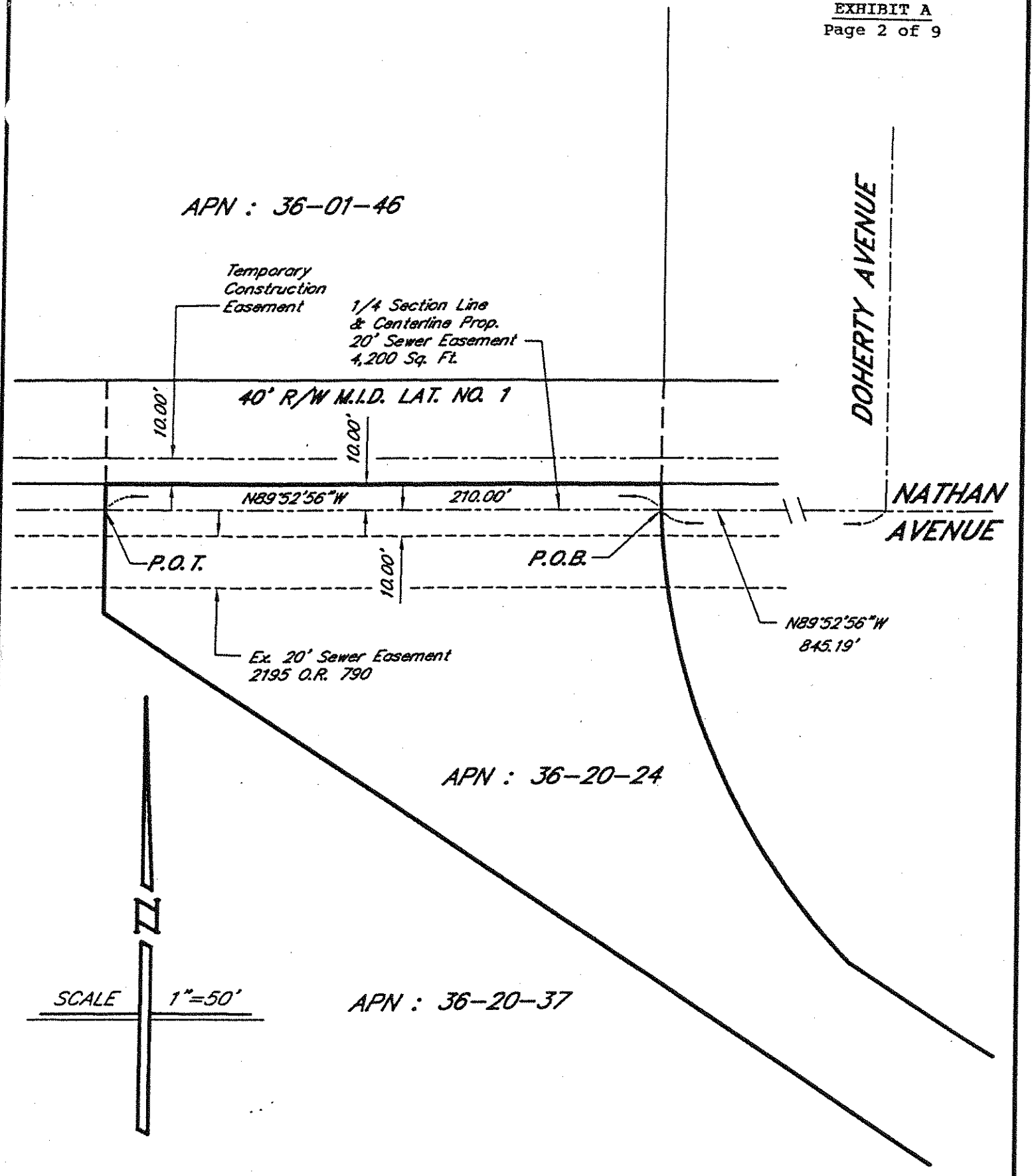
SUBJECT TO all easements and/or rights-of-way of record.

Containing 4,200 square feet, more or less.

4/9/97

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

70-72381.WPD



Drawn	E.T.
Date	04/08/97
Scale	1"=50'
Job No.	70-723
Dwg.	362024

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 35, T3S, R9E, MDM STANISLAUS COUNTY, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-20-37

An easement 20.00 feet in width, for public utility purposes only, the centerline of which is described as follows:

ALL that certain real property being a portion of the Southwest quarter of Section 35, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the centerline - centerline intersection of Doherty Avenue with Nathan Avenue, with said point lying on the East-West quarter line through said Section 35; thence North 89°52'56" West along said quarter section line, a distance of 1055.19 feet to the TRUE POINT OF BEGINNING; thence continuing North 89°52'56" West along said quarter section line, a distance of 321.39 feet to a point on the Easterly right-of-way line of a county road known as Tenaya Drive and the POINT OF TERMINATION.

SUBJECT TO all easements and/or rights-of-way of record.

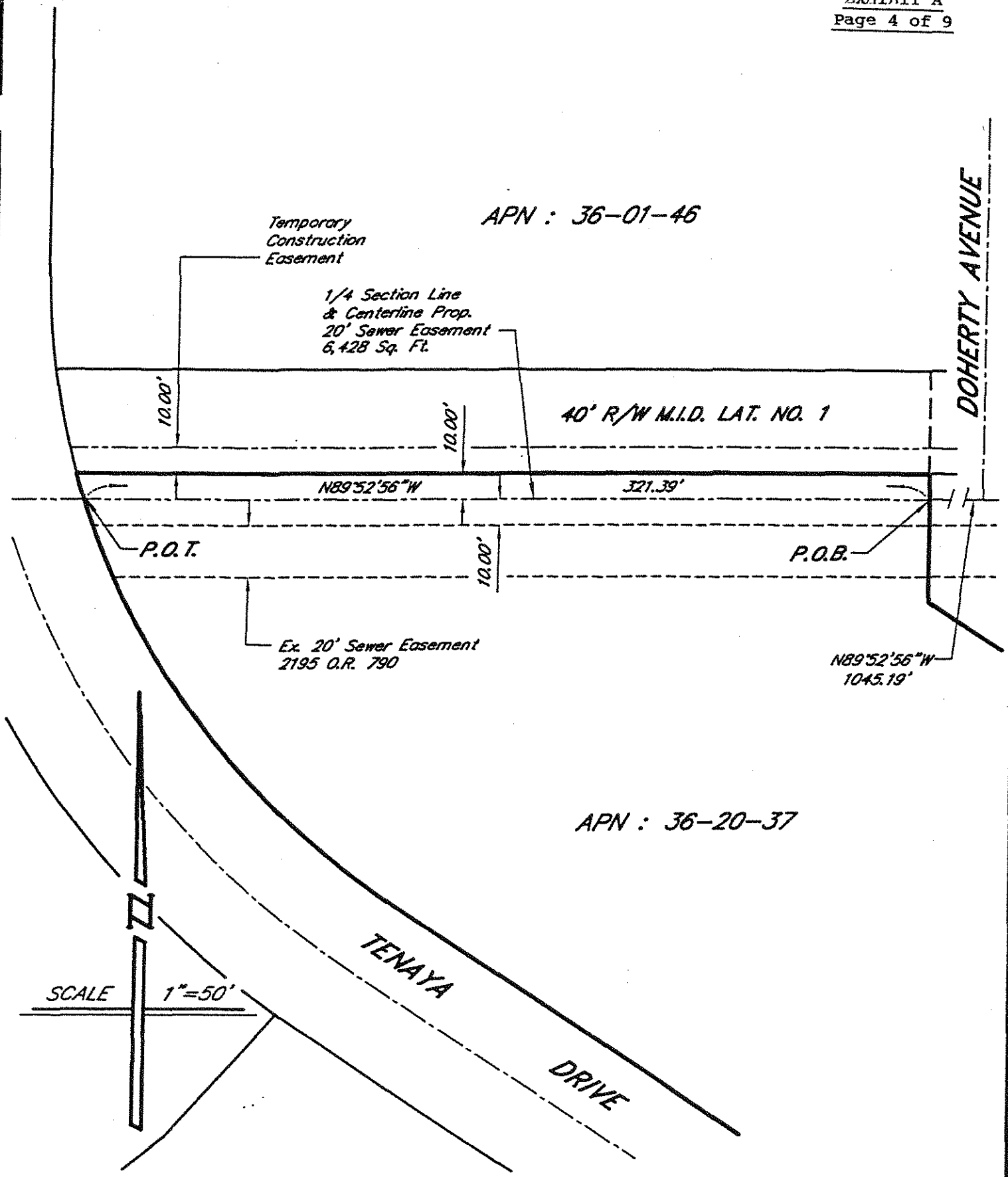
Containing 6,428 square feet, more or less.

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

Roy A. Galli 4/9/97

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

70-723B3.WPD



Drawn	E.T.
Date	04/08/97
Scale	1"=50'
Job No.	70-723
Dwg.	362037

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 35, T3S, R9E, MDM STANISLAUS COUNTY, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-20-25

An easement 20.00 feet in width, for public utility purposes only, the centerline of which is described as follows:

ALL that certain real property being a portion of the Southwest quarter of Section 35, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

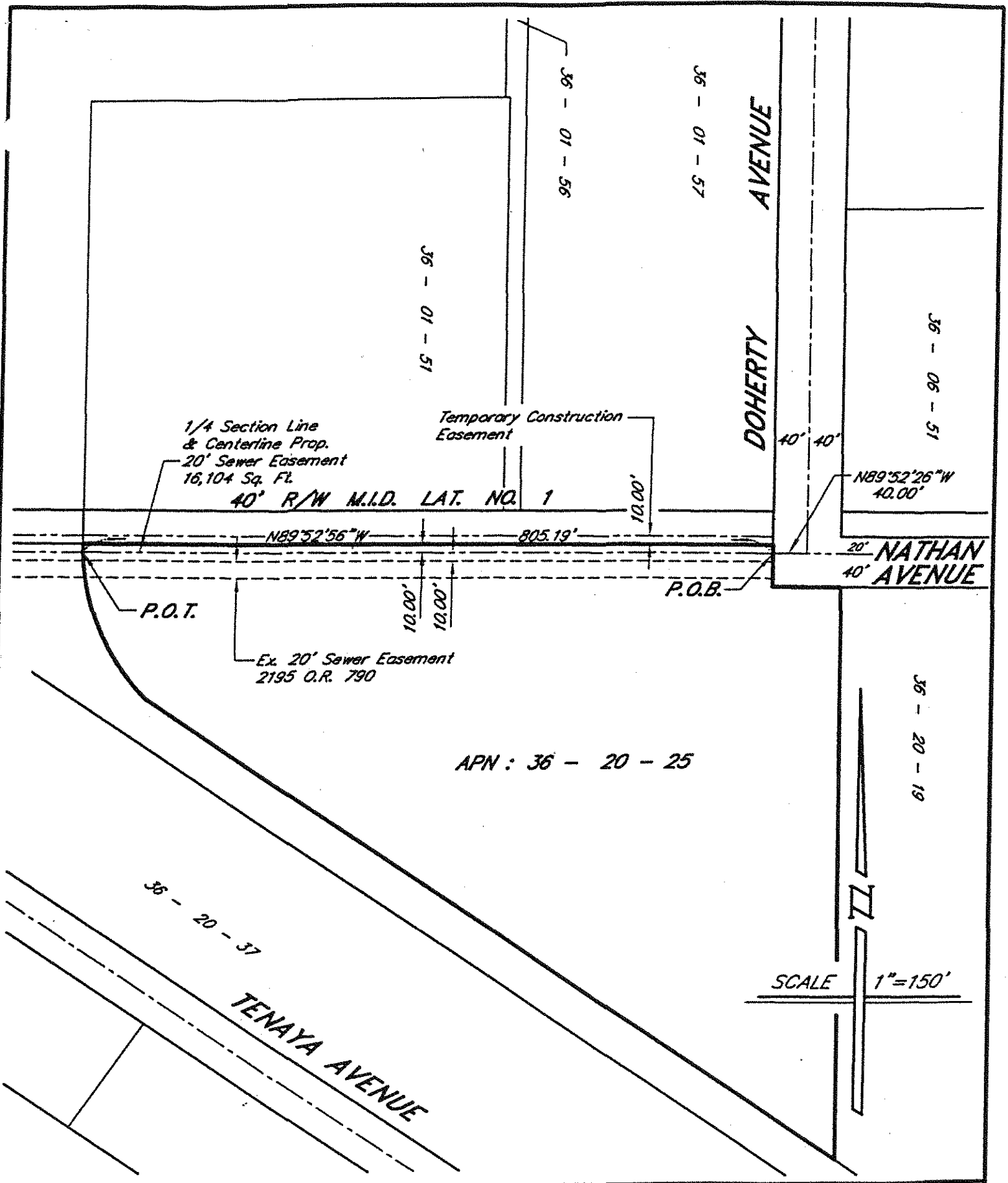
COMMENCING for reference at the centerline - centerline intersection of Doherty Avenue with Nathan Avenue, with said point lying on the East-West quarter line through said Section 35; thence North 89°52'56" West along said quarter section line, a distance of 40.00 feet to a point on the West right-of-way line of said Doherty Avenue and the TRUE POINT OF BEGINNING; thence continuing North 89°52'56" West along said quarter section line, a distance of 805.19 feet to the POINT OF TERMINATION.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 16,104 square feet, more or less.

Roy A. Galli 4/9/97
Roy A. Galli, R.C.E. 16024

70-723A8.WPD



Drawn	E.T.
Date	04/08/97
Scale	1"=150'
Job No.	70-723
Dwg.	362025

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 35, T3S, R9E, MDM STANISLAUS COUNTY, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-15-58

An easement 13.00 feet in width for public utility purposes only, the North line of which is described as follows:

ALL that certain real property being a portion of PARCEL 4 as shown on that certain map filed for record on December 20, 1990 in Book 43 of Parcel Maps at Page 75, Stanislaus County Records, lying within the Southwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northeast corner of said PARCEL 4 with said point lying on the West right-of-way line of a county road known as McClure Road; thence South 00°56'14" East along said right-of-way line and along the East line of said PARCEL 4 a distance of 11.45 feet to a point on the South line of the 20.00 foot wide sewer easement granted to the City of Modesto by document recorded November 28, 1967 in Volume 2195 of Official Records at Page 787, Stanislaus County Records, and the TRUE POINT OF BEGINNING; thence South 89°26'52" West along last said line, a distance of 535.25 feet to a point on the West line of said PARCEL 4 and the POINT OF TERMINATION.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 6,958 square feet, more or less.

4/9/97

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

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

70-723A1.WPD

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

A.P.N. 36-15-58

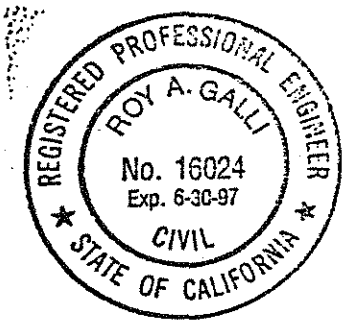
A temporary easement 17.00 feet in width for construction of a sanitary sewer line and its appurtenances, the North line of which is described as follows:

ALL that certain real property being a portion of PARCEL 4 as shown on that certain map filed for record on December 20, 1990 in Book 43 of Parcel Maps at Page 75, Stanislaus County Records, lying within the Southwest quarter of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the Northeast corner of said PARCEL 4 with said point lying on the West right-of-way line of a county road known as McClure Road; thence South 00°56'14" East along said right-of-way line and along the East line of said PARCEL 4 a distance of 24.45 feet to the TRUE POINT OF BEGINNING; thence South 89°26'52" West a distance of 535.25 feet to a point on the West line of said PARCEL 4 and the POINT OF TERMINATION.

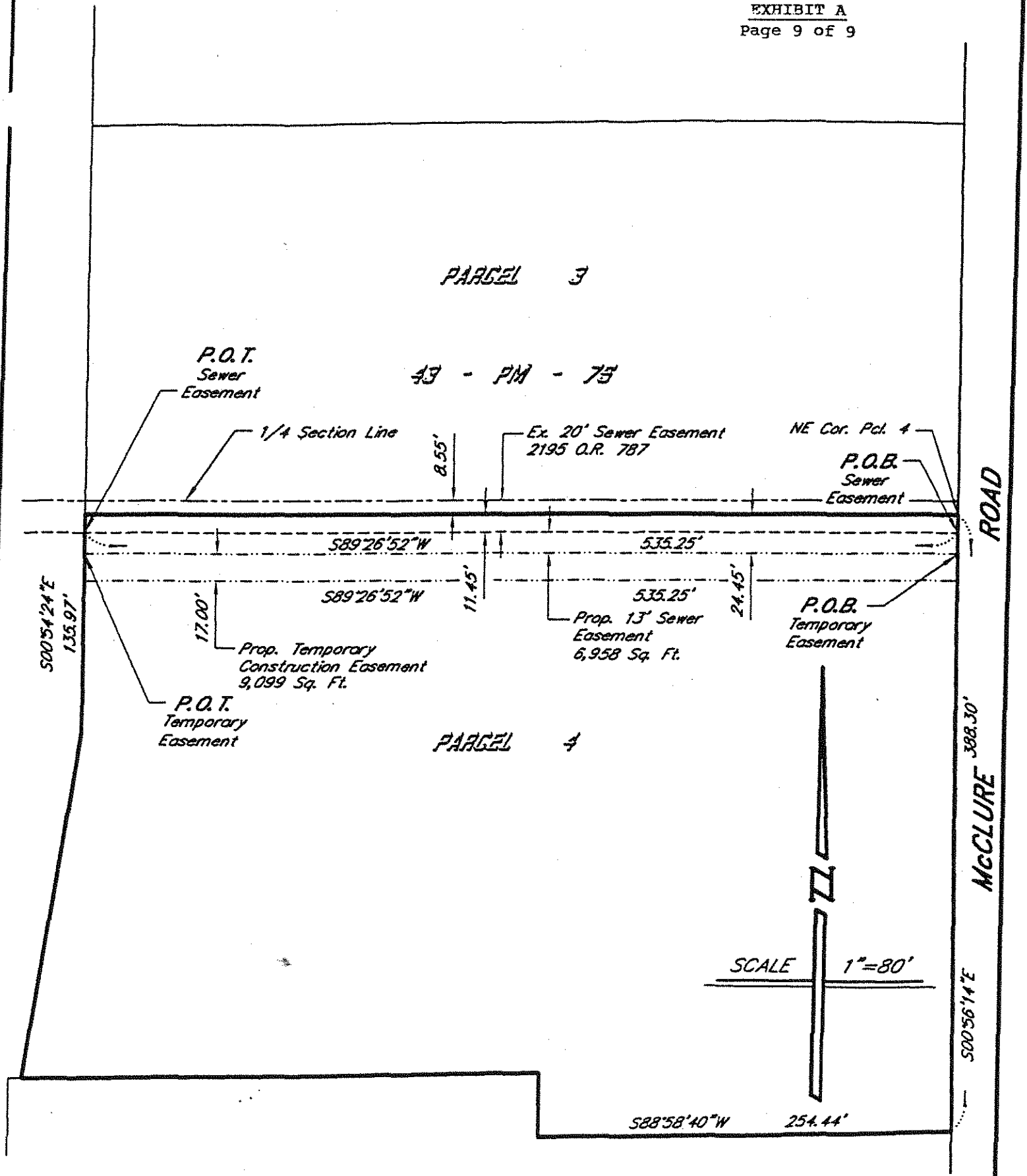
SUBJECT TO all easements and/or rights-of-way of record.

Containing 9,099 square feet, more or less.



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

70-723A2.WPD



Drawn	E.T.
Date	04/08/97
Scale	1"=80'
Job No.	70-723
Dwg.	361558

PLAT TO ACCOMPANY LEGAL DESCRIPTIONS

BEING A PORTION OF THE SOUTHWEST 1/4 OF SEC. 36, T3S, R9E, MDM STANISLAUS COUNTY, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

RESOLUTION NO. 97-320

Print

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

Parallel Outfall Project

APNs 17-38-11; 17-43-23; 17-43-24; 17-43-10; 17-43-19; 17-43-06; 17-42-03; 56-28-10; 56-28-11; 56-27-08; 56-27-02

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

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to implement the Parallel Outfall Project; and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article I, Section 19, of the Constitution of the State of California, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1250.240, 1240.410 and 1240.610 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 City Council of the City of Modesto 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.

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, the City of Modesto has made an offer to the owner or owners of record to acquire the real property for just compensation;

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED 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 temporary construction easements in, over, across, under and through 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 law firm of Meyers, Nave, Riback & Silver 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;

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 determined 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 10th day of June, 1997, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

DAVID AND DIANE VERISSIMO
APN 17-38-11

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-13B
APN 17-38-11

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

DAVID L. VERISSIMO and DIANE M. VERISSIMO, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 13, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "B", as per map filed May 30, 1986 in Book 38 of Parcel Maps, Page 25, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, described as follows:

COMMENCING at the Northwestern corner of said Parcel "B", said point being on the Southern line of 40.00 foot Hackett Road; thence along the Northern line of said Parcel "B" and said Southern line of Hackett Road, Easterly, 360.77 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26006, Stanislaus County Records, and the true point of beginning of this description; thence Southwesterly along said Southeastern line of said City of Modesto easement, 112.72 feet, more or less; thence at right angles, Southeasterly, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Southeasterly of the Southeastern line of the City of Modesto easement; thence Northeasterly along said parallel line 138.72 feet, more or less, to a point on said Northern line of Parcel "B" and the Southern line of Hackett Road; thence along the Northern line of Parcel "B" and the Southern line of Hackett Road, Westerly, 56.36 feet, more or less, to the point of beginning, containing 0.14 Acres, more or less.

Dated _____

_____ _____
DAVID L. VERISSIMO DIANE M. VERISSIMO

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

JOE F. and MARY J. PINHEIRO
APN 17-43-23

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-14A
APN 17-43-23

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

JOE F. PINHEIRO, a single man; and MARY J. PINHEIRO, a single woman;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the South half of the Northwest quarter of Section 13, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Southwest corner of the Northwest quarter of said Section 13; thence along the South line of said Northwest quarter of Section 13, Easterly, 2192.94 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26007, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 185.30 feet, more or less, to a point on the Western line of the East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, distant Northerly 143.97 feet, more or less, from the South line of said Northwest quarter of Section 13, and the end of this description, containing 0.15 acres, more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

Dated _____

_____ _____
JOE F. PINHEIRO MARY J. PINHEIRO

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

FRED J. and PENELOPE J. TOELKES
APN 17-43-24

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-15A
APN 17-43-24

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

FRED J. TOELKES and PENELOPE J. TOELKES, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, described as follows:

PARCEL ONE:

COMMENCING at the Southwest corner of the East half of the East half of said Southeast quarter of the Northwest quarter of Section 13; thence Northerly along the Western line of said East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, 65.47 feet, more or less, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Southeasterly of the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26008, Stanislaus County Records, and the true point of beginning of this description; thence continuing Northerly along said Western line of the East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, 78.50 feet, more or less, to a point on said Southeastern line of the City of Modesto easement; thence Northeasterly along the Southeastern line of the City of Modesto easement, 78.50 feet, more or less, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the Western line of the East half of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence Southerly along said last mentioned parallel line, 78.50 feet, more or less, to a point on said first mentioned parallel line Southeasterly of the City of Modesto easement; thence Southwesterly along the first mentioned parallel line Southeasterly of the City of Modesto easement, 78.50 feet, more or less, to the point of beginning, containing 0.09 Acres, more or less.

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-15A
APN 17-43-24

PARCEL TWO:

COMMENCING at the Southwest corner of the East half of the East half of the Southeast quarter of the Northwest quarter of Section 13; thence Northerly along the Western line of said East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, 206.77 feet, more or less, to a point on the Northwestern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26008, Stanislaus County Records, and the true point of beginning of this description; thence continuing Northerly along said Western line of said East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, 78.50 feet, more or less, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Northwesterly of the Northwestern line of said City of Modesto easement; thence Northeasterly along said parallel line, 297.85 feet, more or less; thence Easterly 64.86 feet, more or less, to a point on the Northwestern line of the City of Modesto easement; thence Southwesterly along the Northwestern line of the City of Modesto easement, 399.68 feet, more or less, to the point of beginning, containing 0.40 Acres, more or less.

PARCEL THREE:

COMMENCING at the Southwest corner of the East half of the East half of said Southeast quarter of the Northwest quarter of Section 13; thence Northerly along the Western line of said East half of the East half of the Southeast quarter of the Northwest quarter of Section 13, 143.97 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26008, Stanislaus County Records; thence Northeasterly along said Southeastern line of the City of Modesto easement, 416.28 feet, more or less to the true point of beginning of this description; thence continuing Northeasterly along the Southeastern line of the City of Modesto easement, 101.83 feet, more or less, to a point on the North-South quarter section line in Section 13; thence Southerly along said North-South quarter section line, 78.50 feet, more or less; thence Westerly, 64.86 feet, more or less, to the point of beginning, containing 0.06 Acres, more or less.

Dated _____

_____ _____
FRED J. TOELKES PENELOPE J. TOELKES

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

WAYNE E. and VELMA J. BOZARTH
APN 17-43-10

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-16A
APN 17-43-10

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

WAYNE E. BOZARTH and VELMA J. BOZARTH, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the East half of the West half of the Southwest quarter of the Northeast quarter of Section 13, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the interior quarter section corner of said Section 13, said point being the Southwest corner of said Northeast quarter of Section 13; thence Easterly, 329.97 feet, along the South line of the Northeast quarter of Section 13 to the Southeast corner of the West half of the West half of the Southwest quarter of the Northeast quarter of Section 13; thence Northerly, 947.93 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26009, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 485.96 feet, more or less, to a point on the Southern line of the North half of the Northeast quarter of Section 13, distant Westerly, 2003.31 feet, more or less, from the Southeast corner of the Northeast quarter of the Northeast quarter of Section 13, and the end of this description, containing 0.62 acres, more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

Dated _____

_____ _____
WAYNE E. BOZARTH VELMA J. BOZARTH

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

BEVERLY A. CABRAL
APN 17-43-19

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-17B
APN 17-43-19

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto,
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

BEVERLY A. CABRAL, a single woman, GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Northwest quarter of the Northeast quarter of Section 13, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "B", as per map filed May 8, 1974 in Book 19 of Parcel Maps, Page 11, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Southwestern corner of said Parcel "B", said point being on the Southern line of said Northwest quarter of the Northeast quarter of Section 13, said point also being 1981.87 feet, more or less, Westerly from the Southeast corner of the Northeast quarter of the Northeast quarter of Section 13; thence along the Western line of Parcel "B", Northerly, 26.38 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26010, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1037.43 feet, more or less, to a point on the Eastern line of Parcel "B" and the Eastern line of said Northwest quarter of the Northeast quarter of Section 13, distant Northerly 831.34 feet, more or less, from the Southeast corner of the Northwest quarter of the Northeast quarter of Section 13 and the end of this description, containing 1.16 acres, more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

Dated _____

_____
BEVERLY A. CABRAL

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____

By_____
City Engineer

EDWARD M. and MARY C. VARGAS
APN 17-43-06

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-18A
APN 17-43-06

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

EDWARD M. VARGAS and MARY C. VARGAS, husband and wife; JOSEPH LLOYD VARGAS, a married man, as his sole and separate property, as to an undivided 13.04% interest; and FRANCIS DEE CRISWELL, a married woman, as her sole and separate property, as to an undivided 6.52% interest,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Northeast quarter of the Northeast quarter of Section 13, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Northeast corner of said Section 13; thence along the Northern line of the Northeast quarter of the Northeast quarter of Section 13, Westerly, 918.92 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26011, Stanislaus County Records, and the true point of beginning of this description; thence Southwesterly along said Southeastern line of said City of Modesto easement, 636.15 feet, more or less, to a point on the East line of the Northwest quarter of the Northeast quarter of Section 13, distant Northerly 831.34 feet, more or less, from the Southeast corner of said Northwest quarter of the Northeast quarter of Section 13, and the end of this description, containing 0.78 acres, more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-18A
APN 17-43-06

Dated _____

_____ _____
FRANCIS DEE CRISWELL MARY C. VARGAS

_____ _____
JOSEPH LLOYD VARGAS EDWARD M. VARGAS

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

MORIMOTO FAMILY, INC.
APN 17-42-03

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-19A
APN 17-42-03

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED
Corporation

MORIMOTO FAMILY, INC.,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southeast quarter of Section 12, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Southeast corner of said Section 12; thence along the South line of the Southeast quarter of Section 12, Westerly, 918.12 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26012, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1318.88 feet, more or less, to a point on the Western line of former 80.00 foot Carpenter Road, distant Northerly 992.40 feet from said South line of the Southeast quarter of Section 12, and the end of this description.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

EXCEPTING THEREFROM a continuous strip of land 50 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

Commencing at the Southeast corner of said Section 12; thence along the South line of the Southeast quarter of Section 12, Westerly 918.12 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement granted to the City of Modesto by Easement Deed recorded August 20, 1968, as Instrument 26012, Stanislaus County Records; thence Northeasterly along said Southeastern line of said City of Modesto easement, 26.58 feet, more or less, to a point on the Northern line of 40.00 foot Whitmore Avenue, and the true

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-19A
APN 17-42-03

point of beginning of this description; thence continuing along said Southeastern line of the City of Modesto easement, Northeasterly 66.45 feet, more or less, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Northerly from said Northern line of Whitmore Avenue, distant Westerly 856.84 feet, more or less, from the East line of the Southeast quarter of Section 12, and the end of this description.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

The above Temporary Construction Easement contains 1.37 Acres, more or less.

Dated _____

(corporate seal)

MORIMOTO FAMILY, INC.

By _____

By _____

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____

By_____
City Engineer

ALDO and DOROTHY BAVA
APN 56-28-10

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-20A
APN 56-28-10

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

ALDO BAVA and DOROTHY BAVA, husband and wife,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 7, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel B, as per map filed June 26, 1989 in Book 42 of Parcel Maps, Page 2, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Southwest corner of said Section 7; thence along the South line of Section 7, Easterly, 50.00 feet, more or less, to the intersection with the Southerly extension of the Western line of said Parcel B; thence along said Southerly extension of and the Western line of Parcel B, Northerly, 1089.49 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement condemned to the City of Modesto by Final Order of Condemnation No. 100060, recorded March 13, 1969, as Instrument 7394, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 651.47 feet, more or less, to a point on the Eastern line of Parcel B, distant Southerly, 634.69 feet, more or less, from the Northeastern corner of Parcel B and the end of this description, containing 0.75 acres more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

Dated _____

_____ _____
DOROTHY BAVA ALDO BAVA

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

RALPH BAVA, ET AL.
APN 56-28-11

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-20B
APN 56-28-11

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

RALPH BAVA, as to an undivided one-half (1/2) interest; DIANE EMILIA BAVA AMADOR, as to an undivided one-sixth (1/6) interest; DEBRA BAVA VARNI, as to an undivided one-sixth (1/6) interest; and RALPH JOHN BAVA, as to an undivided one-sixth (1/6) interest, each as their sole and separate property,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 7, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel C, as per map filed June 26, 1989 in Book 42 of Parcel Maps, Page 2, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Southwest corner of said Section 7; thence Easterly along the South line of Section 7, 50.00 feet, more or less, to the intersection with the Southerly extension of the Western line of Parcel B, as per map filed June 26, 1989 in Book 42 of Parcel Maps, Page 2, Stanislaus County Records; thence Northerly along said Southerly extension of and the Western line of said Parcel B, said Western line being the Eastern line of 90.00 foot Carpenter Road, 1089.49 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement condemned to the City of Modesto by Final Order of Condemnation No. 100060, recorded March 3, 1969, as Instrument 7394, Stanislaus County Records; thence Northeasterly along said Southeastern line of said City of Modesto easement, 651.47 feet, more or less, to a point on the Western line of said Parcel C, distant Southerly 634.69 feet, more or less, from the Northwestern corner of parcel C, and the true point of beginning of this description; thence continuing Northeasterly along the Southeastern line of the City of Modesto easement, 890.45 feet, more or less, to a point on the Northern line of Parcel C, distant Easterly, 634.14 feet, more or less, from said Northwest corner of Parcel C, and the end of this description, containing 1.08 Acres, more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-20B
APN 56-28-11

Dated _____

_____ _____
RALPH BAVA DEBRA BAVA VARNI

_____ _____
DIANE EMILIA BAVA AMADOR RALPH JOHN BAVA

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

BAVA FARMS, LTD., L.P.
APN 56-27-08

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-20C
APN 56-27-08

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

BAVA FARMS, LTD., L.P.,

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the Southwest quarter of Section 7, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel A, as per map filed June 26, 1989 in Book 42 of Parcel Maps, Page 2, Stanislaus County Records, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the Southwest corner of said Section 7; thence Easterly along the South line of Section 7, 50.00 feet, more or less, to the intersection with the Southerly extension of the Western line of Parcel B, as per map filed June 26, 1989 in Book 42 of Parcel Maps, Page 2, Stanislaus County Records; thence Northerly along said Southerly extension of and the Western line of said Parcel B, said Western line being the Eastern line of 90.00 foot Carpenter Road, 1089.49 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement condemned to the City of Modesto by Final Order of Condemnation No. 100060, recorded March 3, 1969, as Instrument 7394, Stanislaus County Records; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1541.92 feet, more or less, to a point on the Southern line of said Parcel A, distant Easterly 1089.80 feet, more or less, from the Southwestern corner of Parcel A, and the true point of beginning of this description; thence continuing Northeasterly along the Southeastern line of the City of Modesto easement, 652.07 feet, more or less, to a point on the Northern line of Parcel A, distant Easterly, 1550.64 feet, more or less, from the Northwestern corner of Parcel A, and the end of this description, containing 0.75 Acres, more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-20C
APN 56-27-08

Dated _____

BAVA FARMS, LTD., L.P.,

By_____
ERMINIA CLARA BAVA

By_____
JOHN ZAVARIO BAVA

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____

By_____
City Engineer

NORMAN GALAS, ET AL.
APN 56-27-02

EXHIBIT A

EXHIBIT A

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-21A
APN 56-27-02

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P.O. Box 642
Modesto, CA 95353

EASEMENT DEED

NORMAN GALAS and JUNE GALAS, husband and wife, as to an undivided half; and STANLEY GALAS and BONNIE K. GALAS, husband and wife, as to an undivided half;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary sewer easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the State of California, County of Stanislaus:

All that portion of the North half of Section 7, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Fractional Lots 3 and 4 as per Plat dated December 30, 1854 on file in the Surveyor Generals Office in San Francisco, California, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, being a continuous strip of land 50.00 feet wide, measured at right angles, lying adjacent to and Southeasterly of the following described line:

COMMENCING at the West quarter section corner of said Section 7; thence Easterly along the East-West quarter section line of Section 7, 50 feet, more or less, to a point on the Eastern line of 90.00 foot Carpenter Road, said point also being on the Western line of Parcel A, as per map filed June 26, 1989 in Book 42 of Parcel Maps, Page 2, Stanislaus County Records; thence continuing Easterly along said East-West quarter section line of Section 7, 1550.64 feet, more or less, to a point on the Southeastern line of the 40.00 foot easement condemned to the City of Modesto by Final Order of Condemnation No. 100063, recorded March 3, 1969, as Instrument 7393, Stanislaus County Records, and the true point of beginning of this description; thence Northeasterly along said Southeastern line of said City of Modesto easement, 1924.26 feet, more or less, to a point on the Southern line of 90.00 foot Hatch Road, distant Easterly 164.49 feet, more or less, from the intersection with the Southerly projection of the Eastern line of the property conveyed to Bratten Heistand, et ux, by Deed recorded July 9, 1947, as Instrument 18444, Stanislaus County Records, and the end of this description, containing 2.21 acres more or less.

The side lines of said 50.00 foot strip of land shall be prolonged or shortened to make proper intersections.

PARALLEL OUTFALL - PHASE III
TEMPORARY SEWER EASEMENT
Parcel 2-21A
APN 56-27-02

Dated _____

_____ _____
JUNE GALAS BONNIE K. GALAS

_____ _____
NORMAN GALAS STANLEY GALAS

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date_____ By_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-321

A RESOLUTION ACCEPTING THE BID OF GILLIG CORPORATION FOR THE PURCHASE OF TWELVE BUSES

WHEREAS, on August 6, 1996, the Council of the City of Modesto approved Resolution 96-444 waiving formal bid procedures and authorizing the Purchasing Officer to negotiate a final price for twelve buses; and

WHEREAS, the Public Works and Transportation Director and the Purchasing Officer has recommended that the bid of $3,022,733 from Gillig Corporation be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $3,022,733 from Gillig Corporation be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-322

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $410,000 FOR THE PURCHASE OF TWELVE BUSES

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfers are approved:

From:	651-160-C412 6010	5,000.00
	651-160-C412 6060	5,000.00
	651-160-C412 6070	400,000.00
To:	651-160-C375 6070	$410,000.00

To provide funds for purchase of buses as a result of negotiations between Gillig Corporation and the City of Modesto Purchasing Officer as authorized by City Council Resolution 96-444.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, by Councilmember Friedman, who moved its adoption, whch motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-323

A RESOLUTION ACCEPTING THE BID OF WILLE ELECTRIC SUPPLY AND C.E.D. FOR FURNISHING SEVEN VARIABLE FREQUENCY DRIVES

WHEREAS, Resolution No. 97-246, adopted by the Council of the City of Modesto on May 13, 1997, approved the specifications for furnishing seven variable frequency drives; and

WHEREAS, the bids received for seven variable frequency drives, were opened at 11:00 a.m. on May 27, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of Wille Electric Supply and C.E.D. for a total amount of $39,995.12 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Wille Electric Supply and C.E.D. be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-324

A RESOLUTION ACCEPTING THE BID OF HOGAN MANUFACTURING INC. FOR FURNISHING ROTARY DISTRIBUTOR SPRAY ARMS FOR FIXED FILM REACTOR #3

WHEREAS, Resolution No. 97-107, adopted by the Council of the City of Modesto on February 25, 1997 approved the specifications for furnishing rotary distributor spray arms for fixed film reactor #3; and

WHEREAS, the bids received for furnishing rotary distributor spray arms for fixed film reactor #3, were opened at 11:00 a.m. on May 27, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Hogan Mfg. Inc. for a total amount of $71,519.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hogan Mfg. 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 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-325

A RESOLUTION ACCEPTING THE PROJECT TITLED "AIRPORT WAY RESURFACE AND PASSENGER TERMINAL PARKING LOT CONSTRUCTION" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Airport Way Resurface and Passenger Terminal Parking Lot Construction, has been completed by Teichert Construction, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Airport Way Resurface and Passenger Terminal Parking Lot Construction 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 $230,755.25 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 June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-326

A RESOLUTION APPROVING A PROPOSAL BY THE PARKS AND RECREATION DEPARTMENT AND THE SESQUICENTENNIAL COMMITTEE FOR A COMMUNITY SERVICE PROJECT TO RENOVATE THE PLAYGROUNDS AT KEWIN, SUTTER AND PIKE NEIGHBORHOOD PARKS.

WHEREAS, on May 29, 1997, Mr. Bill Hughes, representing the Sesquicentennial Project Committee, approached the City with a desire to conduct a major community service project on July 19 and July 26, 1997, to mark the 150-year anniversary of John Smith's migration across the country to Salt Lake City, and

WHEREAS, the Sesquicentennial project will be a major regional event pulling together as many as 200 volunteers for a community service project, and

WHEREAS, after discussing various options, Mr. Hughes selected the renovation of three (3) playgrounds as the project to submit to his committee, and City staff has selected Kewin, Sutter and Pike Neighborhood Parks as those most in need of renovation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposal of Mr. Bill Hughes, representing the Sesquicentennial Project Committee, to conduct a major community service project, the renovation of three (3) playgrounds, Kewin, Sutter and Pike Neighborhood Parks, on July 19 and July 26, 1997, to mark the 150-year anniversary of John Smith's migration across the country to Salt Lake City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-327

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Playground Equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of Playground Equipment for a not to exceed price of $70,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-328

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE $70,000 FROM FUND 140 RESERVE TO ESTABLISH A COMMUNITY SERVICE PROJECT

WHEREAS, the Sesquicentennial Project Committee approached the City to conduct a major community service project on July 19 and 26, 1997, to mark the 150-year anniversary of John Smith's migration across the country; and

WHEREAS, Mr. Hughes, representing the Committee, selected the renovation of three playgrounds as the project to submit to his committee. Staff has selected Kewin, Sutter and Pike Neighborhood Parks as those most in need of renovation; and

WHEREAS, as part of the 1997-98 CIP, a request has been submitted for a $70,000 project for a Park Playground Replacement Match Program, which would match private donations and/or labor with City funds to purchase materials to renovate neighborhood parks; and

WHEREAS, to meet Mr. Hughes' committee installation time frame, the project must begin in the current fiscal year; therefore an amendment to the CIP budget is necessary and the project established in the 1996-97 CIP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget appropriate $70,000 from Fund 140 Reserve to establish a new CIP project: Renovate 3 Parks in the 1996-97 CIP and the following adjustments be made:

Account #140-310-H182-6040	$70,000
Account #140-800-8000-8003	(70,000)

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 June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-329

Print

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED

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;

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996 (the "Resolution of Formation") establish the City's Community Facilities District No. 1996-1 ("the District");

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, California, 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. 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 Community Facilities District No. 1996-1 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 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 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 existing 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 existing 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.

Section 7. A public hearing upon this Resolution shall be held at 7:00 p.m., or as soon thereafter as practicable, on Tuesday, July 15, 1997 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 hereof.

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 the 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 decision 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 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

SITE 1

EXHIBIT "A"

ANNEXATION TO
COMMUNITY FACILITIES DISTRICT No. 1996-1
(VILLAGE ONE)

NOTTINGHAM PLACE

A portion of the south half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the northeast corner of Parcel 2 as shown in Book 18 of Parcel Maps, Page 45, Stanislaus County Records; thence South 89°52'29" East, along a line 20.00 feet south of and parallel with the centerline of Merle Avenue, a distance of 714.79 feet; thence South 00°27'18" East, a distance of 1233.27 feet to the north line of Modesto Irrigation District Lateral No. 3; thence along the north line of said Lateral No. 3 the following three (3) courses:

1) South 89°52'51" West, 58.50 feet;
2) South 00°27'18" East, 2.00 feet;
3) North 89°49'24" West, 655.92 feet to the southeast corner of said Parcel 2; thence North 00°28'26" West along the west line of said Parcel 2, a distance of 1231.81 feet to the point of beginning.

Contains 20.38 Acres, more or less

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

LICENSED LAND SURVEYOR
MAX M. GARCIA
No. 5122
STATE OF CALIFORNIA

Max M. Garcia 2/5/97

Max M. Garcia, L.S. 5122 Date
License Expires: 06/30/99

5120LG05.DOC
February 5, 1997

SITE 2

EXHIBIT "A"

ANNEXATION TO
COMMUNITY FACILITIES DISTRICT No. 1996-1
(VILLAGE ONE)

NOTTING GATE

A portion of the south half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Parcel 2 of the Parcel Map recorded January 21, 1974 in Book 18 of Parcel Maps at Page 45, Stanislaus County Records.

Contains 17.93 Acres, more or less

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

LICENSED LAND SURVEYOR
MAX M. GARCIA
No. 5122
STATE OF CALIFORNIA

Max M. Garcia 4/16/97

Max M. Garcia, L.S. 5122 Date
License Expires: 06/30/99

6122LG02.DOC
April 16, 1997

SITE 5

EXHIBIT "A"

ANNEXATION TO
COMMUNITY FACILITIES DISTRICT No. 1996-1
(VILLAGE ONE)

VILLAGE HIGHLANDS

The West half of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California.

EXCEPTING therefrom the north 20.00 feet.
ALSO Excepting therefrom Parcel 2 as shown on the parcel map recorded in Book 47 of Parcel Maps, Page 90, Stanislaus County Records.

Contains 38.90 Acres, more or less

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

Max M. Garcia 4/16/97

Max M. Garcia, L.S. 5122 Date
License Expires: 06/30/99

6036LG04.DOC
April 16, 1997

SITE 4

EXHIBIT "A"

ANNEXATION TO COMMUNITY FACILITIES DISTRICT No. 1996-1 (VILLAGE ONE)

SILVERADO at the VILLAGE

Parcels A and B as shown on the Parcel Map recorded in Book 3 of Parcel Maps, Page 111, Stanislaus County Records and that property conveyed to Sarina Properties, a Limited Partnership, in the deed recorded November 2, 1981 as Instrument Number 24205, Stanislaus County Records, all lying in the southeast quarter of Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California.

Excepting therefrom the north 20.00 feet of the property conveyed by said deed.

Contains 26.54 acres, more or less.

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

Max M. Garcia 4/16/97

Max M. Garcia, L.S. 5122 Date
License Expires: 6/30/99

7019LG01.DOC
April 16, 1997

SITE 5

OLYMPIC VILLAGE ANNEXATION

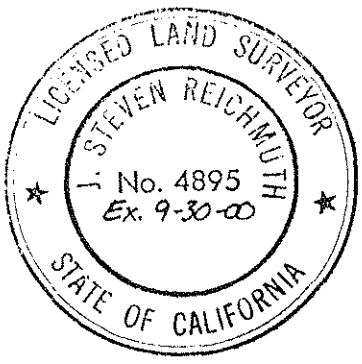
VILLAGE ONE COMMUNITY FACILITIES DISTRICT

D E S C R I P T I O N

All that certain real property situate in portions of Lot 6 of the "Adams Colony" according to the Official Map thereof filed for record in Volume 4 of Maps, Page 5, Stanislaus County Records, and the northwest quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the northwest corner of said Lot 6, said point being on the centerline of Floyd Avenue; thence North 89°51'30" East along the north line of said Lot 6, being also said centerline of Floyd Avenue, a distance of 351.31 feet; thence South 0°08'30" East at right angles to said north line of Lot 6, a distance of 661.92 feet to the south line of said Lot 6; thence South 89°51'53" West along said south line of Lot 6 a distance of 348.01 feet to the southwest corner of said Lot 6, said point being on the east line of said northwest quarter of Section 13; thence South 0°25'40" East along said east line of the northwest quarter of Section 13 a distance of 661.88 feet to the southeast corner of the east half of the southeast quarter of said northwest quarter of Section 13; thence South 89°51'39" West along the south line of said east half of the southeast quarter of the northwest quarter of Section 13 a distance of 657.10 feet to the southwest corner of said east half of the southeast quarter of the northwest quarter of Section 13; thence North 0°27'44" West along the west line of said east half of the southeast quarter of the northwest quarter of Section 13, a distance of 1323.75 feet to the northwest corner of said east half of the southeast quarter of the northwest quarter of Section 13; thence North 89°51'30" East along the north line of said east half of the southeast quarter of the northwest quarter of Section 13, being also said centerline of Floyd Avenue, a distance of 657.89 feet to the point of beginning.

Containing: 25.29 Acres



SITE 6

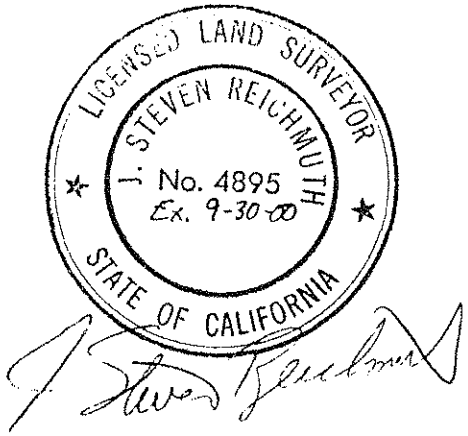
MILLBROOK ESTATES ANNEXATION
VILLAGE ONE COMMUNITY FACILITIES DISTRICT

D E S C R I P T I O N

All that certain real property situate in the northeast quarter of the northwest quarter of Section 13, Township 3 south, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the northeast corner of said northwest quarter of Section 13; thence South 0°22'26" East along the east line of said northwest quarter of Section 13 a distance of 1323.01 feet to the southeast corner of said northeast quarter of the northwest quarter of Section 13; thence South 89°51'30" West along the south line of said northeast quarter of the northwest quarter of Section 13, being also the centerline of Floyd Avenue, a distance of 1315.77 feet to the southwest corner of said northeast quarter of the northwest quarter of Section 13; thence North 0°25'08" West along the west line of said northeast quarter of the northwest quarter of Section 13, being also the centerline of Esta Avenue, a distance of 1322.39 feet to the northwest corner of said northeast quarter of the northwest quarter of Section 13; thence North 89°49'52" East along the north line of said northwest quarter of Section 13 a distance of 1316.81 feet to the point of beginning.

Containing: 39.97 Acres



SITE 7

LEGAL DESCRIPTION
ANNEXATION NO. 1 TO THE COMMUNITY
FACILITIES DISTRICT NO. 1996-1
(VILLAGE ONE)

All that certain real property situate, lying and being in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that portion of Parcels 1 and 2, as shown on the map filed in Book 37 of Parcel Maps, at Page 75, Stanislaus County Records, and a portion of the south half of Section 11, T.3 S.,R.9 E., Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the northeast corner of the southwest quarter of said section 11, said corner being marked by a concrete monument; thence along the east-west one quarter section line of said section 11, South 89º44'38" East, 33.50 feet; thence South 00°34°30" East 201.02 feet; thence South 02º03'07" West 120.00 feet; thence South 00°34°30" East 1034.32 feet; thence North 89°44'34" West 258.59 feet to the beginning of a curve concave to the south, having a radius of 1968.00 feet, and a central angle of 00º30'37"; thence westerly along the arc of said curve 17.53 feet; thence South 89°44'49" West 290.49 feet to the beginning of a curve concave to the north, having a radius of 2032.00 feet, and a central angle of 00º30'37"; thence westerly along the arc of said curve 18.10 feet; thence North 89°44'34" West 99.51 feet to the southerly prolongation of the westerly line of said Parcel 2; thence along said southerly prolongation of the westerly line of Parcel 2, and the westerly line of said Parcel 2, North 00°37°08" West 1172.77 feet thence North 89º22'52" East 208.98 feet to a point on the easterly line of said Parcel 1; thence along said easterly line North 00º37'08" West 182.09 feet to the centerline of Sylvan Avenue, and the east-west one quarter section line; thence along said centerline of Sylvan Avenue, and the east-west one quarter section line South 89°44'38" East 448.77 to the POINT OF BEGINNING.

containing 20.49 acres more or less

2b188900.b02
4-23-97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-330

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT (MID) FOR CONSENTING TO COMMON USE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District (MID) for consenting to common use 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 June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-331

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WAYNE E. AND VELMA J. BOZARTH FOR ACQUISITION OF A TEMPORARY EASEMENT FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Wayne E. and Velma J. Bozarth for acquisition of a temporary easement for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-332

A RESOLUTION ACCEPTING IMPROVEMENTS IN WYLDEWOOD VILLAGE SUBDIVISION AND AUTHORIZING RELEASE OF SECURITIES

WHEREAS, Valerie Wylie, subdivider of Wyldewood Village subdivision have filed bonds for faithful performance, and labor and materials in the amount of $99,500.00 and $49,750.00 respectively to guarantee improvements in Wyldewood Village subdivision and;

WHEREAS, the Public Works and Transportaion Director in a memorandum dated May 29, 1997 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works 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 Wyldewood Village Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $99,500.00 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 $49,750.00 upon expiration the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-333

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR SPECIAL COUNSEL SERVICES BETWEEN THE CITY OF MODESTO AND CARROLL, BURDICK & McDONOUGH FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement for special counsel services between the City of Modesto and Carroll, Burdick & McDonough for the Waste-to-Energy project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-334

A RESOLUTION APPROVING AMENDMENT NO. 1 TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS REGARDING THE USE AND DISTRIBUTION OF FUNDS HELD IN THE AB-939, SOURCE REDUCTION AND RECYCLING ACCOUNT.

WHEREAS, pursuant to Public Resources Code section 40976, the County of Stanislaus ("County") and the City of Modesto ("City") entered into a Memorandum of Understanding ("MOU") dated August 26, 1994, regarding the use and distribution of funds from the AB-939, Source Reduction and Recycling Account, and

WHEREAS, the City and the County agree that County-wide Disposal-based Reporting is mandated by the Integrated Waste Management Act of 1989, and, thus, the City and County desire to amend the AB-939 MOU to provide for payment of the City's proportional share of the cost for services provided by the County pursuant to the Act, including, but not limited to, Disposal-based Reporting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 1 to the Memorandum of Understanding between the City of Modesto and the County of Stanislaus is hereby approved to provide for payment of the City's proportional share of the cost for services provided by the County pursuant to the Integrated Waste Management Act of 1989, including, but not limited to, Disposal-based Reporting. A

copy of said Amendment No. 1 to Memorandum of Understanding between the City of Modesto and the County of Stanislaus 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 June, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-335

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON AUGUST 16, 1997, AT 824 KIERNAN AVENUE.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on August 16, 1997, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus/Unclaimed Property Listing", is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus/Unclaimed Property Listing", which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, August 16, 1997, at a large facility located at 824 Kiernan Avenue, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on

the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists 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 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-336

A RESOLUTION APPROVING SUBMISSION OF A REVISED ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

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, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, the City of Modesto's claim for fiscal year 1997-98 has been prepared in the amount of $4,392,780, which includes some funds for bicycle lanes and street maintenance purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said revised supplemental Transportation Development Act claim 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 $4,392,780 for fiscal year 1997-98 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

06/03/97 OPON4FFO/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 97-337

Print

A RESOLUTION APPROVING A SPACE PLAN/PROGRAM FOR THE PROPOSED JOINT CITY-COUNTY ADMINISTRATION BUILDING AND AUTHORIZING THE JOINT POWERS AUTHORITY PROJECT ARCHITECT TO DESIGN A BUILDING REFLECTING THE APPROVED SPACE PLAN/PROGRAM.

WHEREAS, the Joint Powers Agency engaged Daniel C. Smith and Associates to develop a Space Program for the Joint City-County Administration Building project, and

WHEREAS, the Program is a document that sets forth the future staffing and space needs for both the City and County for planning purposes, and the Program then becomes the basis from which the building is designed and floor assignments are made for various functions of both agencies, and

WHEREAS, by an Agenda Report to the City Council dated June 9, 1997, from the Public Works and Transportation Department, City staff recommended to the Council the approval of the space plan/program for the proposed joint City-County Administration Building, 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 approves the space plan/program for the proposed joint City-County Administration Building and authorizes the Joint Powers Agency project architect to design a building reflecting the approved space plan/program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

REVISED

MODESTO CITY COUNCIL
RESOLUTION NO. 97-338

Print

A RESOLUTION DECLARING A HARDSHIP EXISTS AT 2736 SCENIC BEND, REQUIRING THE PROPERTY OWNER AT 2736 SCENIC BEND TO CONNECT TO CITY SEWER, AUTHORIZING THE CITY TO PAY A SEWER CONNECTION FEE FOR SAID PROPERTY OWNER, APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE PROPERTY OWNER PROVIDING FOR A LIEN BEING PLACED ON SAID PROPERTY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, unique circumstances surround the property located at 2736 Scenic Bend in relation to the installation of sewer improvements and connection to City sewer for the property, said property being more particularly described as Stanislaus County Assessor's Parcel Number 33-26-05, and

WHEREAS, the property owner is seeking financial assistance to install the sewer improvements and connection to City sewer for the property, and

WHEREAS, the City Council considered this matter at its meeting held on June 10, 1997,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds that a hardship exists for the property owner at 2736 Scenic Bend in relation to the installation of sewer improvements and connection to City sewer for the property, as outlined in the staff report dated June 10, 1997, from the Public Works and Transportation Director, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED, as follows:

SECTION 1. That the property owner at 2736 Scenic Bend

Certified
7-7-97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-338

A RESOLUTION DECLARING A HARDSHIP EXISTS AT 2736 SCENIC BEND, REQUIRING THE PROPERTY OWNER AT 2736 SCENIC BEND TO CONNECT TO CITY SEWER, AUTHORIZING THE CITY TO PAY A SEWER CONNECTION FEE FOR SAID PROPERTY OWNER, APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND THE PROPERTY OWNER PROVIDING FOR A LIEN BEING PLACED ON SAID PROPERTY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, unique circumstances surround the property located at 2736 Scenic Bend in relation to the installation of sewer improvements and connection to City sewer for the property, said property being more particularly described as Stanislaus County Assessor's Parcel Number 33-26-05, and

WHEREAS, the property owner is seeking financial assistance to install the sewer improvements and connection to City sewer for the property, and

WHEREAS, the City Council considered this matter at its meeting held on June 19, 1997,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds that a hardship exists for the property owner at 2736 Scenic Bend in relation to the installation of sewer improvements and connection to City sewer for the property, as outlined in the staff report dated June 10, 1997, from the Public Works and Transportation Director, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED, as follows:

SECTION 1. That the property owner at 2736 Scenic Bend

is hereby required to connect to City sewer, however, the City shall provide financial assistance for expenses incurred for City fees and contractor's cost to connect the sewer lateral from the property to the sewer main, provided the Public Works and Transportation Department secures a reimbursement agreement from the property owner at 2736 Scenic Bend for the installation of sewer improvements, as outlined in the staff report and as set forth above.

SECTION 2. That the reimbursement agreement shall provide for a lien to be placed on the property to cover the cost, plus interest at 5.6%, for the required improvements installed by the City.

SECTION 3. That at the time of the sale, transfer or exchange of the property, reimbursement to the City for the improvements plus interest will be due and payable, as set forth in said reimbursement agreement.

SECTION 4. That the City Manager or his authorized designee is hereby authorized to execute said reimbursement agreement 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 10th day of June, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-339

A RESOLUTION APPOINTING DAVID DUNCAN, DAVID EPPS, AND EVERT TANIS TO ANTI-GRAFFITI STEERING 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. David Duncan, David Epps, and Evert Tanis are hereby appointed to the Anti-Graffiti Steering Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Anti-Graffiti Steering 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 10th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-340

A RESOLUTION SUPPORTING ASSEMBLY BILL 1437
(AB 1437)

WHEREAS, AB 1437 would hold accountable those governmental agencies which generate air pollution that is transported to other jurisdictions, and

WHEREAS, existing law requires the State Air Resources Board to assess the relative contribution of upwind emissions to downwind pollution and report to the Governor and the Legislature those areas transporting pollutants, and

WHEREAS, AB 1437 would require the State Board to implement a program that requires upwind districts who contribute significant transported pollution to downwind districts to reduce emissions or pay the costs of emission reduction, and

WHEREAS, the requirements of AB 1437 would create a state-mandated local program by imposing new duties on the air district,

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby supports AB 1437 which holds accountable those government agencies which generate air pollution which is transported to other districts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-341

A RESOLUTION SUPPORTING LEGISLATION SPONSORED BY CONGRESSMAN GARY CONDIT RELATING TO TRANSPORTED AIR POLLUTION AND FOR THE BAY AREA TO MEET THE SAME REQUIREMENTS AS THE SAN JOAQUIN VALLEY.

WHEREAS, Congressman Gary Condit has sponsored legislation that would hold accountable those governmental agencies which generate air pollution that is transported to other jurisdictions, and

WHEREAS, existing law requires the State Air Resources Board to assess the relative contribution of upwind emissions to downwind pollution and report to the Governor and the Legislature those areas transporting pollutants, and

WHEREAS, Congressman Gary Condit's legislation would require the Bay Area to meet the same requirements as the San Joaquin Valley relating to transported air pollution,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby supports legislation sponsored by Congressman Gary Condit that would hold accountable those governmental agencies which generate air pollution that is transported to other jurisdictions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of June, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-342

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "AIRPORT DISTRICT IMPROVEMENTS - THRASHER AVENUE, BENSON AVENUE, AND LARKIN AVENUE" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Airport District Improvements - Thrasher Avenue, Benson Avenue, and Larkin Avenue, has been completed by Donald L. Oberg, General Engineering Contractor, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Airport District Improvements - Thrasher Avenue, Benson Avenue, and Larkin Avenue be accepted from said contractor, Donald L. Oberg; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $397,908.60 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 June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-343

Print

A RESOLUTION ACCEPTING THE BID OF SAFETY STRIPING SERVICES INC. FOR THE PROJECT TITLED "PAVEMENT DELINEATION VARIOUS LOCATIONS"

WHEREAS, the bids received for Pavement Delineation Various Locations were opened at 11:00 a.m. on June 4, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $64,874.80 from Safety Striping 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 Safety Striping 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 17th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-344

A RESOLUTION ACCEPTING THE BID OF GATEWAY PACIFIC CONTRACTORS INC. FOR THE PROJECT TITLED "PRIMARY PLANT HEADWORKS AND CANNERY SEGREGATION PROJECT"

WHEREAS, the bids received for Primary Plant Headworks and Cannery Segregation Project were opened at 11:00 a.m. on April 22, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $12,473,010.00 from Gateway Pacific Contractors 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 Gateway Pacific Contractors 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 June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-345

A RESOLUTION ACCEPTING THE BID OF T&S CONSTRUCTION COMPANY INC. FOR THE PROJECT TITLED "CANNERY SEGREGATION PIPELINE PHASE I"

WHEREAS, the bids received for Cannery Segregation Pipeline Phase I were opened at 11:00 on March 25, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of T&S Construction Company Inc. in the amount of $6,603,130.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of T&S Construction Company 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 June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-346

Print

A RESOLUTION ACCEPTING THE BID OF INSITUFORM WEST INC. FOR THE PROJECT TITLED "PIPELINE REHABILITATION"

WHEREAS, the bids received for Pipeline Rehabilitation were opened at 11:00 a.m. on March 25, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Insituform West Inc. in the amount of $686,905.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Insituform 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 17th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-347

A RESOLUTION ACCEPTING THE BID OF MOUNTAIN CASCADE INC. FOR THE PROJECT TITLED "RELIEF LINE AND APPURTENANT STRUCTURES"

WHEREAS, the bids received for Relief Line and Appurtenant Structures were opened at 11:00 a.m. on March 25, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Mountain Cascade Inc. in the amount of $1,160,940.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mountain Cascade 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 June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-348

A RESOLUTION ACCEPTING THE BID OF MAULDIN-DORFMEIER CONSTRUCTION INC. FOR THE PROJECT TITLED "EMERALD TRUNK LINE REPLACEMENT"

WHEREAS, the bids received for Emerald Trunk Line Replacement were opened at 11:00 a.m. on June 17, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Mauldin-Dorfmeier in the amount of $432,873.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mauldin-Dorfmeier 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 June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-349

A RESOLUTION ACCEPTING THE BID OF INTERSTATE CONSTRUCTION INC. FOR THE PROJECT TITLED "MODESTO/CERES URBANIZED AREAS-SYSTEM FLOW AND SURVEILLANCE-SIGNALIZATION"

WHEREAS, the bids received for Modesto/Ceres Urbanized Areas-System Flow and Surveillance-Signalization were opened at 11:00 on June 4, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Interstate Construction Inc. for the amount of $1,024,220.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Interstate 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 17th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-350

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE $1,134,933 IN FEDERAL AND STATE GRANT FUNDS INTO AN EXISTING CIP PROJECT TITLED "CERES-ATMS DESIGN" PROJECT ACCOUNT #070-160-F970

WHEREAS, the Modesto/Ceres Urbanized Area-System Flow and Surveillance-Signalization Project is a joint project between the City of Modesto and the City of Ceres. Through this project, the City of Ceres will obtain "Advanced Traffic Management System" (ATMs) similar to the ones installed in Modesto and the City of Modesto will obtain closed circuit television cameras (CCTVs) to install at strategic locations to monitor traffic. The City currently has an agreement with the City of Ceres to manage the entire project.

WHEREAS, the City of Modesto was successful in obtaining a grant for installing the CCTVs in the amount of $459,754 which included a City match of $52,734; and the City of Ceres obtained a CMAQ grant of $600,000 which includes a Ceres match of $68,820 to implement ATMs in Ceres; and

WHEREAS, the City of Modesto received TSM funds of $121,554 to cover both cities match amounts as well as receiving $325,000 of STIP funding to expand the project. The final budget funding of $1,384,754, of which $301,710 has already been amended to the budget, without any matching funds from either city.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated below:

Expenditures:	*Account Name*	*Amount*
141-160-D226	Automated Traffic Mgmt/ATMS-CCTV	$(141,120)
070-160-F970	Automated Traffic Mgmt/ATMS-CCTV	$1,083,044

Revenues:	*Account Name*	*Amount*
070-510-9510-3504	Federal Share	$961,490
070-510-9510-3139	TSM Grant	$121,554
141-430-3504	Federal Share	$(141,120)

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 June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-351

A RESOLUTION AUTHORIZING CALL FOR REQUEST FOR PROPOSALS FOR DESIGN AND IMPLEMENTATION OF A FIBER OPTIC COMPUTER NETWORK BACKBONE SYSTEM

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 Design and Implementation of a Fiber Optic Network Backbone System, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 8, 1997 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 June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-352

A RESOLUTION APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR THE UNDERGROUNDING COSTS OF ELECTRICAL SERVICE TO THE PRIMARY WATER QUALITY CONTROL PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the letter agreement between the City of Modesto and Modesto Irrigation District for the undergrounding costs of electrical service to the Primary Water Quality Control Plant be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-353

A RESOLUTION APPROVING A CONTRIBUTION AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR $325,000 FOR THE MODESTO/CERES URBANIZED AREA-SYSTEM FLOW AND SURVEILLANCE SIGNALIZATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the contribution agreement with the State of California, Department of Transportation for $325,00 for the Modesto/Ceres Urbanized Area-System Flow and Surveillance Signalization project be, and is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-354

A RESOLUTION REQUIRING THAT CANDIDATES FOR THE NOVEMBER 4, 1997, REGULAR MUNICIPAL ELECTION SHALL PAY THE COST OF THEIR STATEMENTS.

WHEREAS, according to Fair Political Practices Commission ruling, Proposition 73, November, 1988, the City is prohibited from bearing any expense of candidates' statements, and

WHEREAS, State Elections Code Section 13307, which is still in effect, provides that before the opening of the nomination period the Council must determine whether the candidates will pay for their statements,

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 4 1997, are hereby required to pay the cost of their statements since the statement is not required but may be submitted at the option of the candidate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-355

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 1997-1, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT (NORTH BEYER)

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on May 13, 1997 adopt its Resolution No. 97-252 of intention to establish Community Facilities District No. 1997-1 (the "District"), and levy a special tax therein, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, Resolution No. 97-252 (1) describing the proposed boundaries of the District, the name of the District, and the types of facilities (the "Facilities") and services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Facilities and Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate, method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the affidavit of publication on file with the City Clerk, and

WHEREAS, this Council on June 24, 1997, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 97-252, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Boundary Map of Community Facilities District No. 1997-1 (North Beyer Specific Plan)" (the "Proposed Boundary Map") was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 2 of Maps of Assessment and Community Facilities Districts, at page 80, and

WHEREAS, prior to the hearing a report (the "Report") containing a description of the Facilities and Services required to adequately meet the needs of the District and an estimate of the cost of providing the Facilities and Services, including, to the extent the purchase of completed public facilities or the payment of incidental expenses is proposed, the estimated fair and reasonable cost thereof, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set forth in said Resolution No. 97-252, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Facilities or Services, were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters relating to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 97-252, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are no registered voters residing within the District); accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of facilities and services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests (there were none) to the establishment of the District, the extent thereof, or the furnishing of the public

facilities and services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 3. As proposed in Resolution No. 97-252, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 1997-1."

SECTION 4. (a) The Facilities to be financed by the District are set forth in Exhibit "A."

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

(c) No land within the District 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 District are also set forth in Exhibit "A" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the territory of the District before the District was created.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

SECTION 6. The Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in Resolution No. 97-252, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Facilities and Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that he or she will have to pay, is described in Exhibit "B" hereto and by this reference incorporated herein.

(c) The special tax as apportioned to each parcel pursuant to Exhibit "B" is based on the cost of making the Facilities and Services available to each parcel, 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 District 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 District.

(e) Any reimbursement made to the District pursuant to Section 53313.5(e) of the California Government Code shall be utilized to reduce or minimize the special tax levied within the District or to finance additional facilities within the District.

(f) No conditions have been specified in Exhibit "B" thereto or in this Resolution under which the obligation to pay the special tax may be prepaid and permanently satisfied.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 97-252, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9. The office of the Director of Finance is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director of Finance, and the person responsible for administering the District, is as follows:

Director of Finance
City of Modesto
City Hall
801 11th Street
Modesto, California 95354
(209) 557-5370

Such officer is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the Act.

SECTION 10. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 13 and 14 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to said Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each

levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 11. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 12. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution, is hereby preliminarily established at $200,000.00, and said annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing said appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

SECTION 13. (a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit "C" hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by said landowners or their authorized representatives; each having one vote for each acre or portion thereof that such

landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City's designation of its City Clerk as the election official. The shortening of the election as herein provided has been concurred in by the City Clerk.

(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 22nd day of July, 1997, the election shall be held on the 22nd day of July, 1997, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

(f) The publication of this Resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 14. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 15. The City Clerk, as the designated election official, shall, within three business days after the adoption of this Resolution, obtain a certified copy thereof; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 16. The Council hereby determines that any potential environmental impact of the proposed Mello-Roos Community Facilities District has been adequately addressed in the Mitigated Negative Declaration (SCH No. 9610253) prepared for the North Beyer Park Specific Plan. The plan describes the Mello-Roos District in Chapter 4, Implementation Of Financing Of Public Facilities. The Mitigated Negative Declaration, adopted by the City Council November 26, 1996 (Resolution No. 96-640) was prepared pursuant to Section 21157.5 of CEQA and found that although the project could have a significant effect on the environment, there would not be a significant effect because mitigation measures have been added to the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, 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

EXHIBIT A

DESCRIPTION OF FACILITIES AND SERVICES

EXHIBIT A

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	=	$9,000
Subtotal for Oakdale Road	=	$69,349
Eng., Inspection, Admin., Contingency (25%)	=	$17,350
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	=	$9,000
Subtotal for Oakdale Road	=	$51,499
Eng., Inspection, Admin., Contingency (25%)	=	$12,900
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)

Landscaped Median:		
35,165 sq. ft. @ $.42/sq. ft./Annual Maintenance	=	$14,769
Landscape Planter:		
44,200 sq. ft. @ $.42/sq. ft./Annual Maintenance	=	$18,564
Total for Pelandale Expressway	=	$33,333

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	=	$2,142
Total for Oakdale Road	=	$6,972

3. Coffee Road (Minor Arterial)

Landscaped Median:		
11,500 sq. ft. @ $.42/sq. ft./Annual Maintenance	=	$4,830

Total for operation and maintenance of street parkways and open space in North Beyer Park Specific Plan Area = $45,135

Summary of Street Parkway and Open Space Facilities and Services and Costs

	Capital Costs	Maintenance
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	$45,135

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT B

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:

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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EXHIBIT C

SAMPLE OFFICIAL BALLOT

SAMPLE

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 1997-1
OF
THE CITY OF MODESTO
STATE OF CALIFORNIA
SPECIAL TAX ELECTION
_____, 1997

BALLOT NO. _____

_____ % of land in District
You are entitled to cast _____ votes
(VOTER MAY REMOVE AND RETAIN THIS STUB)

. . . . . .

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO." All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5396, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED
TO VOTE OF VOTERS

Proposition A. Shall an appropriations limit in the amount of $_____ per fiscal year be established for Community Facilities District No. 1997-1 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in Exhibit "B" to the City's Resolution of Formation No. 97-41 adopted by the City Council of the City of Modesto on June 24, 1997, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the City's Resolution No. _____ adopted on June 24, 1997, including any incidental expenses related thereto?

YES ☐

NO ☐

BALLOT NO. _____

_____ % of land in District
THIS BALLOT HAS A VALUE OF____ VOTES

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-356

A RESOLUTION DESIGNATING THE STANLEY HOME AT 225 STODDARD AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: MARLEEN M. AND THEODORE A. WEISSBACH)

WHEREAS, Chapter 10 of Title IX 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 May 19, 1997, 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. 97-7, that the Stanley Home at 225 Stoddard 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, and the current adaptive uses 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 the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on June 24, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the Stanley Home at 225 Stoddard 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 225 Stoddard Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Stanley Home at 225 Stoddard Avenue has architectural and historical significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architectural significance as a Provincial single-family residence from the late 1920's. It is in fine condition.

2. Historical significance because the original owner, Carl Stanley, was co-owner of the Stanley and Kirkman Grain and Feed Co. at 732 10th Street and served as a City Councilman in the 1930's. Harriet and Carl Stanley's daughter, Colleen Stanley Bare grew up in this home and has become a noted author of children's books.

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 June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Weissbach, Theodore and Marleen
225 Stoddard Ave.
Modesto, CA 95354

EXHIBIT "A"

Legal Description of Property commonly known as 225 Stoddard Ave.:

Lots 17 and 18 in Block 546 of the City of Modesto, as per map filed March 3, 1930, Volume 12 of Maps, Stanislaus County Records.

Corrected 7/9/97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-357

Print

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 3) FOR THE STANLEY HOME AT 225 STODDARD AVENUE, LANDMARK SITE NO. 37, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: MARLEEN M. AND THEODORE A. WEISSBACH)

WHEREAS, Marleen M. and Theodore A. Weissbach, owners of the Stanley Home at 225 Stoddard Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on May 19, 1997, and

WHEREAS, Chapter 10 of Title IX 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 the Stanley Home at 225 Stoddard Avenue, 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 May 19, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 3, by Resolution No. 97-8, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Stanley Home at 225 Stoddard Avenue, and

WHEREAS, after a public hearing held on June 24, 1997, 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 Stanley Home at 225 Stoddard Avenue, 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. 3) for the Stanley Home at 225 Stoddard Avenue 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.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-357

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 4) FOR THE STANLEY HOME AT 225 STODDARD AVENUE, LANDMARK SITE NO. 38, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: MARLEEN M. AND THEODORE A. WEISSBACH)

WHEREAS, Marleen M. and Theodore A. Weissbach, owners of the Stanley Home at 225 Stoddard Avenue applied for Landmark Site Designation for this site with Planning Commission recommendation for designation on May 19, 1997, and

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes the authority for the Landmark Preservation Committee 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 the Stanley Home at 225 Stoddard Avenue, 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 May 19, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 4, by Resolution No. 97-8, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Stanley Home at 225 Stoddard Avenue, and

WHEREAS, after a public hearing held on June 24, 1997, 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 Stanley Home at 225 Stoddard Avenue, 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. 4) for the Stanley Home at 225 Stoddard Avenue 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 June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-358

Print

A RESOLUTION DESIGNATING THE JOHN M. WALTHALL HOME AT 118 SYCAMORE AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: GLYNIS M. AND ROBERT N. GAINES)

WHEREAS, Chapter 10 of Title IX 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 May 19, 1997, 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. 97-5, that the John M. Walthall Home at 118 Sycamore Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and the current adaptive uses 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 the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on June 24, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the John M. Walthall Home at 118 Sycamore Avenue is eligible for designation as a

Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 118 Sycamore Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the John M. Walthall Home at 118 Sycamore Avenue has architectural and historical significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architectural significance as a shingle-style, single-family residence from 1911. It is in fine condition.

2. Historical significance because the original owner, John M. Walthall, was a great grandson of President Madison's sister. He served as Stanislaus County District Attorney two years before creating his own law practice.

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 June, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

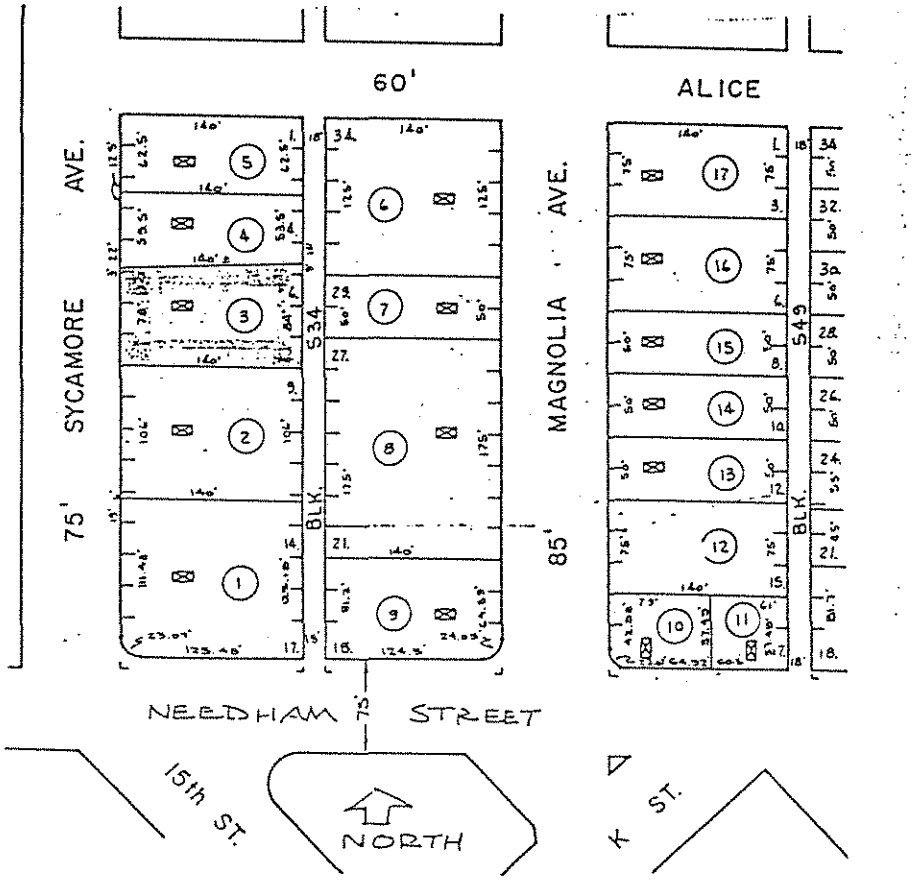
By _____
MICHAEL D. MILICH, City Attorney

John M. Walthall Home
118 Sycamore Avenue
Robert and Glynis Gaines, owners

EXHIBIT "A" - LEGAL DESCRIPTION

All of Lots 6, 7, & 8 and that portion of Lot 5, all in Block 534 of CITY OF MODESTO, in the City of Modesto, County of Stanislaus, State of California, according to the official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942 in Volume 15 of Maps, described as follows:

BEGINNING at the southeast corner of Lot 5 at the West line of alley running through Block; thence North along the West line of said alley a distance of 9 feet; thence at practically right angles West to a point on the East line of Sycamore Avenue, which point is 3 feet North of the Southwest corner of Lot 5; thence South along East line of Sycamore Avenue, a distance of 3 feet to the Southwest corner of said Lot 5; thence East along the South line of Lot 5 to alley and place of beginning.



Corrected 7/9/97

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-359

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 4) FOR THE JOHN M. WALTHALL HOME AT 118 SYCAMORE AVENUE, LANDMARK SITE NO. 38, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: GLYNIS M. AND ROBERT N. GAINES)

WHEREAS, Glynis M. and Robert N. Gaines, owners of the John M. Walthall Home at 118 Sycamore Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on May 19, 1997, and

WHEREAS, Chapter 10 of Title IX 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 the John M. Walthall Home at 118 Sycamore Avenue, 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 May 19, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 4, by Resolution No. 97-6, the Landmark Preservation Commission recommended to the City Council approval of said contract for the John M. Walthall Home at 118 Sycamore Avenue, and

WHEREAS, after a public hearing held on June 24, 1997, 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 John M. Walthall Home at 118 Sycamore Avenue, 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. 4) for the John M. Walthall Home at 118 Sycamore Avenue 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.

Clerk

Corrected 7-9-97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-359

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 3) FOR THE JOHN M. WALTHALL HOME AT 118 SYCAMORE AVENUE, LANDMARK SITE NO. 37, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: GLYNIS M. AND ROBERT N. GAINES)

WHEREAS, Glynis M. and Robert N. Gaines, owners of the John M. Walthall Home at 118 Sycamore Avenue applied for Landmark Site Designation for this site with Planning Commission recommendation for designation on May 19, 1997, and

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes the authority for the Landmark Preservation Committee 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 the John M. Walthall Home at 118 Sycamore Avenue, 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 May 19, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 3, by Resolution No. 97-6, the Landmark Preservation Commission recommended to the City Council approval of said contract for the John M. Walthall Home at 118 Sycamore Avenue, and

WHEREAS, after a public hearing held on June 24, 1997, 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 John M. Walthall Home at 118 Sycamore Avenue, 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. 3) for the John M. Walthall Home at 118 Sycamore Avenue 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.

Certified 7-9-97

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-360

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "YOSEMITE BOULEVARD WIDENING PROJECT FROM McCLURE ROAD TO FRAZINE ROAD"

WHEREAS, the bids received for Yosemite Boulevard Widening Project from McClure Road to Frazine Road were opened at 11:00 a.m. on June 24, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of George Reed Inc. in the amount of $1,035,555.55 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 24th day of June, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-361

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE FOR THE PROJECT TITLED YOSEMITE BOULEVARD WIDENING FROM MCCLURE ROAD TO FRAZINE ROAD

WHEREAS, in February 1997, project design was completed to improve the Yosemite Boulevard/Claus Road intersection. The project is funded primarily with CFF funds, developer contributions and was eligible to receive approximately 12% reimbursement from the State Local Transportation Partnership Program; and

WHEREAS, in order to preserve the SLTPP funding of approximately $125,000, the project contract needs to be awarded by June 30, 1997; and

WHEREAS, funds are available in Account #141-430-E937 and #141-430-F701 which includes Developer ($168,000) and CalTrans ($60,000); with additional revenue funding now available from SLTPP ($125,000).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to estimate and appreciate additional revenue as indicated below:

Expenditure		
#141-430-E937-6040	$125,000	Claus/Yosemite & Yosemite/Norseman
Revenue		
#141-430-9510-3138	$125,000	State Share of State Project

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-362

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "RECONSTRUCTION OF THE EAST LEVEE ROAD AT REMOTE PONDS SITE"

WHEREAS, the bids received for Reconstruction of the East Levee Road at Remote Ponds Site were opened at 11:00 a.m. on June 10, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Teichert Construction iin the amount of $82,406.00 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 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 96-363

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $52,239 TO FULLY FUND THE RECONSTRUCTION OF THE EAST LEVEE ROAD AT REMOTE PONE SITE

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

From: 621-480-5214-0210 $52,239.00
To: 621-480-H380-6040 $52,239.00

The budgeted amount would not improve the entire section of roadway. Approximately 1700 LF of road would remain to be improved in other budget years. Better construction costs were obtained when all phases of the paving project were bid at one time. Additional funds are available from savings in Electrical Utility Payments at the Ponds. The aerators could not be used during the Ponds Dredging Project last winter and a corresponding savings resulted. This money can be used to complete roadway repair on the east levee road adjacent to the aerators.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-364

A RESOLUTION ACCEPTING THE PROJECT TITLED "L STREET SEWER RECONSTRUCTION" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled L Street Sewer Reconstruction, has been completed by Rolfe Construction, in accordance with the contract agreement dated August 13, 1996.

NOW, THEREFORE, BE IT RESOLVED that the L Street Sewer Reconstruction 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 $218,832.44 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 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-365

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR DESIGN AND IMPLEMENTATION OF A VOICE MAIL SYSTEM TO BE OPENED ON JULY 15, 1997 AT 11:00 A.M.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Design and Implementation of a Voice Mail System, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 15, 1997 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-366

A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND KANSAS STATE BANK OF MANHATTAN FOR THE PURCHASE OF TWO PORTABLE OFFICE BUILDINGS FROM ALLSPACE LEASING INC. AND RESCINDING RESOLUTION NO. 97-204

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease purchase agreement between the City of Modesto and Kansas State Bank of Manhattan for the purchase of two portable office buildings from Allspace Leasing Inc. in the amount of $108,194.98 be, and it is hereby approved.

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

BE IT FURTHER RESOLVED that Resolution No. 97-204, adopted on April 15, 1997, by the Council of the City of Modesto 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 June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-367

A RESOLUTION ESTABLISHING THE 1996-97 FISCAL YEAR APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO BE USED IN THE CALCULATION

WHEREAS, adoption of the Fiscal Year 1997-98 budget requires that Council establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for that year; and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, Schedule VII attached 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 including Schedule VII 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 1997-98 appropriations limit is hereby established as set forth in Schedule VII attached.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

SCHEDULE VII

CITY OF MODESTO

APPROPRIATION LIMIT CALCULATION

FISCAL YEAR 1997-98

FY 1996-97 Appropriation Limit		$154,635,651
Adjustment factors:		
Population:		
Modesto	1.0039	
County	1.0081	
Price:		
Per Capita Income (State)	1.0467	
Local non-residential new construction	Unavailable	
Total Adjustment percentage		5.52%
Annual adjustment		$ 8,535,888
Other adjustments		
FY 1997-98 Appropriation Limit		$163,171,539

MODESTO CITY COUNCIL

Print

RESOLUTION NO. 97-368

A RESOLUTION AMENDING THE 1996-97 BUDGET ADJUSTING APPROPRIATIONS AND RE-ESTIMATING REVENUE AND ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 1998

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 1996-97; and

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1997-98 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 revenue as indicated in the 1997-98 City of Modesto Proposed Budget is hereby adopted as the budget for fiscal year ending June 30, 1998; 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 1996-97 are hereby reappropriated as a part of the budget for the Fiscal Year 1997-98;

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-369

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE JUNIOR COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE FOR PARTICIPATION IN THE SUBSIDIZED FEDERAL WORK STUDY PROGRAM FOR THE 1997-98 AUGUST TO JUNE ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Junior College District and Modest Junior College for participation in the subsidized Federal Work Study Program for the 1997-98 August to June Academic year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Revised
7/21/97

MODESTO CITY COUNCIL
RESOLUTION NO. 97-370

Print

A RESOLUTION APPROVING ZERO-PERCENT INTEREST DOWN PAYMENT ASSISTANCE PROGRAM (DPAP) LOANS FOR THE TEN (10) FAMILIES SELECTED TO PARTICIPATE IN SELF-HELP ENTERPRISES' HOME OWNERSHIP PROJECT, ALONG VICKSBURG STREET NEAR PARADISE ROAD.

WHEREAS, Self-Help Enterprises, a nonprofit housing developer, is building ten (10) single-family homes for low income home buyers, along Vicksburg Street near Paradise Road, and

WHEREAS, the Council has already approved $25,000.00 in Down Payment Assistance Program (DPAP) funds ($2,500.00 per household) to assist with the down payment of such homes, and

WHEREAS, the families selected to participate in the Self-Help's home ownership project will construct their homes using the mutual self-help construction method, utilizing sweat equity and voluntary labor, and are eligible for consideration if they are earning 80% or less of area median income, and

WHEREAS, Sweat-Equity programs offered by organizations such as Self-Help Enterprises and Habitat for Humanity are making home ownership a reality for families with lower incomes who need more assistance than the typical first-time home buyer, and, that could not own a home if they were required to go through the conventional home-buying process, and

WHEREAS, the Redevelopment Agency of the City of Modesto recently approved zero-percent interest DPAP loans for six families selected to participate in the Habitat for Humanity's sweat-equity program at the Wyldewood Subdivision, and staff is recommending that the ten (10) families selected for Self-Help's sweat equity program be granted the same consideration, and

WHEREAS, on June 5, 1997, the Community Development and Housing Committee reviewed this matter and recommended that the Council approve staff's recommendation,

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby finds as follows:

1. That zero-percent (0%) interest DPAP loans shall be made available for the ten (10) families selected to participate in the Self-Help Enterprises' home ownership project along Vicksburg Street near Paradise Road.

2. That the ten (10) Self-Help families approved for DPAP loans will have payments of both principal and interest deferred for fifty (50) years and that payments will become immediately due and payable when the borrower sells, refinances or transfers the property, or no longer occupies the property as their principal residence.

3. That the DPAP loans will accrue interest at the rate of zero (0%) percent fixed, simple interest per year.

4. That all other DPAP loan conditions remain unchanged.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-370

A RESOLUTION APPROVING ZERO-PERCENT INTEREST DOWN PAYMENT ASSISTANCE PROGRAM (DPAP) LOANS FOR THE TEN (10) FAMILIES SELECTED TO PARTICIPATE IN SELF-HELP ENTERPRISES' HOME OWNERSHIP PROJECT, ALONG VICKSBURG STREET NEAR PARADISE ROAD.

WHEREAS, Self-Help Enterprises, a nonprofit housing developer, is building ten (10) single-family homes for low income home buyers, along Vicksburg Street near Paradise Road, and

WHEREAS, the Council has already approved $25,000.00 in Down Payment Assistance Program (DPAP) funds ($2,500.00 per household) to assist with the down payment of such homes, and

WHEREAS, the families selected to participate in the Self-Help's home ownership project will construct their homes using the mutual self-help construction method, utilizing sweat equity and voluntary labor, and are eligible for consideration if they are earning 80% or less of area median income, and

WHEREAS, Sweat-Equity programs offered by organizations such as Self-Help Enterprises and Habitat for Humanity are making home ownership a reality for families with lower incomes who need more assistance than the typical first-time home buyer and that could not own a home if they were required to go through the conventional home-buying process, and

WHEREAS, the Redevelopment Agency of the City of Modesto recently approved zero-percent interest DPAP loans for six families selected to participate in the Habitat for Humanity's sweat-equity program at the Wyldewood Subdivision and staff is recommending that the ten (10) families selected for Self-Help's sweat equity program be granted the same consideration, and

WHEREAS, on June 5, 1997, the Community Development and Housing Committee reviewed this matter and recommended that the Council approve staff's recommendation,

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby finds as follows:

1. That zero-percent (0%) interest DPAP loans shall be made available for the ten (10) families selected to participate in the Self-Help Enterprises' home ownership project along Vicksburg Street near Paradise Road.

2. That the ten (10) Self-Help families approved for DPAP loans will have payments of both principal and interest deferred for fifty (50) years and that payments will become immediately due and payable when the borrower sells, refinances or transfers the property, or no longer occupies the property as their principal residence.

3. That the DPAP loans will accrue interest at the rate of five (5%) percent fixed, simple interest per year.

4. That all other DPAP loan conditions remain unchanged.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-371

A RESOLUTION APPROVING AN AGREEMENT WITH CRAIG W. BARNES, GINA M. BARNES, FLOYD L. GRAVES, JANET M. GRAVES, JAMES E. RIDENOUR, RENEE R. RIDENOUR, KATHLEEN A. FINN, STEVEN L. SIMON, BONNIE R. SIMON, WILLIAM H. SIMON, SHERRY L. SIMON, LOUIS JON SIMON, AND SANDRA L. SIMON FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE COFFEE/BRIGGSMORE INTERSECTION WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Graig W. Barnes, Gina M. Barnes, Floyd L. Graves, Janet M. Graves, James E. Ridenour, Renee R. Ridenour, Kathleen A. Finn. Steven L. Simon, Bonnie R. Simon, William H. Simon, Sherry L. Simon, Louis Jon Simon, and Sandra L. Simon for the purchase of right of way needed for the Coffee/Briggsmore intersection widening projcet be, and 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 June, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-372

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND M AG, A LIMITED PARTNERSHIP, FOR ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and M AG, a Limited Partnership for the Parallel Outfall Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-373

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE F. AND MARY J. PINHEIRO FOR ACQUISITION OF PROPERTY NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joe F. and Mary J. Pinheiro for acquistion of property needed for the Parallel Outfall Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-374

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DEGROOT FOR THE LEASE OF THE HAILWOOD RANCH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Hein Hettinga and Amos DeGroot for the lease of the Hailwood Ranch be, and it is hereby approved.

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

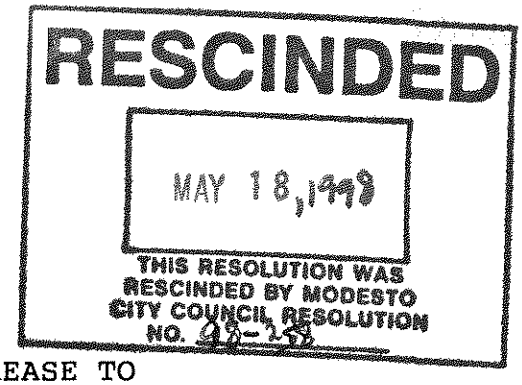
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 97-375

Print

A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NOS. 95-310, 95-381, 95-530, 95-549, AND 96-366.

WHEREAS, pursuant to Resolution No. 95-530 which became effective on November 7, 1995, the Council amended 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 (2%) percent salary increase for unrepresented Management and Confidential employees, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a two (2%) percent salary increase for Council Appointees, and

WHEREAS, the Council desires to approve a two (2%) percent 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 24, 1997, to provide for a two (2%) percent salary adjustment for

unrepresented Management and Confidential employees and a two (2%) percent salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 24, 1997".

2. Exhibit "B" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97/98, Effective 6/24/97 - Schedule D Management/Confidential - General".

3. Exhibit "C" entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 24, 1997".

4. Exhibit "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97/98, Effective 6/24/97 - 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 97-98, Effective 6/24/97 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".

6. Exhibit "F" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97-98, Effective 6/24/97 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".

7. Exhibit "G" entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 24, 1997".

8. Exhibit "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97/98, Effective 6/24/97 - Schedule G Management/Confidential - Police - Unrepresented".

9. Exhibit "I" entitled "City Of Modesto Class Range Table, Executive Management, Effective June 24, 1997", which includes Council Appointees.

10. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97/98, Effective 6/24/97 - Executive Management".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, 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:	Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Cogdill, Dobbs
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

SECTION 2. COUNCIL APPOINTEES. Effective June 24, 1997, the salaries for the positions of the Council Appointees shall be as follows:

TITLES	HOURLY	BI-WEEKLY	MONTHLY
City Manager	$52.6112	$4208.90	$9154.36
City Attorney	$49.1810	$3934.48	$8557.49
City Clerk	$25.8466	$2067.73	$4497.31

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 August, 1997.

SECTION 9. UNIFORM ALLOWANCE. Management and Confidential employees eligible for a uniform allowance are hereby granted an increase in uniform allowance consistent with those approved for represented employees effective July, 1997.

SECTION 10. REPEAL. Resolution Nos. 95-310, 95-381, 95-530, 95-549, and 96-366 are hereby rescinded.

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective June 24, 1997

REVISED

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

421	
422	Office Supervisor
423	Custodian Supervisor
424	Assistant Planner Asst. City Clerk/Auditor
425	Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist Social Services Program Coordinator
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Systems Analyst
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Systems Manager
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist Business Analyst Cultural Services Manager
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

441	Sr. Deputy City Attorney I 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
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	General Services Manager Water Quality Control Supt. Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Senior Civil Engineer Traffic Engineer
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
448	Sr. Deputy City Attorney II
449	

450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98
EFFECTIVE 6/24/97

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 2.00%

Range	1	2	3	4	5	6	7	8	9
0401	9.4318	9.6676	9.9093	10.1570	10.4109	10.6712	10.9380	11.2115	11.4918
0402	9.6676	9.9093	10.1570	10.4109	10.6712	10.9380	11.2115	11.4918	11.7791
0403	9.9093	10.1570	10.4109	10.6712	10.9380	11.2115	11.4918	11.7791	12.0736
0404	10.1570	10.4109	10.6712	10.9380	11.2115	11.4918	11.7791	12.0736	12.3754
0405	10.4109	10.6712	10.9380	11.2115	11.4918	11.7791	12.0736	12.3754	12.6848
0406	10.6712	10.9380	11.2115	11.4918	11.7791	12.0736	12.3754	12.6848	13.0019
0407	10.9380	11.2115	11.4918	11.7791	12.0736	12.3754	12.6848	13.0019	13.3269
0408	11.2115	11.4918	11.7791	12.0736	12.3754	12.6848	13.0019	13.3269	13.6601
0409	11.4918	11.7791	12.0736	12.3754	12.6848	13.0019	13.3269	13.6601	14.0016
0410	11.7791	12.0736	12.3754	12.6848	13.0019	13.3269	13.6601	14.0016	14.3516
0411	12.0736	12.3754	12.6848	13.0019	13.3269	13.6601	14.0016	14.3516	14.7104
0412	12.3754	12.6848	13.0019	13.3269	13.6601	14.0016	14.3516	14.7104	15.0782
0413	12.6848	13.0019	13.3269	13.6601	14.0016	14.3516	14.7104	15.0782	15.4552
0414	13.0019	13.3269	13.6601	14.0016	14.3516	14.7104	15.0782	15.4552	15.8416

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0401	754.54	773.41	792.74	812.56	832.87	853.70	875.04	896.92	919.34
0402	773.41	792.74	812.56	832.87	853.70	875.04	896.92	919.34	942.33
0403	792.74	812.56	832.87	853.70	875.04	896.92	919.34	942.33	965.89
0404	812.56	832.87	853.70	875.04	896.92	919.34	942.33	965.89	990.03
0405	832.87	853.70	875.04	896.92	919.34	942.33	965.89	990.03	1,014.78
0406	853.70	875.04	896.92	919.34	942.33	965.89	990.03	1,014.78	1,040.15
0407	875.04	896.92	919.34	942.33	965.89	990.03	1,014.78	1,040.15	1,066.15
0408	896.92	919.34	942.33	965.89	990.03	1,014.78	1,040.15	1,066.15	1,092.81
0409	919.34	942.33	965.89	990.03	1,014.78	1,040.15	1,066.15	1,092.81	1,120.13
0410	942.33	965.89	990.03	1,014.78	1,040.15	1,066.15	1,092.81	1,120.13	1,148.13
0411	965.89	990.03	1,014.78	1,040.15	1,066.15	1,092.81	1,120.13	1,148.13	1,176.83
0412	990.03	1,014.78	1,040.15	1,066.15	1,092.81	1,120.13	1,148.13	1,176.83	1,206.26
0413	1,014.78	1,040.15	1,066.15	1,092.81	1,120.13	1,148.13	1,176.83	1,206.26	1,236.42
0414	1,040.15	1,066.15	1,092.81	1,120.13	1,148.13	1,176.83	1,206.26	1,236.42	1,267.33

MONTHLY	1	2	3	4	5	6	7	8	9
0401	1,641.12	1,682.17	1,724.21	1,767.32	1,811.49	1,856.80	1,903.21	1,950.80	1,999.56
0402	1,682.17	1,724.21	1,767.32	1,811.49	1,856.80	1,903.21	1,950.80	1,999.56	2,049.57
0403	1,724.21	1,767.32	1,811.49	1,856.80	1,903.21	1,950.80	1,999.56	2,049.57	2,100.81
0404	1,767.32	1,811.49	1,856.80	1,903.21	1,950.80	1,999.56	2,049.57	2,100.81	2,153.32
0405	1,811.49	1,856.80	1,903.21	1,950.80	1,999.56	2,049.57	2,100.81	2,153.32	2,207.15
0406	1,856.80	1,903.21	1,950.80	1,999.56	2,049.57	2,100.81	2,153.32	2,207.15	2,262.33
0407	1,903.21	1,950.80	1,999.56	2,049.57	2,100.81	2,153.32	2,207.15	2,262.33	2,318.88
0408	1,950.80	1,999.56	2,049.57	2,100.81	2,153.32	2,207.15	2,262.33	2,318.88	2,376.86
0409	1,999.56	2,049.57	2,100.81	2,153.32	2,207.15	2,262.33	2,318.88	2,376.86	2,436.28
0410	2,049.57	2,100.81	2,153.32	2,207.15	2,262.33	2,318.88	2,376.86	2,436.28	2,497.18
0411	2,100.81	2,153.32	2,207.15	2,262.33	2,318.88	2,376.86	2,436.28	2,497.18	2,559.61
0412	2,153.32	2,207.15	2,262.33	2,318.88	2,376.86	2,436.28	2,497.18	2,559.61	2,623.62
0413	2,207.15	2,262.33	2,318.88	2,376.86	2,436.28	2,497.18	2,559.61	2,623.62	2,689.21
0414	2,262.33	2,318.88	2,376.86	2,436.28	2,497.18	2,559.61	2,623.62	2,689.21	2,756.44

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98
EFFECTIVE 6/24/97

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 2.00%

Range	1	2	3	4	5	6	7	8	9
0415	13.3269	13.6601	14.0016	14.3516	14.7104	15.0782	15.4552	15.8416	16.2376
0416	13.6601	14.0016	14.3516	14.7104	15.0782	15.4552	15.8416	16.2376	16.6435
0417	14.0016	14.3516	14.7104	15.0782	15.4552	15.8416	16.2376	16.6435	17.0596
0418	14.3516	14.7104	15.0782	15.4552	15.8416	16.2376	16.6435	17.0596	17.4861
0419	14.7104	15.0782	15.4552	15.8416	16.2376	16.6435	17.0596	17.4861	17.9233
0420	15.0782	15.4552	15.8416	16.2376	16.6435	17.0596	17.4861	17.9233	18.3714
0421	15.4552	15.8416	16.2376	16.6435	17.0596	17.4861	17.9233	18.3714	18.8307
0422	15.8416	16.2376	16.6435	17.0596	17.4861	17.9233	18.3714	18.8307	19.3015
0423	16.2376	16.6435	17.0596	17.4861	17.9233	18.3714	18.8307	19.3015	19.7840
0424	16.6435	17.0596	17.4861	17.9233	18.3714	18.8307	19.3015	19.7840	20.2786
0425	17.0596	17.4861	17.9233	18.3714	18.8307	19.3015	19.7840	20.2786	20.7856
0426	17.4861	17.9233	18.3714	18.8307	19.3015	19.7840	20.2786	20.7856	21.3052
0427	17.9233	18.3714	18.8307	19.3015	19.7840	20.2786	20.7856	21.3052	21.8378
0428	18.3714	18.8307	19.3015	19.7840	20.2786	20.7856	21.3052	21.8378	22.3837

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0415	1,066.15	1,092.81	1,120.13	1,148.13	1,176.83	1,206.26	1,236.42	1,267.33	1,299.01
0416	1,092.81	1,120.13	1,148.13	1,176.83	1,206.26	1,236.42	1,267.33	1,299.01	1,331.48
0417	1,120.13	1,148.13	1,176.83	1,206.26	1,236.42	1,267.33	1,299.01	1,331.48	1,364.77
0418	1,148.13	1,176.83	1,206.26	1,236.42	1,267.33	1,299.01	1,331.48	1,364.77	1,398.89
0419	1,176.83	1,206.26	1,236.42	1,267.33	1,299.01	1,331.48	1,364.77	1,398.89	1,433.86
0420	1,206.26	1,236.42	1,267.33	1,299.01	1,331.48	1,364.77	1,398.89	1,433.86	1,469.71
0421	1,236.42	1,267.33	1,299.01	1,331.48	1,364.77	1,398.89	1,433.86	1,469.71	1,506.46
0422	1,267.33	1,299.01	1,331.48	1,364.77	1,398.89	1,433.86	1,469.71	1,506.46	1,544.12
0423	1,299.01	1,331.48	1,364.77	1,398.89	1,433.86	1,469.71	1,506.46	1,544.12	1,582.72
0424	1,331.48	1,364.77	1,398.89	1,433.86	1,469.71	1,506.46	1,544.12	1,582.72	1,622.29
0425	1,364.77	1,398.89	1,433.86	1,469.71	1,506.46	1,544.12	1,582.72	1,622.29	1,662.85
0426	1,398.89	1,433.86	1,469.71	1,506.46	1,544.12	1,582.72	1,622.29	1,662.85	1,704.42
0427	1,433.86	1,469.71	1,506.46	1,544.12	1,582.72	1,622.29	1,662.85	1,704.42	1,747.02
0428	1,469.71	1,506.46	1,544.12	1,582.72	1,622.29	1,662.85	1,704.42	1,747.02	1,790.70

MONTHLY	1	2	3	4	5	6	7	8	9
0415	2,318.88	2,376.86	2,436.28	2,497.18	2,559.61	2,623.62	2,689.21	2,756.44	2,825.35
0416	2,376.86	2,436.28	2,497.18	2,559.61	2,623.62	2,689.21	2,756.44	2,825.35	2,895.97
0417	2,436.28	2,497.18	2,559.61	2,623.62	2,689.21	2,756.44	2,825.35	2,895.97	2,968.37
0418	2,497.18	2,559.61	2,623.62	2,689.21	2,756.44	2,825.35	2,895.97	2,968.37	3,042.59
0419	2,559.61	2,623.62	2,689.21	2,756.44	2,825.35	2,895.97	2,968.37	3,042.59	3,118.65
0420	2,623.62	2,689.21	2,756.44	2,825.35	2,895.97	2,968.37	3,042.59	3,118.65	3,196.62
0421	2,689.21	2,756.44	2,825.35	2,895.97	2,968.37	3,042.59	3,118.65	3,196.62	3,276.55
0422	2,756.44	2,825.35	2,895.97	2,968.37	3,042.59	3,118.65	3,196.62	3,276.55	3,358.46
0423	2,825.35	2,895.97	2,968.37	3,042.59	3,118.65	3,196.62	3,276.55	3,358.46	3,442.42
0424	2,895.97	2,968.37	3,042.59	3,118.65	3,196.62	3,276.55	3,358.46	3,442.42	3,528.48
0425	2,968.37	3,042.59	3,118.65	3,196.62	3,276.55	3,358.46	3,442.42	3,528.48	3,616.70
0426	3,042.59	3,118.65	3,196.62	3,276.55	3,358.46	3,442.42	3,528.48	3,616.70	3,707.11
0427	3,118.65	3,196.62	3,276.55	3,358.46	3,442.42	3,528.48	3,616.70	3,707.11	3,799.77
0428	3,196.62	3,276.55	3,358.46	3,442.42	3,528.48	3,616.70	3,707.11	3,799.77	3,894.77

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98
EFFECTIVE 6/24/97

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 2.00%

Range	1	2	3	4	5	6	7	8	9
0429	18.8307	19.3015	19.7840	20.2786	20.7856	21.3052	21.8378	22.3837	22.9433
0430	19.3015	19.7840	20.2786	20.7856	21.3052	21.8378	22.3837	22.9433	23.5169
0431	19.7840	20.2786	20.7856	21.3052	21.8378	22.3837	22.9433	23.5169	24.1048
0432	20.2786	20.7856	21.3052	21.8378	22.3837	22.9433	23.5169	24.1048	24.7074
0433	20.7856	21.3052	21.8378	22.3837	22.9433	23.5169	24.1048	24.7074	25.3251
0434	21.3052	21.8378	22.3837	22.9433	23.5169	24.1048	24.7074	25.3251	25.9582
0435	21.8378	22.3837	22.9433	23.5169	24.1048	24.7074	25.3251	25.9582	26.6072
0436	22.3837	22.9433	23.5169	24.1048	24.7074	25.3251	25.9582	26.6072	27.2724
0437	22.9433	23.5169	24.1048	24.7074	25.3251	25.9582	26.6072	27.2724	27.9542
0438	23.5169	24.1048	24.7074	25.3251	25.9582	26.6072	27.2724	27.9542	28.6531
0439	24.1048	24.7074	25.3251	25.9582	26.6072	27.2724	27.9542	28.6531	29.3694
0440	24.7074	25.3251	25.9582	26.6072	27.2724	27.9542	28.6531	29.3694	30.1036
0441	25.3251	25.9582	26.6072	27.2724	27.9542	28.6531	29.3694	30.1036	30.8562
0442	25.9582	26.6072	27.2724	27.9542	28.6531	29.3694	30.1036	30.8562	31.6276

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0429	1,506.46	1,544.12	1,582.72	1,622.29	1,662.85	1,704.42	1,747.02	1,790.70	1,835.46
0430	1,544.12	1,582.72	1,622.29	1,662.85	1,704.42	1,747.02	1,790.70	1,835.46	1,881.35
0431	1,582.72	1,622.29	1,662.85	1,704.42	1,747.02	1,790.70	1,835.46	1,881.35	1,928.38
0432	1,622.29	1,662.85	1,704.42	1,747.02	1,790.70	1,835.46	1,881.35	1,928.38	1,976.59
0433	1,662.85	1,704.42	1,747.02	1,790.70	1,835.46	1,881.35	1,928.38	1,976.59	2,026.01
0434	1,704.42	1,747.02	1,790.70	1,835.46	1,881.35	1,928.38	1,976.59	2,026.01	2,076.66
0435	1,747.02	1,790.70	1,835.46	1,881.35	1,928.38	1,976.59	2,026.01	2,076.66	2,128.58
0436	1,790.70	1,835.46	1,881.35	1,928.38	1,976.59	2,026.01	2,076.66	2,128.58	2,181.79
0437	1,835.46	1,881.35	1,928.38	1,976.59	2,026.01	2,076.66	2,128.58	2,181.79	2,236.34
0438	1,881.35	1,928.38	1,976.59	2,026.01	2,076.66	2,128.58	2,181.79	2,236.34	2,292.25
0439	1,928.38	1,976.59	2,026.01	2,076.66	2,128.58	2,181.79	2,236.34	2,292.25	2,349.55
0440	1,976.59	2,026.01	2,076.66	2,128.58	2,181.79	2,236.34	2,292.25	2,349.55	2,408.29
0441	2,026.01	2,076.66	2,128.58	2,181.79	2,236.34	2,292.25	2,349.55	2,408.29	2,468.50
0442	2,076.66	2,128.58	2,181.79	2,236.34	2,292.25	2,349.55	2,408.29	2,468.50	2,530.21

MONTHLY	1	2	3	4	5	6	7	8	9
0429	3,276.55	3,358.46	3,442.42	3,528.48	3,616.70	3,707.11	3,799.77	3,894.77	3,992.13
0430	3,358.46	3,442.42	3,528.48	3,616.70	3,707.11	3,799.77	3,894.77	3,992.13	4,091.94
0431	3,442.42	3,528.48	3,616.70	3,707.11	3,799.77	3,894.77	3,992.13	4,091.94	4,194.23
0432	3,528.48	3,616.70	3,707.11	3,799.77	3,894.77	3,992.13	4,091.94	4,194.23	4,299.08
0433	3,616.70	3,707.11	3,799.77	3,894.77	3,992.13	4,091.94	4,194.23	4,299.08	4,406.57
0434	3,707.11	3,799.77	3,894.77	3,992.13	4,091.94	4,194.23	4,299.08	4,406.57	4,516.74
0435	3,799.77	3,894.77	3,992.13	4,091.94	4,194.23	4,299.08	4,406.57	4,516.74	4,629.66
0436	3,894.77	3,992.13	4,091.94	4,194.23	4,299.08	4,406.57	4,516.74	4,629.66	4,745.39
0437	3,992.13	4,091.94	4,194.23	4,299.08	4,406.57	4,516.74	4,629.66	4,745.39	4,864.04
0438	4,091.94	4,194.23	4,299.08	4,406.57	4,516.74	4,629.66	4,745.39	4,864.04	4,985.64
0439	4,194.23	4,299.08	4,406.57	4,516.74	4,629.66	4,745.39	4,864.04	4,985.64	5,110.27
0440	4,299.08	4,406.57	4,516.74	4,629.66	4,745.39	4,864.04	4,985.64	5,110.27	5,238.03
0441	4,406.57	4,516.74	4,629.66	4,745.39	4,864.04	4,985.64	5,110.27	5,238.03	5,368.99
0442	4,516.74	4,629.66	4,745.39	4,864.04	4,985.64	5,110.27	5,238.03	5,368.99	5,503.21

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98
EFFECTIVE 6/24/97

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 2.00%

Range	1	2	3	4	5	6	7	8	9
0443	26.6072	27.2724	27.9542	28.6531	29.3694	30.1036	30.8562	31.6276	32.4183
0444	27.2724	27.9542	28.6531	29.3694	30.1036	30.8562	31.6276	32.4183	33.2288
0445	27.9542	28.6531	29.3694	30.1036	30.8562	31.6276	32.4183	33.2288	34.0595
0446	28.6531	29.3694	30.1036	30.8562	31.6276	32.4183	33.2288	34.0595	34.9110
0447	29.3694	30.1036	30.8562	31.6276	32.4183	33.2288	34.0595	34.9110	35.7838
0448	30.1036	30.8562	31.6276	32.4183	33.2288	34.0595	34.9110	35.7838	36.6784
0449	30.8562	31.6276	32.4183	33.2288	34.0595	34.9110	35.7838	36.6784	37.5954
0450	31.6276	32.4183	33.2288	34.0595	34.9110	35.7838	36.6784	37.5954	38.5353
0451	32.4183	33.2288	34.0595	34.9110	35.7838	36.6784	37.5954	38.5353	39.4987
0452	33.2288	34.0595	34.9110	35.7838	36.6784	37.5954	38.5353	39.4987	40.4862
0453	34.0595	34.9110	35.7838	36.6784	37.5954	38.5353	39.4987	40.4862	41.4984
0454	34.9110	35.7838	36.6784	37.5954	38.5353	39.4987	40.4862	41.4984	42.5359
0455	35.7838	36.6784	37.5954	38.5353	39.4987	40.4862	41.4984	42.5359	43.5993
0456	36.6784	37.5954	38.5353	39.4987	40.4862	41.4984	42.5359	43.5993	44.6893

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0443	2,128.58	2,181.79	2,236.34	2,292.25	2,349.55	2,408.29	2,468.50	2,530.21	2,593.46
0444	2,181.79	2,236.34	2,292.25	2,349.55	2,408.29	2,468.50	2,530.21	2,593.46	2,658.30
0445	2,236.34	2,292.25	2,349.55	2,408.29	2,468.50	2,530.21	2,593.46	2,658.30	2,724.76
0446	2,292.25	2,349.55	2,408.29	2,468.50	2,530.21	2,593.46	2,658.30	2,724.76	2,792.88
0447	2,349.55	2,408.29	2,468.50	2,530.21	2,593.46	2,658.30	2,724.76	2,792.88	2,862.70
0448	2,408.29	2,468.50	2,530.21	2,593.46	2,658.30	2,724.76	2,792.88	2,862.70	2,934.27
0449	2,468.50	2,530.21	2,593.46	2,658.30	2,724.76	2,792.88	2,862.70	2,934.27	3,007.63
0450	2,530.21	2,593.46	2,658.30	2,724.76	2,792.88	2,862.70	2,934.27	3,007.63	3,082.82
0451	2,593.46	2,658.30	2,724.76	2,792.88	2,862.70	2,934.27	3,007.63	3,082.82	3,159.90
0452	2,658.30	2,724.76	2,792.88	2,862.70	2,934.27	3,007.63	3,082.82	3,159.90	3,238.90
0453	2,724.76	2,792.88	2,862.70	2,934.27	3,007.63	3,082.82	3,159.90	3,238.90	3,319.87
0454	2,792.88	2,862.70	2,934.27	3,007.63	3,082.82	3,159.90	3,238.90	3,319.87	3,402.87
0455	2,862.70	2,934.27	3,007.63	3,082.82	3,159.90	3,238.90	3,319.87	3,402.87	3,487.94
0456	2,934.27	3,007.63	3,082.82	3,159.90	3,238.90	3,319.87	3,402.87	3,487.94	3,575.14

MONTHLY	1	2	3	4	5	6	7	8	9
0443	4,629.66	4,745.39	4,864.04	4,985.64	5,110.27	5,238.03	5,368.99	5,503.21	5,640.78
0444	4,745.39	4,864.04	4,985.64	5,110.27	5,238.03	5,368.99	5,503.21	5,640.78	5,781.80
0445	4,864.04	4,985.64	5,110.27	5,238.03	5,368.99	5,503.21	5,640.78	5,781.80	5,926.35
0446	4,985.64	5,110.27	5,238.03	5,368.99	5,503.21	5,640.78	5,781.80	5,926.35	6,074.51
0447	5,110.27	5,238.03	5,368.99	5,503.21	5,640.78	5,781.80	5,926.35	6,074.51	6,226.37
0448	5,238.03	5,368.99	5,503.21	5,640.78	5,781.80	5,926.35	6,074.51	6,226.37	6,382.04
0449	5,368.99	5,503.21	5,640.78	5,781.80	5,926.35	6,074.51	6,226.37	6,382.04	6,541.60
0450	5,503.21	5,640.78	5,781.80	5,926.35	6,074.51	6,226.37	6,382.04	6,541.60	6,705.13
0451	5,640.78	5,781.80	5,926.35	6,074.51	6,226.37	6,382.04	6,541.60	6,705.13	6,872.78
0452	5,781.80	5,926.35	6,074.51	6,226.37	6,382.04	6,541.60	6,705.13	6,872.78	7,044.61
0453	5,926.35	6,074.51	6,226.37	6,382.04	6,541.60	6,705.13	6,872.78	7,044.61	7,220.72
0454	6,074.51	6,226.37	6,382.04	6,541.60	6,705.13	6,872.78	7,044.61	7,220.72	7,401.24
0455	6,226.37	6,382.04	6,541.60	6,705.13	6,872.78	7,044.61	7,220.72	7,401.24	7,586.27
0456	6,382.04	6,541.60	6,705.13	6,872.78	7,044.61	7,220.72	7,401.24	7,586.27	7,775.93

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective June 24, 1997

RANGE	TITLE
512	
513	
514	
515	
516	
517	Fire Division Chief
812	Fire Battalion Chief (112 hrs)
1812	Fire Battalion Chief (80 hrs)

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98

Effective 6/24/97

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF

2.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
515	30.7510	31.5198	32.3078	33.1155	33.9434	34.7920	35.6618	36.5533	37.4671
516	31.5198	32.3078	33.1155	33.9434	34.7920	35.6618	36.5533	37.4671	38.4038
517	32.3078	33.1155	33.9434	34.7920	35.6618	36.5533	37.4671	38.4038	39.3639
518	33.1155	33.9434	34.7920	35.6618	36.5533	37.4671	38.4038	39.3639	40.3480
519	33.9434	34.7920	35.6618	36.5533	37.4671	38.4038	39.3639	40.3480	41.3567
520	34.7920	35.6618	36.5533	37.4671	38.4038	39.3639	40.3480	41.3567	42.3906
521	35.6618	36.5533	37.4671	38.4038	39.3639	40.3480	41.3567	42.3906	43.4504
522	36.5533	37.4671	38.4038	39.3639	40.3480	41.3567	42.3906	43.4504	44.5367
523	37.4671	38.4038	39.3639	40.3480	41.3567	42.3906	43.4504	44.5367	45.6501
524	38.4038	39.3639	40.3480	41.3567	42.3906	43.4504	44.5367	45.6501	46.7914
525	39.3639	40.3480	41.3567	42.3906	43.4504	44.5367	45.6501	46.7914	47.9612
526	40.3480	41.3567	42.3906	43.4504	44.5367	45.6501	46.7914	47.9612	49.1602
527	41.3567	42.3906	43.4504	44.5367	45.6501	46.7914	47.9612	49.1602	50.3892
528	42.3906	43.4504	44.5367	45.6501	46.7914	47.9612	49.1602	50.3892	51.6489
BI-WEEKLY									
515	2,460.08	2,521.58	2,584.62	2,649.24	2,715.47	2,783.36	2,852.94	2,924.26	2,997.37
516	2,521.58	2,584.62	2,649.24	2,715.47	2,783.36	2,852.94	2,924.26	2,997.37	3,072.30
517	2,584.62	2,649.24	2,715.47	2,783.36	2,852.94	2,924.26	2,997.37	3,072.30	3,149.11
518	2,649.24	2,715.47	2,783.36	2,852.94	2,924.26	2,997.37	3,072.30	3,149.11	3,227.84
519	2,715.47	2,783.36	2,852.94	2,924.26	2,997.37	3,072.30	3,149.11	3,227.84	3,308.54
520	2,783.36	2,852.94	2,924.26	2,997.37	3,072.30	3,149.11	3,227.84	3,308.54	3,391.25
521	2,852.94	2,924.26	2,997.37	3,072.30	3,149.11	3,227.84	3,308.54	3,391.25	3,476.03
522	2,924.26	2,997.37	3,072.30	3,149.11	3,227.84	3,308.54	3,391.25	3,476.03	3,562.94
523	2,997.37	3,072.30	3,149.11	3,227.84	3,308.54	3,391.25	3,476.03	3,562.94	3,652.01
524	3,072.30	3,149.11	3,227.84	3,308.54	3,391.25	3,476.03	3,562.94	3,652.01	3,743.31
525	3,149.11	3,227.84	3,308.54	3,391.25	3,476.03	3,562.94	3,652.01	3,743.31	3,836.90
526	3,227.84	3,308.54	3,391.25	3,476.03	3,562.94	3,652.01	3,743.31	3,836.90	3,932.82
527	3,308.54	3,391.25	3,476.03	3,562.94	3,652.01	3,743.31	3,836.90	3,932.82	4,031.14
528	3,391.25	3,476.03	3,562.94	3,652.01	3,743.31	3,836.90	3,932.82	4,031.14	4,131.91
MONTHLY									
515	5,350.67	5,484.44	5,621.55	5,762.10	5,906.15	6,053.81	6,205.14	6,360.27	6,519.28
516	5,484.44	5,621.55	5,762.10	5,906.15	6,053.81	6,205.14	6,360.27	6,519.28	6,682.25
517	5,621.55	5,762.10	5,906.15	6,053.81	6,205.14	6,360.27	6,519.28	6,682.25	6,849.31
518	5,762.10	5,906.15	6,053.81	6,205.14	6,360.27	6,519.28	6,682.25	6,849.31	7,020.55
519	5,906.15	6,053.81	6,205.14	6,360.27	6,519.28	6,682.25	6,849.31	7,020.55	7,196.07
520	6,053.81	6,205.14	6,360.27	6,519.28	6,682.25	6,849.31	7,020.55	7,196.07	7,375.97
521	6,205.14	6,360.27	6,519.28	6,682.25	6,849.31	7,020.55	7,196.07	7,375.97	7,560.37
522	6,360.27	6,519.28	6,682.25	6,849.31	7,020.55	7,196.07	7,375.97	7,560.37	7,749.39
523	6,519.28	6,682.25	6,849.31	7,020.55	7,196.07	7,375.97	7,560.37	7,749.39	7,943.12
524	6,682.25	6,849.31	7,020.55	7,196.07	7,375.97	7,560.37	7,749.39	7,943.12	8,141.70
525	6,849.31	7,020.55	7,196.07	7,375.97	7,560.37	7,749.39	7,943.12	8,141.70	8,345.26
526	7,020.55	7,196.07	7,375.97	7,560.37	7,749.39	7,943.12	8,141.70	8,345.26	8,553.88
527	7,196.07	7,375.97	7,560.37	7,749.39	7,943.12	8,141.70	8,345.26	8,553.88	8,767.73
528	7,375.97	7,560.37	7,749.39	7,943.12	8,141.70	8,345.26	8,553.88	8,767.73	8,986.90

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98

Effective 6/24/97

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF 2.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
1812	29.0360	29.7619	30.5059	31.2685	32.0502	32.8515	33.6728	34.5146	35.3775
1813	29.7619	30.5059	31.2685	32.0502	32.8515	33.6728	34.5146	35.3775	36.2619
1814	30.5059	31.2685	32.0502	32.8515	33.6728	34.5146	35.3775	36.2619	37.1684
1815	31.2685	32.0502	32.8515	33.6728	34.5146	35.3775	36.2619	37.1684	38.0976
1816	32.0502	32.8515	33.6728	34.5146	35.3775	36.2619	37.1684	38.0976	39.0500
1817	32.8515	33.6728	34.5146	35.3775	36.2619	37.1684	38.0976	39.0500	40.0263
1818	33.6728	34.5146	35.3775	36.2619	37.1684	38.0976	39.0500	40.0263	41.0270
1819	34.5146	35.3775	36.2619	37.1684	38.0976	39.0500	40.0263	41.0270	42.0527
1820	35.3775	36.2619	37.1684	38.0976	39.0500	40.0263	41.0270	42.0527	43.1040
1821	36.2619	37.1684	38.0976	39.0500	40.0263	41.0270	42.0527	43.1040	44.1816
1822	37.1684	38.0976	39.0500	40.0263	41.0270	42.0527	43.1040	44.1816	45.2861
1823	38.0976	39.0500	40.0263	41.0270	42.0527	43.1040	44.1816	45.2861	46.4183
1824	39.0500	40.0263	41.0270	42.0527	43.1040	44.1816	45.2861	46.4183	47.5788
BI-WEEKLY									
1812	2,322.88	2,380.95	2,440.47	2,501.48	2,564.02	2,628.12	2,693.82	2,761.17	2,830.20
1813	2,380.95	2,440.47	2,501.48	2,564.02	2,628.12	2,693.82	2,761.17	2,830.20	2,900.95
1814	2,440.47	2,501.48	2,564.02	2,628.12	2,693.82	2,761.17	2,830.20	2,900.95	2,973.47
1815	2,501.48	2,564.02	2,628.12	2,693.82	2,761.17	2,830.20	2,900.95	2,973.47	3,047.81
1816	2,564.02	2,628.12	2,693.82	2,761.17	2,830.20	2,900.95	2,973.47	3,047.81	3,124.00
1817	2,628.12	2,693.82	2,761.17	2,830.20	2,900.95	2,973.47	3,047.81	3,124.00	3,202.10
1818	2,693.82	2,761.17	2,830.20	2,900.95	2,973.47	3,047.81	3,124.00	3,202.10	3,282.16
1819	2,761.17	2,830.20	2,900.95	2,973.47	3,047.81	3,124.00	3,202.10	3,282.16	3,364.22
1820	2,830.20	2,900.95	2,973.47	3,047.81	3,124.00	3,202.10	3,282.16	3,364.22	3,448.32
1821	2,900.95	2,973.47	3,047.81	3,124.00	3,202.10	3,282.16	3,364.22	3,448.32	3,534.53
1822	2,973.47	3,047.81	3,124.00	3,202.10	3,282.16	3,364.22	3,448.32	3,534.53	3,622.89
1823	3,047.81	3,124.00	3,202.10	3,282.16	3,364.22	3,448.32	3,534.53	3,622.89	3,713.46
1824	3,124.00	3,202.10	3,282.16	3,364.22	3,448.32	3,534.53	3,622.89	3,713.46	3,806.30
MONTHLY									
1812	5,052.26	5,178.57	5,308.02	5,440.72	5,576.74	5,716.16	5,859.06	6,005.54	6,155.69
1813	5,178.57	5,308.02	5,440.72	5,576.74	5,716.16	5,859.06	6,005.54	6,155.69	6,309.57
1814	5,308.02	5,440.72	5,576.74	5,716.16	5,859.06	6,005.54	6,155.69	6,309.57	6,467.30
1815	5,440.72	5,576.74	5,716.16	5,859.06	6,005.54	6,155.69	6,309.57	6,467.30	6,628.99
1816	5,576.74	5,716.16	5,859.06	6,005.54	6,155.69	6,309.57	6,467.30	6,628.99	6,794.70
1817	5,716.16	5,859.06	6,005.54	6,155.69	6,309.57	6,467.30	6,628.99	6,794.70	6,964.57
1818	5,859.06	6,005.54	6,155.69	6,309.57	6,467.30	6,628.99	6,794.70	6,964.57	7,138.70
1819	6,005.54	6,155.69	6,309.57	6,467.30	6,628.99	6,794.70	6,964.57	7,138.70	7,317.18
1820	6,155.69	6,309.57	6,467.30	6,628.99	6,794.70	6,964.57	7,138.70	7,317.18	7,500.10
1821	6,309.57	6,467.30	6,628.99	6,794.70	6,964.57	7,138.70	7,317.18	7,500.10	7,687.60
1822	6,467.30	6,628.99	6,794.70	6,964.57	7,138.70	7,317.18	7,500.10	7,687.60	7,879.79
1823	6,628.99	6,794.70	6,964.57	7,138.70	7,317.18	7,500.10	7,687.60	7,879.79	8,076.78
1824	6,794.70	6,964.57	7,138.70	7,317.18	7,500.10	7,687.60	7,879.79	8,076.78	8,278.70

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98

Effective 6/24/97

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF 2.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
812	20.7402	21.2587	21.7902	22.3350	22.8934	23.4657	24.0523	24.6536	25.2699
813	21.2587	21.7902	22.3350	22.8934	23.4657	24.0523	24.6536	25.2699	25.9016
814	21.7902	22.3350	22.8934	23.4657	24.0523	24.6536	25.2699	25.9016	26.5491
815	22.3350	22.8934	23.4657	24.0523	24.6536	25.2699	25.9016	26.5491	27.2128
816	22.8934	23.4657	24.0523	24.6536	25.2699	25.9016	26.5491	27.2128	27.8931
817	23.4657	24.0523	24.6536	25.2699	25.9016	26.5491	27.2128	27.8931	28.5904
818	24.0523	24.6536	25.2699	25.9016	26.5491	27.2128	27.8931	28.5904	29.3052
819	24.6536	25.2699	25.9016	26.5491	27.2128	27.8931	28.5904	29.3052	30.0378
820	25.2699	25.9016	26.5491	27.2128	27.8931	28.5904	29.3052	30.0378	30.7887
821	25.9016	26.5491	27.2128	27.8931	28.5904	29.3052	30.0378	30.7887	31.5584
822	26.5491	27.2128	27.8931	28.5904	29.3052	30.0378	30.7887	31.5584	32.3474
823	27.2128	27.8931	28.5904	29.3052	30.0378	30.7887	31.5584	32.3474	33.1561
824	27.8931	28.5904	29.3052	30.0378	30.7887	31.5584	32.3474	33.1561	33.9850
BI-WEEKLY									
812	2,322.90	2,380.97	2,440.50	2,501.52	2,564.06	2,628.16	2,693.86	2,761.20	2,830.23
813	2,380.97	2,440.50	2,501.52	2,564.06	2,628.16	2,693.86	2,761.20	2,830.23	2,900.98
814	2,440.50	2,501.52	2,564.06	2,628.16	2,693.86	2,761.20	2,830.23	2,900.98	2,973.50
815	2,501.52	2,564.06	2,628.16	2,693.86	2,761.20	2,830.23	2,900.98	2,973.50	3,047.83
816	2,564.06	2,628.16	2,693.86	2,761.20	2,830.23	2,900.98	2,973.50	3,047.83	3,124.03
817	2,628.16	2,693.86	2,761.20	2,830.23	2,900.98	2,973.50	3,047.83	3,124.03	3,202.12
818	2,693.86	2,761.20	2,830.23	2,900.98	2,973.50	3,047.83	3,124.03	3,202.12	3,282.18
819	2,761.20	2,830.23	2,900.98	2,973.50	3,047.83	3,124.03	3,202.12	3,282.18	3,364.23
820	2,830.23	2,900.98	2,973.50	3,047.83	3,124.03	3,202.12	3,282.18	3,364.23	3,448.33
821	2,900.98	2,973.50	3,047.83	3,124.03	3,202.12	3,282.18	3,364.23	3,448.33	3,534.54
822	2,973.50	3,047.83	3,124.03	3,202.12	3,282.18	3,364.23	3,448.33	3,534.54	3,622.91
823	3,047.83	3,124.03	3,202.12	3,282.18	3,364.23	3,448.33	3,534.54	3,622.91	3,713.48
824	3,124.03	3,202.12	3,282.18	3,364.23	3,448.33	3,534.54	3,622.91	3,713.48	3,806.32
MONTHLY									
812	5,052.31	5,178.61	5,308.09	5,440.81	5,576.83	5,716.25	5,859.15	6,005.61	6,155.75
813	5,178.61	5,308.09	5,440.81	5,576.83	5,716.25	5,859.15	6,005.61	6,155.75	6,309.63
814	5,308.09	5,440.81	5,576.83	5,716.25	5,859.15	6,005.61	6,155.75	6,309.63	6,467.36
815	5,440.81	5,576.83	5,716.25	5,859.15	6,005.61	6,155.75	6,309.63	6,467.36	6,629.03
816	5,576.83	5,716.25	5,859.15	6,005.61	6,155.75	6,309.63	6,467.36	6,629.03	6,794.77
817	5,716.25	5,859.15	6,005.61	6,155.75	6,309.63	6,467.36	6,629.03	6,794.77	6,964.61
818	5,859.15	6,005.61	6,155.75	6,309.63	6,467.36	6,629.03	6,794.77	6,964.61	7,138.74
819	6,005.61	6,155.75	6,309.63	6,467.36	6,629.03	6,794.77	6,964.61	7,138.74	7,317.20
820	6,155.75	6,309.63	6,467.36	6,629.03	6,794.77	6,964.61	7,138.74	7,317.20	7,500.12
821	6,309.63	6,467.36	6,629.03	6,794.77	6,964.61	7,138.74	7,317.20	7,500.12	7,687.62
822	6,467.36	6,629.03	6,794.77	6,964.61	7,138.74	7,317.20	7,500.12	7,687.62	7,879.83
823	6,629.03	6,794.77	6,964.61	7,138.74	7,317.20	7,500.12	7,687.62	7,879.83	8,076.82
824	6,794.77	6,964.61	7,138.74	7,317.20	7,500.12	7,687.62	7,879.83	8,076.82	8,278.75

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 24, 1997

RANGE	TITLE
1612	
1613	
1614	
1615	
1616	
1617	
1618	
1619	
1620	
1621	Police Captain

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98
EFFECTIVE 6/24/97

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 2.00%

Range	1	2	3	4	5	6	7	8	9
1601	19.5188	20.0068	20.5070	21.0197	21.5452	22.0838	22.6359	23.2018	23.7818
1602	20.0068	20.5070	21.0197	21.5452	22.0838	22.6359	23.2018	23.7818	24.3763
1603	20.5070	21.0197	21.5452	22.0838	22.6359	23.2018	23.7818	24.3763	24.9857
1604	21.0197	21.5452	22.0838	22.6359	23.2018	23.7818	24.3763	24.9857	25.6103
1605	21.5452	22.0838	22.6359	23.2018	23.7818	24.3763	24.9857	25.6103	26.2506
1606	22.0838	22.6359	23.2018	23.7818	24.3763	24.9857	25.6103	26.2506	26.9069
1607	22.6359	23.2018	23.7818	24.3763	24.9857	25.6103	26.2506	26.9069	27.5796
1608	23.2018	23.7818	24.3763	24.9857	25.6103	26.2506	26.9069	27.5796	28.2691
1609	23.7818	24.3763	24.9857	25.6103	26.2506	26.9069	27.5796	28.2691	28.9758
1610	24.3763	24.9857	25.6103	26.2506	26.9069	27.5796	28.2691	28.9758	29.7002
1611	24.9857	25.6103	26.2506	26.9069	27.5796	28.2691	28.9758	29.7002	30.4427
1612	25.6103	26.2506	26.9069	27.5796	28.2691	28.9758	29.7002	30.4427	31.2038
1613	26.2506	26.9069	27.5796	28.2691	28.9758	29.7002	30.4427	31.2038	31.9839
1614	26.9069	27.5796	28.2691	28.9758	29.7002	30.4427	31.2038	31.9839	32.7835

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1601	1,561.50	1,600.54	1,640.56	1,681.58	1,723.62	1,766.70	1,810.87	1,856.14	1,902.54
1602	1,600.54	1,640.56	1,681.58	1,723.62	1,766.70	1,810.87	1,856.14	1,902.54	1,950.10
1603	1,640.56	1,681.58	1,723.62	1,766.70	1,810.87	1,856.14	1,902.54	1,950.10	1,998.86
1604	1,681.58	1,723.62	1,766.70	1,810.87	1,856.14	1,902.54	1,950.10	1,998.86	2,048.82
1605	1,723.62	1,766.70	1,810.87	1,856.14	1,902.54	1,950.10	1,998.86	2,048.82	2,100.05
1606	1,766.70	1,810.87	1,856.14	1,902.54	1,950.10	1,998.86	2,048.82	2,100.05	2,152.55
1607	1,810.87	1,856.14	1,902.54	1,950.10	1,998.86	2,048.82	2,100.05	2,152.55	2,206.37
1608	1,856.14	1,902.54	1,950.10	1,998.86	2,048.82	2,100.05	2,152.55	2,206.37	2,261.53
1609	1,902.54	1,950.10	1,998.86	2,048.82	2,100.05	2,152.55	2,206.37	2,261.53	2,318.06
1610	1,950.10	1,998.86	2,048.82	2,100.05	2,152.55	2,206.37	2,261.53	2,318.06	2,376.02
1611	1,998.86	2,048.82	2,100.05	2,152.55	2,206.37	2,261.53	2,318.06	2,376.02	2,435.42
1612	2,048.82	2,100.05	2,152.55	2,206.37	2,261.53	2,318.06	2,376.02	2,435.42	2,496.30
1613	2,100.05	2,152.55	2,206.37	2,261.53	2,318.06	2,376.02	2,435.42	2,496.30	2,558.71
1614	2,152.55	2,206.37	2,261.53	2,318.06	2,376.02	2,435.42	2,496.30	2,558.71	2,622.68

MONTHLY	1	2	3	4	5	6	7	8	9
1601	3,396.26	3,481.17	3,568.22	3,657.44	3,748.87	3,842.57	3,938.64	4,037.10	4,138.02
1602	3,481.17	3,568.22	3,657.44	3,748.87	3,842.57	3,938.64	4,037.10	4,138.02	4,241.47
1603	3,568.22	3,657.44	3,748.87	3,842.57	3,938.64	4,037.10	4,138.02	4,241.47	4,347.52
1604	3,657.44	3,748.87	3,842.57	3,938.64	4,037.10	4,138.02	4,241.47	4,347.52	4,456.18
1605	3,748.87	3,842.57	3,938.64	4,037.10	4,138.02	4,241.47	4,347.52	4,456.18	4,567.61
1606	3,842.57	3,938.64	4,037.10	4,138.02	4,241.47	4,347.52	4,456.18	4,567.61	4,681.80
1607	3,938.64	4,037.10	4,138.02	4,241.47	4,347.52	4,456.18	4,567.61	4,681.80	4,798.85
1608	4,037.10	4,138.02	4,241.47	4,347.52	4,456.18	4,567.61	4,681.80	4,798.85	4,918.83
1609	4,138.02	4,241.47	4,347.52	4,456.18	4,567.61	4,681.80	4,798.85	4,918.83	5,041.78
1610	4,241.47	4,347.52	4,456.18	4,567.61	4,681.80	4,798.85	4,918.83	5,041.78	5,167.84
1611	4,347.52	4,456.18	4,567.61	4,681.80	4,798.85	4,918.83	5,041.78	5,167.84	5,297.04
1612	4,456.18	4,567.61	4,681.80	4,798.85	4,918.83	5,041.78	5,167.84	5,297.04	5,429.45
1613	4,567.61	4,681.80	4,798.85	4,918.83	5,041.78	5,167.84	5,297.04	5,429.45	5,565.19
1614	4,681.80	4,798.85	4,918.83	5,041.78	5,167.84	5,297.04	5,429.45	5,565.19	5,704.33

EXHIBIT "H"

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 97-98

EFFECTIVE 6/24/97

SCHEDULE - G

MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 2.00%

Range	1	2	3	4	5	6	7	8	9
1615	27.5796	28.2691	28.9758	29.7002	30.4427	31.2038	31.9839	32.7835	33.6031
1616	28.2691	28.9758	29.7002	30.4427	31.2038	31.9839	32.7835	33.6031	34.4432
1617	28.9758	29.7002	30.4427	31.2038	31.9839	32.7835	33.6031	34.4432	35.3043
1618	29.7002	30.4427	31.2038	31.9839	32.7835	33.6031	34.4432	35.3043	36.1869
1619	30.4427	31.2038	31.9839	32.7835	33.6031	34.4432	35.3043	36.1869	37.0916
1620	31.2038	31.9839	32.7835	33.6031	34.4432	35.3043	36.1869	37.0916	38.0189
1621	31.9839	32.7835	33.6031	34.4432	35.3043	36.1869	37.0916	38.0189	38.9694
1622	32.7835	33.6031	34.4432	35.3043	36.1869	37.0916	38.0189	38.9694	39.9436
1623	33.6031	34.4432	35.3043	36.1869	37.0916	38.0189	38.9694	39.9436	40.9422
1624	34.4432	35.3043	36.1869	37.0916	38.0189	38.9694	39.9436	40.9422	41.9658
1625	35.3043	36.1869	37.0916	38.0189	38.9694	39.9436	40.9422	41.9658	43.0149
1626	36.1869	37.0916	38.0189	38.9694	39.9436	40.9422	41.9658	43.0149	44.0903
1627	37.0916	38.0189	38.9694	39.9436	40.9422	41.9658	43.0149	44.0903	45.1926
1628	38.0189	38.9694	39.9436	40.9422	41.9658	43.0149	44.0903	45.1926	46.3224

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,206.37	2,261.53	2,318.06	2,376.02	2,435.42	2,496.30	2,558.71	2,622.68	2,688.25
1616	2,261.53	2,318.06	2,376.02	2,435.42	2,496.30	2,558.71	2,622.68	2,688.25	2,755.46
1617	2,318.06	2,376.02	2,435.42	2,496.30	2,558.71	2,622.68	2,688.25	2,755.46	2,824.34
1618	2,376.02	2,435.42	2,496.30	2,558.71	2,622.68	2,688.25	2,755.46	2,824.34	2,894.95
1619	2,435.42	2,496.30	2,558.71	2,622.68	2,688.25	2,755.46	2,824.34	2,894.95	2,967.33
1620	2,496.30	2,558.71	2,622.68	2,688.25	2,755.46	2,824.34	2,894.95	2,967.33	3,041.51
1621	2,558.71	2,622.68	2,688.25	2,755.46	2,824.34	2,894.95	2,967.33	3,041.51	3,117.55
1622	2,622.68	2,688.25	2,755.46	2,824.34	2,894.95	2,967.33	3,041.51	3,117.55	3,195.49
1623	2,688.25	2,755.46	2,824.34	2,894.95	2,967.33	3,041.51	3,117.55	3,195.49	3,275.38
1624	2,755.46	2,824.34	2,894.95	2,967.33	3,041.51	3,117.55	3,195.49	3,275.38	3,357.26
1625	2,824.34	2,894.95	2,967.33	3,041.51	3,117.55	3,195.49	3,275.38	3,357.26	3,441.19
1626	2,894.95	2,967.33	3,041.51	3,117.55	3,195.49	3,275.38	3,357.26	3,441.19	3,527.22
1627	2,967.33	3,041.51	3,117.55	3,195.49	3,275.38	3,357.26	3,441.19	3,527.22	3,615.41
1628	3,041.51	3,117.55	3,195.49	3,275.38	3,357.26	3,441.19	3,527.22	3,615.41	3,705.79

MONTHLY	1	2	3	4	5	6	7	8	9
1615	4,798.85	4,918.83	5,041.78	5,167.84	5,297.04	5,429.45	5,565.19	5,704.33	5,846.94
1616	4,918.83	5,041.78	5,167.84	5,297.04	5,429.45	5,565.19	5,704.33	5,846.94	5,993.13
1617	5,041.78	5,167.84	5,297.04	5,429.45	5,565.19	5,704.33	5,846.94	5,993.13	6,142.94
1618	5,167.84	5,297.04	5,429.45	5,565.19	5,704.33	5,846.94	5,993.13	6,142.94	6,296.52
1619	5,297.04	5,429.45	5,565.19	5,704.33	5,846.94	5,993.13	6,142.94	6,296.52	6,453.94
1620	5,429.45	5,565.19	5,704.33	5,846.94	5,993.13	6,142.94	6,296.52	6,453.94	6,615.28
1621	5,565.19	5,704.33	5,846.94	5,993.13	6,142.94	6,296.52	6,453.94	6,615.28	6,780.67
1622	5,704.33	5,846.94	5,993.13	6,142.94	6,296.52	6,453.94	6,615.28	6,780.67	6,950.19
1623	5,846.94	5,993.13	6,142.94	6,296.52	6,453.94	6,615.28	6,780.67	6,950.19	7,123.95
1624	5,993.13	6,142.94	6,296.52	6,453.94	6,615.28	6,780.67	6,950.19	7,123.95	7,302.04
1625	6,142.94	6,296.52	6,453.94	6,615.28	6,780.67	6,950.19	7,123.95	7,302.04	7,484.59
1626	6,296.52	6,453.94	6,615.28	6,780.67	6,950.19	7,123.95	7,302.04	7,484.59	7,671.70
1627	6,453.94	6,615.28	6,780.67	6,950.19	7,123.95	7,302.04	7,484.59	7,671.70	7,863.52
1628	6,615.28	6,780.67	6,950.19	7,123.95	7,302.04	7,484.59	7,671.70	7,863.52	8,060.09

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 24, 1997

RANGE	TITLE
1405	City Clerk/Auditor
1406	
1407 - 1411	
1412	
1413	Personnel Director
1414	
1415	
1416	
1417	
1418	
1419	Finance Director
1420	Parks & Recreation Director Fire Chief
1421	
1422	Police Chief Community Development Director
1423	Public Works and Transportation Director
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 97-98
EFFECTIVE 6/24/97

Executive Management 2.00%

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	City clerk/auditor	25.8466	32.3083	2,067.73	2,584.66	4,497.31	5,621.64
1406		26.4928	33.1160	2,119.42	2,649.28	4,609.74	5,762.18
1407		27.1551	33.9439	2,172.41	2,715.51	4,724.99	5,906.23
1408		27.8340	34.7925	2,226.72	2,783.40	4,843.12	6,053.90
1409		28.5298	35.6623	2,282.38	2,852.98	4,964.18	6,205.23
1410		29.2431	36.5538	2,339.44	2,924.30	5,088.28	6,360.35
1411		29.9741	37.4677	2,397.93	2,997.42	5,215.50	6,519.39
1412		30.7235	38.4044	2,457.88	3,072.35	5,345.89	6,682.36
1413	Personnel Director	31.4916	39.3645	2,519.33	3,149.16	5,479.54	6,849.42
1414		32.2789	40.3486	2,582.31	3,227.89	5,616.52	7,020.66
1415		33.0858	41.3573	2,646.87	3,308.58	5,756.94	7,196.16
1416		33.9130	42.3912	2,713.04	3,391.30	5,900.86	7,376.08
1417		34.7608	43.4510	2,780.86	3,476.08	6,048.37	7,560.47
1418		35.6298	44.5373	2,850.39	3,562.98	6,199.60	7,749.48
1419	Finance Director	36.5206	45.6508	2,921.65	3,652.06	6,354.59	7,943.23
1420	Parks & Recreation Director	37.4336	46.7920	2,994.69	3,743.36	6,513.45	8,141.81
	Fire Chief						
1421		38.3694	47.9618	3,069.55	3,836.94	6,676.27	8,345.34
1422	Police Chief	39.3286	49.1608	3,146.29	3,932.86	6,843.18	8,553.97
	Community Development Director						
1423	Public Works and	40.3118	50.3898	3,224.94	4,031.18	7,014.24	8,767.82
	Transportation Director						
1424	Deputy City Manager	41.3196	51.6495	3,305.57	4,131.96	7,189.61	8,987.01
	City Attorney						
1425		42.3526	52.9408	3,388.21	4,235.26	7,369.36	9,211.69
1426		43.4114	54.2643	3,472.91	4,341.14	7,553.58	9,441.98
1427		44.4967	55.6209	3,559.74	4,449.67	7,742.43	9,678.03
1428	City Manager	45.6091	57.0114	3,648.73	4,560.91	7,935.99	9,919.98
1429		46.7493	58.4366	3,739.94	4,674.93	8,134.37	10,167.97
1430		47.9180	59.8975	3,833.44	4,791.80	8,337.73	10,422.17
1431		49.1160	61.3950	3,929.28	4,911.60	8,546.18	10,682.73
1432		50.3439	62.9299	4,027.51	5,034.39	8,759.83	10,949.80
1433		51.6025	64.5031	4,128.20	5,160.25	8,978.84	11,223.54
1434		52.8926	66.1158	4,231.41	5,289.26	9,203.32	11,504.14
1435		54.2149	67.7686	4,337.19	5,421.49	9,433.39	11,791.74

EXHIBIT "J"

MODESTO CITY COUNCIL
RESOLUTION NO. 97-376

Print

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO HEAR THE PROPOSAL OF BERTOLOTTI DISPOSAL INC. TO ENTER INTO A COLLECTION AGREEMENT WITH THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 8, 1997, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to consider entering into an agreement with Bertolotti Disposal Inc. for the collection of garbage in certain annexed areas of the city.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-377

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NEMI HARRIS FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JUNE 24, 1997

WHEREAS, Nemi Harris was appointed a member of the Affirmative Action Commission on July 2, 1996; and

WHEREAS, Nemi Harris has tendered her resignation from the Affirmative Action Commission, effective June 24, 1997; and

WHEREAS, Nemi Harris 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 Nemi Harris from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Nemi Harris 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 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-378

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RANDY W. SUMMERS FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE JUNE 24, 1997

WHEREAS, Randy W. Summers was appointed a member of the Human Relations Commission on July 2, 1996; and

WHEREAS, Randy W. Summers has tendered his resignation from the Human Relations Commission, effective June 24, 1997; and

WHEREAS, Randy W. Summers 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 Randy W. Summers from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Randy W. Summers for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-378A

Print

A RESOLUTION ACCEPTING THE BID OF STEINY AND COMPANY FOR THE PROJECT TITLED "EFFLUENT PUMP FACILITY - VARIABLE SPEED DRIVE"

WHEREAS, the bids received for Effluent Pump Facility - Variable Speed Drive were opened at 11:00 a.m. on June 10, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $197,000.00 from Steiny and Company be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-379

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO FULLY FUND THE PROJECT "EFFLUENT PUMP FACILITY" - VARIABLE SPEED DRIVE"

WHEREAS, bids on the subject project were opened on June 10, 1997 and Steiny and Company was the low bidder; with the total cost being $226,550; and

WHEREAS, partial funds have been allotted in Account #621-48-H376. Additional funding will be needed and transferred from the Wastewater Fund Contingency Reserves Account in the amount of $96,000 to fully fund the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated below:

Account #621-480-H376-6040	Variable Speed Drive	$ 96,000
Account #621-800-8000-8003	Wastewater Contingency Reserve	(96,000)

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 July, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-380

A RESOLUTION ACCEPTING THE BID OF W-BAR CONSTRUCTION FOR THE PROJECT TITLED "KEWIN/MOOSE PARK BRIDGE REPLACEMENT"

WHEREAS, the bids received for Kewin/Moose Park Bridge Replacement" were opened at 11:00 a.m. on June 17, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $70,555.55 from W-Bar 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 W-Bar 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 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-381

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST INC. FOR THE PROJECT TITLED "SCENIC BEND LIFT STATION SLUICE GATE REPLACEMENT"

WHEREAS, the bids received for Scenic Bend Lift Station Sluice Gate Replacement were opened at 11:00 a.m. on June 17, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $98,123.00 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 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-382

A RESOLUTION ACCEPTING THE PROJECT TITLED "TAXIWAY D (PHASE II) AIP PROJECT NO. 3-05-0153-16" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Taxiway D (Phase II) AIP Project No. 3-05-0153-16, has been completed by Teichert Construction Company, in accordance with the contract agreement dated August 20, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Taxiway D (Phase II) AIP Project No. 3-05-0153-16 be accepted from said contractor, Teichert Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $48,647.00 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 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-383

A RESOLUTION ACCEPTING THE PROJECT TITLED "RECOATING OF CLARIFIER NO. 1 AT THE WATER QUALITY CONTROL PLANT" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Recoating of Clarifier No. 1 at the Water Quality Control Plant, has been completed by Jeffco Painting & Coating Inc., in accordance with the contract agreement dated March 26, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Recoating of Clarifier No. 1 at the Water Quality Control Plant be accepted from said contractor, Jeffco Painting & Coating Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $150,513.00 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 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-384

A RESOLUTION ACCEPTING THE PROJECT TITLED "ANNUAL SEWER REHABILITATION 1995-96" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Annual Sewer Rehabilitation 1995-96, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated August 13, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Annual Sewer Rehabilitation 1995-96 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 $316,720.60 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 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-385

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO BAR SCREENS FROM INFILCO DEGREMONT INCORPORATED

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Two Bar Screens from Infilco Degremont Incorporated is hereby waived.

BE IT FURTHER RESOLVED that purchase of Two Bar Screens from Infilco Degremont Incorporated for a not to exceed price of $449,660.73.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1997, by Councilmember Mc Clanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-386

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING INC. FOR ENGINEERING SERVICES FOR THE NORTH BEYER PARK AND COFFEE/CLARATINA NEIGHBORHOOD SANITARY SUBTRUNK AND LIFT STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Mid-Valley Engineering Inc. for Engineering Services for the North Beyer Park and Coffee/Claratina Neighborhood Sanitary Subtrunk and Lift Station be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-387

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(522). (NORA NARAGHI)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Nora Naraghi on August 30, 1997, to reclassify from Low Density Residential Zone, R-1, and Professional Office Zone, P-O, to Planned Development Zone, P-D(522), to allow a commercial center with C-3 uses and a congregate care facility, property located on the east side of Oakdale Road between Briggsmore and Merle Avenues, described as follows:

All that certain real property situated in the southwest quarter of Section 14, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 3 of the O. McHenry Ranch, as per map filed February 14, 1905, in Volume 2 of Maps at page 7, described as follows:

P-O to P-D(522)

Commencing at the southwest corner of said Lot 3, also being the southwest corner of said Section 14; thence North 00°19'00" West along the centerline of Oakdale Road and the west line of Section 14, 449.04 feet, more or less, to the TRUE POINT OF BEGINNING; thence continuing along said west line and said centerline North 00°19'00" West 216.40 feet, thence North 89°41'00" East, 50.00 feet, to a point on the easterly right of way line of Oakdale Road; thence South 89°26'01" East, 227.55 feet; thence North 00°13'20" East, 187.69 feet; thence North 9°19'20" West, 32.91 feet; thence North 37°50'40" West, 24.57 feet; thence North 89°30'30" West, 209.20 feet, to a point on the easterly right of way line of Oakdale Road; thence South 89°41'00" West, 50.00 feet to a point on the centerline of Oakdale Road and the west line of Section 14; thence North 00°19'00" West, along said west line and said centerline 418.70 feet, more or less, to the centerline of Merle Avenue, said point being the northwest corner of the southwest quarter of the southwest quarter of said Section 14; thence South 89°29'55" East, 473.00 feet along said centerline of Merle Avenue and the north line of the southwest quarter of the southwest quarter of Section 14; thence South 00°30'05" West, 30.00 feet, to a point on

the southerly right of way line of Merle Avenue; thence continuing South 00°30'05" West, 821.76 feet, more or less to a point on the northerly right of way line of Modesto Irrigation District Lateral No. 3, a 140.00 foot right of way as described in that certain deed recorded June 8, 1903, in Volume 87 at Page 42, Official Records, Stanislaus County Records; thence North 82°14'18" West, 132.08 feet, to the beginning of a curve concave to the south having a radius of 543.10 feet and delta of 30°11'51"; thence along the arc of said curve 286.24 feet, to a point on the easterly right of way line of Oakdale Road; thence South 89°41'00" West, 50.00 feet, to the TRUE POINT OF BEGINNING.

R-1 TO P-D(522)

Commencing at the southwest corner of said Lot 3, also being the southwest corner of said Section 14; thence North 00°19'00" West along the centerline of Oakdale Road and the west line of Section 14, 1,323.26 feet, more or less, to the centerline of Merle Avenue, said point being the northwest corner of the southwest quarter of the southwest quarter of said Section 14; thence South 89°29'55" East, 473.00 feet along said centerline of Merle Avenue and the north line of the southwest quarter of the southwest quarter of Section 14, to the TRUE POINT OF BEGINNING; thence South 88°49'44" East along the centerline of Merle Avenue, 125 feet, more or less, to the centerline of fifty foot wide Wisdom Way; thence South 0°19'47" East along the centerline of said Wisdom Way, 547 feet, more or less; thence South 89°30'01" East, 368 feet, more or less, to the northwest corner of that property owned by the City of Modesto as a Drainage Basin and Water Tank site; thence South 0°19'28" East, 369.06 feet, to a point on the northerly right of way line of Modesto Irrigation District Lateral No. 3, a 140.00 foot right of way as described in that certain deed recorded June 8, 1903, in Volume 87 at Page 42, Official Records, Stanislaus county Records; thence North 82°17'05" West, along said northerly right of way line, 498 feet, more or less; thence North 0°19'42" West, 856 feet, more or less, to the TRUE POINT OF BEGINNING.

and

WHEREAS, after a public hearing held on May 19, 1997, 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. 97-42, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed commercial use and congregate care center is within the Baseline developed area in an area designated for (MU) Mixed Uses and is in accordance with community objectives as set forth in the General Plan.

2. The P-D Zone and conditions of approval will continue to insure a degree of compatibility consonant with the surrounding properties.

and

WHEREAS, after a public hearing held on July 8 , 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Nora Naraghi 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. 97-42 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3050 -C.S. on the 8th day of July , 1997, reclassifying the above-described property from Low Density Residential Zone, R-1, and Professional Office Zone, P-O, to Planned Development Zone, P-D(522).

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

1. All development shall conform to the plot plan and floor plans titled "Development Sketch, East Gate Plaza" as amended in red, stamped approved by the City Council on June 17, 1997.

2. Prior to the issuance of a building permit, a landscape and irrigation plan shall be approved by the Parks and Recreation Director. The

landscaping and irrigation system shall be installed and maintained in accordance with the approved plan as follows:

Phase I - A net five-foot-wide planter with screen landscaping on the inside of the entire length of the eight-foot-high wall extending along the east side and portion of the north side of the commercial center. Landscaping of the areas between back of sidewalk and the eight-foot wall adjacent to Wisdom Way and Merle Avenue shall be landscaped, include vines to cover the required wall, and maintained by the applicant.

Phase II - Screen landscaping adjacent to the south, east, and north property lines of the congregate care center.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Phase I - Eight-foot-high decorative masonry wall along the entire east boundary of the commercial center portion of the planned development. Said wall shall extend from the south-east corner of the commercial center at M.I.D. Lateral 3, north to within ten feet of Wisdom Way and then continue with a minimum ten-foot setback along the west side of the court to Merle Avenue and observing the clear vision corner cutoff.

Phase II - Minimum six-foot-high solid masonry wall along the entire south property line of the congregate care center adjacent to M.I.D. Lateral No. 3.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. The following street right-of-way dedication and improvements are traffic conditions and shall be provided prior to issuance of a building permit and prior to occupancy respectively, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area:

   a. The developer shall dedicate seven feet along Oakdale Road to a major arterial standard as per the General Plan.

   b. The developer shall provide a traffic control signal at the Oakdale Road and Lancey Drive intersection as approved by the Public Works and Transportation Director.

c. The developer shall dedicate and improve Merle Avenue to a Minor Collector Street standard as per the Standard Specification.

d. The developer shall dedicate and improve Wisdom Way as a cul-de-sac street per City of Modesto Standards.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. 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.

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

9. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

10. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the adjacent 1.24-acre property opposite Lancey Drive, substantially as shown in red on the plot plan.

11. 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.

12. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

13. All signs shall comply with the sign requirements of the C-3 Zone.

14. Signage may be permitted on the north elevation of the main building adjacent to Merle Avenue. Except no signs are permitted on the east elevation of this building.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(522):

The entire construction program be accomplished in two phases as follows:

Phase I - Construction to begin on or before May 19, 1999, and completion to be not later than May 19, 2000.

Phase II - Construction to begin on or before May 19, 2000, and completion to be not later htan May 19, 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 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 the ordinance reclassifying the above-described property to Planned Development Zone, P-D(522), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Clerk 3)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-388

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 14-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(522), PROPERTY LOCATED ON THE EAST SIDE OF OAKDALE ROAD BETWEEN BRIGGSMORE AND MERLE AVENUES. (NORA NARAGHI)

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, Nora Naraghi has proposed that the zoning designation for the property located on the east side of Oakdale Road between Briggsmore and Merle Avenues be amended to rezone from Low Density Residential Zone, R-1, and Professional Office Zone, P-O, to Planned Development Zone, P-D(522), property located on the east side of Oakdale Road between Briggsmore and Merle Avenues, in the City of Modesto ("the project"), and

WHEREAS, on April 14, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-27 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on May 19, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on April 14, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

EXHIBIT A

EA NO. 97-27

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this planned development zone to allow a commercial center with C-3 uses and a congregate care facility. 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:
Application of Nora Naraghi to Rezone From R-1, Low Density Residential Zone and P-O, Professional Office Zone to Planned Development Zone Allowing a Commercial Center With C-3 Uses and A Congregate Care Facility, Property Located on the East Side of Oakdale Road Between Briggsmore and Merle Avenues.

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Dennis Wilson
Mid-Valley Engineering
900 H Street, Suite G
Modesto, CA. 95353

D. Project Location:
East side of Oakdale Road between Merle and Briggsmore Avenues

E. Project sponsor:
Nora Naraghi
17500 E. Keyes Road
Denair, CA. 95316

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:

Existing	P-O, Professional Office and R-1, Low Density Residential
Proposed	P-D, Planned Development for a commercial center and congregate care facility

H. Description of Proposed Project:

This is an application to amend Section 14-3-9 of the Zoning map of the City of Modesto to rezone 14.9 acres from R-1 and P-O to P-D to allow a commercial center and a congregate care facility. The proposed development will be located on the east side of Oakdale Road between Briggsmore and Merle Avenues. This property is bound by a neighborhood shopping center, offices, and a church use along Oakdale Road on the west. A planned development zone allowing apartments is located to the north and an elementary school campus and a City domestic water tank site are located to the east. An M.I.D. lateral immediately borders this property to the south. The commercial portion of this development will surround a 1.24 acre commercial planned development, P-D(518). This P-D was approved in 1996 for a car wash facility and C-3 commercial uses. Entrance to P-D(518) is from a central driveway opposite Lancey Drive. Approval of the P-D provided that this entrance would also serve potential future development of this applicant's property through an access way agreement. The applicant's plot plan does in fact reflect a design which coincides with these access ways established by P-D(518). Development of the requested P-D zone is proposed to be accomplished in two phases as follows:

Phase I - This phase will include the commercial portion of the development and will include two major tenants, a 33,380 square foot Orchard Supply Hardware Store and a 29, 970 square foot user yet to be named. The applicant's plot plan also indicates shops A, B, and C each containing 4,480 square feet of building area. Shop D is proposed to contain 3,375 square feet. Total building area resulting from this commercial phase will be 95, 929 square feet. Shop D appears to have potential as a restaurant use and is therefore assumed to have a parking requirement of approximately 30 spaces. Minimum parking required for the remaining 92, 554 square feet of retail building area would be 309 parking spaces for a total requirement of 339 spaces. The applicant proposes to provide 429 spaces.

Phase II - This phase includes the congregate care facility and will provide two buildings, each containing three floors and providing a total of 144 rooms. Development of this phase will be at the southeast corner of the property and to the rear of the proposed commercial portion. According to the applicant's plot plan, access to this care facility will be from the commercial center and Statler court. 72 parking spaces are proposed for the care facility. Assisted care facilities are required to provide one parking space for each four beds or 36 minimum spaces for this facility.

I. Surrounding land uses:

North — P-D(397), apartment condominiums

South — R-1, Low Density Residential Zone, M.I.D. Lateral No. 3
C-3, Highway Commercial Zone, strip commercial uses

East — R-1, Low Density Residential Zone, elementary school campus and City of Modesto domestic water tank site

West — P-D(104), commercial and office uses
R-1, Low Density Residential Zone, church use

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 for a commercial center and a congregate care center will generate an increase of traffic in the area. A traffic study was required as a result of the rezoning application. The study prepared by KD Anderson Transportation Engineers and reviewed by the City Public Works and Transportation Department. As a result, street right-of-way dedication and improvements and traffic related conditions of approval will be included as part of any approval of the planned development zone. This 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 commercial center and congregate care center is within the urban developed area of the City of Modesto. 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, still valid.

C. **Generation of Noise**

This proposed commercial center and congregate care center is adjacent to and surrounded by urban development. The proposed planned development zone is adjacent to a mixture of commercial, and low and medium density residential uses. Because of building walls, setbacks, and required solid wall and fence separations, The Day-Night Average Sound Level (Ldn) for this Mixed Use area can be ensured. No significant noise impacts on this Mixed Use area or the adjacent residential neighborhood will be associated with this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The proposed development is located on land noted as Other Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property has not been farmed for many years and is currently zoned for office and residential development. This property is also within a Mixed Use area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**

The proposed 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.

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

The proposed 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 development is proposed 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 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 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 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 project will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**
This project will not impact the Sylvan School system, as this is a commercial and congregate care facility. Besides, 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 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 development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 3 is 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 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 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, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed planned development zone for an a commercial center and a congregate care center is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

B. The project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are not specific features unique to this rezoning for a planned development zone for a commercial center and a congregate care center 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: _____ Date: 4/14/97

Print

RESCINDED
1997-433
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-389

A RESOLUTION ORDERING THE KIERNAN BUSINESS PARK NO. 1 REORGANIZATION TO THE CITY OF MODESTO, SUBJECT TO THE NUMBER AND VALIDITY OF WRITTEN PROTESTS FILED AT THE HEARING, AND SUBJECT TO CONFIRMATION BY ELECTION. (INHABITED)

WHEREAS, the Local Agency Formation Commission (LAFCO) of the County of Stanislaus, State of California, by Resolution No. 97-09, adopted on May 28, 1997, approved the proposed Kiernan Business Park No. 1 Reorganization to the City of Modesto (CITY) upon condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Kiernan Business Park No. 1 Reorganization, and

WHEREAS, said proposed Reorganization consists of approximately 233.58 acres of land to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and a detachment of 233.58 acres of land from the Salida Protection District, and the boundaries of the subject territory include property located south of Kiernan Avenue, west of a proposed extension of American Avenue, north of a proposed extension of Pelandale Avenue, and east of Dale Road, and

WHEREAS, LAFCO found, in its Resolution No. 97-09, 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 inhabited; (d) the proposal was initiated by a Resolution of

Application pursuant to Government Code Section 56800; (e) the City has adopted various plans for providing services and has prezoned the territory; (f) approval of the proposal will result in planned, orderly and efficient development of the area; and, (g), the City adopted Resolution No. 97-164 indicating it will provide adequate and appropriate municipal services to the area, and

WHEREAS, the terms and conditions of the proposal as approved by the Local Agency Formation Commission are as follows:

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

WHEREAS, LAFCO, by said Resolution No. 97-09 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, a public hearing on this annexation was called for and held by this Council on July 8, 1997, at the hour of 4:00 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 provide a prime location for a business park to help attract economic development and create jobs for the community, and

WHEREAS, the regular county assessment roll will be utilized, and

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by at least 25% but less than 50% of the registered voters residing in the affected territory prior to the close of said hearing, that this annexation is subject to the number and validity of said written protests filed and not withdrawn, and that this annexation is subject to confirmation by election of the registered voters residing within the affected territory, and

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

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

SECTION 1. ANNEXATION ORDERED. That the Council of the City of Modesto hereby orders the Kiernan Business Park No. 1 Reorganization, the territory hereinafter described in Exhibit "A", annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Salida Fire Protection District, subject to the number and validity of written protests filed at the hearing and subject to confirmation by election, for the purpose of submitting to the qualified electors residing in said territory the question whether or not they confirm that said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and in order that the

property in said territory shall, after such annexation, be subjected to taxation after annexation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election.

The area or territory designated as the Kiernan Business Park No. 1 Reorganization to the City of Modesto is more particularly described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

SECTION 2. CERTIFICATION OF RESOLUTION. That the City Clerk is hereby directed to transmit a certified copy of this Resolution with applicable fees required by Section 54902.5 of the Government Code to the Executive Officer of the Local Agency Formation Commission 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

KIERNAN BUSINESS PARK NO. 1
REORGANIZATION TO
THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the southeast corner of the northeast quarter of the southeast quarter of said Section 2, being also the northeast corner of the Pelandale No. 1 Addition to the City of Modesto and the northwest corner of the Pelandale - Snyder Reorganization to the City of Modesto; thence North 89° 18' 15" E on the north line of the said Pelandale-Snyder Reorganization, 50.00 feet to the TRUE POINT OF BEGINNING of this description, said point also being the southeast corner of the Fleur De Ville Reorganization to the City of Modesto; thence continue on the north line of the aforementioned Pelandale - Snyder Reorganization, North 89° 18' 15" East, 2598.02 feet to the east line of the west half of said Section 1; thence North 0° 24' 19" West, on said east line, 2654.66 feet to the south line of Parcel C as shown on the map recorded in Volume 10 of Surveys, at page 75, Stanislaus County Records; thence South 89° 28' 03" West on the south line of said Parcel C, 329.35 feet to the west line of said Parcel C; thence North 0° 07' 11" West on the west line of said Parcel C and its northerly extension, 1352.83 feet to the north line of 50.00 foot wide Kiernan Avenue; thence South 89° 44' 52" West on said north line, 1838.49 feet to an angle point in said north line; thence North 86° 52' 07" West on said north line 409.97 feet to another angle point in said north line; thence North 38° 04' 25" West on said north line, 56.96 feet to the east line of 50.00 foot wide Dale Road; thence leaving said east line, South 89° 35' 51" West, 50.00 feet to the west line of said Dale Road; thence South 0° 26' 39" E on the southerly extension of the west line of said Dale Road, 95.00 feet to the centerline of aforementioned Kiernan Avenue; thence South 0° 08' 23" East on the northerly extension of the west line and the west line of said Dale Road, 2676.35 feet to the south line of the northeast quarter of said Section 1; thence continuing on the west line of Dale Road, South 0° 08' 34" East, 90.16 feet to the north line of the Fleur De Ville Reorganization; thence on said north line, North 89° 39' 08" East, 25.00 feet to the centerline of Dale Road; thence continue on said north line North 89° 19' 05" East, 50.00 feet to the northeast corner of the Fleur De Ville Reorganization; thence South 0° 08' 34" East, on the east line of said Fleur De Ville Reorganization and the east line of Dale Road, 1233.93 feet to the point of beginning.

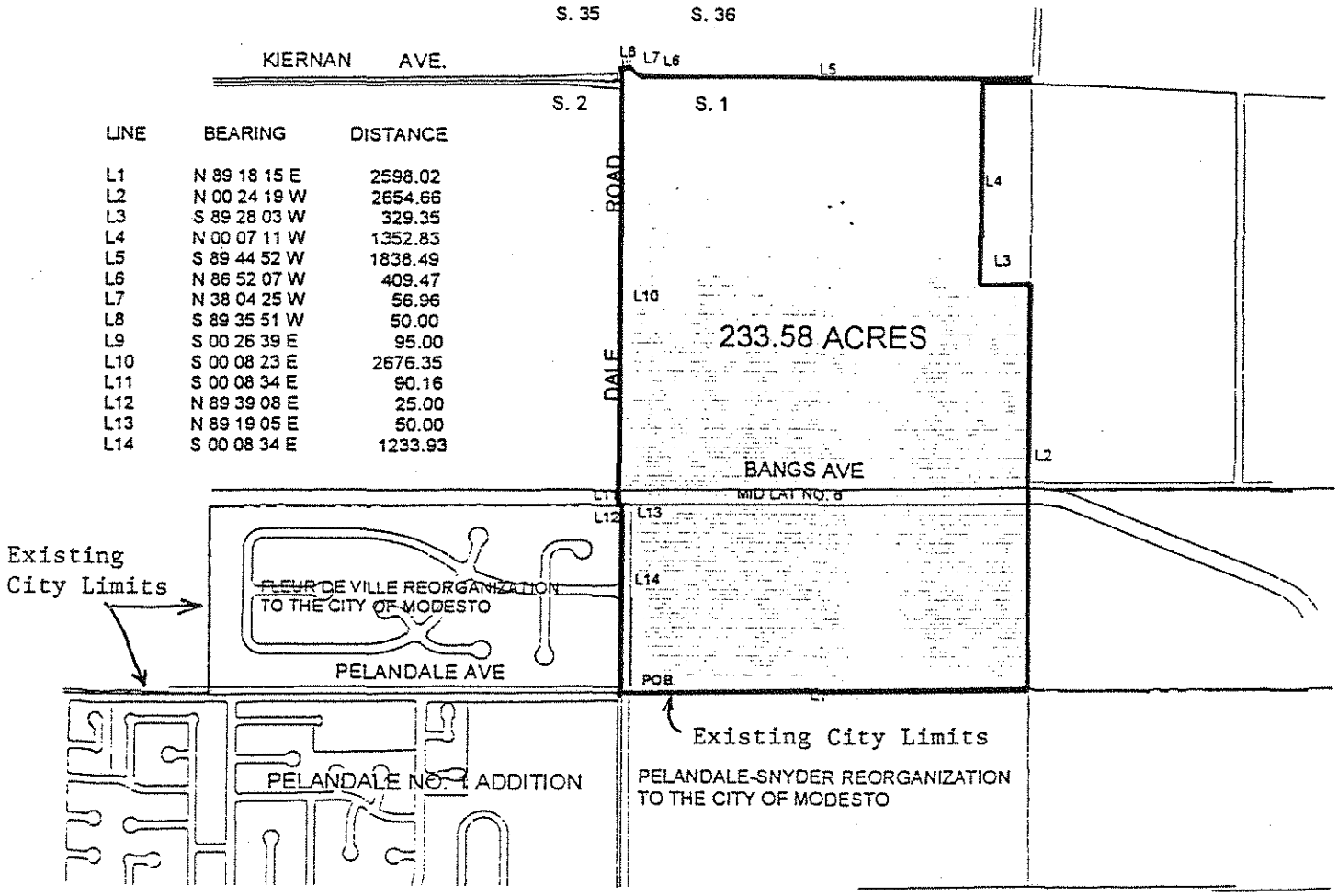
Containing 233.58 Acres, more or less.

Approved as to description
ON 5-29-97
BY

Attachment A

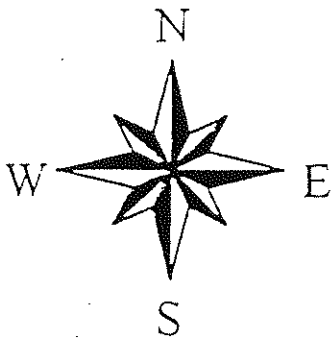
KIERNAN BUSINESS PARK NO. 1
REORGANIZATION TO
THE CITY OF MODESTO

LINE	BEARING	DISTANCE
L1	N 89 18 15 E	2598.02
L2	N 00 24 19 W	2654.66
L3	S 89 28 03 W	329.35
L4	N 00 07 11 W	1352.83
L5	S 89 44 52 W	1838.49
L6	N 86 52 07 W	409.47
L7	N 38 04 25 W	56.96
L8	S 89 35 51 W	50.00
L9	S 00 26 39 E	95.00
L10	S 00 08 23 E	2676.35
L11	S 00 08 34 E	90.16
L12	N 89 39 08 E	25.00
L13	N 89 19 05 E	50.00
L14	S 00 08 34 E	1233.93



Basis of Bearings:

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



No Scale

CITY OF MODESTO

Approved as to description

ON 5-29-97

BY _____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-390

A RESOLUTION ORDERING THE CARVER-BANGS REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 97-10 dated May 28, 1997, approved the proposed Carver-Bangs Reorganization to the City of Modesto (CITY) upon condition that it be processed as an uninhabited reorganization pursuant to the provisions of Section 57000 et seq. of the Government Code of the State of California, and designated said Reorganization the Carver-Bangs Reorganization, and

WHEREAS, said Reorganization consists of approximately 164.5 acres of land located south of Bangs Avenue, west of Carver Road, north of a proposed extension of Pelandale Avenue, and east of a proposed extension of American Avenue, and

WHEREAS, LAFCO, found in its Resolution No.97-10, 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) one of the six property owners has consented in writing to the proposal; (e) the City has adopted various plans for providing services and has prezoned the territory; (f) approval of the proposal will result in planned, orderly and efficient development of the area; and, (g) the Williamson Act contracts within the territory have been protested by the City of Modesto and upheld by LAFCO, and

WHEREAS, by said resolution, LAFCO approved the proposal subject to the

terms and conditions as follows:

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

WHEREAS, LAFCO by said resolution No. 97-10 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, a public hearing on this annexation was called for and held by this Council on July 8, 1997, at the hour of 4:00 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.

WHEREAS, the regular county assessment roll will be utilized, 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, the affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, three (3) parcels of land within said Carver-Bangs Reorganization territory are subject to California Land Conservation Act Contracts (Williamson Act Contracts), and

WHEREAS, by City Council Resolution No. 73-150, the Council protested the execution of Open Space Contract Application No. 73-1523 (Ora Skiles, et ux.); by City Council Resolution No. 75-300, the Council protested the execution of Open Space Contract Application No. 75-1995 (Paul Couture); and by City Council Resolution No. 76-290, the Council protested the execution of Open Space Contract Application No. 76-2119 (Hazel Grace Schuler), and

WHEREAS, copies of said City Council Resolution Nos. 73-150, 75-300 and 76-290 which were upheld by LAFCO, as stated in LAFCO Resolution No. 97-10, are attached hereto as Exhibit "B" and incorporated herein by reference, and

WHEREAS, the City intends to not succeed to the above protested contracts which were upheld by LAFCO, and upon approval of the Carver-Bangs Reorganization, all contracts that were protested to and upheld by LAFCO, as identified on Exhibit "B", attached hereto, would be null and void,

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

SECTION 1. ANNEXATION ORDERED. That the Council of the City of

Modesto hereby orders the Carver-Banks Reorganization, the territory hereinafter described in Exhibit "A", annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Salida Fire Protection District, and directs the City Clerk of the City of Modesto to transmit a certified copy of this resolution with applicable fees required by Section 54902.5 of the Government Code to the Executive Officer of the Local Agency Formation Commission of Stanislaus County.

SECTION 2. WILLIAMSON ACT CONTRACTS. 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 contracts pertaining to property in the Carver-Bangs Reorganization to the City of Modesto are more specifically identified on Exhibit "B" 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 8th day of July, 1997, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CARVER-BANGS
REORGANIZATION TO THE CITY OF MODESTO

A portion of Section 1, Township 3 South, Range 8 East and Section 6, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Beginning at the southwest corner of the north half of the southeast quarter of said Section 1; thence North 89°07'16" East along the south line of said north half, a distance of 2647.00 feet to the southwest corner of Lot 5 of the Nash Tract, recorded in Volume 4 of Maps, Page 10, Stanislaus County Records; thence South 88°31'21" East along the south line of Lots 5 and 8 of said Nash Tract, a distance of 2658.35 feet to the east line of Carver Road, said east line lies 20.00 feet east of and parallel with the centerline of said Carver Road; thence North 00°43'54" West along said east line, a distance of 1341.07 feet to the north line of Bangs Avenue; thence along the north line of said Bangs Avenue the following three (3) courses:

1. North 88°27'13" West, a distance of 2516.00 feet;
2. North 83°01'33" West, a distance of 146.43 feet;
3. South 89°10'00" West, a distance of 2640.73 feet to the intersection with the west line of the east half of said Section 1; thence South 00°35'00" East along the said west line of the east half of said Section 1, a distance of 1360.36 feet to the point of beginning.

Contains 164.5 acres, more or less.

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

Max M. Garcia 4/10/97

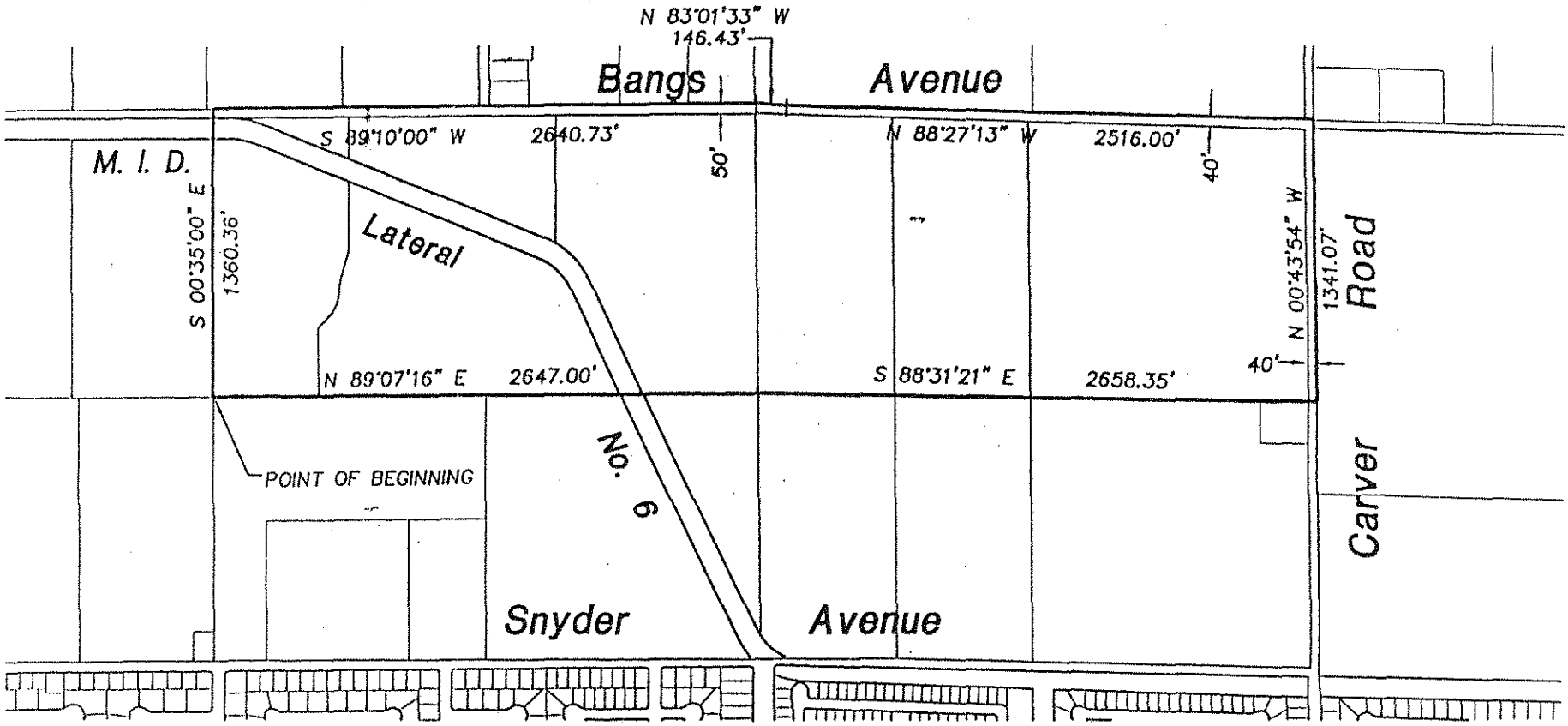
Max M. Garcia, L.S. 5122 Date
License Expires: 06/30/99

Approved as to description

ON 5-20-97

BY

6071LG01.DOC
4/10/97



CARVER-BANGS

Reorganization to the City of Modesto

400 200 0 400 800

Scale in Feet

Approved as to description

ON 5-28-97

BY

EXHIBIT "B"

MODESTO CITY COUNCIL
RESOLUTION NO. 73-150

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION NO. 73-1523 (ORA SKILES, ET UX.)

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. 73-1523, (ORA SKILES, ET UX.)

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 12th day of February, 1973, by Councilman Simon, who moved its adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 75-300

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF THE PORTION OF OPEN SPACE CONTRACT APPLICATION NO. 75-1995 LOCATED AT THE SOUTHWEST CORNER OF BANGS AVENUE AND CARVER ROAD. (PAUL COUTURE)

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 a portion 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 that portion of Application No. 75-1995 located at the Southwest corner of Bangs Avenue and Carver Road (Paul Couture).

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 18th day of February, 1975, by Councilman Elliott, who moved its adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 76-290

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION NO. 76-2119 (HAZEL GRACE SCHULER)

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. 76-2119 (Hazel Grace Schuler)

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 9th day of February, 1976, by Councilman Kullijian, who moved its adoption, which motion being duly seconded by Councilman Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-391

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BERTOLOTTI DISPOSAL FOR THE COLLECTION OF SOLID WASTE UNDER THE EXISTING TERMS WITH A 90-DAY CANCELLATION CLAUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bertolotti Disposal for the Collection of Solid Waste under the Existing Terms with a 90-day Cancellation Clause 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 July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-392

A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION FOR A PROJECT TITLED "WATER DIVISION MEETING ROOM REMODEL"

WHEREAS, the bids received for Water Division Meeting Room Remodel were opened at 11:00 a.m. on June 24, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $84,674.00 from Howell 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 Howell 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-393

A RESOLUTION ACCEPTING THE PROJECT TITLED "TULLY ROAD OVERLAY FROM NINTH STREET TO LEONARD AVENUE" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Tully Road Overlay from Ninth Street to Leonard Avenue, has been completed by Teichert Construction, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Tully Road Overlay from Ninth Street to Leonard Avenue 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 $320,320.33 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 July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-394

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE SOLE SOURCE PURCHASE OF SEVEN (7) MOBILE DATA TERMINALS FROM MOTOROLA INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the sole source purchase of seven mobile data terminals from Motorola Inc. is hereby waived.

BE IT FURTHER RESOLVED that sole source purchase of seven mobile data terminals from Motorola Inc. for a not to exceed price of $65,501.55.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-395

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SECURITY FENCING FROM THE YARD LUMBER & FENCE SUPPLY OF MODESTO

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of security fence from The Yard Lumber & Fence Supply of Modesto is hereby waived.

BE IT FURTHER RESOLVED that purchase of security fence for a not to exceed price of $61,685.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-396

Print

A RESOLUTION SUBMITTING ADVISORY MEASURES RELATING TO THE EXTENSION OF SEWER SERVICE TO CERTAIN AREAS OF THE CITY OF MODESTO FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 1997.

WHEREAS, on April 1, 1997, the City Council approved the Kiernan Business Park Specific Plan and the Carver-Bangs Specific Plan and associated actions, and

WHEREAS, an association calling itself Growth; Orderly, Affordable, Livable ("G.O.A.L.") contends that the Council actions associated with these approvals violate Measure A and a citizen's initiative calling for advisory votes regarding sewer extensions under certain conditions, and

WHEREAS, an initiative measure sponsored by developer Forrest Aarvig entitled "Modesto Citizen's Advisory Growth Management Act of 1995" ("Aarvig Initiative") will be on the November, 1997 ballot, and

WHEREAS, the Aarvig Initiative, if passed by the voters, would require the City Council to hold an advisory election when it proposed to extend sewer service to any development, other than an exclusively non-residential development, serving more than five (5) dwelling units or more than five (5) contiguous gross acres and would apply to all annexations occurring since June 1, 1995, and

WHEREAS, the City Council, on June 24, 1997, determined that holding an advisory election in November, 1997, would be in the best interest of the community as it (1) would avoid potential litigation with G.O.A.L., (2) would be required if the Aarvig Initiative is

approved by voters and (3) would avoid the cost associated with a special election, in the range of $100,000.00 to $120,000.00, that would be necessary at a later time in the event the Aarvig Initiative is approved,

WHEREAS, Tuesday, November 4, 1997, has been designated as the date for a Regular County Election to be held and it is the desire of the Council that the advisory Municipal Election be consolidated with that Election.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby determines as follows:

SECTION 1. Ballot Measures.

Pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to and hereby does, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 1997, two advisory measures relating to the provision of sewer service to certain areas of the City as set forth below, and hereby designates and refers to said measures to be set forth in the form of ballot measures as hereinafter prescribed for use at said regular municipal election:

MEASURE P

Shall the City Council provide sewer service to the following described areas of the Modesto Urban Area General Plan:

> Kiernan Business Park as described in the Kiernan Business Park Specific Plan, provided the area is first annexed to the City. The area is bordered on the north by Kiernan Avenue, on the east by the extension of American Avenue, on the south by Pelandale Avenue extended, and on the west by the extension of Stoddard Avenue, excluding the Fleur de Ville subdivision.

Carver-Bangs Specific Plan Area as described in the Carver-Bangs Specific Plan, provided the area is first annexed to the City. The area is bordered on the north by Bangs Avenue, on the east by Carver Road, on the south by Pelandale Avenue extended and on the west by the extension of American Avenue.

Pelandale/Snyder Specific Plan Area as described in the Pelandale/Snyder Specific Plan, which was annexed to the City on July 9, 1996. The area is bordered on the north by Pelandale Avenue extended, on the east by the UPRR railroad tracks, on the south by MID Lateral No. 6 and Snyder Avenue, and on the west by Dale Road.

Kiernan/McHenry Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by Kiernan Avenue, on the east by McHenry Avenue, on the south by Pelandale Avenue extended, and on the west by Tully Road.

MEASURE Q

Shall the City Council provide sewer service to the following areas:

Fairview Village as described in the Fairview Village Specific Plan which was annexed to the City on June 5, 1996. This area is bordered on the north by the Tuolumne River, on the east by Yuma Avenue extended, on the south by Whitmore Avenue, and on the west by Carpenter Road.

North Beyer Park as described in the North Beyer Park Specific Plan which was annexed to the City on June 30, 1995. This area is bordered on the north by Claratina Avenue extended, on the east by Oakdale Road, on the south by Mable Avenue, and on the west by Coffee Road.

The Bluffs Subdivision as annexed to the City on March 27, 1997. This area is a parcel east of the Santa Fe railroad tracks, south of Parker Road, and north of Dry Creek.

Coffee/Claratina Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by Claratina Avenue, on the east by Coffee Road, on the south by existing City limits, and on the west by McHenry Avenue.

Southwest quadrant of the Roselle/Claribel Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by the future Pelandale Expressway alignment, on the east by Roselle Avenue, on the south by Sylvan Avenue, and on the west by Oakdale Road.

SECTION 2. Form of Ballot.

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

MEASURE P City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described areas of the Modesto Urban Area General Plan:

Kiernan Business Park as described in the Kiernan Business Park Specific Plan, provided the area is first annexed to the City. The area is bordered on the north by Kiernan Avenue, on the east by the extension of American Avenue, on the south by Pelandale Avenue extended, and on the west by the extension of Stoddard Avenue, excluding the Fleur de Ville subdivision.

Yes ☐

No ☐

Carver-Bangs Specific Plan Area as described in the Carver-Bangs Specific Plan, provided the area is first annexed to the City. The area is bordered on the north by Bangs Avenue, on the east by Carver Road, on the south by Pelandale Avenue extended, and on the west by the extension of American Avenue.

Pelandale/Snyder Specific Plan Area as described in the Pelandale/Snyder Specific Plan, which was annexed to the City on July 9, 1996. The area is bordered on the north by Pelandale Avenue extended, on the east by the UPRR railroad tracks, on the south by MID Lateral No. 6 and Snyder Avenue, and on the west by Dale Road.

Kiernan/McHenry Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by Kiernan Avenue, on the east by McHenry Avenue, on the south by Pelandale Avenue extended, and on the west by Tully Road.

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

MEASURE__Q__ City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following areas:

Fairview Village as described in the Fairview Village Specific Plan which was annexed to the City on June 5, 1996. This area is bordered on the north by the Tuolumne River, on the east by Yuma Avenue extended, on the south by Whitmore Avenue, and on the west by Carpenter Road.

Yes ☐

No ☐

North Beyer Park as described in the North Beyer Park Specific Plan which was annexed to the City on June 30, 1995. This area is bordered on the north by Claratina Avenue extended, on the east by Oakdale Road, on the south by Mable Avenue, and on the west by Coffee Road.

The Bluffs Subdivision as annexed to the City on March 27, 1997. This area is a parcel east of the Santa Fe railroad tracks, south of Parker Road, and north of Dry Creek.

Coffee/Claratina Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by Claratina Avenue, on the east by Coffee Road, on the south by existing City limits, and on the west by McHenry Avenue.

Southwest quadrant of the Roselle/Claribel Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by the future Pelandale Expressway alignment, on the east by Roselle Avenue, on the south by Sylvan Avenue, and on the west by Oakdale Road.

SECTION 3. Notice and Synopsis of Advisory Vote.

Pursuant to Section 121114 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, and a newspaper of general circulation printed and published in said City.

SECTION 4. Conduct of Election.

The advisory regular 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 day of the election herein provided for shall be qualified to vote upon the advisory measures hereby proposed by the advisory Council of the City of Modesto on its own motion and submitted at the regular election.

SECTION 6. Advisory Election Consolidated With Regular Election.

The advisory regular election shall be and is hereby consolidated with the regular

election to be held in Stanislaus County and in the City of Modesto on the date of the advisory election hereby called, and the election precincts, polling places and voting booths shall in every case be the same, and there shall be only one set of election officers in each of the precincts; and the precincts, polling places and officers of the election within the City for the advisory election shall be the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for the regular county and municipal election and set forth or to be set forth in the notice of election officers and polling places for the election published or to be published by the Stanislaus County Clerk, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for the advisory regular election hereby called. Only qualified voters of the City shall be permitted to vote at the advisory regular election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of the advisory regular election with respect to the votes cast in said City and to certify the results to the Council.

SECTION 7. Votes Counted.

The votes cast for and against the advisory measures shall be counted separate and apart from all other measures to be submitted at the regular county election and municipal regular election hereby consolidated therewith.

SECTION 8. Statement of Results.

At the next regular meeting of the Council occurring after the returns of the advisory election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the

Council shall cause to be spread upon its minutes a statement of the results of the advisory election as ascertained by the canvass.

SECTION 9. Motion to Amend.

The area referred to in this resolution and related advisory measure submitted to the voters as the southwest quadrant of the Roselle/Claribel Comprehensive Planning District, as described in the Modesto Urban Area General Plan with respect to the question of provision of sewer services, was amended into this resolution on a separate vote of the Council due to a potential conflict of interest as to inclusion of that area on the part of Councilmember Dobbs. The vote on the motion to amend was proposed by Councilmember Cogdill, seconded by Councilmember Fisher and unanimously carried with Councilmember Dobbs abstaining.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Print

Res. 97-397

Number Not Used

MODESTO CITY COUNCIL
RESOLUTION NO. 97-398

Print

A RESOLUTION TRANSMITTING COPY OF ADVISORY MEASURES RELATING TO THE EXTENSION OF SEWER SERVICE TO CERTAIN AREAS OF THE CITY FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 1997, 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 two measures relating to the extension of sewer service proposed for the municipal election of November 4, 1997, are marked respectively as Exhibits "A" and "B", and attached hereto and made a part hereof,

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 both 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 both above-described measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MEASURE ___P___

Shall the City Council provide sewer service to the following described areas of the Modesto Urban Area General Plan:

Kiernan Business Park as described in the Kiernan Business Park Specific Plan, provided the area is first annexed to the City. The area is bordered on the north by Kiernan Avenue, on the east by the extension of American Avenue, on the south by Pelandale Avenue extended, and on the west by the extension of Stoddard Avenue, excluding the Fleur de Ville subdivision.

Carver-Bangs Specific Plan Area as described in the Carver-Bangs Specific Plan, provided the area is first annexed to the City. The area is bordered on the north by Bangs Avenue, on the east by Carver Road, on the south by Pelandale Avenue extended and on the west by the extension of American Avenue.

Pelandale/Snyder Specific Plan Area as described in the Pelandale/Snyder Specific Plan, which was annexed to the City on July 9, 1996. The area is bordered on the north by Pelandale Avenue extended, on the east by the UPRR railroad tracks, on the south by MID Lateral No. 6 and Snyder Avenue, and on the west by Dale Road.

Kiernan/McHenry Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by Kiernan Avenue, on the east by McHenry Avenue, on the south by Pelandale Avenue extended, and on the west by Tully Road.

Exhibit "A"

MEASURE Q

Shall the City Council provide sewer service to the following areas:

Fairview Village as described in the Fairview Village Specific Plan which was annexed to the City on June 5, 1996. This area is bordered on the north by the Tuolumne River, on the east by Yuma Avenue extended, on the south by Whitmore Avenue, and on the west by Carpenter Road.

North Beyer Park as described in the North Beyer Park Specific Plan which was annexed to the City on June 30, 1995. This area is bordered on the north by Claratina Avenue extended, on the east by Oakdale Road, on the south by Mable Avenue, and on the west by Coffee Road.

The Bluffs Subdivision as annexed to the City on March 27, 1997. This area is a parcel east of the Santa Fe railroad tracks, south of Parker Road, and north of Dry Creek.

Coffee/Claratina Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by Claratina Avenue, on the east by Coffee Road, on the south by existing City limits, and on the west by McHenry Avenue.

Southwest quadrant of the Roselle/Claribel Comprehensive Planning District as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. This area is bordered on the north by the future Pelandale Expressway alignment, on the east by Roselle Avenue, on the south by Sylvan Avenue, and on the west by Oakdale Road.

Exhibit "B"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-399

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE BALLOT ARGUMENTS IN FAVOR OF TWO ADVISORY MEASURES RELATING TO THE EXTENSION OF SEWER SERVICE TO CERTAIN AREAS OF THE CITY TO BE PROPOSED TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 1997.

WHEREAS, Section 9282 of the state Elections Code provides that any member of the legislative body of a city may file a written argument in favor of a proposed measure, and

WHEREAS, such 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 Government Code Section 13303, and

WHEREAS, the printed argument of the Mayor in favor of measures P and Q shall be titled "Argument In Favor Of Measure P & Q".

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Mayor of the City is hereby directed to write an argument in favor of both Measure P

and Measure Q which are proposed for the November 4, 1997, Regular Municipal Election.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the arguments relative to Measures P and Q.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-400

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2020 WEST BRIGGSMORE AVENUE, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 2020 West Briggsmore Avenue, 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-401

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 420 H STREET, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 420 H 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-402

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2508 OAKDALE ROAD, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 2508 Oakdale Road, Modesto, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-403

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1320 STANDIFORD AVENUE, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 1320 Standiford Avenue, 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-404

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2001-C TULLY ROAD, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 2001-C Tully Road, Modesto, be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-405

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2517 MITCHELL ROAD, CERES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 2517 Mitchell Road, Ceres, 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 July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-406

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHECK CASHIERS OF CALIFORNIA, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1825 COUNTRYSIDE, TURLOCK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Check Cashiers of California to receive utility bill payments from customers at 1825 Countryside, Turlock, 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 July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-407

A RESOLUTION ACCEPTING A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION TO COMPLETE THE AIRPORT'S RECOMMENDED FY 1997/98 CAPITAL IMPROVEMENT PROJECTS, AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT AGREEMENT AND ANY FUTURE AMENDMENTS TO INCREASE THE LEVEL OF FEDERAL FUNDS FOR THE RECOMMENDED PROJECTS.

WHEREAS, each year the City is eligible for Airport Improvement Program funds to complete needed airport capital improvements, and

WHEREAS, on May 6, 1997, the City Council approved an application for federal funds for the Modesto City-County Airport to complete two capital improvement projects in fiscal year 1998, and submitted said application to the Federal Aviation Administration (FAA), and

WHEREAS, the FAA provided the City with a federal grant dated June 11, 1997, in the requested amount, and the City has until September 30, 1997, to accept said federal assistance, and

WHEREAS, the estimated budget to relocate and upgrade the general aviation runway lights and to repave the center 100' of the runway is $440,000, and the FAA approved federal assistance for 90% of the estimated project cost, and

WHEREAS, the capital improvement projects are included as part of the City's approved Passenger Facility Charge Program (PFC), and in order for the City to complete the recommended projects, it will be necessary to use the federal grant for 90%

of the projects' costs, with the remaining 10% to be funded by the PFC collected by the airlines, and

WHEREAS, the City of Modesto is eligible to receive $399,600 in grant funding to complete the airport's FY 1997/98 capital improvement projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of $399,600 to complete the airport's FY 1997/98 capital improvement projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to execute and submit the grant offer, amendments, or any other pertinent documents on behalf of the City of Modesto in relation to this grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-408

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR A ONE-YEAR LEASE FOR USE OF A CITY-OWNED HOME AT 308 LOCUST STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation (STANCO) for a one-year lease for use of a City-owned home at 308 Locust 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk (15)

MODESTO CITY COUNCIL
RESOLUTION NO. 97-409

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE SYMPHONY PLACE NO. 5 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sarjak Enterprises, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 5.42 acres, known as Symphony Place No. 5 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 7th day of December, 1993, 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 Symphony Place No. 5 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the 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 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-410

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEVERLY A. CABRAL FOR ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beverly A. Cabral for acquisition of property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-411

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:

Social Services Program Supervisor

Maintenance Aide

The job specifications for the classification of Social Services Program Supervisor (Range 430), as shown on the attached Exhibit "A", and Maintenance Aide (Range 101), 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Social Services Coordinator (Range 428)

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Fisher
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

JULY, 1997
No. 3176

CITY OF MODESTO

SOCIAL SERVICES PROGRAM SUPERVISOR

DEFINITION

To plan, organize, and provide a variety of social services to the public in the area of information/referral, as well as develop and implement training workshops, seminars, community forums, multi-cultural celebrations and community social programs.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Assistant Director of Parks & Recreation.

Exercise direct supervision over professional, contractual, technical, and clerical staff.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Develop and maintain a comprehensive assessment of the community's needs and concerns in the area of employment opportunities, housing and homelessness, alcoholism and drug abuse, health, crime, and other related social issues.

Establish collaborative working relationships and partnerships with other agencies and governmental institutions, for the express purpose of organizing and conducting programs that benefit groups, neighborhoods, families, and individuals in need of services. Also evaluate existing programs, recommend new programs, modify and enhance existing programs.

Coordinate with other community agencies to assist in providing services.

Develop and monitor the Social Services organization operating budget.

Develop and maintain a comprehensive regional social services guide.

Contact prospective employers, private and public, to promote employment opportunities for underemployed and unemployed participants.

Develop and coordinate workshops, seminars, forums, and classes that address issues related to employment, culture, health, and education.

Attend community meetings and participate and/or liaison on

EXAMPLES OF DUTIES, Continued:

community boards and committees that promote social service.

Establish a comprehensive knowledge and understanding of Government, State, County, and City laws, regulations, codes, and resolutions to promote favorable social activities.

Purchase necessary equipment and supplies.

Supervise staff and conduct interviews.

Participate in training Social Services staff and volunteers as required.

Implement and administer contracts for specialized Social Services programs, classes, and workshops.

Develop, recommend, and assist in the implementation of goals and objectives, establish schedules and methods for Social Services activities, implement policies and procedures.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Laws, rules and regulations relating to social welfare, criminal justice, local, State, and Federal programs, policies and funding practices.

Evaluation and modification of social service programs to meet the needs of the community.

Methods of communication and interpersonal relations.

Public relations, marketing, and program coordination.

English usage, grammar, punctuation and spelling.

Multi-phase social and cultural programs for youth and adults.

Principles and procedures of recordkeeping, and other administrative functions.

Principles and practices of budget preparation and administration.

Principles, methods, and techniques of conducting surveys; research methodologies.

QUALIFICATIONS, Continued:

Ability to:

Estimate and project revenues and expenditures.

Identify community and individual concerns and respond with recommendations on course of action.

Refer individuals as appropriate to proper agency.

Research, compile, and analyze information and prepare effective recommendations.

Coordinate, organize, and implement social services activities and specialized events.

Maintain a variety of reports and statistical data.

Communicate clearly and concisely, both orally and in writing.

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

Supervise, train, and evaluate assigned staff and volunteers.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of increasingly responsible experience in community service activities, preferably including counseling, information and referral services, or related experience.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in education, counseling, sociology, or a related field.

CITY OF MODESTO JULY, 1997
No. 6709

MAINTENANCE AIDE

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 unskilled or repetitive routine tasks in parks, forestry, facilities, and other public areas.

DISTINGUISHING CHARACTERISTICS

This classification performs specific duties within a maintenance division. This classification is not intended to be used as a trainee class or bridge to higher level positions.

SUPERVISION RECEIVED

Receives immediate supervision from higher level maintenance, supervisory, or 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:

When assigned to Building Services:

1. Operate a class C motor vehicle.
2. Clean and sanitize restrooms.
3. Clean up debris in landscaped and public areas.
4. Paint over graffiti; paint interior and exteriors of public buildings.
5. Assist other maintenance personnel with the hauling of materials, installation of materials, and cleanup.

When assigned to Parks:

1. Operate a class C motor vehicle.
2. Operate turf mowing and related equipment.
3. Clean and sanitize restrooms.

EXAMPLES OF DUTIES, Continued:

4. Paint over graffiti; paint interior and exteriors of public buildings and park furniture.

5. Assist other maintenance personnel with the hauling of materials, application of pesticides, ballfield maintenance and general cleanup.

6. Inspect and report broken sprinklers to appropriate maintenance staff.

When assigned to Forestry:

1. Operate a class C motor vehicle.

2. Perform routine cleanup after tree pruning crews.

3. At ground level, operate a chainsaw and use other tree pruning tools.

4. Assist in the planting of trees and perform other routine maintenance activities including those at the City nursery.

Marginal Functions:

1. Perform work in emergency situations as required.

2. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Use of general maintenance tools and equipment.

Safe work practices.

Ability to:

Understand and follow oral and written directions.

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

Perform unskilled routine tasks of a repetitive nature in assigned maintenance area.

QUALIFICATIONS, Continued:

Ability to:

Perform heavy manual labor, meaning lifting and carrying fifty (50) to one hundred (100) pounds of weight.

Maintain mental capacity which allows for effective interaction and communication with others.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines
Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

No experience is required.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Possession of a valid Class C, California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

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

WORKING CONDITIONS, Continued:

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy or moderate or light lifting, bending, stooping kneeling, crawling, walking, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles. Must wear required breathing apparatus and safety gear while painting.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-412

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 97-375 ENTITLED "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NOS. 95-310, 95-381, 95-530, 95-549, AND 96-366", AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 ENTITLED "A RESOLUTION APPROVING A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES, AND RESCINDING RESOLUTION NO. 91-724".

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council granted a salary increase to Management And Confidential Employees, Including Council Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 97-375, and

WHEREAS, Exhibit "A" of Resolution No. 95-26 has been previously amended by Resolution Nos. 95-349, 95-449, 96-328, 97-116, 97-241, and 97-310, and

WHEREAS, the City Council desires to further 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. 97-375. Exhibit "A" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective July 8,

1997, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Social Services Program Supervisor (Range 430) to the Class Range Table, and deletes Social Services Coordinator (Range 428).

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 July 8, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Maintenance Aide (Range 101) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Fisher
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 8, 1997

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

421	
422	Office Supervisor
423	Custodian Supervisor
424	Assistant Planner Asst. City Clerk/Auditor
425	Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Social Services Program Supervisor Systems Analyst
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Systems Manager
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist Business Analyst Cultural Services Manager
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

441	Sr. Deputy City Attorney I 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
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	General Services Manager Water Quality Control Supt. Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Senior Civil Engineer Traffic Engineer
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
448	Sr. Deputy City Attorney II
449	

450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective July 8, 1997

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 & Property Specialist
112	
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator Code Enforcement Officer I

116	Equipment Operator
	Fire Prevention Technician I
	Meter Reader/Repair Worker
	Motor Sweeper Operator
	Traffic Technician
	Traffic Painter
	Traffic Sign Worker
	Water Line Worker
	Wastewater Collection System Operator
117	Electrical Technician II
	Storm Water Inspector
118	Fleet Procurement Specialist
	Senior Storeskeeper
	Street Trees Crewleader
	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
120	Welder/Fabricator
	Senior Equipment Operator
	Fire Prevention Technician II
	Equipment Mechanic
	Assistant Electrician
	Traffic Painter Crewleader
	Accountant I
	Assistant Lab Technician
	Systems Technician
	Meter Reader Crewleader
121	

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

133

134 Senior Building Inspector
Senior Construction Inspector
Fire Plan Checker
Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-413

Print

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER THE REQUEST OF MODESTO GARBAGE COMPANY, INC. FOR A MERGER WITH UNITED WASTE SYSTEMS, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 22, 1997, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to consider the request of Modesto Garbage Company, Inc. for a merger with United Waste Systems, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-414

Print

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1

WHEREAS, this Council did, on June 10, 1997, adopt its Resolution No. 97-329 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on July 15, 1997, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity

with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory 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 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 19th day of August, 1997, 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 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 15th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

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

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

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

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

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

A. ARTERIAL ROADS

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

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

B. STORM DRAINAGE SYSTEM

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

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.

2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

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

C. UTILITY RELOCATION

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

D. PARKS

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

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

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

E. PUBLIC FACILITIES

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

F. OTHER

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

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

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

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

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads		$20,576,778
Storm Drainage		$13,299,220
Utility Relocation		$1,120,458
Parks		$10,863,967
Public Facilities		$25,000
Other		$2,698,683
	Subtotal:	$48,584,106
Annual CFD Administration (1%)		$485,841

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capitol costs, or $49,069,947 over the life of the district.

Total district with administration is: **$49,069,947**

B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks			$149,073
Street/Parkways: *1,500,000 sq. ft. x $0.417 / sq. ft.*			$625,500
Pathway Landscaping: Subtotal Paths			$44,965
Class I:	*17,889 / 5,280 x $4,020 =*	*$13,560*	
Class II:	*82,388 / 5,280 x $1,500 =*	*$23,405*	
Class III:	*84,480 / 5,280 x $500 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		Total Annual Cost:	$850,000

* *Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.*

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

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

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

"City" means the City of Modesto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. ASSIGNMENT TO LAND USE CLASS

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

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

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

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

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

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

Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

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

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

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

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

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

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

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

2. Maintenance Special Tax

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

a) Developed Property

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

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

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

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

b) Undeveloped Property

Undeveloped Residential Property:

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

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

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

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

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

Undeveloped Commercial and Undeveloped Industrial Property:

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

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

2. Maintenance Special Tax

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

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

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

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

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

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

E. LIMITATIONS

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

F. ENFORCEMENT

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

V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-415

Print

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 1997-98, and

WHEREAS, the Council has adopted Resolution No. 97-307 on June 3, 1997, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1997-98 and to set a public hearing to be held on July 15, 1997, 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 1997-98.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

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. 97-416

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 1997-98, and

WHEREAS, the Council has adopted Resolution No. 97-308 on June 3, 1997, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1997-98 and to set a public hearing to be held on July 15, 1997, 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 1997-98.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of july, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-417

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "YOSEMITE BOULEVARD STORM DRAIN LINE" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Yosemite Boulevard Storm Drain Line, has been completed by Rolfe Construction, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Yosemite Boulevard Storm Drain Line 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 $108,776.40 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 15th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-418

A RESOLUTION APPROVING A CONTRIBUTION AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR STATE FUNDS FOR THE YOSEMITE BOULEVARD IMPROVEMENTS BETWEEN MCCLURE ROAD AND FRAZINE ROAD PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California for state funds for the Yosmite Boulevard Improvements between McClure Road and Frazine Road project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-419

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PRINTING OF THE MONTHLY UTILITY BILL INSERT AND QUARTERLY EMPLOYEES' NEWSLETTER FOR UP TO THREE YEARS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for printing of the monthly utility bill insert and quarterly employees' newsletter for up to three years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 12, 1997 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 July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-420

Print

A RESOLUTION REJECTING BIDS FOR FURNISHING UTILITY BILLING SOFTWARE AND RELATED INSTALLATION FOR THE FINANCE DEPARTMENT'S CUSTOMER SERVICES DIVISION, OPENED IN THE OFFICE OF THE CITY CLERK ON JANUARY 8, 1997, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for furnishing utility billing software and related installation for the Finance Department's Customer Services Division, were opened on January 8, 1997; and

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so widespread that staff recommends bids be rejected and re-evaluation of the specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for furnishing utility billing software and related installation for the Finance Department's Customer Services Division, opened in the office of the City Clerk on January 8, 1997, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing utility billing software and related installation for the Finance Department's Customer Services Division will be held August 27, 1997, 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 July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-421

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE PACKAGE PUMP STATION FROM DAKOTA PUMP INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one package pump station is hereby waived.

BE IT FURTHER RESOLVED that purchase of one package pump station for a not to exceed price of $79,691.58 from Dakota Pump Inc. 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 July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-422

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF GRANULAR ACTIVATED CARBON (GAC)

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of granular activated carbon (GAC) is hereby waived.

BE IT FURTHER RESOLVED that purchase of granular activated carbon (GAC) for a not to exceed price of $282,304.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-423

A RESOLUTION ACCEPTING THE BID OF BASS TELECOM INC. AND AUTHORIZING THE PURCHASE OF A FIBER OPTIC COMPUTER NETWORK BACKBONE SYSTEM

WHEREAS, the bids received for purchase of a fiber optic computer network backbone system were opened at 11:00 on July 8, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Bass Telecom Inc. for a total price of $33,138.32 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bass Telecom 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 July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-424

A RESOLUTION SUPPORTING CRIME PREVENTION AND PROCLAIMING TUESDAY, AUGUST 5, 1997, AS "NATIONAL NIGHT OUT".

WHEREAS, the National Association Town Watch is sponsoring the 14th Annual edition of a special, coast-to-coast community crime prevention event on Tuesday, August 5, 1997, called "National Night Out", and

WHEREAS, the City of Modesto plays an essential role assisting the Modesto Police Department through its cooperative crime prevention efforts in Modesto and is in support of the "National Night Out" locally, and

WHEREAS, the Modesto Police Department is coordinating local activities planned by Neighborhood Watch groups and anticipates that approximately 60 neighborhoods in Modesto will have activity for "National Night Out", and

WHEREAS, it is important that all citizens in Modesto be aware of the importance of crime prevention programs and the positive impact that their participation can have in reducing crime in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity for Modesto to join together with thousands of other communities across the country in support of safe neighborhoods and to demonstrate the success of cooperative crime prevention efforts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Association Town Watch in supporting and participating in the 14th Annual "National Night Out" on Tuesday, August 5, 1997.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 5, 1997, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

07/23/97 OP0N4JRN/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 97-425

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY OF CERES FOR MODESTO TO PURCHASE A VAN WHICH WOULD BE LEASED AT NO COST TO CERES FOR USE IN ITS DIAL-A-RIDE SERVICE AND REIMBURSEMENT TO MODESTO FOR ITS COSTS ASSOCIATED WITH THE PURCHASE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and City of Ceres for Modesto to purchase a van which would be leased at no cost to Ceres for use in its Dial-A-Ride service and reimbursement to Modesto for its costs associated with the 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 22nd day of July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-426

A RESOLUTION AUTHORIZING THE PURCHASE OF A VAN FROM EL DORADO BUS SALES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that purchase of a van from El Dorado Bus Sales for a not to exceed price of $52,204.84, 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 July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-427

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE A VAN PURCHASE IN THE AMOUNT OF $52,204.84 FOR THE CITY OF CERES DIAL-A-RIDE PROGRAM

WHEREAS, the City of Ceres wishes to purchase a van for its Dial-A-Ride service using funds available from the Federal Transit Administration (FTA) and has asked for assistance in this project from the City of Modesto; and

WHEREAS, the City of Modesto would purchase the van using a combination of FTA and Ceres funds and lease it at no cost to Ceres; with the van being registered in Modesto's name since Modesto is the recipient of the federal funds. The City of Ceres will reimburse Modesto for its cost of handling the procurement.

WHEREAS, the van will be purchased through El Dorado Bus Sales using the state contract for the total estimated cost of $52,204.84. FTA funds will cover $40,000 of this cost with Ceres covering the remainder using money from its Local Transportation Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures		*Increase*
Acct #651-160-1672-5070	City of Ceres Van	$54,727
Revenue		*Increase*
Acct #651-510-9510-3604	FTA Transit Capital	$40,000
Acct #651-510-9510-3760	Other City's Contributions	$14,727

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 July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-428

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH LANDMARK CHIROPRACTIC IPA OF CALIFORNIA (LANDMARK) FOR PROVISION OF CHIROPRACTIC SERVICES TO EMPLOYEES ENROLLED IN THE CITY-SPONSORED HMO PLANS

WHEREAS the Employee Benefits Committee obtained quotes from chiropractic HMO's and have found Landmark to be most competitive with guaranteed rates through July 31, 1999.

NOW, THEREFORE, BE IT RESOLVED that the execution of agreements by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-429

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH STANDARD LIFE COMPANY FOR PROVISION OF THE CITY'S LONG-TERM DISABILITY AND LIFE INSURANCE PROGRAMS

WHEREAS the City has contracted with Standard Life Company since November 1, 1982, and;

WHEREAS as a result of recent court cases, Standard has suggested an amendment to its agreement and plan documents to clarify the definition of disability and mental disorder, and;

WHEREAS the proposed changes to the Long Term Disability program will not increase the City's cost for the benefit, but rather will negate a proposed 10.5% rate increase;

NOW, THEREFORE, BE IT RESOLVED that the execution of agreements by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-430

A RESOLUTION AMENDING ATTACHMENT "A" RELATING TO A COMPREHENSIVE USE POLICY AND FEE SCHEDULE FOR USE OF FACILITIES AND SERVICES PROVIDED BY THE PARKS AND RECREATION DEPARTMENT TO INCLUDE A GRANDFATHER CLAUSE FOR ALL REGULAR USERS (GROUPS AND/OR ORGANIZATIONS) THAT USE A RENTAL FACILITY DAILY, WEEKLY, BI-WEEKLY AND/OR MONTHLY AND RESTATING THE PROVISIONS OF RESOLUTION NO. 96-397.

WHEREAS, the Parks and Recreation Department has proposed for the next three fiscal years a fee schedule based on cost-of-service with a three (3) percent Consumer Price Index (CPI) increase for use of facilities and services provided by the Parks and Recreation Department, and

WHEREAS, the Parks and Recreation Department has recommended the implementation of a comprehensive use policy for the use of facilities and services provided by the Parks and Recreation Department in order to provide a fairer and more equitable use and fee structure, and has recommended seven use priorities as set forth in Attachment "A" attached hereto and incorporated herein by reference, and

WHEREAS, the Parks and Recreation Department has recommended that the facilities and services provided by the Parks and Recreation Department be grouped into rental categories as set forth in Attachment "B" attached hereto and incorporated herein by reference, and

WHEREAS, the Parks and Recreation Department has recommended fees for facilities and services for the following categories: B - Buildings, C - Mancini Bowl and John

Thurman Field, D - City/School Multi-Purpose Facilities, E - Horseshoe Pits, F - Miscellaneous, G - Picnic Areas and/or Picnic Shelters, H - Sports Fields, I - Community-wide Special Events (Staffing and Vehicle Costs), J - Special Park and Facility Uses, and K - Tennis Courts, and

WHEREAS, said fees provided by the Parks and Recreation Department have been calculated for each facility or service and are set forth in Attachment "D" attached hereto and incorporated herein by reference, and

WHEREAS, fees for rental category A, Aquatic Facilities, are not included in this proposal, as they have previously been approved by the City Council separately, and

WHEREAS, the Parks and Recreation Department has recommended that one resolution be adopted which would cover the comprehensive use policy and fee schedule for use of facilities and services provided by the Parks and Recreation Department and that it would be appropriate to rescind certain resolutions, and

WHEREAS, consideration of said fees was set for a public hearing of the City Council to be held on July 16, 1996, at 7:00 p.m., 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 fees,

WHEREAS, on July 22, 1997, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the City Council considered a recommendation of the Parks and Recreation Department to include a grandfather clause for all

regular users (groups and/or organizations) that use a rental facility daily, weekly, bi-weekly and/or monthly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that for the next three fiscal years a fee schedule based on cost-of-service with a three (3) percent Consumer Price Index (CPI) increase for use of facilities and services provided by the Parks and Recreation Department is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the comprehensive use policy is hereby amended to include the following grandfather clause for all regular users (groups and/or organizations) that use a rental facility daily, weekly, bi-weekly and/or monthly: All regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy, shall be granted Use Priority #1, staffed, for King Kennedy Memorial Center users and shall be granted Use Priority #3, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed. Said policy is for the use of facilities and services provided by the Parks and Recreation Department in order to provide a fairer and more equitable use and fee structure. Said policy is as set forth in Attachment "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that said policy and fees for facilities and services provided by the Parks and Recreation Department are

hereby approved and hereby restated as set forth in Attachment "D" attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

USE PRIORITY DESCRIPTIONS

Use Priority

1. Ordinance, Resolution, Policy or Written Agreement
   Fee set according to provisions.
   In addition, all regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy.

2. City of Modesto Departments and Parks and Recreation Department Programs and/or co-sponsored Programs
   Co-sponsored Programs are those that: are initiated by the P&R Department; are in collaboration and/or partnership with P&R; or have met specific criteria of the Department and have a written and approved contract/agreement. Many youth sports organizations are in this use priority.
   Also included are City of Modesto staff meetings and other functions where staff attendance is mandatory.
   Regular Use: No Fee
   Fundraiser: 50% of cost-of-service or full fee (if set at other than COS)

3. City of Modesto Departments, Local Public/Private Schools and Colleges, Public Agencies, and certain Non-profit Groups/Organizations
   Included: City of Modesto functions/activities where staff attendance is not required, but activity is approved by Department Head; school activities approved by the District Superintendent; agency activities approved by agency administrator; local agencies whose programs are open to the public and are for youth or senior citizens
   Regular Use: 50% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)
   In addition, staffed for King Kennedy Memorial Center users, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.

4. Local (Modesto Mailing Address) Non-profit Groups/Organizations, P&R Department Adult Sports Leagues
   includes non-profit groups who do not meet criteria of use priority #3, but have local mailing address. P&R Adult Sports Leagues only apply during time league is conducted. Teams must be verified on current league roster.
   Regular Use: 75% of cost of service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)

5. Non-local Public/Private Schools and Colleges, and Public Agencies; fundraisers also required % of gross to be paid to City.
   School activities require approval of District Superintendent. Agency activities require approval of agency administrator.
   Regular Use: 100% of cost of service of full fee (if set at other than COS)
   Fundraiser: 100% of cost of service or full fee (if set at other than COS), plus negotiated % of gross receipts.

6. Non-Local Non-profit Groups/Organizations; fundraisers also require % of gross to be paid to City
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts

7. Commercial for-profit Enterprise and Private Citizens; fundraisers also require % of gross to be paid to City.
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts

Regular User Groups Without Agreement

Group and Annual Uses	Past Fee Per Use	Current Fee Per Use (Adopted July, 1996)	Priority #3 Fee Per Use (Currently Recom-mended)	Per Use $ & % Change (From Current Adopted Fee to Priority #3 Fee)	Annual Projected Revenue Change (From Current Adopted Fee to Priority #3 Fee)
Classic Chevy Club (12)	54.00	200.00	100.00	-100.00 -50%	-1,200.00
Comite Mexicano (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
Genealogical Soc. Stan Co (12)	54.00	200.00	100.00	-100.00 -50%	-1,200.00
Golden Valley Kennel Club (12)	70.00	200.00	100.00	-100.00 -50%	-1,200.00
Home & Garden Club (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
Houndsmen Club (12)	38.00	76.00	38.00	-38.00 -50%	-456.00
Immanuel Faith Church (52)	54.00	200.00	100.00	-100.00 -50%	-5,200.00
La Edad De Oro (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
Modesto Color Camera Club (12)	38.00	56.00	28.00	-28.00 -50%	-336.00
Modesto Dollars Club (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
Modesto Rose Society (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
Nat. Assoc Retired Fed Empl (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
St Andrews Society (12)	38.00	56.00	28.00	-28.00 -50%	-336.00
Sociedad Morelos (12)	9.00	40.00	20.00	-20.00 -50%	-240.00
Ballroom Dance Club, Inc. (24)	100.00	105.00	52.00	-53.00 -50%	-1,272.00
Forever Young Sr. Citizens Potlucks (52) Dances (12)	 54.00 100.00	 105.00 172.00	 52.00 52.00	 -53.00 -50% -86.00 "	 -2,756.00 -1,032.00
Royal Neighbors of America	54.00 54.00	33.00 52.00	33.00 52.00	-0- 0% -0- "	-0- -0-
Royal Order of Caritas	54.00	33.00	33.00	-0- 0%	-0-
Native Daughters (12) (12)	54.00 54.00	49.00 78.00	33.00 52.00	-16.00 -33% -26.00 "	-192.00 -312.00
Single Skirts "N" Flirts (11)	100.00	78.00	52.00	-26.00 -33%	-286.00
Squarenaders	54.00 54.00	23.00 52.00	23.00 52.00	-0- 0% -0- 0%	-0- -0-

Group and Annual Uses	Past Fee	Current Fee Per Use (Adopted July, 1996)	Priority #1 Fee Per Use (Currently Recom mened)	Per Use $ & % Change (From Current Fee to Priority #1 Fee)	Annual Projected Revenue Change (From Current Fee to Priority #1 Fee)
Silver Squares (24)	No Fee	131.00	No Fee	-131.00 -100%	-3,144.00
Eastern Star (24)	No Fee	131.00	No Fee	-131.00 -100%	-3,144.00

Regular User Groups With Agreement

Group	Fee
Modesto Sr. Citizens, Inc.	No Fee
Central Calif. Art League	No Fee
Modesto Garden Club	Limited Fee with Work Program
McHenry Museum Board	No Fee
McHenry Museum Docents	No Fee
Salvation Army	No Fee

PARKS AND RECREATION DEPARTMENT
RENTAL CATEGORIES

A Aquatic Facilities	B Buildings	C Mancini & Thurman	D Multi-Purpose Facilities	E Horseshoe Pits	F Misc Equipment
Beyer HS Pool	Boy Scout Clubhouse	Mancini Bowl	La Loma MPF	Beyer Park	Assistive Listening Dev.
Davis HS Pool	Legion Hall	John Thurman Field	Mark Twain MPF	Enslen Park	Recreation Equip Bags
Downey HS Pool	Maddux Youth Center		Roosevelt MPF		
Johansen HS Pool	Modesto Com Svce Ctr		Somerset MPF		
Modesto HS Pool	McHenry Mansion				
Modesto JC Pool	McClatchy Square				
19 Park Pools	McHenry Museum				
	King Kennedy Mem Ctr				
	Senior Citizens Ctr				

G Picnic Areas/Shelter	H Sports Fields		I Community-Wide Event	J Special Uses	K Tennis Courts
Beyer Park	Davis Baseball Field	Orchard Soccer Field	Co-Sponsored	Filming	Beyer Park (6)
Davis Park	Downey Baseball Field	M.Perkins Soccer Field	Non-Profit Sponsored	Mobile Barbecue	Davis Park (6)
Downey Park	Enslen Baseball Field	Pike Soccer Field	For-Profit	Portable Stage	Downey Park (6)
East La Loma Park	Beyer Softball Field (2)	Riverside Soccer Field		Portable Awning	East La Loma Park (4)
Beard Brook Park	Beard Brook Softball Fld	Standiford Soccer Field		Portable P.A. System	Graceada Park (6)
Beard Brook Shelter	Davis Softball Field	J Thurman Soccer Fld		Sales Permits Adj to Pks	Modesto HS (4)
Graceada Park	Enslen Softball Field	Wesson Ranch Soc Fld		Special Park Use	Johansen HS (9)
Legion Park	Mellis Softball Field	Downey Football Field		Parking Lot Use	Roosevelt Park (4)
Mancini Park	Davis Soccer Field	Everett Football Field		Trail Use	
Mellis Park	Fairway Soccer Field	Pike Football Field			
Moose Park	Mancini Soccer Field (2)	Wesson Ranch FB Fld			
Tuolumne River Reg Pk					

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

Attachment D

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Boy Scout Clubhouse-per 4 hours	$9 daytime, $10 evenings	$81.29		$0	$41	$41	$81	$61	$81	$81	$81	$81	$81	$81	$81
Proposed Fee 1996-97				$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$40	$40
Proposed Fee 1997-98				$0	$32	$32	$63	$47	$63	$63	$63	$63	$63	$63	$63
Proposed Fee 1998-99				$0	$43	$43	$86	$65	$86	$86	$86	$86	$86	$86	$86
Boy Scout Clubhouse-per 4 hours	N.A.		$126.30	$0	$63	$63	$126	$95	$126	$126	$126	$126	$126	$126	$126
Proposed Fee 1996-97				$0	$43	$43	$85	$64	$85	$85	$85	$85	$85	$85	$85
Proposed Fee 1997-98				$0	$55	$55	$110	$83	$110	$110	$110	$110	$110	$110	$110
Proposed Fee 1998-99				$0	$67	$67	$134	$101	$134	$134	$134	$134	$134	$134	$134
Boy Scout Clubhouse-8am-5pm or 1pm-10pm	$18 daytime, $26 afternoon + evening	$130.47		$0	$65	$65	$130	$98	$130	$130	$130	$130	$130	$130	$130
Proposed Fee 1996-97				$0	$35	$35	$70	$53	$70	$70	$70	$70	$70	$70	$70
Proposed Fee 1997-98				$0	$52	$52	$104	$78	$104	$104	$104	$104	$104	$104	$104
Proposed Fee 1998-99				$0	$69	$69	$138	$104	$138	$138	$138	$138	$138	$138	$138
Boy Scout Clubhouse-8am-5pm or 1pm-10pm	N.A.		$225.48	$0	$113	$113	$225	$169	$225	$225	$225	$225	$225	$225	$225
Proposed Fee 1996-97				$0	$93	$93	$185	$139	$185	$185	$185	$185	$185	$185	$185
Proposed Fee 1997-98				$0	$106	$106	$212	$159	$212	$212	$212	$212	$212	$212	$212
Proposed Fee 1998-99				$0	$120	$120	$239	$179	$239	$239	$239	$239	$239	$239	$239
Boy Scout Clubhouse-all day	$26	$179.65		$0	$90	$90	$180	$135	$180	$180	$180	$180	$180	$180	$180
Proposed Fee 1996-97				$0	$45	$45	$90	$68	$90	$90	$90	$90	$90	$90	$90
Proposed Fee 1997-98				$0	$70	$70	$140	$105	$140	$140	$140	$140	$140	$140	$140
Proposed Fee 1998-99				$0	$95	$95	$190	$143	$190	$190	$190	$190	$190	$190	$190
Boy Scout Clubhouse-all day	N.A.		$324.66	$0	$162	$162	$325	$243	$325	$325	$325	$325	$325	$325	$325
Proposed Fee 1996-97				$0	$118	$118	$235	$176	$235	$235	$235	$235	$235	$235	$235
Proposed Fee 1997-98				$0	$145	$145	$290	$218	$290	$290	$290	$290	$290	$290	$290
Proposed Fee 1998-99				$0	$173	$173	$345	$259	$345	$345	$345	$345	$345	$345	$345
Maddux Youth Center-per 2 hours	$52		$135.02	$0	$68	$68	$135	$101	$135	$135	$135	$135	$135	$135	$135
Proposed Fee 1996-97				$0	$68	$68	$135	$101	$135	$135	$135	$135	$135	$135	$135
Proposed Fee 1997-98				$0	$70	$70	$139	$104	$139	$139	$139	$139	$139	$139	$139
Proposed Fee 1998-99				$0	$72	$72	$143	$107	$143	$143	$143	$143	$143	$143	$143

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Maddux Youth Center-each additional 2 hours	N.A.		$86.98	$0	$43	$43	$87	$65	$87	$87	$87	$87	$87	$87	$87
Proposed Fee 1996-97				$0	$43	$43	$87	$65	$87	$87	$87	$87	$87	$87	$87
Proposed Fee 1997-98				$0	$45	$45	$90	$67	$90	$90	$90	$90	$90	$90	$90
Proposed Fee 1998-99				$0	$46	$46	$92	$69	$92	$92	$92	$92	$92	$92	$92
Modesto Community Service Center-Auditorium & Kitchen, per 4 hours	$70	$305.23		$0	$153	$153	$305	$229	$305	$305	$305	$305	$305	$305	$305
Proposed Fee 1996-97				$0	$100	$100	$200	$150	$200	$200	$200	$200	$200	$200	$200
Proposed Fee 1997-98				$0	$131	$131	$262	$197	$262	$262	$262	$262	$262	$262	$262
Proposed Fee 1998-99				$0	$162	$162	$324	$243	$324	$324	$324	$324	$324	$324	$324
Modesto Community Service Center-Auditorium & Kitchen, per 4 hours	N.A.		$350.24	$0	$175	$175	$350	$263	$350	$350	$350	$350	$350	$350	$350
Proposed Fee 1996-97				$0	$123	$123	$245	$184	$245	$245	$245	$245	$245	$245	$245
Proposed Fee 1997-98				$0	$154	$154	$308	$231	$308	$308	$308	$308	$308	$308	$308
Proposed Fee 1998-99				$0	$186	$186	$371	$278	$371	$371	$371	$371	$371	$371	$371
Modesto Community Service Center-Auditorium & Kitchen, 8am-5 pm or 1 pm to 10 pm	$140	$506.02		$0	$253	$253	$506	$380	$506	$506	$506	$506	$506	$506	$506
Proposed Fee 1996-97				$0	$150	$150	$300	$225	$300	$300	$300	$300	$300	$300	$300
Proposed Fee 1997-98				$0	$180	$180	$360	$270	$360	$360	$360	$360	$360	$360	$360
Proposed Fee 1998-99				$0	$206	$206	$412	$309	$412	$412	$412	$412	$412	$412	$412
Modesto Community Service Center-Auditorium & Kitchen, 8am-5 pm or 1 pm to 10 pm	N.A.		$601.03	$0	$301	$301	$601	$451	$601	$601	$601	$601	$601	$601	$601
Proposed Fee 1996-97				$0	$198	$198	$395	$296	$395	$395	$395	$395	$395	$395	$395
Proposed Fee 1997-98				$0	$230	$230	$460	$345	$460	$460	$460	$460	$460	$460	$460
Proposed Fee 1998-99				$0	$258	$258	$515	$386	$515	$515	$515	$515	$515	$515	$515

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Modesto Community Service Center-Auditorium & Kitchen, all day	$210	$706.81		$0	$353	$353	$707	$530	$707	$707	$707	$707	$707	$707	$707
Proposed Fee 1996-97				$0	$200	$200	$400	$300	$400	$400	$400	$400	$400	$400	$400
Proposed Fee 1997-98				$0	$258	$258	$515	$386	$515	$515	$515	$515	$515	$515	$515
Proposed Fee 1998-99				$0	$309	$309	$618	$464	$618	$618	$618	$618	$618	$618	$618
Modesto Community Service Center-Auditorium & Kitchen, all day	N.A.		$851.82	$0	$426	$426	$852	$639	$852	$852	$852	$852	$852	$852	$852
Proposed Fee 1996-97				$0	$273	$273	$545	$409	$545	$545	$545	$545	$545	$545	$545
Proposed Fee 1997-98				$0	$333	$333	$665	$499	$665	$665	$665	$665	$665	$665	$665
Proposed Fee 1998-99				$0	$386	$386	$772	$579	$772	$772	$772	$772	$772	$772	$772
Modesto Community Service Center-Classroom, per 4 hours	$38	$76.01		$0	$38	$38	$76	$57	$76	$76	$76	$76	$76	$76	$76
Proposed Fee 1996-97				$0	$38	$38	$76	$57	$76	$76	$76	$76	$76	$76	$76
Proposed Fee 1997-98				$0	$39	$39	$78	$59	$78	$78	$78	$78	$78	$76	$76
Proposed Fee 1998-99				$0	$40	$40	$81	$60	$81	$81	$81	$81	$81	$76	$76
Modesto Community Service Center-Classroom, per 4 hours	N.A.		$121.02	$0	$61	$61	$121	$91	$121	$121	$121	$121	$121	$121	$121
Proposed Fee 1996-97				$0	$61	$61	$121	$91	$121	$121	$121	$121	$121	$121	$121
Proposed Fee 1997-98				$0	$62	$62	$124	$93	$124	$124	$124	$124	$124	$124	$124
Proposed Fee 1998-99				$0	$64	$64	$128	$96	$128	$128	$128	$128	$128	$128	$128
Modesto Community Service Center-Classroom, 8am-5 pm or 1 pm to 10 pm	$76	$122.69		$0	$61	$61	$123	$92	$123	$123	$123	$123	$123	$123	$123
Proposed Fee 1996-97				$0	$61	$61	$123	$92	$123	$123	$123	$123	$123	$123	$123
Proposed Fee 1997-98				$0	$63	$63	$126	$95	$126	$126	$126	$126	$126	$126	$126
Proposed Fee 1998-99				$0	$65	$65	$130	$98	$130	$130	$130	$130	$130	$130	$130

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Modesto Community Service Center-Classroom, 8am-5 pm or 1 pm to 10 pm	N.A.		$217.70	$0	$109	$109	$218	$163	$218	$218	$218	$218	$218	$218	$218
Proposed Fee 1996-97				$0	$109	$109	$218	$164	$218	$218	$218	$218	$218	$218	$218
Proposed Fee 1997-98				$0	$113	$113	$225	$169	$225	$225	$225	$225	$225	$225	$225
Proposed Fee 1998-99				$0	$116	$116	$232	$174	$232	$232	$232	$232	$232	$232	$232
Modesto Community Service Center-Classroom, all day	$114	$169.37		$0	$85	$85	$169	$127	$169	$169	$169	$169	$169	$169	$169
Proposed Fee 1996-97				$0	$85	$85	$169	$127	$169	$169	$169	$169	$169	$169	$169
Proposed Fee 1997-98				$0	$87	$87	$174	$131	$174	$174	$174	$174	$174	$174	$174
Proposed Fee 1998-99				$0	$90	$90	$180	$135	$180	$180	$180	$180	$180	$180	$180
Modesto Community Service Center-Classroom, all day	N.A.		$314.38	$0	$157	$157	$314	$236	$314	$314	$314	$314	$314	$314	$314
Proposed Fee 1996-97				$0	$157	$157	$314	$236	$314	$314	$314	$314	$314	$314	$314
Proposed Fee 1997-98				$0	$162	$162	$323	$242	$323	$323	$323	$323	$323	$323	$323
Proposed Fee 1998-99				$0	$167	$167	$333	$250	$333	$333	$333	$333	$333	$333	$333
McHenry Mansion- 1st 5 hours	$354/$504 for 4 hrs		$477.56	$0	$239	$239	$478	$358	$478	$478	$478	$478	$478	$478	$478
Proposed Fee 1996-97				$0	$239	$239	$478	$358	$478	$478	$478	$478	$478	$478	$478
Proposed Fee 1997-98				$0	$246	$246	$492	$369	$492	$492	$492	$492	$492	$492	$492
Proposed Fee 1998-99				$0	$253	$253	$507	$380	$507	$507	$507	$507	$507	$507	$507
McHenry Mansion-each additional 1/2 hour	$52/hr		$41.22	$0	$21	$21	$41	$31	$41	$41	$41	$41	$41	$41	$41
Proposed Fee 1996-97				$0	$21	$21	$41	$31	$41	$41	$41	$41	$41	$41	$41
Proposed Fee 1997-98				$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1998-99				$0	$22	$22	$44	$33	$44	$44	$44	$44	$44	$44	$44
McClatchy Square- per 5 hours, without street closure	N.A.		$208.94	$0	$104	$104	$209	$157	$209	$209	$209	$209	$209	$209	$209
Proposed Fee 1996-97				$0	$104	$104	$209	$157	$209	$209	$209	$209	$209	$209	$209
Proposed Fee 1997-98				$0	$108	$108	$215	$161	$215	$215	$215	$215	$215	$215	$215
Proposed Fee 1998-99				$0	$111	$111	$222	$166	$222	$222	$222	$222	$222	$222	$222

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
McClatchy Square- per 5 hours with street closure	N.A.		$400.94	$0	$200	$200	$401	$301	$401	$401	$401	$401	$401	$401	$401
Proposed Fee 1996-97				$0	$200	$200	$401	$301	$401	$401	$401	$401	$401	$401	$401
Proposed Fee 1997-98				$0	$206	$206	$413	$310	$413	$413	$413	$413	$413	$413	$413
Proposed Fee 1998-99				$0	$213	$213	$425	$319	$425	$425	$425	$425	$425	$425	$425
McClatchy Square- each additional 1/2 hour, with or without street closure	N.A.		$10.00	$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1996-97				$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1997-98				$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1998-99				$0	$5	$5	$11	$8	$11	$11	$11	$11	$11	$11	$11
McHenry Museum-Auditorium, per 2 hours	$38	$82.37		$0	$41	$41	$82	$62	$82	$82	$82	$82	$82	$82	$82
Proposed Fee 1996-97				$0	$28	$28	$56	$42	$56	$56	$56	$56	$56	$56	$56
Proposed Fee 1997-98				$0	$34	$34	$68	$51	$68	$68	$68	$68	$68	$68	$68
Proposed Fee 1998-99				$0	$41	$41	$82	$62	$82	$82	$82	$82	$82	$82	$82
McHenry Museum-Auditorium, per 2 hours	N.A.		$107.38	$0	$54	$54	$107	$81	$107	$107	$107	$107	$107	$107	$107
Proposed Fee 1996-97				$0	$54	$54	$107	$81	$107	$107	$107	$107	$107	$107	$107
Proposed Fee 1997-98				$0	$55	$55	$110	$83	$110	$110	$110	$110	$110	$110	$110
Proposed Fee 1998-99				$0	$57	$57	$113	$85	$113	$113	$113	$113	$113	$113	$113
McHenry Museum-Auditorium, each additional 2 hours	$8/hr	$42.43		$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1996-97				$0	$15	$15	$30	$23	$30	$30	$30	$30	$30	$30	$30
Proposed Fee 1997-98				$0	$18	$18	$36	$27	$36	$36	$36	$36	$36	$36	$36
Proposed Fee 1998-99				$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
McHenry Museum-Auditorium, each additional 2 hours	N.A.		$62.43	$0	$31	$31	$62	$47	$62	$62	$62	$62	$62	$62	$62
Proposed Fee 1996-97				$0	$31	$31	$62	$47	$62	$62	$62	$62	$62	$62	$62
Proposed Fee 1997-98				$0	$32	$32	$64	$48	$64	$64	$64	$64	$64	$64	$64
Proposed Fee 1998-99				$0	$33	$33	$66	$50	$66	$66	$66	$66	$66	$66	$66

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
McHenry Museum-Entire Facility, per 4 hours	$564		$401.43	$0	$201	$201	$401	$301	$401	$401	$401	$401	$401	$401	$401
Proposed Fee 1996-97				$0	$201	$201	$401	$301	$401	$401	$401	$401	$401	$401	$401
Proposed Fee 1997-98				$0	$207	$207	$413	$310	$413	$413	$413	$413	$413	$413	$413
Proposed Fee 1998-99				$0	$213	$213	$426	$319	$426	$426	$426	$426	$426	$426	$426
McHenry Museum-Entire Facility, each additional hour	N.A.		$40.23	$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$40	$40
Proposed Fee 1996-97				$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$40	$40
Proposed Fee 1997-98				$0	$21	$21	$41	$31	$41	$41	$41	$41	$41	$41	$41
Proposed Fee 1998-99				$0	$21	$21	$43	$32	$43	$43	$43	$43	$43	$43	$43
King Kennedy Memorial Center-Room A, 2 hours	N.A.	$18.16		$0	$9	$9	$18	$14	$18	$18	$18	$18	$18	$18	$18
Proposed Fee 1996-97				$0	$9	$9	$18	$14	$18	$18	$18	$18	$18	$18	$18
Proposed Fee 1997-98				$0	$9	$9	$19	$14	$19	$19	$19	$19	$19	$19	$19
Proposed Fee 1998-99				$0	$10	$10	$20	$14	$19	$19	$19	$19	$19	$19	$19
King Kennedy Memorial Center-Room A, 2 hours			$41.66	$0	$21	$21	$42	$31	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1996-97				$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$42	$42
Proposed Fee 1997-98				$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1998-99				$0	$22	$22	$44	$33	$44	$44	$44	$44	$44	$44	$44
King Kennedy Memorial Center-Room A, 4 hours	N.A.	$27.82		$0	$14	$14	$28	$21	$28	$28	$28	$28	$28	$28	$28
Proposed Fee 1996-97				$0	$14	$14	$28	$21	$28	$28	$28	$28	$28	$28	$28
Proposed Fee 1997-98				$0	$14	$14	$29	$21	$29	$29	$29	$29	$29	$29	$29
Proposed Fee 1998-99				$0	$15	$15	$30	$22	$30	$30	$30	$30	$30	$30	$30
King Kennedy Memorial Center-Room A, 4 hours			$70.13	$0	$35	$35	$70	$53	$70	$70	$70	$70	$70	$70	$70
Proposed Fee 1996-97				$0	$33	$33	$65	$49	$65	$65	$65	$65	$65	$65	$65
Proposed Fee 1997-98				$0	$34	$34	$68	$51	$68	$68	$68	$68	$68	$68	$68
Proposed Fee 1998-99				$0	$36	$36	$72	$54	$72	$72	$72	$72	$72	$72	$72

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
King Kennedy Memorial Center-Room B, 2 hours	N.A.	$14.95		$0	$7	$7	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1996-97				$0	$7	$7	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1997-98				$0	$8	$8	$15	$12	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1998-99				$0	$8	$8	$16	$12	$16	$16	$16	$16	$16	$16	$16
King Kennedy Memorial Center-Room B, 2 hours			$38.45	$0	$19	$19	$38	$29	$38	$38	$38	$38	$38	$38	$38
Proposed Fee 1996-97				$0	$19	$19	$38	$29	$38	$38	$38	$38	$38	$38	$38
Proposed Fee 1997-98				$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$40	$40
Proposed Fee 1998-99				$0	$20	$20	$41	$31	$41	$41	$41	$41	$41	$41	$41
King Kennedy Memorial Center-Room B, 4 hours	N.A.	$21.38		$0	$11	$11	$21	$16	$21	$21	$21	$21	$21	$21	$21
Proposed Fee 1996-97				$0	$11	$11	$21	$16	$21	$21	$21	$21	$21	$21	$21
Proposed Fee 1997-98				$0	$11	$11	$22	$17	$22	$22	$22	$22	$22	$22	$22
Proposed Fee 1998-99				$0	$11	$11	$23	$17	$23	$23	$23	$23	$23	$23	$23
King Kennedy Memorial Center-Room B, 4 hours			$63.69	$0	$32	$32	$64	$48	$64	$64	$64	$64	$64	$64	$64
Proposed Fee 1996-97				$0	$28	$28	$56	$42	$56	$56	$56	$56	$56	$56	$56
Proposed Fee 1997-98				$0	$29	$29	$58	$44	$58	$58	$58	$58	$58	$58	$58
Proposed Fee 1998-99				$0	$30	$30	$60	$45	$60	$60	$60	$60	$60	$60	$60
King Kennedy Memorial Center-Auditorium & Kitchen, 2 hours	N.A.	$72.88		$0	$36	$36	$73	$63	$73	$73	$73	$73	$73	$73	$73
Proposed Fee 1996-97				$0	$30	$30	$60	$45	$60	$60	$60	$60	$60	$60	$60
Proposed Fee 1997-98				$0	$35	$35	$70	$53	$70	$70	$70	$70	$70	$70	$70
Proposed Fee 1998-99				$0	$39	$39	$78	$59	$78	$78	$78	$78	$78	$78	$78
King Kennedy Memorial Center-Auditorium & Kitchen, 2 hours			$96.38	$0	$48	$48	$96	$72	$96	$96	$96	$96	$96	$96	$96
Proposed Fee 1996-97				$0	$47	$47	$94	$71	$94	$94	$94	$94	$94	$94	$94
Proposed Fee 1997-98				$0	$49	$49	$98	$74	$98	$98	$98	$98	$98	$98	$98
Proposed Fee 1998-99				$0	$51	$51	$102	$77	$102	$102	$102	$102	$102	$102	$102

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
King Kennedy Memorial Center- Auditorium & Kitchen, 4 hours	N.A.	$137.25		$0	$69	$69	$137	$103	$137	$137	$137	$137	$137	$137	$137
Proposed Fee 1996-97				$0	$50	$50	$100	$75	$100	$100	$100	$100	$100	$100	$100
Proposed Fee 1997-98				$0	$55	$55	$110	$83	$110	$110	$110	$110	$110	$110	$110
Proposed Fee 1998-99				$0	$60	$60	$120	$90	$120	$120	$120	$120	$120	$120	$120
King Kennedy Memorial Center- Auditorium & Kitchen, 4 hours			$179.56	$0	$90	$90	$180	$135	$180	$180	$180	$180	$180	$180	$180
Proposed Fee 1996-97				$0	$87	$87	$174	$131	$174	$174	$174	$174	$174	$174	$174
Proposed Fee 1997-98				$0	$91	$91	$182	$137	$182	$182	$182	$182	$182	$182	$182
Proposed Fee 1998-99				$0	$93	$93	$186	$140	$186	$186	$186	$186	$186	$186	$186
King Kennedy Memorial Center- Entire Facility, 4 hours	N.A.	$171.56		$0	$86	$86	$172	$129	$172	$172	$172	$172	$172	$172	$172
Proposed Fee 1996-97				$0	$86	$86	$172	$129	$172	$172	$172	$172	$172	$172	$172
Proposed Fee 1997-98				$0	$89	$89	$177	$133	$177	$177	$177	$177	$177	$177	$177
Proposed Fee 1998-99				$0	$91	$91	$182	$137	$182	$182	$182	$182	$182	$182	$182
King Kennedy Memorial Center- Entire Facility, 4 hours			$256.18	$0	$128	$128	$256	$192	$256	$256	$256	$256	$256	$256	$256
Proposed Fee 1996-97				$0	$121	$121	$242	$182	$242	$242	$242	$242	$242	$242	$242
Proposed Fee 1997-98				$0	$125	$125	$250	$188	$250	$250	$250	$250	$250	$250	$250
Proposed Fee 1998-99				$0	$129	$129	$258	$194	$258	$258	$258	$258	$258	$258	$258

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Senior Citizens Center-Dining Room & Kitchen, per 4 hours#	N.A.	$65.94		$0	$33	$33	$66	$49	$66	$66	$66	$66	$66	$66	$66
Proposed Fee 1996-97				$0	$33	$33	$66	$49	$66	$66	$66	$66	$66	$66	$66
Proposed Fee 1997-98				$0	$34	$34	$68	$51	$68	$68	$68	$68	$68	$68	$68
Proposed Fee 1998-99				$0	$35	$35	$70	$52	$70	$70	$70	$70	$70	$70	$70
Senior Citizens Center-Dining Room & Kitchen, per 4 hours#	N.A.		$110.85	$0	$55	$55	$111	$83	$111	$111	$111	$111	$111	$111	$111
Proposed Fee 1996-97				$0	$56	$56	$111	$83	$111	$111	$111	$111	$111	$111	$111
Proposed Fee 1997-98				$0	$57	$57	$114	$86	$114	$114	$114	$114	$114	$114	$114
Proposed Fee 1998-99				$0	$59	$59	$118	$89	$118	$118	$118	$118	$118	$118	$118
Senior Citizens Center-Dining Room & Kitchen, per 2 consecutive 4 hr rental periods#	N.A.	$107.36		$0	$54	$54	$107	$81	$107	$107	$107	$107	$107	$107	$107
Proposed Fee 1996-97				$0	$54	$54	$107	$81	$107	$107	$107	$107	$107	$107	$107
Proposed Fee 1997-98				$0	$55	$55	$111	$83	$111	$111	$111	$111	$111	$111	$111
Proposed Fee 1998-99				$0	$57	$57	$114	$85	$114	$114	$114	$114	$114	$114	$114
Senior Citizens Center-Dining Room & Kitchen, per 2 consecutive 4 hr rental periods#	N.A.		$202.39	$0	$101	$101	$202	$152	$202	$202	$202	$202	$202	$202	$202
Proposed Fee 1996-97				$0	$101	$101	$202	$152	$202	$202	$202	$202	$202	$202	$202
Proposed Fee 1997-98				$0	$104	$104	$208	$156	$208	$208	$208	$208	$208	$208	$208
Proposed Fee 1998-99				$0	$107	$107	$214	$161	$214	$214	$214	$214	$214	$214	$214
Senior Citizens Center-Dining Room & Kitchen, all day#	N.A.	$148.82		$0	$74	$74	$149	$112	$149	$149	$149	$149	$149	$149	$149
Proposed Fee 1996-97				$0	$74	$74	$149	$112	$149	$149	$149	$149	$149	$149	$149
Proposed Fee 1997-98				$0	$77	$77	$153	$115	$153	$153	$153	$153	$153	$153	$153
Proposed Fee 1998-99				$0	$79	$79	$158	$118	$158	$158	$158	$158	$158	$158	$158
Senior Citizens Center-Dining Room & Kitchen, all day#	N.A.		$293.83	$0	$147	$147	$294	$220	$294	$294	$294	$294	$294	$294	$294
Proposed Fee 1996-97				$0	$147	$147	$294	$221	$294	$294	$294	$294	$294	$294	$294
Proposed Fee 1997-98				$0	$152	$152	$303	$227	$303	$303	$303	$303	$303	$303	$303
Proposed Fee 1998-99				$0	$156	$156	$312	$234	$312	$312	$312	$312	$312	$312	$312

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Senior Citizens Center-Auditorium, per 4 hours #	$76 Fri & Sat pm, $50 all other times	$45.04		$0	$23	$23	$45	$34	$45	$45	$45	$45	$45	$45	$45
Proposed Fee 1996-97				$0	$23	$23	$45	$34	$45	$45	$45	$45	$45	$45	$45
Proposed Fee 1997-98				$0	$23	$23	$46	$35	$46	$46	$46	$46	$46	$46	$46
Proposed Fee 1998-99				$0	$24	$24	$48	$36	$48	$48	$48	$48	$48	$48	$48
Senior Citizens Center-Auditorium, per 4 hours #	N.A.		$90.05	$0	$45	$45	$90	$68	$90	$90	$90	$90	$90	$90	$90
Proposed Fee 1996-97				$0	$45	$45	$90	$68	$90	$90	$90	$90	$90	$90	$90
Proposed Fee 1997-98				$0	$47	$47	$93	$70	$93	$93	$93	$93	$93	$93	$93
Proposed Fee 1998-99				$0	$48	$48	$95	$71	$95	$95	$95	$95	$95	$95	$95
Senior Citizens Center-Auditorium, per 2 consecutive 4 hr rental periods#	N.A.	$71.41		$0	$36	$36	$71	$54	$71	$71	$71	$71	$71	$71	$71
Proposed Fee 1996-97				$0	$36	$36	$71	$54	$71	$71	$71	$71	$71	$71	$71
Proposed Fee 1997-98				$0	$37	$37	$74	$56	$74	$74	$74	$74	$74	$74	$74
Proposed Fee 1998-99				$0	$38	$38	$76	$57	$76	$76	$76	$76	$76	$76	$76
Senior Citizens Center-Auditorium, per 2 consecutive 4 hr rental periods#	N.A.		$166.42	$0	$83	$83	$166	$125	$166	$166	$166	$166	$166	$166	$166
Proposed Fee 1996-97				$0	$83	$83	$166	$125	$166	$166	$166	$166	$166	$166	$166
Proposed Fee 1997-98				$0	$86	$86	$171	$128	$171	$171	$171	$171	$171	$171	$171
Proposed Fee 1998-99				$0	$88	$88	$176	$132	$176	$176	$176	$176	$176	$176	$176
Senior Citizens Center-Auditorium, all day#	N.A.	$97.78		$0	$49	$49	$98	$73	$98	$98	$98	$98	$98	$98	$98
Proposed Fee 1996-97				$0	$49	$49	$98	$73	$98	$98	$98	$98	$98	$98	$98
Proposed Fee 1997-98				$0	$50	$50	$101	$76	$101	$101	$101	$101	$101	$101	$101
Proposed Fee 1998-99				$0	$52	$52	$104	$78	$104	$104	$104	$104	$104	$104	$104
Senior Citizens Center-Auditorium, all day#	N.A.		$242.79	$0	$121	$121	$243	$182	$243	$243	$243	$243	$243	$243	$243
Proposed Fee 1996-97				$0	$122	$122	$243	$182	$243	$243	$243	$243	$243	$243	$243
Proposed Fee 1997-98				$0	$125	$125	$250	$188	$250	$250	$250	$250	$250	$250	$250
Proposed Fee 1998-99				$0	$129	$129	$258	$194	$258	$258	$258	$258	$258	$258	$258

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Senior Citizens Center-Entire Facility, per 4 hours+	$100 Fri & Sat pm, $54 all other times	$104.64		$0	$52	$52	$105	$78	$105	$105	$105	$105	$105	$105	$105
Proposed Fee 1996-97				$0	$52	$52	$105	$78	$105	$105	$105	$105	$105	$105	$105
Proposed Fee 1997-98				$0	$54	$54	$108	$81	$108	$108	$108	$108	$108	$108	$108
Proposed Fee 1998-99				$0	$56	$56	$111	$83	$111	$111	$111	$111	$111	$111	$111
Senior Citizens Center-Entire Facility, per 4 hours+	N.A.		$149.65	$0	$75	$75	$150	$112	$150	$150	$150	$150	$150	$150	$150
Proposed Fee 1996-97				$0	$75	$75	$150	$113	$150	$150	$150	$150	$150	$150	$150
Proposed Fee 1997-98				$0	$78	$78	$155	$116	$155	$155	$155	$155	$155	$155	$155
Proposed Fee 1998-99				$0	$80	$80	$159	$119	$159	$159	$159	$159	$159	$159	$159
Senior Citizens Center-Entire Facility, per 2 consecutive 4 hour rental periods +	N.A.	$172.45		$0	$86	$86	$172	$129	$172	$172	$172	$172	$172	$172	$172
Proposed Fee 1996-97				$0	$86	$86	$172	$129	$172	$172	$172	$172	$172	$172	$172
Proposed Fee 1997-98				$0	$89	$89	$178	$133	$178	$178	$178	$178	$178	$178	$178
Proposed Fee 1998-99				$0	$91	$91	$183	$137	$183	$183	$183	$183	$183	$183	$183
Senior Citizens Center-Entire Facility, per 2 consecutive 4 hour rental periods +	N.A.		$267.46	$0	$134	$134	$267	$201	$267	$267	$267	$267	$267	$267	$267
Proposed Fee 1996-97				$0	$134	$134	$267	$201	$267	$267	$267	$267	$267	$267	$267
Proposed Fee 1997-98				$0	$138	$138	$275	$206	$275	$275	$275	$275	$275	$275	$275
Proposed Fee 1998-99				$0	$142	$142	$283	$212	$283	$283	$283	$283	$283	$283	$283
Senior Citizens Center-Entire Facility, all day+	N.A.	$240.26		$0	$120	$120	$240	$180	$240	$240	$240	$240	$240	$240	$240
Proposed Fee 1996-97				$0	$120	$120	$240	$180	$240	$240	$240	$240	$240	$240	$240
Proposed Fee 1997-98				$0	$124	$124	$247	$186	$247	$247	$247	$247	$247	$247	$247
Proposed Fee 1998-99				$0	$127	$127	$255	$191	$255	$255	$255	$255	$255	$255	$255
Senior Citizens Center-Entire Facility, all day+	N.A.		$385.27	$0	$193	$193	$385	$289	$385	$385	$385	$385	$385	$385	$385
Proposed Fee 1996-97				$0	$193	$193	$385	$289	$385	$385	$385	$385	$385	$385	$385
Proposed Fee 1997-98				$0	$199	$199	$397	$298	$397	$397	$397	$397	$397	$397	$397
Proposed Fee 1998-99				$0	$204	$204	$408	$306	$408	$408	$408	$408	$408	$408	$408

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY C - MANCINI BOWL & JOHN THURMAN FIELD

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Mancini Bowl- per 4 hours	$17/26	$309.42		$0	$155	$155	$309	$232	$309	$309	$309	$309	$309	$309	$309
Proposed Fee 1996-97				$0	$40	$40	$80	$60	$80	$80	$80	$80	$80	$80	$80
Proposed Fee 1997-98				$0	$60	$60	$120	$90	$120	$120	$120	$120	$120	$120	$120
Proposed Fee 1998-99				$0	$80	$80	$160	$120	$160	$160	$160	$160	$160	$160	$160
Mancini Bowl- all day	$43	$463.23		$0	$232	$232	$463	$347	$463	$463	$463	$463	$463	$463	$463
Proposed Fee 1996-97				$0	$80	$80	$160	$120	$160	$160	$160	$160	$160	$160	$160
Proposed Fee 1997-98				$0	$100	$100	$200	$150	$200	$200	$200	$200	$200	$200	$200
Proposed Fee 1998-99				$0	$120	$120	$240	$180	$240	$240	$240	$240	$240	$240	$240
John Thurman Field- per 4 hours	$618		$1,057.40	$0	$529	$529	$1,057	$793	$1,057	$1,057	$1,057	$1,057	$1,057	$1,057	$1,057
Proposed Fee 1996-97				$0	$529	$529	$1,057	$793	$1,057	$1,057	$1,057	$1,057	$1,057	$1,057	$1,057
Proposed Fee 1997-98				$0	$545	$545	$1,089	$817	$1,089	$1,089	$1,089	$1,089	$1,089	$1,089	$1,089
Proposed Fee 1998-99				$0	$561	$561	$1,122	$841	$1,122	$1,122	$1,122	$1,122	$1,122	$1,122	$1,122
John Thurman Field-each additional hour	$38		$161.19	$0	$81	$81	$161	$121	$161	$161	$161	$161	$161	$161	$161
Proposed Fee 1996-97				$0	$81	$81	$161	$121	$161	$161	$161	$161	$161	$161	$161
Proposed Fee 1997-98				$0	$83	$83	$166	$125	$166	$166	$166	$166	$166	$166	$166
Proposed Fee 1998-99				$0	$86	$86	$171	$128	$171	$171	$171	$171	$171	$171	$171

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY D - CITY/SCHOOL MULTI-PURPOSE FACILITIES

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Multi-purpose Facility (Roosevelt, Mark Twain, La Loma), per 2 hours	$42		$38.71	$0	$19	$19	$39	$29	$39	$39	$39	$39	$39	$39	$39
Proposed Fee 1996-97				$0	$19	$19	$39	$29	$39	$39	$39	$39	$39	$39	$39
Proposed Fee 1997-98				$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$40	$40
Proposed Fee 1998-99				$0	$21	$21	$41	$31	$41	$41	$41	$41	$41	$41	$41
Multi-purpose Facility (R, MT & LL), each additional 2 hours	$21/hr		30.24	$0	$15	$15	$30	$23	$30	$30	$30	$30	$30	$30	$30
Proposed Fee 1996-97				$0	$15	$15	$30	$23	$30	$30	$30	$30	$30	$30	$30
Proposed Fee 1997-98				$0	$16	$16	$31	$23	$31	$31	$31	$31	$31	$31	$31
Proposed Fee 1998-99				$0	$16	$16	$32	$24	$32	$32	$32	$32	$32	$32	$32
Multi-purpose Facility (Somerset), per 2 hours	$42		$68.81	$0	$34	$34	$69	$52	$69	$69	$69	$69	$69	$69	$69
Proposed Fee 1996-97				$0	$34	$34	$69	$52	$69	$69	$69	$69	$69	$69	$69
Proposed Fee 1997-98				$0	$35	$35	$71	$53	$71	$71	$71	$71	$71	$71	$71
Proposed Fee 1998-99				$0	$37	$37	$73	$55	$73	$73	$73	$73	$73	$73	$73
Multi-purpose Facility (Somerset), each additional 2 hours	$21/hr		60.34	$0	$30	$30	$60	$45	$60	$60	$60	$60	$60	$60	$60
Proposed Fee 1996-97				$0	$30	$30	$60	$45	$60	$60	$60	$60	$60	$60	$00
Proposed Fee 1997-98				$0	$31	$31	$62	$47	$62	$62	$62	$62	$62	$62	$62
Proposed Fee 1998-99				$0	$32	$32	$64	$48	$64	$64	$64	$64	$64	$64	$64

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY E - HORSESHOE PITS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Preparation of Horseshoe Pits for Tournaments	N.A.	$479.00		$0	$240	$240	$479	$359	$479	$479	$479	$479	$479	$479	$479
Proposed Fee 1996-97				$0	$240	$240	$479	$359	$479	$479	$479	$479	$479	$479	$479
Proposed Fee 1997-98				$0	$247	$247	$493	$370	$493	$493	$493	$493	$493	$493	$493
Proposed Fee 1998-99				$0	$254	$254	$508	$381	$508	$508	$508	$508	$508	$508	$508
Preparation of Horseshoe Pits- Daily Reservation	N.A.	$15.11		$0	$8	$8	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1996-97				$0	$8	$8	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1997-98				$0	$8	$8	$16	$12	$16	$16	$16	$16	$16	$16	$16
Proposed Fee 1998-99				$0	$8	$8	$16	$12	$16	$16	$16	$16	$16	$16	$16

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY F - MISCELLANEOUS

RENTAL ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Assistive Listening Devices	N.A.	$17.88		$0	$9	$9	$18	$13	$18	$18	$18	$18	$18	$18	$18
Proposed Fee 1996-97				$0	$9	$9	$18	$13	$18	$18	$18	$18	$18	$18	$18
Proposed Fee 1997-98				$0	$9	$9	$18	$14	$18	$18	$18	$18	$18	$18	$18
Proposed Fee 1998-99				$0	$9	$9	$19	$14	$19	$19	$19	$19	$19	$19	$19
Sports Equipment Bags	$5	$12.48		$0	$6	$6	$12	$9	$12	$12	$12	$12	$12	$12	$12
Proposed Fee 1996-97				$0	$6	$6	$12	$9	$12	$12	$12	$12	$12	$12	$12
Proposed Fee 1997-98				$0	$6	$6	$13	$10	$13	$13	$13	$13	$13	$13	$13
Proposed Fee 1998-99				$0	$7	$7	$13	$10	$13	$13	$13	$13	$13	$13	$13

PARKS AND ... EATION DEPARTMENT PROPOSED FEES
CATEGORY G - PICNIC AREAS AND/OR PICNIC SHELTERS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Group Picnic Areas- per 5 hour time segment, per section	N.A	$65.19		$0	$33	$33	$65	$49	$65	$65	$65	$65	$65	$65	$65
Proposed Fee 1996-97				$0	$23	$23	$45	$34	$45	$45	$45	$45	$45	$45	$45
Proposed Fee 1997-98				$0	$29	$29	$57	$43	$57	$57	$57	$57	$57	$57	$57
Proposed Fee 1998-99				$0	$35	$35	$69	$52	$69	$69	$69	$69	$69	$69	$69
Group Picnic Areas- all day, per section	$52	$82.87		$0	$41	$41	$83	$62	$83	$83	$83	$83	$83	$83	$83
Proposed Fee 1996-97				$0	$32	$32	$63	$47	$63	$63	$63	$63	$63	$63	$63
Proposed Fee 1997-98				$0	$38	$38	$75	$56	$75	$75	$75	$75	$75	$75	$75
Proposed Fee 1998-99				$0	$44	$44	$88	$66	$88	$88	$88	$88	$88	$88	$88
Beard Brook T-Shelter- per 5 hour segment	$9 days, $17 evenings, per 4 hrs	$56.78		$0	$28	$28	$57	$43	$57	$57	$57	$57	$57	$57	$57
Proposed Fee 1996-97				$0	$13	$13	$26	$20	$26	$26	$26	$26	$26	$26	$26
Proposed Fee 1997-98				$0	$19	$19	$37	$28	$37	$37	$37	$37	$37	$37	$37
Proposed Fee 1998-99				$0	$24	$24	$48	$36	$48	$48	$48	$48	$48	$48	$48
Beard Brook T-Shelter- all day	$26	$102.89		$0	$51	$51	$94	$77	$94	$94	$94	$94	$94	$94	$94
Proposed Fee 1996-97				$0	$20	$20	$40	$30	$40	$40	$40	$40	$40	$40	$40
Proposed Fee 1997-98				$0	$26	$26	$52	$39	$52	$52	$52	$52	$52	$52	$52
Proposed Fee 1998-99				$0	$31	$31	$62	$47	$62	$62	$62	$62	$62	$62	$62

PARKS AND ..C .EATION DEPARTMENT PROPOSED FEES
CATEGORY H - SPORTS FIELDS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Sports Fields, per 2 hours, without lights	$28	$15.27		$0	$8	$8	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1996-97				$0	$8	$8	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1997-98				$0	$8	$8	$16	$12	$16	$16	$16	$16	$16	$16	$16
Proposed Fee 1998-99				$0	$8	$8	$16	$12	$16	$16	$16	$16	$16	$16	$16
Sports Fields, per 2 hours, with lights	$32	$36.03		$0	$18	$18	$36	$27	$36	$36	$36	$36	$36	$36	$36
Proposed Fee 1996-97				$0	$18	$18	$36	$27	$36	$36	$36	$36	$36	$36	$36
Proposed Fee 1997-98				$0	$19	$19	$37	$28	$37	$37	$37	$37	$37	$37	$37
Proposed Fee 1998-99				$0	$19	$19	$38	$29	$38	$38	$38	$38	$38	$38	$38
Tournament Fee, per field, per day	$30	$46.73		$0	$23	$23	$47	$35	$47	$47	$47	$47	$47	$47	$47
Proposed Fee 1996-97				$0	$23	$23	$47	$35	$47	$47	$47	$47	$47	$47	$47
Proposed Fee 1997-98				$0	$24	$24	$48	$36	$48	$48	$48	$48	$48	$48	$48
Proposed Fee 1998-99				$0	$25	$25	$50	$37	$50	$50	$50	$50	$50	$50	$50
Line & Drag Fee, per field	$30	$30.17		$0	$15	$15	$30	$23	$30	$30	$30	$30	$30	$30	$30
Proposed Fee 1996-97				$0	$15	$15	$30	$23	$30	$30	$30	$30	$30	$30	$30
Proposed Fee 1997-98				$0	$16	$16	$31	$23	$31	$31	$31	$31	$31	$31	$31
Proposed Fee 1998-99				$0	$16	$16	$32	$24	$32	$32	$32	$32	$32	$32	$32

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY I -COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Staffing-Recreation Leader, per hour	N.A.		$9.40	$0	$5	$5	$9	$7	$9	$9	$9	$9	$9	$9	$9
Proposed Fee 1996-97				$0	$5	$5	$9	$7	$9	$9	$9	$9	$9	$9	$9
Proposed Fee 1997-98				$0	$5	$5	$10	$7	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1998-99				$0	$5	$5	$10	$7	$10	$10	$10	$10	$10	$10	$10
Staffing-Recreation Leader, per 2 hour event	N.A.		$23.50	$0	$12	$12	$24	$18	$24	$24	$24	$24	$24	$24	$24
Proposed Fee 1996-97				$0	$12	$12	$24	$18	$24	$24	$24	$24	$24	$24	$24
Proposed Fee 1997-98				$0	$12	$12	$24	$18	$24	$24	$24	$24	$24	$24	$24
Proposed Fee 1998-99				$0	$12	$12	$25	$19	$25	$25	$25	$25	$25	$25	$25
Staffing-Recreation Leader, per 4 hour event	N.A.		$42.31	$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1996-97				$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1997-98				$0	$22	$22	$44	$33	$44	$44	$44	$44	$44	$44	$44
Proposed Fee 1998-99				$0	$22	$22	$45	$34	$45	$45	$45	$45	$45	$45	$45
Staffing-Event Attendant, per hour	N.A.		$10.00	$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1996-97				$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1997-98				$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1998-99				$0	$5	$5	$11	$8	$11	$11	$11	$11	$11	$11	$11
Staffing-Event Attendant, per 2 hour event	N.A.		$25.01	$0	$13	$13	$25	$19	$25	$25	$25	$25	$25	$25	$25
Proposed Fee 1996-97				$0	$13	$13	$25	$19	$25	$25	$25	$25	$25	$25	$25
Proposed Fee 1997-98				$0	$13	$13	$26	$19	$26	$26	$26	$26	$26	$26	$26
Proposed Fee 1998-99				$0	$13	$13	$27	$20	$27	$27	$27	$27	$27	$27	$27
Staffing-Event Attendant, per 4 hour event	N.A.		$45.01	$0	$23	$23	$45	$34	$45	$45	$45	$45	$45	$45	$45
Proposed Fee 1996-97				$0	$23	$23	$45	$34	$45	$45	$45	$45	$45	$45	$45
Proposed Fee 1997-98				$0	$23	$23	$46	$35	$46	$46	$46	$46	$46	$46	$46
Proposed Fee 1998-99				$0	$24	$24	$48	$36	$48	$48	$48	$48	$48	$48	$48

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY I -COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Staffing-Parks Crewleader, per hour	N.A.		$29.14	$0	$15	$15	$29	$22	$29	$29	$29	$29	$29	$29	$29
Proposed Fee 1996-97				$0	$15	$15	$29	$22	$29	$29	$29	$29	$29	$29	$29
Proposed Fee 1997-98				$0	$15	$15	$30	$23	$30	$30	$30	$30	$30	$30	$30
Proposed Fee 1998-99				$0	$15	$15	$31	$23	$31	$31	$31	$31	$31	$31	$31
Staffing-Parks Crewleader, per 2 hour event	N.A.		$72.84	$0	$36	$36	$73	$55	$73	$73	$73	$73	$73	$73	$73
Proposed Fee 1996-97				$0	$36	$36	$73	$55	$73	$73	$73	$73	$73	$73	$73
Proposed Fee 1997-98				$0	$38	$38	$75	$56	$75	$75	$75	$75	$75	$75	$75
Proposed Fee 1998-99				$0	$39	$39	$77	$58	$77	$77	$77	$77	$77	$77	$77
Staffing-Parks Crewleader, per 4 hour event	N.A.		$131.12	$0	$66	$66	$131	$98	$131	$131	$131	$131	$131	$131	$131
Proposed Fee 1996-97				$0	$66	$66	$131	$98	$131	$131	$131	$131	$131	$131	$131
Proposed Fee 1997-98				$0	$68	$68	$135	$101	$135	$135	$135	$135	$135	$135	$135
Proposed Fee 1998-99				$0	$70	$70	$139	$104	$139	$139	$139	$139	$139	$139	$139
Staffing-Maintenance Worker, per hour	N.A.		$26.40	$0	$13	$13	$26	$20	$26	$26	$26	$26	$26	$26	$26
Proposed Fee 1996-97				$0	$13	$13	$26	$20	$26	$26	$26	$26	$26	$26	$26
Proposed Fee 1997-98				$0	$14	$14	$27	$20	$27	$27	$27	$27	$27	$27	$27
Proposed Fee 1998-99				$0	$14	$14	$28	$21	$28	$28	$28	$28	$28	$28	$28
Staffing-Maintenance Worker, per 2 hour event	N.A.		$66.00	$0	$33	$33	$66	$50	$66	$66	$66	$66	$66	$66	$66
Proposed Fee 1996-97				$0	$33	$33	$66	$50	$66	$66	$66	$66	$66	$66	$66
Proposed Fee 1997-98				$0	$34	$34	$68	$51	$68	$68	$68	$68	$68	$68	$68
Proposed Fee 1998-99				$0	$35	$35	$70	$53	$70	$70	$70	$70	$70	$70	$70
Staffing-Maintenance Worker, per 4 hour event	N.A.		$118.80	$0	$59	$59	$119	$89	$119	$119	$119	$119	$119	$119	$119
Proposed Fee 1996-97				$0	$59	$59	$119	$89	$119	$119	$119	$119	$119	$119	$119
Proposed Fee 1997-98				$0	$61	$61	$122	$92	$122	$122	$122	$122	$122	$122	$122
Proposed Fee 1998-99				$0	$63	$63	$126	$95	$126	$126	$126	$126	$126	$126	$126

PARKS AND ...EATION DEPARTMENT PROPOSED FEES
CATEGORY I -COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Staffing-Custodian, per hour	N.A.		$21.03	$0	$11	$11	$21	$16	$21	$21	$21	$21	$21	$21	$21
Proposed Fee 1996-97				$0	$11	$11	$21	$16	$21	$21	$21	$21	$21	$21	$21
Proposed Fee 1997-98				$0	$11	$11	$22	$16	$22	$22	$22	$22	$22	$22	$22
Proposed Fee 1998-99				$0	$11	$11	$22	$17	$22	$22	$22	$22	$22	$22	$22
Staffing-Custodian, per 2 hour event	N.A.		$52.59	$0	$26	$26	$53	$39	$53	$53	$53	$53	$53	$53	$53
Proposed Fee 1996-97				$0	$26	$26	$53	$39	$53	$53	$53	$53	$53	$53	$53
Proposed Fee 1997-98				$0	$27	$27	$54	$41	$54	$54	$54	$54	$54	$54	$54
Proposed Fee 1998-99				$0	$28	$28	$56	$42	$56	$56	$56	$56	$56	$56	$56
Staffing-Custodian, per 4 hour event	N.A.		$94.66	$0	$47	$47	$95	$71	$95	$95	$95	$95	$95	$95	$95
Proposed Fee 1996-97				$0	$47	$47	$95	$71	$95	$95	$95	$95	$95	$95	$95
Proposed Fee 1997-98				$0	$49	$49	$97	$73	$97	$97	$97	$97	$97	$97	$97
Proposed Fee 1998-99				$0	$50	$50	$100	$75	$100	$100	$100	$100	$100	$100	$100
Vehicle-Pick-up Truck, per hour	N.A.	$1.62		$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1996-97				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1997-98				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1998-99				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Vehicle-Pick-up Truck, per 2 hour event	N.A.	$4.05		$0	$2	$2	$4	$3	$4	$4	$4	$4	$4	$4	$4
Proposed Fee 1996-97				$0	$2	$2	$4	$3	$4	$4	$4	$4	$4	$4	$4
Proposed Fee 1997-98				$0	$2	$2	$4	$3	$4	$4	$4	$4	$4	$4	$4
Proposed Fee 1998-99				$0	$2	$2	$4	$3	$4	$4	$4	$4	$4	$4	$4
Vehicle -Pick-up Truck, per 4 hour event	N.A.	$7.29		$0	$4	$4	$7	$5	$7	$7	$7	$7	$7	$7	$7
Proposed Fee 1996-97				$0	$4	$4	$7	$5	$7	$7	$7	$7	$7	$7	$7
Proposed Fee 1997-98				$0	$4	$4	$8	$6	$8	$8	$8	$8	$8	$8	$8
Proposed Fee 1998-99				$0	$4	$4	$8	$6	$8	$8	$8	$8	$8	$8	$8
Vehicle- Utility Vehicle, per hour	N.A.	$1.31		$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1996-97				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1997-98				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1998-99				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1

PARKS AND ...EATION DEPARTMENT PROPOSED FEES
CATEGORY I -COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Vehicle- Utility Vehicle, per 2 hour event	N.A.	$3.28		$0	$2	$2	$3	$2	$3	$3	$3	$3	$3	$3	$3
Proposed Fee 1996-97				$0	$2	$2	$3	$2	$3	$3	$3	$3	$3	$3	$3
Proposed Fee 1997-98				$0	$2	$2	$3	$3	$3	$3	$3	$3	$3	$3	$3
Proposed Fee 1998-99				$0	$2	$2	$3	$3	$3	$3	$3	$3	$3	$3	$3
Vehicle-Utility Vehicle, per 4 hour event	N.A.	$5.90		$0	$3	$3	$6	$4	$6	$6	$6	$6	$6	$6	$6
Proposed Fee 1996-97				$0	$3	$3	$6	$4	$6	$6	$6	$6	$6	$6	$6
Proposed Fee 1997-98				$0	$3	$3	$6	$5	$6	$6	$6	$6	$6	$6	$6
Proposed Fee 1998-99				$0	$3	$3	$6	$5	$6	$6	$6	$6	$6	$6	$6
Vehicle-Ballfield Conditioner, per hour	N.A.	$2.16		$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1996-97				$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1997-98				$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1998-99				$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Vehicle-Parking Lot Sweeper, per hour	N.A.	$1.02		$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1996-97				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1997-98				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1998-99				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Vehicle-Blower, per hour	N.A.	$1.29		$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1996-97				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1997-98				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1998-99				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Vehicle-Trailer, per hour	N.A.	$0.30		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Proposed Fee 1996-97				$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Proposed Fee 1997-98				$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Proposed Fee 1998-99				$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Vehicle-Trailer, per 2 hour event	N.A.	$0.75		$0	$0	$0	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1996-97				$0	$0	$0	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1997-98				$0	$0	$0	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1998-99				$0	$0	$0	$1	$1	$1	$1	$1	$1	$1	$1	$1

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY I -COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Vehicle-Trailer, per 4 hour event	N.A.	$1.35		$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1996-97				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1997-98				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Proposed Fee 1998-99				$0	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1	$1
Vehicle-Custodial Van, per hour	N.A.	$1.75		$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1996-97				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1997-98				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1998-99				$0	$1	$1	$2	$1	$2	$2	$2	$2	$2	$2	$2
Vehicle-Custodial Van, per 2 hour event	N.A.	$4.38		$0	$2	$2	$4	$3	$4	$4	$4	$4	$4	$4	$4
Proposed Fee 1996-97				$0	$2	$2	$4	$3	$4	$4	$4	$4	$4	$4	$4
Proposed Fee 1997-98				$0	$2	$2	$5	$3	$5	$5	$5	$5	$5	$5	$5
Proposed Fee 1998-99				$0	$2	$2	$5	$3	$5	$5	$5	$5	$5	$5	$5
Vehicle-Custodial Van, per 4 hour event	N.A.	$7.88		$0	$4	$4	$8	$6	$8	$8	$8	$8	$8	$8	$8
Proposed Fee 1996-97				$0	$4	$4	$8	$6	$8	$8	$8	$8	$8	$8	$8
Proposed Fee 1997-98				$0	$4	$4	$8	$6	$8	$8	$8	$8	$8	$8	$8
Proposed Fee 1998-99				$0	$4	$4	$8	$6	$8	$8	$8	$8	$8	$8	$8
Vehicle-Flatbed Truck, per hour	N.A.	$2.01		$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1996-97				$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1997-98				$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2
Proposed Fee 1998-99				$0	$1	$1	$2	$2	$2	$2	$2	$2	$2	$2	$2

PARKS AND ...E (EATION DEPARTMENT PROPOSED FEES
CATEGORY J -SPECIAL PARK AND FACILITY USES

SERVICE/ RENTAL ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Filming in City Parks, per 2 hours	$166.00		$106.39	$0	$53	$53	$106	$80	$106	$106	$106	$106	$106	$106	$106
Proposed Fee 1996-97				$0	$53	$53	$106	$80	$106	$106	$106	$106	$106	$106	$106
Proposed Fee 1997-98				$0	$55	$55	$110	$82	$110	$110	$110	$110	$110	$110	$110
Proposed Fee 1998-99				$0	$56	$56	$113	$85	$113	$113	$113	$113	$113	$113	$113
Filming in City Parks-each additional hour	$46.00		$41.26	$0	$21	$21	$41	$31	$41	$41	$41	$41	$41	$41	$41
Proposed Fee 1996-97				$0	$21	$21	$41	$31	$41	$41	$41	$41	$41	$41	$41
Proposed Fee 1997-98				$0	$21	$21	$42	$32	$42	$42	$42	$42	$42	$42	$42
Proposed Fee 1998-99				$0	$22	$22	$44	$33	$44	$44	$44	$44	$44	$44	$44
Rental of Portable Barbecue Trailer, per event	$30.00	$71.17		$0	$36	$36	$71	$53	$71	$71	$71	$71	$71	$71	$71
Proposed Fee 1996-97				$0	$36	$36	$71	$53	$71	$71	$71	$71	$71	$71	$71
Proposed Fee 1997-98				$0	$37	$37	$73	$55	$73	$73	$73	$73	$73	$73	$73
Proposed Fee 1998-99				$0	$38	$38	$76	$57	$76	$76	$76	$76	$76	$76	$76
Rental of Portable Stage without Top-per event	$340/416	$417.53		$0	$209	$209	$418	$313	$418	$418	$418	$418	$418	$418	$418
Proposed Fee 1996-97				$0	$209	$209	$418	$313	$418	$418	$418	$418	$418	$418	$418
Proposed Fee 1997-98				$0	$215	$215	$430	$323	$430	$430	$430	$430	$430	$430	$430
Proposed Fee 1998-99				$0	$221	$221	$443	$332	$443	$443	$443	$443	$443	$443	$443
Rental of Portable Stage with Top & Bunting, per event	$688/830	$715.12		$0	$358	$358	$715	$536	$715	$715	$715	$715	$715	$715	$715
Proposed Fee 1996-97				$0	$358	$358	$715	$536	$715	$715	$715	$715	$715	$715	$715
Proposed Fee 1997-98				$0	$368	$368	$737	$552	$737	$737	$737	$737	$737	$737	$737
Proposed Fee 1998-99				$0	$379	$379	$759	$569	$759	$759	$759	$759	$759	$759	$759
Portable Stage-out-of-town travel, per hour	$120.00	$57.90		$0	$29	$29	$58	$43	$58	$58	$58	$58	$58	$58	$58
Proposed Fee 1996-97				$0	$29	$29	$58	$43	$58	$58	$58	$58	$58	$58	$58
Proposed Fee 1997-98				$0	$30	$30	$60	$45	$60	$60	$60	$60	$60	$60	$60
Proposed Fee 1998-99				$0	$31	$31	$61	$46	$61	$61	$61	$61	$61	$61	$61

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY J -SPECIAL PARK AND FACILITY USES

SERVICE/ RENTAL ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Rental of Portable Awning, per event	N.A.	$332.88		$0	$166	$166	$333	$250	$333	$333	$333	$333	$333	$333	$333
Proposed Fee 1996-97				$0	$166	$166	$333	$250	$333	$333	$333	$333	$333	$333	$333
Proposed Fee 1997-98				$0	$171	$171	$343	$257	$343	$343	$343	$343	$343	$343	$343
Proposed Fee 1998-99				$0	$177	$177	$353	$265	$353	$353	$353	$353	$353	$353	$353
Rental of Portable Awning, out-of-town travel	N.A.	$105.76		$0	$53	$53	$106	$79	$106	$106	$106	$106	$106	$106	$106
Proposed Fee 1996-97				$0	$53	$53	$106	$79	$106	$106	$106	$106	$106	$106	$106
Proposed Fee 1997-98				$0	$54	$54	$109	$82	$109	$109	$109	$109	$109	$109	$109
Proposed Fee 1998-99				$0	$56	$56	$112	$84	$112	$112	$112	$112	$112	$112	$112
Rental of Portable Public Address System, per 4 hours			$68.63	$0	$34	$34	$69	$51	$69	$69	$69	$69	$69	$69	$69
Proposed Fee 1996-97				$0	$34	$34	$69	$51	$69	$69	$69	$69	$69	$69	$69
Proposed Fee 1997-98				$0	$35	$35	$71	$53	$71	$71	$71	$71	$71	$71	$71
Proposed Fee 1998-99				$0	$36	$36	$73	$55	$73	$73	$73	$73	$73	$73	$73
Rental of P.A. System-each additional hour			$10.00	$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1996-97				$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1997-98				$0	$5	$5	$10	$8	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1998-99				$0	$5	$5	$11	$8	$11	$11	$11	$11	$11	$11	$11
Permit for Sales Adjacent to City Parks	$14	13.94		$0	$7	$7	$14	$10	$14	$14	$14	$14	$14	$14	$14
Proposed Fee 1996-97				$0	$7	$7	$14	$10	$14	$14	$14	$14	$14	$14	$14
Proposed Fee 1997-98				$0	$7	$7	$14	$11	$14	$14	$14	$14	$14	$14	$14
Proposed Fee 1998-99				$0	$7	$7	$15	$11	$15	$15	$15	$15	$15	$15	$15
Special Park, Parking Lot and Trail Uses	N.A.	Fees for labor and equipmen		to be negotiated at costs included in Category I; other services to be negotiated and billed at actual cost.											

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
CATEGORY K - TENNIS COURTS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Tennis Courts-Preparation for Tournaments, per park	N.A.	$170.52		$0	$85	$85	$171	$128	$171	$171	$171	$171	$171	$171	$171
Proposed Fee 1996-97				$0	$85	$85	$171	$128	$171	$171	$171	$171	$171	$171	$171
Proposed Fee 1997-98				$0	$88	$88	$176	$132	$176	$176	$176	$176	$176	$176	$176
Proposed Fee 1998-99				$0	$90	$90	$181	$136	$181	$181	$181	$181	$181	$181	$181
Tennis Courts-Reservation per court, per 2 hours	N.A.	$9.31		$0	$5	$5	$9	$7	$9	$9	$9	$9	$9	$9	$9
Proposed Fee 1996-97				$0	$5	$5	$9	$7	$9	$9	$9	$9	$9	$9	$9
Proposed Fee 1997-98				$0	$5	$5	$10	$7	$10	$10	$10	$10	$10	$10	$10
Proposed Fee 1998-99				$0	$5	$5	$10	$7	$10	$10	$10	$10	$10	$10	$10
Tennis Courts-Reservation per park, per 2 hours		$13.46		$0	$7	$7	$13	$10	$13	$13	$13	$13	$13	$13	$13
Proposed Fee 1996-97				$0	$7	$7	$13	$10	$13	$13	$13	$13	$13	$13	$13
Proposed Fee 1997-98				$0	$7	$7	$14	$10	$14	$14	$14	$14	$14	$14	$14
Proposed Fee 1998-99				$0	$7	$7	$14	$11	$14	$14	$14	$14	$14	$14	$14
Tennis Courts-Reservation per court, per day		$14.39		$0	$7	$7	$14	$11	$14	$14	$14	$14	$14	$14	$14
Proposed Fee 1996-97				$0	$7	$7	$14	$11	$14	$14	$14	$14	$14	$14	$14
Proposed Fee 1997-98				$0	$7	$7	$15	$11	$15	$15	$15	$15	$15	$15	$15
Proposed Fee 1998-99				$0	$8	$8	$15	$11	$15	$15	$15	$15	$15	$15	$15

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-431

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND TOMMIE AND LINDA THOMPSON FOR THE LEASE OF 1204 RIVER ROAD (MANCINI HOUSE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Tommie and Linda Thompson for the lease of 1204 River Road (Mancini House) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-432

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TOWN HALL SERVICES FOR CAPITAL FACILITIES FEES STUDY UPDATE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Town Hall Services for Capital Facilities Fees Update Study 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 July, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-433

A RESOLUTION RESCINDING RESOLUTION NO. 97-389 AND TERMINATING PROCEEDINGS FOR THE KIERNAN BUSINESS PARK NO. 1 REORGANIZATION TO THE CITY OF MODESTO. (INHABITED)

WHEREAS, the Local Agency Formation Commission (LAFCO) of the County of Stanislaus, State of California, by Resolution No. 97-09, adopted on May 28, 1997, approved the proposed Kiernan Business Park No. 1 Reorganization to the City of Modesto (CITY) upon condition that it be processed as a reorganization pursuant to the provisions of the Government Code of the State of California, and designated said Reorganization the Kiernan Business Park No. 1 Reorganization, and

WHEREAS, a public hearing on said annexation was called for and held by the Modesto City Council on July 8, 1997, at the hour of 4:00 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 Council adopted Resolution No. 97-389, which "Ordered the Kiernan Business Park No. 1 Reorganization to the City of Modesto, Subject to the Number and Validity of Written Protests Filed at the Hearing, and Subject to Confirmation by Election", and

WHEREAS, Section 57075(a) of the California Government Code specifies that the Council must adopt a resolution terminating proceedings for the annexation if written

protests have been filed and not withdrawn by 50% or more of the registered voters within the affected territory at or before the protest hearing, and

WHEREAS, the City Clerk has determined that there are seven valid registered voter protests, representing 53.8% of the registered voters residing in the annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby rescinds Council Resolution No. 97-389 which "Ordered the Kiernan Business Park No. 1 Reorganization to the City of Modesto, Subject to the Number and Validity of Written Protests Filed at the Hearing, and Subject to Confirmation by Election", and the Council hereby terminates proceedings for the Kiernan Business Park No. 1 Reorganization to the City of Modesto.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the Executive Officer of the Local Agency Formation Commission 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 22nd day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-434

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF FRANK MURATORE FROM THE GOLF COMMITTEE, EFFECTIVE JULY 22, 1997

WHEREAS, Frank Muratore was appointed a member of the Golf Committee on January 2, 1996; and

WHEREAS, Frank Muratore has tendered his resignation from the Golf Committee, effective July 22, 1997; and

WHEREAS, Frank Muratore 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 Frank Muratore from the Golf 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 Frank Muratore 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 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-435

A RESOLUTION APPOINTING JAMES VON DOHLEN TO THE DISABLED ACCESS APPEALS BOARD

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

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

SECTION 1. James Von Dohlen is hereby appointed to the Disabled Access Appeals Board, with a term expiration of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-436

A RESOLUTION REAPPOINTING SYLVESTER AGUILAR 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. Sylvester Aguilar is hereby reappointed to the Economic Development Loan Committee, with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Economic Development Loan Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-437

A RESOLUTION APPOINTING SKIP MCCABE TO THE GOLF COURSE ADVISORY COMMITTEE

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

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

SECTION 1. Skip McCabe is hereby appointed to the Golf Course Advisory Committee, with a term expiration of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-438

A RESOLUTION APPOINTING BILL SEAVY, ALLAN JOHNSTON, KATHLEEN MORGAN, DAN HOPKINS, DAN THAYER, MICHAEL PRATT, CHERYL MERRITT, AND WILLIAM GARDNER, TO THE SIGN UPDATE 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. Bill Seavy, Chamber of Commerce; Allan Johnston, California Electric Sign Association; Kathleen Morgan, Community Quilities Forum; Dan Hopkins, Board of Zoning Adjustment; Dan Thayer, Planning Commission; Michael Pratt, Planning Commission; Cheryl Merritt, Citizen-at-Large; William Gardner, Citizen-at-Large are hereby appointed to the Sign Update Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Sign Update Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

COUNCIL RESOLUTION NO. 97-439

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND CIVIC PARTNERS MODESTO, LLC
(10th Street Place Project)

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from CIVIC PARTNERS MODESTO, LLC, a California limited liability company whose members are Steven P. Semingson and Rose Marie Semingson (the "Developer"), providing for (a) the acquisition of certain property (the "Site") located within the City of Modesto, (b) the sale of portions of the Site defined in the DDA as the Garage Retail Parcel and the Cinema/Retail Parcel to the Developer, (c) the lease of, with an option to purchase, a portion of the Site defined in the DDA as the JPA Retail Parcel to the Developer (the Garage Retail Parcel, the Cinema/Retail Parcel and the JPA Retail Parcel are collectively referred to as the "Developer Parcels"), and (c) the development by the Developer on the Developer Parcels of a cinema complex and retail space (the "Developer's Project"),

WHEREAS, the Developer's Project will be constructed in conjunction with a separate, but related project (the "JPA Project") adjacent to the Developer's Parcels, including a joint City Hall and County Administration Facility (the "Public Administration Facility)" and a public garage (the "Public Garage") to be developed by the City-County Capital Improvements and Financing Authority (the "JPA"), pursuant to an agreement (the "Master Agreement") to be entered into between the Agency, City of Modesto, County of Stanislaus and the JPA (the Developer's Project and the JPA Project are collectively referred to herein as the "10th Street Place Project"); and

WHEREAS, as more fully set forth in the DDA, (a) the Cinema/Retail Parcel consists of real property, a portion of which will be acquired by the Agency and conveyed to the Developer, and a portion of which will be acquired directly by the Developer, and upon which the Developer will develop the cinema complex; (b) the Garage Retail Parcel is located in or immediately adjacent to the Public Garage and will be improved by the JPA with a developable building prior to conveyance to the Agency and Developer; and (c) the JPA Retail Parcel consists of a portion of the retail shell space to be developed by the JPA, located on the ground floor of the Public Administration Facility; and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law; and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community; and

WHEREAS, the Community Redevelopment Law provides in Section 33679 that before an agency commits to use tax increment funds for the purpose of paying all or part of the value of the land for, and the cost of the installation and construction of, any publicly owned building, other than parking facilities, the legislative body shall hold a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that a summary report shall be available for public inspection containing specified information; and

WHEREAS, notice of public hearings by the City Council of the City of Modesto (the "City") and the Agency were published in the *Modesto Bee* on July 8, 1997, and July 15, 1997; and

WHEREAS, the Agency prepared a report pursuant to Sections 33433 and 33679 of the Health and Safety Code containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Sections 33433 and 33679, and said report was made available to the public for inspection; and

WHEREAS, the City Council and the Agency held a joint public hearing on July 22, 1997, in the City Council Chambers to consider and act on the disposition and development of the Developer Parcels pursuant to the DDA;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the sale of the Cinema/Retail Parcel and the Garage Retail Parcel to the Developer, the lease of the JPA Retail Parcel to the Developer, and development of the Developer Parcels pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Developer Parcels are being sold and leased for purposes of development on the Developer Parcels of a cinema complex and other retail uses pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 2. The City Council hereby finds and determines that the purchase price for the Cinema/Retail Parcel and the Garage Retail Parcel and the lease payments (and option purchase price) for the JPA Retail Parcel to be paid by the Developer is not less than the fair reuse value of the Developer Parcels at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the fact that the Developer is required to develop the cinema complex and retail uses on the Developer Parcels in accordance with the DDA, the Developer Parcels will be developed in conjunction with the JPA Project as part of the overall 10th Street Place Project, and the 10th Street Place Project (including the Developer's Project) will be subject to the covenants, conditions and restrictions contained in a Reciprocal Easement Agreement, Operation and Maintenance Agreement, and other covenants and restrictions set forth in the DDA. This finding is further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 3. The City Council hereby finds and determines that the payment by the Agency for the acquisition of the JPA Retail Parcel, including the retail shell improvements to be constructed thereon by the JPA pursuant to the Master Agreement to be owned by the Agency and leased to the Developer (herein, the "Agency's Improvements"), as provided in the DDA, is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the development of the Agency's Improvements are of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency Improvements are available to the community, and that the payment of funds for the acquisition of land and the cost of such Agency Improvements will assist in the elimination of one or more blighting conditions inside the Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based

and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 4. The Agency finds and determines that the project, including the development of the Developer Parcels, is covered by a program EIR (SCH #90021233) certified by Agency Resolution No. 27-91 on November 5, 1991, approved by City Council Resolution No. 91-673 on November 5, 1991, a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 on December 27, 1994, approved by City Council Resolution No. 94-750 on December 27, 1994, and an Addendum to Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 19-96 on November 19, 1996, approved by City Council Resolution No. 96-635 on November 19, 1996, (collectively, the "Prior EIRs") and that the Project incorporates all applicable mitigation measures identified in said Council Resolution Nos. 91-673, 94-750, and 96-635 to reduce environmental impacts to less than a significant level except for the loss of the Covell Hotel, and as to such mitigation measures and environmental impacts, the City Council hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Resolution Nos. 91-673, 94-750, and 96-635. The City Council further finds that the project, including the development of the Developer Parcels, is within the scope of the Prior EIRs and that no additional environmental impact report or other environmental analysis is required because: (a) the DDA does not propose subsequent changes in the project which will require major revisions to the Prior EIRs; (b) substantial changes have not occurred with respect to the circumstances under which the DDA will be implemented which will require major revisions in the Prior EIRs; and (c) there is no new information available which was not known or could not have been known at the time the Prior EIRs were certified as complete.

Section 5. The City Council hereby approves the DDA in substantially the form on file with the Secretary of the Agency. The City Council further approves and authorizes the acquisition of the Site and sale and lease, as applicable, of the Developer Parcels to the Developer. The City Council hereby further approves the provision of the Agency Improvements by the Agency, including without limitation the payment of costs for the JPA Retail Parcel, including the retail shell improvements thereon, to be acquired by the Agency and subsequently leased to the Developer pursuant to the DDA.

Section 6. The Agency is hereby authorized to execute the DDA subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel. The Agency is hereby further authorized and directed to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation the Reciprocal Easement Agreement, Operation and Maintenance Agreement, the Condominium

Agreement relating to the JPA Retail Parcel, the Lease, Grant Deeds, and all other actions and documents necessary for the acquisition, sale, lease and development of the Developer Parcels in accordance with the DDA.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

COUNCIL RESOLUTION NO. 97-440

Print

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING AND AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AMONG THE COUNTY OF STANISLAUS, THE CITY OF MODESTO, THE CITY-COUNTY CAPITAL IMPROVEMENTS AND FINANCING JOINT POWERS AGENCY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"); and

WHEREAS, the Agency and the City have been negotiating the terms of a Master Agreement (the "Master Agreement") with the County of Stanislaus (the "County") and the City-County Capital Improvements and Financing Agency (the "JPA") for the development of a mixed-use project known as the "10th Street Place Project" on certain real property (the "Project Site") located within the City of Modesto; and

WHEREAS, the Master Agreement provides for development and construction of a mixed-use project (the "JPA Project"), including (a) the acquisition and demolition and clearing of the Project Site, (b) the design and construction on a portion of the Project Site (the "Public Administration Center Parcel") a public administration building (the "Public Administration Center") in which the City and County shall each locate its offices, which Public Administration Center will be owned by the JPA, except for certain retail space (the "JPA Retail Parcel") to be owned by the Agency and leased to a private developer for development, and common area to be owned by an owners association, (c) the design and construction on a portion of the Project Site (the "Parking Garage Parcel") a parking garage (the "Parking Garage") to be owned by the Agency, (d) the design and construction of a public plaza to be located between the Public Administration center, the Parking Garage and the Retail Parcel, portions of the plaza to be owned by each of the JPA and Agency, (e) the design and construction on a portion of the Project Site a Service Area to be owned by the JPA, (f) provision of a retail parcel (the "Garage Retail Parcel") and a building pad for a freestanding retail center to be owned and paid for by the Agency and to be subsequently conveyed to a private developer for development, and (g) reconstruction of certain public rights-of-way surrounding the Project Site; and

WHEREAS, the Project under the Master Agreement will be constructed in conjunction with a separate, but related project (the "Private Developer's Project") adjacent to the Project Site, including a cinema complex and retail space, pursuant to a Disposition and Development Agreement (the "DDA") to be entered into between the Agency and a private developer (the "Developer"); and

WHEREAS, in implementation of the Master Agreement, the Agency shall acquire title to all the real property comprising the Project Site from the City and other third party owners, and shall sell a portion of the Project Site (collectively, the "JPA Parcels") to the JPA and shall retain a portion of the Site for development, all as more particularly set forth in the Master Agreement; and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community; and

WHEREAS, the Community Redevelopment Law provides in Section 33679 that before an agency commits to use tax increment funds for the purpose of paying all or part of the value of the land for, and the cost of the installation and construction of, any publicly owned building, other than parking facilities, the legislative body shall hold a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that a summary report shall be available for public inspection containing specified information; and

WHEREAS, notice of public hearings by the City Council of the City of Modesto (the "City") and the Agency were published in the *Modesto Bee* on July 8, 1997, and July 15, 1997; and

WHEREAS, in connection with the consideration and approval of the Master Agreement and the DDA, the Agency prepared a report pursuant to Health and Safety Code Sections 33433 and 33679 containing the information required by said Sections, and the City Council and the Agency held a duly noticed joint public hearing on July 22, 1997, in the City Council Chambers to consider and act upon the acquisition, disposition and development of the Project Site pursuant to the Master Agreement, and other issues relating to the development of the project;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the sale of the JPA Parcels by the Agency to the JPA, and development of the JPA Parcels pursuant to the Master Agreement will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the JPA Parcels are being sold for purposes of development on the JPA Parcels of the Public Administration Center and other related uses pursuant to the Master Agreement and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Master Agreement and the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 2. The City Council hereby finds and determines that the purchase price for the JPA Parcels to be paid by the JPA is not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan. This finding is based upon the fact that the JPA shall pay the entire cost of the acquisition of the real property comprising the JPA Parcels. In the event it is determined that the purchase price is less than the fair market value, the City Council hereby finds and determines that the purchase price for the JPA Parcels to be paid by the JPA is not less than the fair reuse value of the JPA Parcels at the use and with the covenants and conditions and development costs authorized by the Master Agreement. This finding is based upon the fact that the JPA is required to develop the Public Administration Center and other related uses on the JPA Parcels in accordance with the Master Agreement; the JPA Parcels will be developed as part of the JPA Project in conjunction with the Private Developer Project, as part of the overall 10th Street Place Project; and the 10th Street Place Project (including the Developer's Project) will be subject to the covenants, conditions and restrictions contained in a Reciprocal Easement Agreement, Operation and Maintenance Agreement, and other covenants and restrictions set forth in the Master Agreement. This finding is further based upon the facts and information contained in the Master Agreement and the Report prepared by the Agency pursuant to Health and Safety Code Sections 33433 and 33679.

Section 3. The City Council hereby finds and determines that no tax increments will be used, directly or indirectly, in the acquisition of that portion of the Project Site upon which the Public Administration Center will be located (the "Public Administration Center Parcel"), which Public Administration Center Parcel is exclusive of the JPA Retail Parcel addressed in Section 2, below. The foregoing finding and determination is based upon the fact that, pursuant to the Master Agreement, the JPA will own and construct the joint Public Administration Center improvements to be constructed thereon.

Section 4. The City Council hereby finds and determines that the provision of the JPA Retail Parcel and the Garage Retail Parcel, in furtherance of the DDA and as provided in the Master Agreement, is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the JPA Retail Parcel, including the retail shell improvements to be developed thereon by the JPA, and the Garage Retail Parcel, including the building pad to be developed thereon by the JPA, are of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's costs for the JPA Retail Parcel are available to the community, and that the payment of funds for the acquisition of land and the cost of such JPA Retail Parcel and Garage Retail Parcel will assist in the elimination of one or more blighting conditions inside the Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determination are based upon the fact that the JPA Retail Parcel, including the retail shell improvements to be developed thereon by the JPA, will be leased to the Developer for development of retail uses pursuant to the DDA, and the Garage Retail Parcel, including the building pad to be developed thereon by the JPA, will be conveyed to the Developer for development of retail uses pursuant to the DDA. The foregoing findings and determinations are further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433 and 33679.

Section 5. The City Council hereby finds and determines that the provision of the Public Garage is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the Public Garage is of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's costs for the acquisition and development of the Public Garage are available to the community, and that the payment of funds for the acquisition of land and the cost of such Public Garage will assist in the elimination of one or more blighting conditions inside the Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33679.

Section 6. The City Council hereby finds and determines that the provision of the Public Plaza is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the Public Plaza, as part of the 10th Street Place Project, is of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's portion of the costs for the acquisition and development of the Public Plaza are available to the community, and that the payment of funds for the acquisition of land and the cost of such Public Plaza will assist in the elimination of one or more blighting conditions inside the Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and

Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33679.

Section 7. The City Council finds and determines that the development of the Project Site in accordance with the Master Agreement, including the development of the Public Administration Center, the JPA Retail Parcel, the Public Garage, the Garage Retail parcel, the Public Plaza, the Service Area and other improvements related thereto, is covered by a program EIR (#90021233) certified by Agency Resolution No. 27-91 on November 5, 1991, Council Resolution No. 91-673 on November 5, 1991, a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 on December 27, 1994, approved by Council Resolution No. 94-750, and an Addendum to Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 19-96 on November 19, 1996, approved by Council Resolution No. 96-635 on November 19, 1996, (collectively, the "Prior EIRs") and that the Project incorporates all applicable mitigation measures identified in said Council Resolution Nos. 91-673, 94-750, and 96-635 to reduce environmental impacts to less than a significant level except for the loss of the Covell Hotel, and as to such mitigation measures and environmental impacts, the City Council hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Resolution Nos. 91-673, 94-750, and 96-635. The City Council further finds that the project, including the development of the Project Site, is within the scope of the Prior EIRs and that no additional environmental impact report or other environmental analysis is required because: (a) the Master Agreement does not propose subsequent changes in the project which will require major revisions to the Prior EIRs; (b) substantial changes have not occurred with respect to the circumstances under which the Master Agreement will be implemented which will require major revisions in the Prior EIRs; and (c) there is no new information available which was not known or could not have been known at the time the Prior EIRs were certified as complete.

Section 8. The City Council hereby approves the Master Agreement in substantially the form on file with the City Clerk.

Section 9. The City Manager and City Clerk are hereby authorized and directed to execute the Master Agreement on behalf of the City, subject to any minor conforming, technical or clarifying changes approved by the City Attorney, and is further authorized to take such further actions and execute such documents as are necessary to carry out the Master Agreement on behalf of the City. The City Manager is hereby further authorized and directed to take such actions as may be appropriate to facilitate the issuance of bonds or the establishment of such

other financing mechanism as appropriate by the City to cover any costs to be incurred by the City for the development of the Public Administration Center portion of the 10th Street Place Project as provided for under the Master Agreement. The City Manager is further authorized and directed to take such further actions and execute such additional documents as are necessary to acquire the Project Site and sell such portion thereof to the JPA as set forth in the Master Agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, 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, Cogdill, Friedman, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-441

A RESOLUTION APPROVING THE CONVEYANCE OF CITY OWNED PROPERTY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO (APN's 105-37-01, 105-37-05, 105-42-01, and 105-42-02).

WHEREAS, the City of Modesto owns APN's 105-37-01, 105-37-05, 105-42-01, and 105-42-02 located on 10th Street and 11th Street, and

WHEREAS, said property was acquired for public parking lots, and

WHEREAS, the Council of the City of Modesto has agreed to convey said parking lots to the Redevelopment Agency of the City of Modesto, and

WHEREAS, the Redevelopment Agency of the City of Modesto is actively pursuing the Tenth Street Place Project, and

WHEREAS, said project is covered by, a program EIR (SCH #90021233) certified by Agency Resolution No. 27-91 on November 5, 1991, City Council Resolution No. No. 91-673 on November 5, 1991, a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 on December 27, 1994, approved by City Council Resolution No. 94-750, and an Addendum to Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 19-96 on November 19, 1996, and approved by City Council Resolution No. 96-635 on November 19, 1996, (collectively, the "Prior EIRs"), and that the Project incorporates all applicable mitigation measures identified in said Agency Resolution Nos. 27-91, 17-94, and 19-96 and City Council

Resolution Nos. 91-673, 94-750, and 96-635 to reduce environmental impacts to less than a significant level except for the loss of the Covell Hotel, and as to such mitigation measures and environmental impacts, the Agency hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Agency Resolution Nos. 27-91, 17-94, and 19-96, and City Council Resolution Nos. 91-673, 94-750, and 96-635, and

WHEREAS, said project is within the scope of the Prior EIRS and no additional environmental impact report or other environmental analysis is required, and

WHEREAS, the block encompassing the project area has two City parking lots, one of which is to be sold to the Joint Powers Authority (JPA), the other to be used for a parking structure, and

WHEREAS, two additional lots on the west side of 10th Street are needed for the cinema project, and

WHEREAS, title to these properties should vest in the name of the Redevelopment Agency in order to facilitate the Tenth Street Place Project,

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby approves the conveyance of title of APN's 105-37-01, 105-37-05, 105-42-01, and 105-42-02 to the Redevelopment Agency of the City of Modesto.

BE IT FURTHER RESOLVED that the Council finds and determines that the Project is within the scope of the Prior EIRs and that no additional environmental impact report or other environmental analysis is required.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-442

A RESOLUTION APPROVING AN AGREEMENT WITH RODNEY R. JOHNSON AND BRADLEY L. HAWN FOR THE USE OF THE 11TH STREET COMMUNITY CENTER PARKING LOT IN LIEU OF PARKING LOT #21 AT 11TH AND K STREETS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Rodney R. Johnson and Bradley L. Hawn for the use of the 11th Street Community Center Parking Lot in lieu of Parking Lot #21 at 11th and K Streets be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 22nd day of July, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-443

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO, CALIFORNIA, RELATING TO THE FINANCING AND REFINANCING OF CERTAIN ADDITIONS AND IMPROVEMENTS AT THE HEALTH FACILITIES OWNED AND OPERATED BY MEMORIAL HOSPITALS ASSOCIATION.

WHEREAS, the City of Modesto (the "City") is a municipal corporation and charter city duly organized and existing under a charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect of municipal affairs and certain other matters in accordance with and as more particularly provided in Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 200 of Article II of the Charter of the City (the "Charter"), and

WHEREAS, the City Council of the City (the "Council"), acting under and pursuant to the powers reserved to the City under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 200 of Article II of the Charter, has enacted the City of Modesto Health Facility Financing Law, constituting Chapter 4 of Title VIII of the Modesto Municipal Code (the "Law"), establishing a program and procedure for the authorization, issuance and sale of revenue bonds by the City for the purpose, inter alia, of providing financing and refinancing for health facilities as specified therein, and

WHEREAS, Memorial Hospitals Association (the "Borrower") has applied to the City for the issuance of its revenue bonds on behalf of the Borrower in an aggregate principal amount not to exceed thirty million dollars ($30,000,000) for the purpose of financing certain additions and improvements to and equipment for use at the health facilities

owned and operated by the Borrower and located in the City and refinancing certain outstanding indebtedness of the Borrower, as described in the Borrower's application filed with the City (the "Project"), and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), the financing and the execution and delivery of the Second Supplemental Indenture and the Second Supplemental Loan Agreement by the City, and the issuance of the Bonds, must be approved by the City because the Project is located within the territorial limits of the City, and

WHEREAS, the Council is the elected legislative body of the City and is one of the applicable elected representatives required to approve the financing and the execution and delivery of the Second Supplemental Indenture and the Second Supplemental Loan Agreement and the issuance of the Bonds under Section 147(f) of the Code, and

WHEREAS, pursuant to Section 147(f) of the Code, the Council has, following notice duly given, held a public hearing regarding the above-described financing, and now desires to approve the financing and the execution and delivery of the Second Supplemental Indenture and the Second Supplemental Loan Agreement by the City, and the issuance of the Bonds, and

WHEREAS, approval of the terms of the issuance and sale of revenue bonds is now sought,

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

Section 1. Pursuant to the Law, revenue bonds of the City designated as the "City of Modesto Health Facility Insured Revenue Bonds (Memorial Hospitals Association), Series 1997B" (the "Bonds"), in an aggregate principal amount not to exceed thirty million dollars ($30,000,000), are authorized to be issued.

Section 2. The proposed form of Second Supplemental Loan Agreement relating to the Bonds, between the City and the Borrower, as presented to this meeting, is hereby approved. The Mayor, the City Manager or the Finance Director is hereby authorized and directed, for and on behalf of the City, to execute and deliver to the Borrower the Second Supplemental Loan Agreement in substantially said form, with such changes therein as such officer, with the advice of the City Attorney, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. The proposed form of Second Supplemental Indenture relating to the Bonds, between the City and U.S. Trust Company of California, N.A. (the "Trustee"), as presented to this meeting, is hereby approved. The Mayor, the City Manager or the Finance Director is hereby authorized and directed, for and on behalf of the City, to execute and deliver to said Trustee the Second Supplemental Indenture in substantially the form presented to this meeting with such changes therein as such officer, with the advice of the City Attorney, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. The date, maturity dates, interest rates, interest payment dates, denominations, forms, registration privileges or requirements, place or places of payment, terms of redemption and other terms of the Bonds shall be as provided in said Second Supplemental Indenture, as finally executed.

Section 4. The proposed form of Bond Purchase Contract relating to the Bonds, among Morgan Stanley & Co. Incorporated, as representative of the underwriters listed therein (the "Underwriters"), the Borrower and the City, as presented to this meeting, is hereby approved. The Mayor, the City Manager or the Finance Director is hereby authorized and directed, for and on behalf of the City, to execute the Bond Purchase Contract in substantially the form presented at this meeting with such changes therein as such officers, with the advice of the City Attorney, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. The proposed form of Official Statement relating to the Bonds, as presented to this meeting, is hereby approved. The Mayor, the City Manager or the Finance Director is hereby authorized and directed, for and on behalf of the City, to execute said Official Statement in substantially said form, with such changes therein as such officers, with the advice of the City Attorney, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. The Underwriters are hereby authorized to distribute said Official Statement in preliminary form with such changes therein as may be approved or required by the City Attorney, to persons who may be interested in the purchase of the Bonds and to deliver said Official Statement in final form to the purchasers of the Bonds.

Section 7. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the seal of the City shall be affixed thereon (or a facsimile reproduced thereon) and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with said Second Supplemental Indenture.

Section 8. The Bonds, when so executed, shall be delivered to the Trustee for authentication by the Trustee. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's Certificate of Authentication appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the purchasers thereof in accordance with written instructions executed on behalf of the City by the Mayor, the City Manager or the Finance Director, which instructions said officers are hereby authorized and directed, for and on behalf of the City, to execute and deliver to the Trustee. Said instructions shall provide for the delivery of the Bonds to the purchasers thereof, upon payment of the purchase price thereof.

Section 9. The City Clerk is hereby authorized and directed to attest the signature of the Mayor, the City Manager or the Finance Director and to affix and attest the seal of the City as may be required in connection with the execution and delivery of the Second Supplemental Indenture, the Second Supplemental Loan Agreement, the Bond Purchase Contract, the Official Statement and the Bonds, in accordance with this Resolution.

Section 10. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated hereby.

Section 11. The Council hereby approves the financing described above and the execution and delivery of the Second Supplemental Indenture, the Second Supplemental Loan Agreement and the other documents to be executed by or on behalf of the City as set forth

above. It is the purpose and intent of the Council that this Resolution constitute approval of the financing and the execution and delivery of the Second Supplemental Indenture, the Second Supplemental Loan Agreement and the Bonds for the purposes of Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) of the Code.

Section 12. This resolution shall take effect immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-444

A RESOLUTION DENYING THE APPEAL OF RESIDENTS IN THE BEYER PARK AREA TO A BZA DECISION GRANTING A CONDITIONAL USE PERMIT TO AT&T WIRELESS SERVICES FOR CELLULAR ANTENNAS TO BE MOUNTED AT 70 FEET HIGH ON A 90-FOOT-HIGH BALLFIELD LIGHT STANDARD AND A RADIO EQUIPMENT SHELTER IN THE NORTHEAST PORTION OF BEYER PARK LOCATED SOUTH OF SYLVAN MEADOWS DRIVE, EAST OF BEYER PARK DRIVE, ALLOWING A LOCATION CHANGE TO THE SOUTHEAST PORTION OF BEYER PARK AS PROPOSED BY APPLICANT.

WHEREAS, an application for a conditional use permit for cellular antennas to be mounted at 70 feet high on a 90-foot-high ballfield light standard and an equipment shelter in the northeast portion of Beyer Park located south of Sylvan Meadows Drive, east of Beyer Park Drive, was filed by AT&T Wireless Services on April 16, 1997, and

WHEREAS, Sections 10-1.202(a) and 10-2.2503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment (BZA) to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on June 26, 1997, 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, by Resolution No. 97-11, the BZA granted a conditional use permit to AT&T Wireless Services for cellular antennas to be mounted at 70 feet high on a 90-foot-high ballfield light standard and an equipment shelter in the northeast portion of Beyer Park located south of Sylvan Meadows Drive, East of Beyer Park Drive, subject to the

conditions set forth in said BZA Resolution, and

WHEREAS, this project is Categorically Exempt under Section 15303 of the CEQA Guidelines which provide for construction and location of a limited number of new small facilities or structures, and

WHEREAS, an appeal to the decision of the BZA was filed with the City Council by residents in the Beyer Park Area, and

WHEREAS, said appeal was set for a public hearing duly noticed to be held on Tuesday, August 5, 1997, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was taken and introduced, and the applicant proposed a location change to the southeast portion of Beyer Park, and

WHEREAS, the concern of neighbors focused on the location of the equipment and storage shelter as well as the placement of antennas on the ballfield light standard, and

WHEREAS, after said hearing, the Council found and determined that said appeal to the decision of the BZA should be denied and the decision of the BZA should be affirmed, subject to relocation of the facilities for the reasons set forth in BZA Resolution No. 97-11, which remain applicable, and as quoted below:

1. The establishment of a communication antenna above 30 feet is permitted in the R-1, Low Density Residential zone, subject to review and approval of a conditional use permit and conditions of approval that will tend to insure its compatibility with surrounding uses.

2. That the proposed site plan is in accordance with community objectives as set forth in the General Plan and the antenna and equipment shelter will be located within the boundaries of the Beyer Park and screened

from adjacent uses.

3. That the antenna tower is well within the height limitation set by the FAA for approach surface clearance to the Modesto City County Airport,

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

SECTION 1. That the Council hereby denies the appeal filed by the residents of the Beyer Park Area to the Board of Zoning Adjustment decision regarding the application of AT&T Wireless Services for a conditional use permit in the R-1 Zone to allow cellular antennas to be mounted at 70 feet high on a 90-foot high ballfield light standard and the addition of a radio equipment shelter in the northeast portion of the Beyer Park located south of Sylvan Meadows Drive, east of Beyer Park Drive.

SECTION 2. That the location change of the equipment and storage shelter as well as the placement of cellular antennas to the southeast portion of Beyer Park as proposed by the applicant 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 August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-445

Print

A RESOLUTION APPROVING THE CLOSURE OF TWO ALLEYS LOCATED BETWEEN MAPLE, OAK, AND PINE STREETS, WEST OF NORTH MARTIN LUTHER KING DRIVE AND EAST OF THE BRIGGS (MID) DITCH.

WHEREAS, a verified application for closure of two alleys located between Maple, Oak, and Pine Streets, West of North Martin Luther King Drive and East of the Briggs (MID) ditch was filed by the City of Modesto on April 24, 1997, and

WHEREAS, after a public hearing held on June 16, 1997, 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. 97-48, that the requested closure of the two public alleys at the aforesaid locations is required by public necessity, convenience, and general welfare for the following reasons:

1. Closure of the alleys are deemed necessary to improving the quality of life for this neighborhood.

2. The alley access restriction indirectly addresses the cause and effect of illegally dumping, and serves to increase levels of public safety and cleanliness.

3. That the proposed alley closures are in accordance with community objectives set forth in the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

and

WHEREAS, by Resolution No. 97-48, the Planning Commission recommended to the City Council the closure of the public alleys located between Maple, Oak, and Pine Streets, West of North Martin Luther King Drive and East of the Briggs (MID) ditch, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 5, 1997, 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 City of Modesto's application to close public access to the two alleys located between Maple, Oak, and Pine Streets, West of North Martin Luther King Drive and East of the Briggs (MID) ditch should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-48 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the aforesaid proposed public alley closures is hereby approved subject to the following conditions:

1. That the improvements be constructed in accordance with the City of Modesto Standard Specifications, or as approved by the Public Works and Transportation Director.

2. That the improvement plans for the required improvements shall be submitted for approval to the Public Works and Transportation Director. All

improvements shall be constructed in accordance with approved plans.

3. Fences or walls shall be constructed as follows:

   a. A Seven-foot-high wrought-iron fence/gate shall be installed at the western end of the alleys, as approved by the Fire Marshall.

      Said fence shall have a Knox padlock, as approved by the Fire Marshall.

   b. Two three-foot-high bollards shall be installed along the alley entrances adjacent to North Martin Luther King Drive. Said bollards shall be installed with a detachable heavy-duty chain, secured with multiple locks. Said bollards shall be installed in a location as approved by the Director of the Public Works and Transportation Department, as well as the Fire Marshall.

4. Proper signage shall be provided and installed as approved by the Director of the Public Works and Transportation Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-446

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY REDEVELOPMENT AGENCY FOR INSTALLATION OF A WATERLINE IN SANTA CRUZ AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Redevelopment Agency for installation of a waterline in Santa Cruz Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-447

A RESOLUTION ACCEPTING THE BID OF D.R. YOUNT CONSTRUCTION COMPANY FOR THE SANTA CRUZ WATERLINE

WHEREAS, the bids received for Santa Cruz Waterline were opened at 11:00 a.m. on July 22, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $364,990 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D.R. Yount 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 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-448

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO RECOGNIZE REVENUE IN THE AMOUNT $150,000 FROM STANISLAUS COUNTY REDEVELOPMENT AGENCY TO FULLY FUND THE INSTALLATION OF A WATERLINE ON SANTA CRUZ AVENUE

WHEREAS, this project will provide the 12-inch primary waterline loop for the Airport Neighborhood. All fire hydrants along Santa Cruz Avenue will meet modern fire fighting standards after completion of this project; and

WHEREAS, funds are partially budgeted and Stanislaus County Redevelopment Agency will be contributing $150,000 to fully fund this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures		*Increase*
Acct #615-480-H364-6040	Replace Water Mains	$150,000
Revenue		*Increase*
Acct #615-510-9510-3310	County Share of Project	$150,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-449

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR A PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 1997/98"

WHEREAS, the bids received for Rockwell Replacement/Addition 1997/98 were opened at 11:00 a.m. on July 15, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & 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 $383,323 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 August, 1997, 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:	Cogdill, Dobbs, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-450

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE PROJECT TITLED "COLLEGE AVENUE OVERLAY BETWEEN BRIGGSMORE AVENUE AND CECIL WAY"

WHEREAS, the bids received for College Avenue Overlay between Briggsmore Avenue and Cecil Way were opened at 11:00 a.m. on July 22, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $386,666 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 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-451

A RESOLUTION ACCEPTING THE PROJECT TITLED YOSEMITE BOULEVARD STREET LIGHTING PROJECT - D STREET TO LAS FLORES AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Yosemite Boulevard Street Lighting Project - D Street to Las Flores, has been completed by Richard A. Heaps Electrical Contractor Inc., in accordance with the contract agreement dated August 20, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Yosemite Boulevard Street Lighting Project - D Street to Las Flores be accepted from said contractor, Richard A. Heaps Electrical Contractor Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $75,135.45 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 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-452

A RESOLUTION ACCEPTING THE PROJECT TITLED ROCKWELL REPLACEMENT/ADDITION PROJECT FOR 1996-97 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Rockwell Replacement/Addition Project for 1996-97 has been completed by Ross F. Carroll, in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Rockwell Replacement/Addition Project for 1996-97 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 $337,842.00 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 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-453

Print

A RESOLUTION ORDERING THE DEMOLITION OF THE BUILDINGS AND STRUCTURES LOCATED AT THE CORNER OF SIXTH AND "I" STREETS (COMMONLY REFERRED TO AS 601 AND 607 "I" STREET, AND 908 SIXTH STREET).

WHEREAS, Robbon Properties, a Partnership, and Susanna N. Grossman, an individual, have title to and are record owners of property located at the corner of Sixth and "I" Streets in the City of Modesto, County of Stanislaus (commonly referred to as 601 and 607 "I" Street, and 908 Sixth Street), hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at Sixth and "I" Streets consists of three separate buildings and a total of 14 individual apartment units, 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 to abate the nuisance by repair or demolition, and

WHEREAS, an inspection of the premises was conducted by City of Modesto Building Inspection personnel on February 25, 1997, and

WHEREAS, a "Notice to Vacate" was posted on the premises

on March 4, 1997, pursuant to Section 1103.2 of the Uniform Housing Code, and

WHEREAS, a Notice and Order dated March 11, 1997, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence by May 12, 1997, and said Notice and Order also stipulated that repairs or demolition were to be completed no later than July 11, 1997, and

WHEREAS, said Notice and Order of March 11, 1997, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, 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 April 15, 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 March 11, 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, having failed to make a timely choice of repair or

demolition, and

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

WHEREAS, the owner(s) have been served with a Notice and Order to Repair or Demolish and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, 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, June 10, 1997, 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 601 I Street, 607 I Street, and 908 Sixth Street, 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 owners of the premises the cost of abatement incurred by the

City of Modesto, and

WHEREAS, by Resolution No. 97-317 adopted by the Council on June 10, 1997, the Council declared the buildings and structures located at the corner of Sixth and "I" Streets (commonly referred to as 601 and 607 "I" Street, and 908 Sixth Street) a nuisance and directed the owner(s) of the property to abate the nuisance within thirty (30) days, and that in the event the owner(s) failed to abate the nuisance within thirty (30) days, City shall acquire jurisdiction to abate, and direct the Chief Building Official to enter the premises to determine the existence of contaminants and to report back to the Council following such determination and on the cost of abatement of the nuisance by repair or demolition, and

WHEREAS, on June 13, 1997, Notice of Passage of Resolution Declaring Nuisance and Ordering Directing Owners to Abate Nuisance within thirty (30) days was mailed by certified mail, postage prepaid, return receipt requested, to record (owner(s) and the holder of deed of trust of record, pursuant to 25 California Code of Regulations, Section 62, and

WHEREAS, on July 14, 1997, the owner(s) had not repaired or demolished the buildings as directed by Resolution No. 97-317 and the City took jurisdiction over the property for the purpose of determining the future of the buildings, and

WHEREAS, on June 13, 1997, Notice of Passage of Resolution Declaring Nuisance and Order Directing Owners to Abate Nuisance within thirty (30) days was properly posted on the

premises pursuant to 25 California Code of regulations, Section 62, and

WHEREAS, on July 22, an asbestos removal company inspected the property to determine if there was any asbestos; their report was completed on July 30, 1997, stating asbestos is present in the building, and

WHEREAS, on August 5, 1997, the Chief Building Official appeared before the Council to report on the findings and the estimated cost of nuisance abatement by repair and demolition, and

WHEREAS, on August 5, 1997, the Council again considered this matter,

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

1. That thirty (30) days has passed from the date of posting on the premises the notice of passage of resolution declaring a nuisance.

2. That the owner(s) of the subject property have not repaired or demolished the buildings during the thirty (30) days following the posting.

3. That the Council has taken jurisdiction of the premises and hereby orders that the nuisance be abated by City or under supervision of City by razing and removing the buildings and structures (including foundations) on the premises, and other appropriate action in accordance with appropriate laws.

4. That this is a project but is exempt from environmental review per Section 15308 of the CEQA Guidelines, and a Notice of Exemption No. 97-39 was prepared on July 28, 1997.

5. That asbestos is present in the premises and that the Council hereby authorizes City staff to negotiate an agreement for asbestos removal, not to exceed a cost of $17,000, and the Council authorizes the City Manager to execute said agreement.

6. That the Council hereby waives the formal bid procedures (by five (5) affirmative votes) and authorizes City staff to negotiate an agreement with Modesto Sand & Gravel for razing and removing the buildings and structures (including foundations) on the premises, not to exceed a cost of $38,000, and authorizes the City Manager to execute said agreement.

7. That City staff is directed to keep an itemized account of the expense incurred in the razing and removing of such buildings and structures. After the buildings and structures have been razed and removed, the Chief Building Official shall post conspicuously on the premises a verified statement showing the expense of razing and removing the buildings and structures together with a notice of time and place when and where said statement shall be submitted to the Council for approval and confirmation. A copy of said statement and notice shall be mailed by certified mail, postage prepaid, return receipt requested, to the record owner(s) and an affidavit of positing and mailing shall be filed with the City Clerk. The Chief Building Official shall appear before the Council at the time and place indicated in said notice to report to the Council on the expense of abating the nuisance at which time the Council shall consider the statement of expense together with any objections which may be raised, and following consideration thereof and any modification or revision it deems just, order, by resolution, that the statement of expense be confirmed. In the event City is not reimbursed for the cost of abating the nuisance within five (5) days after the resolution confirming the statement of expense, the expense of abating the nuisance shall constitute a lien on the premises and City staff is authorized and directed to file and record with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-454

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE JULY 22, 1997 ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 1997-1

WHEREAS, this Council is conducting proceedings pertaining to the formation of the City's Community Facilities District No. 1997-1 (the "District"), the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to finance certain Facilities and Services as described in the Resolution of Formation No. 97-355 including any incidental expenses related thereto as authorized by law, and

WHEREAS, on July 22, 1997, an election was held within the District (the "Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk's certificate of election results, attached hereto as EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election.

3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: [signature]
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 97-355, the Resolution of Formation, adopted on June 24, 1997 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1997-1 on July 22, 1997, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

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

Proposition A. Shall an appropriations limit in the amount of $200,000 per fiscal year be established for Community Facilities District No. 1997-1 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City's Resolution No. 97-355 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on June 24, 1997, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 57 NO 0

Dated: August 5, 1997

Jean Adams

Jean Adams
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-455

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO AND EMPIRE TRACTION COMPANY (M&ET) FOR A UTILITY CROSSING LICENSE ALLOWING TRAFFIC SIGNAL CONDUITS TO CROSS M&ET RIGHT-OF-WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto and Empire Traction Company (M&ET) for a utility crossing license allowing traffic signal conduits to cross M&ET right-of-way be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-456

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TRI-VALLEY GROWERS FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-24-08) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tri-Valley Growers for acquisition of real property interests (APN 36-24-08) for the cannery segregation project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-457

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM T. AND VERONICA A. LORETELLI FOR ACQUISITION OF REAL PROPERTY INTERESTS FOR A LIFT STATION AND TEMPORARY CONSTRUCTION EASEMENT FOR NORTH BEYER LIFT STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William T. and Veronica A. Loretelli for acquisition of real property interests for a lift station and temporary construction easement for North Beyer Lift Station be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-458

A RESOLUTION AUTHORIZING THE DISPOSITION OF THE HIGHLAND RANCH I, II, AND III SPECIAL FACILITIES AGREEMENTS BY THE PAYMENT OF $45,000 FROM THE CITY OF MODESTO TO GRANT HOMES.

WHEREAS, from 1991 on, the Del Este Water Company entered into 11 Special Facilities Agreements ("SFA") in order to manage the extension of mains and installation of new wells under the applicable California Public Facilities Commission (CPUC) and IRS rules at the time, and

WHEREAS, the Waterford subdivision(s) known as Highland Ranch units I, II, and III built by Grant Homes was covered by three of the aforementioned "SFA" agreements, providing a well and transmission main to serve 534 parcels, although the subdivision only needed service for 168 parcels, and

WHEREAS, since 1991, no main extensions have occurred in Waterford, which would have triggered the collection of monies from other subdivisions to be refunded to Grant Homes, and

WHEREAS, the bankruptcy trustee for Grant Homes is seeking to conclude the affairs of Grant Homes and has asked the City to consider making a single payment against the future proceeds of this Special Facilities Agreement, and

WHEREAS, the present value of the likely refunds over the next 10 years has been estimated at $45,000, assuming 200 parcels develop requiring main extensions as forecast

by the Waterford Planning Department , and

WHEREAS, the City Attorney's Office has reviewed the Highland Ranch I, II, and III Special Facilities Agreements, and

WHEREAS, all other provisions of Highland Ranch I, II, and III have been satisfied, or will be satisfied by their inclusion in this disposition action, and

WHEREAS, the Utilities Services and Franchise Committee has recommended approval of this request for disposition in the amount of $45,000,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes the disposition of the Highland Ranch I, II, and III Special Facilities Agreements by a single payment from the City to the bankruptcy trustee for Grant Homes following the execution of an agreement executed by Grant Homes to release the City of Modesto from any and all obligations associated with the Grant Homes' Highland Ranch I, II, and III Special Facilities Agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-459

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO PROVIDE A SINGLE PAYMENT OF $45,000 AGAINST THE FUTURE PROCEEDS OF THE HIGHLAND RANCH I SPECIAL FACILITIES AGREEMENT

WHEREAS, from 1991 on, the Del Este Water Company entered into 11 Special Facilities Agreements in order to manage the extensions of mains and the installation of new wells. The first well was at the Highland Ranch I subdivision and refunding would occur later as other subdivisions required main extensions; and

WHEREAS, since 1991, no main extensions have occurred in Waterford, which would have triggered the collection of monies from other subdivisions to be refunded to Grant Homes. The bankruptcy trustee for Grant Homes is asking the City to consider a single payment against the future proceeds of this Special Facilities Agreement. The present value of the likely refunds over the next ten years has been estimated at $45,000, assuming 200 parcel develop requiring main extensions as estimated by the City of Waterford Planning Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures		*Increase (Decrease)*
#615-480-5061-0428		$45,000
#615-800-8000-8003	Contingency Reserve	($45,000)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-460

A RESOLUTION APPROVING AN AIR TRAVEL POLICY FOR CITY STAFF BUSINESS TRAVEL.

WHEREAS, the City Council and staff are committed to the growth of the Modesto City-County Airport operations and are embarking on a marketing and promotion program for the Airport, and

WHEREAS, Business Development staff is reviewing all of the City's systems and procedures with a goal of increasing the use of the Airport facilities and improving the quality of services provided, and

WHEREAS, City staff has conducted a survey using seven common destinations, examining fares from the least expensive to the highest priced, while comparing departures out of Modesto for City business trips to departures from other airports, and

WHEREAS, results of the survey demonstrate that Modesto is the least expensive option for four of the seven destinations, and in only one of the three remaining cities would it cost significantly more to fly out of Modesto, and

WHEREAS, following review and approval by the City Council Committee for Economic Development, Community and Intergovernmental Relations, City staff has recommended the "Air Travel Policy for Business Travel", attached hereto as Exhibit "A", and incorporated herein by reference, encouraging full support to the facilities and operations at the Airport,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby approves the "Air Travel Policy for Business Travel", attached hereto as Exhibit "A", as recommended by the Economic Development, Community and Intergovernmental Relations Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

SUBJECT: AIR TRAVEL POLICY FOR BUSINESS TRAVEL

PURPOSE:

The Modesto City Council is committed to the growth of the operations of the Modesto City-County Airport - Harry Sham Field. We, as "co-owner/operators" of the Airport, give our full support to the facilities and operations at the Airport and we strive to encourage others to do the same. The City and the County have an equal interest in the continued success of the City-County Airport and we agree that this "Air Travel Policy for Business Travel" is an excellent way of building that success, demonstrating our commitment and meeting our goal of increasing the use of the City-County Airport - Harry Sham Field.

POLICY:

1. When making reservations for air travel for business trips, staff is directed to calculate the "total costs" of their air travel departing from the Modesto City-County Airport. Staff may then compare these "total costs" to other airport departures, such as San Francisco, Oakland, and Sacramento.

2. When the "total costs" for the air travel from the Modesto City-County Airport is less than, equal to or no more than 10% greater than departure from other airports, staff is encouraged to utilize the Modesto City-County Airport for their air travel departure.

Note: "Total Costs" is defined as the total of airfare, long-term parking fees and car mileage reimbursement.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-461

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 24.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #24 (hereinafter ("District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were 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 1997-98 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 1997-98 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
Belinda Duerksen, Senior Accountant

MODESTO CITY COUNCIL
RESOLUTION NO. 97-462

Print

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 25.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #25 (hereinafter ("District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were 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 1997-98 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 1997-98 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
Belinda Duerksen, Senior Accountant

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-463

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, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the storm drainage improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were 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 1997-98 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 1997-98 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
Belinda Duerksen, Senior Accountant

MODESTO CITY COUNCIL
RESOLUTION NO. 97-464

Print

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, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were 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 1997-98 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 1997-98 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
Belinda Duerksen, Senior Accountant

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-465

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, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street amd 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 were 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 1997-98 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 1997-98 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
Belinda Duerksen, Senior Accountant

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-466

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT #6

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Public Facilities District #6 (hereinafter ("District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were 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 1997-98 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 1997-98 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
Belinda Duerksen, Senior Accountant

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-467

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:

Youth Program Supervisor

The job specifications for the classification of Youth Program Supervisor (Range 432), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 5, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3173

AUGUST, 1997

YOUTH PROGRAM 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 and implement youth programs available to teenagers and young adults; to identify "at risk" youth and to identify unmet needs of the adolescent community; to secure sponsors and funding sources; to assist in the marketing, promotion, and supervision of youth programs; to advise teenagers and families; to serve as a community resource for teen programs; and to perform other duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Assistant Director of Parks and Recreation.

Exercises direct supervision over professional, technical and clerical staff.

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

Essential Functions:

1. Investigate, analyze, develop and prepare special studies; plan and conduct surveys; compile, analyze and interpret information and prepare recommendations.

2. Research youth and young adult issues; identify and meet with members of the adolescent community; investigate programs of interest to this group.

3. Recommend and develop programs for teens and young adults; coordinate programs with schools, social service agencies, private agencies and the public; assist in implementing new and modified programs.

4. Supervise, promote, implement and evaluate activities in area of assignment.

5. Recommend and assist in the implementation of goals and objectives; establish schedules and methods for youth activities; implement policies and procedures.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (Continued)

Essential Functions:

6. Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

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

8. Plan, prioritize, assign, supervise and review the work of staff involved in youth activities.

9. Maintain close contact with school officials and community groups regarding program offerings and coordination of services; establish contacts with community groups and private business in an effort to secure financial co-sponsorships.

10. Serve as a community liaison; coordinate citizens advisory groups and task forces.

11. Advise youth on available recreational, social and related programs and resources; refer youths to job training, educational programs and other services.

12. Answer questions and provide information to the public, outside agencies and City staff; investigate complaints and recommend solutions.

13. Attend City Council, commission, board and community meetings.

14. Prepare and present agenda items to the City Council; prepare and present a variety of written and oral reports; prepare grant proposals; prepare a variety of reports, memoranda and letters.

Marginal Functions:

1. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Principles, methods and techniques of conducting surveys; research methodologies.
Technical report writing procedures and grant proposal development.
Principles and practices of organization, administration and management.
Evaluation and modification of social, recreational, and job training programs to meet community needs.
Language mechanics including English usage, grammar, punctuation and spelling.
Public relations, marketing and program coordination.
Job development, and other recreational and social needs of the adolescent population.
Procedures for developing and implementing a variety of recreational, job training, and related activities and programs through community participation.
Multi-phase recreational, social and cultural programs for youths and adults.
Program content for specialized community activities.
Principles of supervision, training and performance evaluation.

Ability to:

Coordinate, organize, and implement youth activities and specialized events.
Identify and understand community and individual needs and concerns in a variety of areas and recommend programs to meet needs.
Supervise, train and evaluate assigned staff.
Prepare and present a variety of written and oral communications and reports.
Gather, compile, and analyze information and prepare effective recommendations.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain effective working relationships with others.
Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.
Maintain physical condition appropriate to the performance of assigned duties and responsibilities.
Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of responsible experience involving youth training programs, recreation or other related community services program management work.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in parks and recreation, social science, environmental studies, conservation, resource management, business or public administration or other related field.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO.97-468

A RESOLUTION APPROVING THE FINAL MAP OF SILVERADO AT THE VILLAGE PHASE 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Jaguar/Sylvan Partners L.P., a California Limited Partnership,is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 11.12 acres, known as Silverado at the Village Phase 1 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 Silverado at the Village Phase 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the 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 5th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-469

A RESOLUTION ACCEPTING THE BID OF MAULDIN-DORFMEIER CONSTRUCTION INC. FOR THE PROJECT TITLED "PARALLEL OUTFALL SEWER PHASE III"

WHEREAS, the bids received for Parallel Outfall Sewer Phase III were opened at 11:00 a.m. on June 24, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $3,667,505 from Mauldin-Dorfmeier 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 Mauldin-Dorfmeier 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 12th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-469A

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO FULLY FUND THE PROJECT TITLED "PARALLEL OUTFALL SEWER PHASE III"

WHEREAS, this project is in its final phase of construction. Since preparation of the budget, two major scope changes have increased the estimate for this project plus various financing adjustments and shown in the memo to the City Council; and

WHEREAS, a budget adjustment is needed to fully fund the completion of this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures		*Increase (Decrease)*
#622-480-H035-6040	Parallel Outfall Siphon/Tuolumne Construction	($1,107,666)
#622-480-H036-6040	Parallel Outfall 60" Construction	$1,107,666
#622-480-H035-6040	Parallel Outfall Siphon/Tuolumne Construction	($42,334)
#622-480-H035-6030	Parallel Outfall Siphon/Tuolumne Construction	($196,831)
#622-800-8000-8003	Contingency Reserve	$ 386,685
(to reduce project to zero due to cash shortfall in fund)		
#623-480-H868	Headworks & Grit Removal	($1,793,187)
#623-480-J889	Headworks & Grit Removal	$1,793,187

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 August 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-470

A RESOLUTION ACCEPTING THE BID OF MAULDIN-DORFMEIER CONSTRUCTION INC. FOR THE PROJECT TITLED "COFFEE ROAD AND CLARATINA AVENUE SEWER SUBTRUNK AND SEWER LIFT STATION - NORTH BEYER PARK "

WHEREAS, the bids received for Coffee Road and Claratina Avenue Sewer Subtrunk and Sewer Lift Station - North Beyer Park were opened at 11:00 a.m. on June 22, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $794,082 from Mauldin-Dorfmeier 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 Mauldin-Dorfmeier 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 12th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-471

A RESOLUTION APPROVING DOCUMENTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE TENTH STREET PLACE PROJECT.

WHEREAS, by Council Resolution N. 97-440, adopted on July 22, 1997, the City Council authorized the execution of a Master Agreement among the County of Stanislaus, the City of Modesto, the City-County Capital Improvements and Financing Joint Powers Agency and the Redevelopment Agency of the City of Modesto, and

WHEREAS, on August 12, 1997, the Council considered a staff report from the City Attorney which described the required approval and/or execution by the City Manager of documents listed in said staff report, a copy of which 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 Council hereby approves and/or authorizes the City Manager to execute certain documents, as appropriate, as noted below, copies of which documents are on file in the office of the City Clerk,

a. The City Council approves and the City Manager is authorized to execute an agreement for the sale of the existing City Hall block from the City of Modesto to the County of Stanislaus.

b. The City Council approves and authorizes the City Manager to execute a reciprocal easement, operation and maintenance agreement among the RDA, the JPA, and the Tenth Street Place Project Developer.

c. The City Council approves and authorizes the City Manager to execute a Grant Deed for the conveyance from the City of Modesto to Stanislaus

County of the City's real property located at the southeast corner of 11th Street and G Street in Modesto behind the existing County Administration Building.

d. The City Council approves as to form an Enabling Declaration Establishing a Plan for Condominium Ownership in the Public Administration Center (the "Condominium Declaration").

e. The City Council approves and authorizes the City Manager to execute a Memorandum of the Master Agreement to be recorded referencing the parking rights of the City and the County in the Tenth Street Place Garage as set forth in the Master Agreement.

f. The City Council approves the Construction Staging Plan for the Tenth Street Place Project.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to make such changes in the final documents as the City Manager, acting on the advice of the City Attorney, may require or approve.

BE IT FURTHER RESOLVED that the City Council finds and determines that the development of the Project Site in accordance with the Master Agreement, including the development of the Public Administration Center, the JPA Retail Parcel, the Public Garage, the Garage Retail parcel, the Public Plaza, the Service Area and other improvements related thereto, is covered by a program EIR (#90021233) certified by Agency Resolution No. 27-91 on November 5, 1991, Council Resolution No. 91-673 on November 5, 1991, a Final Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 17-94 on December 27, 1994, approved by Council Resolution No. 94-750, and an Addendum to Supplemental Environmental Impact Report relating to the Plaza Project, certified by Agency Resolution No. 19-96 on November 19, 1996, approved by Council Resolution No. 96-635 on

November 19, 1996, (collectively, the "Prior EIRs") and that the Project incorporates all applicable mitigation measures identified in said Council Resolution Nos. 91-673, 94-750, and 96-635 to reduce environmental impacts to less than a significant level except for the loss of the Covell Hotel, and as to such mitigation measures and environmental impacts, the City Council hereby adopts and incorporates by reference herein, to the extent applicable to the Project, those CEQA Findings, mitigation measures, monitoring plan and Statement of Overriding Considerations set forth in said Resolution Nos. 91-673, 94-750, and 96-635. The City Council further finds that the project, including the development of the Project Site, is within the scope of the Prior EIRs and that no additional environmental impact report or other environmental analysis is required because: (a) the Master Agreement does not propose subsequent changes in the project which will require major revisions to the Prior EIRs; (b) substantial changes have not occurred with respect to the circumstances under which the Master Agreement will be implemented which will require major revisions in the Prior EIRs; and (c) there is no new information available which was not known or could not have been known at the time the Prior EIRs were certified as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-472

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AT&T COMMUNICATIONS FOR THE PURCHASE OF REAL PROPERTY AT 3705 OAKDALE ROAD AND AUTHORIZING JOINT POWERS AUTHORITY (JPA) INTERIM FINANCING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and AT&T Communications for the purchase of real property at 3705 Oakdale Road and authorizing JPA interim financing 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 August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-473

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $475,000 FROM GENERAL FUND CONTINGENCY RESERVES TO FUND 130 TO PURCHASE REAL PROPERTY AT 3705 OAKDALE ROAD

WHEREAS, the City of Modesto and Stanislaus County have been working on a replacement for the 911 Communications Center currently located in the County Administration Building; and

WHEREAS, both agencies believe an existing building located at 3705 Oakdale Road that would be cost effective. The building was formerly a communications center with equipment facilities that another building would not have; and

WHEREAS, an agreement has been negotiated with AT&T with a sales price of $900,000 with the City and County being responsible for half of the purchase price and closing costs. The City's total cost would be $475,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

From:		
Acct #130-800-8000-8003	Contingency Reserve	$(475,000)
To:		
Acct #130-140-J192-6040	911 Communications Center	$475,000

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 August 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-474

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ALLOCATE AND TRANSFER $17,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO PAY FOR 20 HOURS PER WEEK OF SUPPLEMENTAL POLICE SERVICES IN THE AIRPORT NEIGHBORHOOD FOR SIX MONTHS

WHEREAS, in recent discussions with members of the Airport Neighborhood, the desire for additional police services was expressed, with specific interest in expanding the hours of the Southeast Area Office of the Police Department past the 5 p.m. closing time, as well as having additional patrol hours; and

WHEREAS, the Police Department has determined that it would be possible to change the existing office hours to 10 a.m. to 7 p.m. which would accommodate after work hour visits; and

WHEREAS, Community Development Block Grant funds would be necessary to pay for additional police patrols in the area. Based on the year-end program income figures, there is $19,000 available in unallocated funds in the public service section of the CDBG program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Increase Revenue:
#010-190-1961-8155 (Misc. Revenue) $17,000

Increase *Appropriation:*
#010-190-1961-0130 (Overtime) $17,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: D Eyerman for
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-475

Print

A RESOLUTION APPROVING AN AGREEMENT CONSENTING TO COMMON USE BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE DRAINAGE PROJECT NEAR SEVERIN AND ENCINA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement consenting to common use between the City of Modesto and Modesto Irrigation District for the drainage project near Severin and Encina 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 August, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-476

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY C. VARGAS, TRUSTEE OF THE VARGAS FAMILY LIVING TRUST UAD 11/28/90; MARY C. VARGAS, TRUSTEE OF THE MARCY C. VARGAS TRUST UAD 10/22/93; JOSEPH LLOYD VARGAS; AND FRANCIS DEE CRISWELL FOR ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary C. Vargas, Trustee of the Vargas Family Living Trust UAD 11/28/90; Mary C. Vargas, Trustee of the Marcy C. Vargas Trust UAD 10/22/93; Joseph Lloyd Vargas; and Francis Dee Criswell for acquisition of property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-477

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID L. AND DIANE M. VERISSIMO FOR ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and David L. and Diane M. Verissimo for acquisition of property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-478

A RESOLUTION APPROVING RIGHT OF ENTRY BETWEEN THE CITY OF MODESTO AND STANLEY GALAS, BONNIE K. GALAS, NORMAN GALAS, AND JUNE GALAS FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of entry between the City of Modesto and Stanley Galas, Bonnie K. Galas, Norman Galas, and June Galas for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-479

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE AND ELLEN KOSMAS, HUSBAND AND WIFE, DBA, EDITH'S GOURMET BAKING COMPANY, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the loan agreement between the City of Modesto and George and Ellen Kosmas, husband and wife, doing business as Edith's Gourmet Baking Company, under the Community Development Block Grant Small Business Loan 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 12th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-480

Print

A RESOLUTION REQUESTING LEAGUE OF CALIFORNIA CITIES SPONSORED LEGISLATION AT THE 1997 ANNUAL LEAGUE OF CITIES CONFERENCE RELATING TO PROHIBITING COUNTIES FROM PASSING ON THEIR SUPPLEMENTAL PROPERTY TAX ADMINISTRATION EXPENSES TO CITIES AND SPECIAL DISTRICTS.

WHEREAS, in October 1995, AB 818 created a State-County Property Tax Administration Program which offers State loans to eligible counties to assist in property tax administration systems, and

WHEREAS, on July 16, 1997, the State Department of Finance determined all participating counties in the program met the terms of their contracts and all loans for fiscal year 1995-96 were considered repaid, and

WHEREAS, some counties are including the costs incurred through the program in the calculation of their property tax administration fees to be paid by cities, despite the fact that the State has already paid for those supplemental expenses through the loan program subsequently forgiven,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby requests the League of California Cities to sponsor legislation that would prevent counties from "double taxing" cities and special districts for costs paid by the State relating to supplemental property tax administration expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-481

Print

A RESOLUTION SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO AMEND SECTION 3-1.101 OF CHAPTER 21 OF TITLE III OF THE MODESTO MUNICIPAL CODE TO INCLUDE EXPRESS FINDINGS TO SUBSTANTIATE THE MODIFICATIONS MADE TO THE 1994 EDITION OF THE FIRE CODE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 26, 1997, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a public hearing to amend a portion of the 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 August, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-482

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GEORGE PETTYGROVE FROM THE LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE AUGUST 12, 1997

WHEREAS, George Pettygrove was appointed a member of the Local Cable Programming Committee on February 21, 1995; and

WHEREAS, George Pettygrove has tendered his resignation from the Local Cable Programming Commission, effective August 12,, 1997; and

WHEREAS, George Pettygrove 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 George Pettyrove 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 George Pettygrove 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 12th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-483

A RESOLUTION DENYING THE PROJECT WITHOUT PREJUDICE FOR AN AMENDMENT TO THE ZONING MAP AND A PORTION OF A PLANNED DEVELOPMENT ZONE FOR A 20-SCREEN THEATER COMPLEX WITH SUPPORTING COMMERCIAL PAD USES, LOCATED ON PROPERTY ON THE WEST SIDE OF DALE ROAD AT VINTAGE DRIVE, EXTENDED. (CINEMARK USA, INC.)

WHEREAS, an application for an amendment to Section 11-3-8 of the Zoning Map was filed by Cinemark USA, Inc., on November 19, 1996, to reclassify from Medium Density Residential Zone, R-2, and the eastern a portion of Planned Development Zone, P-D(333), to Planned Development Zone, P-D(520), to allow a 20-screen theater complex with supporting commercial pad, property located on the west side of Dale Road at Vintage Drive extended, immediately north of Vintage Faire Mall, and

WHEREAS, the City's Community Development Department reviewed the proposed project, and on March 18, 1997, prepared Initial Study No. 97-14, and based on the substantial evidence concluded in said Initial Study, 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 April 7, 1997, 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, by Resolution No. 97-25, the Planning Commission 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, August 18, 1997, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held by the Council, and evidence both oral and documentary was taken and introduced, and

WHEREAS, Section D. (2) of Chapter 1 of the Modesto Urban Area General Plan provides that the Modesto Redevelopment Area will be the focal point of community life and ... the entertainment center of the northern San Joaquin Valley,

WHEREAS, after said hearing, the Council found and determined that said project as recommended by the Planning Commission should be denied, and

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 for the following reasons:

1. The proposed project will increase traffic in and thereby change the character of the residential neighborhoods immediately to the north of the proposed project.

2. Various market studies, which have been prepared in connection with the project, show that the Modesto theater market can only support approximately thirty (30) to forty (40) first-run movie theaters. As of

July 1, 1997, there were seventeen (17) first-run movie theaters in Modesto. On July 22, and on August 12, 1997, the City Council and the Modesto Redevelopment Agency approved the Tenth Street Place Project which includes a theater component consisting of eighteen (18) new first-run movie theater screens for downtown Modesto for a total of thirty-five (35) theater screens. Therefore, this project should be denied in order to ensure the success of the downtown project and further the General Plan goal of promoting the downtown redevelopment area as the entertainment center of the northern San Joaquin Valley.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-484

Print

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 95-497 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(510). (ISADORE KURLAND)" (DR. MAHER ABADIR)

WHEREAS, the Modesto City Council, by Ordinance No. 2957-C.S., which was introduced on October 17, 1995, finally adopted on November 7, 1995, and which became effective on December 7, 1995, rezoned property located on the west side of Carver Road south of Standiford Avenue, 3401 Carver Road to Planned Development Zone, P-D(510), to allow a 22-unit, one-story senior housing development, and

WHEREAS, City Council Resolution No. 95-497 adopted by the City Council on October 17, 1995, approved the development plan for P-D(510) and contained conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(510), was filed by Dr. Maher Abadir on May 27, 1997, to allow church facilities for the Saint Mark Coptic Orthodox Church to be developed on property located at 3333 Carver Road on the west side of Carver Road south of Standiford Avenue, and

WHEREAS, after a public hearing on July 21, 1997, 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. 97-54, that amendment of Planned Development Zone, P-D(510), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed church facilities meet all of the City design and locational criteria for churches.

2. Fencing and other conditions of approval will be in accordance with longstanding development standards, largely the same as currently applied by the P-D(510) Zone.

WHEREAS, by Resolution No. 97-54 the Planning Commission recommended to the Council that Planned Development Zone, P-D(510), be amended to allow church facilities for the Saint Mark Coptic Orthodox Church to be developed on property located at 3333 Carver Road on the west side of Carver Road south of Standiford Avenue, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:00 p.m. on August 19 , 1997, and

WHEREAS, after said public hearing held on August 19 , 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Dr. Maher Abadir for an amendment to Planned Development Zone, P-D(510), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-54 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3056 -C.S. on the 19th day of August , 1997, amending Section 2 of Ordinance No. 2957-C.S, to allow church facilities for the Saint Mark Coptic Orthodox Church to be developed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 95-497 entitled "A

Resolution Approving a Development Plan for Planned Development Zone, P-D(510)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(510), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Saint Mark Coptic Orthodox Church, Modesto, as amended in red, stamped approved by the City Council on August 19, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   a. Six (6)-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the south property line.

   b. Six (6)-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 north and west property lines.

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 Public Works 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 Public Works 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 Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

8. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

9. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works 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 Public Works and Transportation Director.

11. 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.

12. 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.

13. All signs shall comply with the sign requirements of the R-1 Zone.

14. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(510):

> The entire construction program be accomplished in one phase, construction to begin on or before July 21, 1999, and completion to be not later than July 21, 2000."

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-485

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE, P-D(510), TO ALLOW CHURCH FACILITIES FOR THE SAINT MARK COPTIC ORTHODOX CHURCH, PROPERTY LOCATED AT 3333 CARVER ROAD ON THE WEST SIDE OF CARVER ROAD SOUTH OF STANDIFORD AVENUE. (DR. MAHER ABADIR)

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, Dr. Maher Abadir has proposed an amendment to Planned Development Zone, P-D(510), to allow church facilities for the Saint Mark Coptic Orthodox Church, property located at 3333 Carver Road on the west side of Carver Road south of Standiford Avenue, in the City of Modesto ("the project"), and

WHEREAS, on July 10, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-78 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on July 21, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on July 10, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

E.A. No. 97-78

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title: **Application of Dr. Maher Abadir to Amend Planned Development Zone, P-D 510 to Allow a church and parking area on the west side of Carver Rd. south of Standiford Avenue.**

B. Lead agency name and address: City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number: Saher Yassa, AIA, SEY Design and Construction P.O. Box 231943 Sacramento, Ca 95823

D. Project Location: 3333 Carver Road, on the west side of Carver Road, south of Standiford Ave.

E. Project sponsor: Dr. Maher Abadir, 1501 Country View Dr., Modesto, Ca. (209) 545-2144

F. General Plan Designation: R, Residential

G. Current Zoning: Planned Development, P-D 510 zone

H. Description of Proposed Project: This project is an amendment to P-D 510 to supplant approval of a single-story senior housing development with a church and parking area including a possible future priest's residence.

EXHIBIT ____

This project is adjacent to and surrounded by urban development. Although the project will add some traffic to the neighborhood, it will not create additional significant noise effects beyond those identified in the impact analysis. There will be no new noise-generating activity that is not already possible with the existing development entitlement. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The project is already a developed site and there will be no loss of agricultural land 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, therefore still valid.

E. Increased Demand for Water Supplies

This project which will provide for additional institutional 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.

F. Increased Demand for Sanitary Sewer Services

This 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

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological 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

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

R. Energy
This proposal 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.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed P-D 510 zone amendment application is within the scope of the General Plan covered by a Master Environmental Impact Report(SCH #92052017).

B. The Project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-486

A RESOLUTION ACCEPTING THE BID OF ALLEN WAGGONER CONSTRUCTION, INC. FOR THE ENCINA STORM DRAIN UPGRADE PROJECT - PHASE II FOR $100,870

WHEREAS, bids received for the Encina storm drain upgrade project - Phase II were opened at 11:00 a.m. on August 5, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of Allen Waggoner Construction, Inc. for $100,870 be accepted as the lowest responsible bid; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Allen Waggoner 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 19th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-487

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $65,000.00 TO FULLY FUND THE ENCINA STORM DRAIN PROJECT

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

FROM:	Miscellaneous storm drains (628 480 H087 6040)	$65,000
TO:	Encina storm drain (628 480 E577 6040)	$65,000

Additional funding is required because of unanticipated right of way costs and the project scope was increased with the addition of the Severin/Encina intersection to the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-488

Print

A RESOLUTION ACCEPTING THE BID OF EVANS COMMUNICATIONS FOR THE DESIGN AND IMPLEMENTATION OF A VOICE MAIL SYSTEM FOR $91,358.00

WHEREAS, Resolution No. 97-365, adopted by the Council of the City of Modesto on June 24, 1997, authorized bids to be opened for the design and implementation of a voice mail system, and

WHEREAS, the bids received for the design and implementation of a voice mail system, were opened at 11:00 a.m. on July 15, 1997, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Evans Communication for the design and implementation of a voice mail system in the amount of $91,358.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Evans Communications for the design and implementation of a voice mail system 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 19th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-489

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT, ON AN AS NEEDED BASIS FOR FISCAL YEAR 1997-98, FROM COMP USA FOR $207,268.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of computers and related equipment are hereby waived.

BE IT FURTHER RESOLVED that the purchase of computers and related equipment, on an as needed basis for fiscal year 1997-98, from Comp USA for $207,268.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-490

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LARRY RONE FROM THE HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE AUGUST 19, 1997

WHEREAS, Larry Rone was appointed a member of the Housing Rehabilitation Loan Committee on April 8, 1997; and

WHEREAS, Larry Rone has tendered his resignation from the Housing Rehabilitation Loan Committee, effective August 19, 1997; and

WHEREAS, Larry Rone 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 Larry Rone from the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Larry Rone 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 19th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-491

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ARNOLD BLANK FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE AUGUST 19, 1997

WHEREAS, Arnold Blank was appointed a member of the Golf Course Advisory Committee on November 26, 1996; and

WHEREAS, Arnold Blank has tendered his resignation from the Golf Course Advisory Committee, effective August 19, 1997; and

WHEREAS, Arnold Blank 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 Arnold Blank from the Golf Course Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Arnold Blank 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 19th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

RESCINDED
MAR 8 2011
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2011-075

MODESTO CITY COUNCIL
RESOLUTION NO. 97-492

A RESOLUTION DELETING SECTION 104(b) FROM THE "PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS", ATTACHED TO RESOLUTION NO. 91-185, AND SUPERSEDING SAID RESOLUTION NO. 91-185.

WHEREAS, Government Code Section 65864, et seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, by Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, pursuant to Exhibit "A", attached thereto, entitled "Procedures and Requirements for the Consideration of Development Agreements", hereafter referred to as "Procedures", and

WHEREAS, City staff has recommended that Section 104(b) of the above-mentioned Procedures should be deleted to allow certain property owners within the various specific plans to propose development agreements that may be beneficial to both the property owner and the City, and

WHEREAS, the public health, safety and general welfare will be promoted by the adoption of such amended Procedures, among other things, providing certainty and consistency to the processes involved in the application for and timely consideration of development agreements, and

WHEREAS, the City Council considered said matter at a duly noticed public hearing which was held on Tuesday, August 26, 1997, 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 it does hereby approve the amendment to the "Procedure and Requirements for the Consideration of Development Agreements" by deleting paragraph (b) of Section 104 from said Procedures. Said amendment will allow certain property owners within the various specific plans to propose development agreements that may be beneficial to both the property owner and the City. A copy of the "Procedures and Requirements for the Consideration of Development Agreements", as amended, is attached hereto as Exhibit "A" and incorporated herein by reference as if set forth in full herein.

BE IT FURTHER RESOLVED that the "Procedures and Requirements for the Consideration of Development Agreements", attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby adopted. A copy of said Procedures is also on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that Resolution No. 91-185 is hereby superseded as of the effective date of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 26th day of August, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS

TABLE OF ARTICLES

ARTICLE 1	APPLICATIONS
ARTICLE 2	NOTICE AND HEARINGS
ARTICLE 3	STANDARDS OF REVIEW, FINDINGS AND DECISION
ARTICLE 4	RECORDATION
ARTICLE 5	ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE
ARTICLE 6	COMPLIANCE, MODIFICATION OR TERMINATION
ARTICLE 7	MISCELLANEOUS PROVISIONS

ARTICLE 1. APPLICATIONS

Section 101. Authority for Adoption. These regulations are adopted pursuant to Government Code Section 65864 et seq.

Section 102. Coordination with Related Laws. Processing an application with the City of Modesto (the "City") for a development agreement must be done in coordination with other related City ordinances, regulations, policies and standards, including without limitation the City's General Plan, specific plans, zoning and subdivision map requirements.

Section 103. Forms and Information.

(a) Forms. The Planning and Community Development Director or the designee (the "Director") shall prepare or cause to be prepared an application form, a standard notice form, and all other documents provided for, required under, or necessary or appropriate to the implementation of these regulations and the preparation and implementation of a development agreement. Prior to the completion of such forms, application may be made to the City for a development agreement, provided the application satisfies the requirements of Section 105(a) and (b) herein.

(b) Information. The Director shall require the submittal of such information and supporting data as the Director considers necessary or appropriate for the processing of an application for a development agreement.

Section 104. Qualification as an Applicant.

(a) Only a qualified applicant may file an application for a development agreement. A qualified applicant is any person or business entity, or authorized agent of either, or any successors in interest thereto (the "Applicant"), who has legal or equitable interest in the real property which is the subject of the development agreement. The Director may require an Applicant to submit proof of such interest and/or authorization to act on behalf of the Applicant of such interest as the Director considers necessary or appropriate.

Section 105. Proposed Form of Agreement.

(a) Submitted Agreement. Each application shall clearly state that it is an application for a development agreement, and shall include the proposed draft development agreement (the "Submitted Agreement"). The Submitted Agreement shall contain, without limitation, the provisions required under Government Code Section 65864 et seq., particularly Section 65865.2, which includes:

(1) duration of the agreement;

(2) permitted uses of the property;

(3) density or intensity of use;

(4) maximum height and size of proposed buildings; and

(5) provisions for reservation or dedication of land for public purposes.

(b) Additional Information. In addition to the mandatory elements described above, the Submitted Agreement may also include:

(1) conditions, terms, restrictions and requirements for subsequent discretionary actions by the City;

(2) terms and conditions relating to the construction and financing of necessary public facilities and reimbursement relating to same; and

(3) terms and conditions requiring that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

Section 106. Review of Application.

(a) Time of Review. Not later than thirty (30) calendar days after the Director has received an application for a development agreement, the Director shall review the application for sufficiency, shall determine in writing whether the application is complete and shall transmit that written determination to the Applicant. If the application is determined to be incomplete, the Director shall describe those parts of the application which are incomplete, and indicate the manner in which the application can be made complete, which may include but not be limited to a list and general description of the information needed to complete the application. The Applicant shall submit materials to the Director in response to that list and description.

(b) Additional Submittals. Upon receipt of any materials submitted to the Director in response to the Director's written determination regarding the completeness and sufficiency of the application, a new thirty (30) calendar day period shall begin, during which the Director shall again take the steps described in subdivision (a) of this Section in determining the sufficiency and completeness of the application.

(c) Staff Report and Recommendation. Within thirty (30) days after receiving an application determined to be sufficient, the Director shall submit the prosed development agreement and any materials appended thereto for review in accordance with Title IV, Chapter 10. Environmental Impact, of the Modesto Municipal Code, and any and all guidelines or procedures established therefore. Upon completion of said review, the Director shall: (1) prepare or cause to be prepared a staff report and recommendation; (2) shall offer an opinion as to whether the agreement as proposed or in an amended form would be consistent with the General Plan, any specific plan, and other applicable City and/or State land use regulations; and (3) notify the Applicant that the proposed development agreement is calendared for a public hearing before the Planning Commission.

In addition and concurrently with compliance with Title IV, Chapter 10. Environmental Impact, the Director may transmit copies of the application and Submitted Agreement to appropriate City departments. If the Director elects to transmit the application and Submitted Agreement to such appropriate City departments, the Director shall specify a time period for response.

ARTICLE 2. NOTICE AND HEARINGS.

Section 201. Planning Commission and City Council Hearings.

(a) Generally. All proposed development agreements shall be considered at public hearings before the Modesto Planning Commission (the "Commission") and the Modesto City Council (the "Council"), which are noticed, conducted and concluded pursuant to this Article 2.

(b) Planning Commission. A public hearing on a proposed development agreement shall be held by the Commission not more than sixty (60) calendar days after compliance with Title IV, Chapter 10, of the Modesto Municipal Code and the guidelines or procedures related thereto. The Commission may continue the public hearing from time to time but not to exceed forty-five (45) days from the original hearing date. The Commission shall make its written recommendation to the Council, pursuant to Section 301 of this Resolution, no later than fifteen (15) calendar days after the conclusion of its public hearing on the proposed development agreement. Notice of such hearing(s) and the Commission's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

(c) City Council. A public hearing on a proposed development agreement shall be held by the Council not more than forty-five (45) calendar days from the date the Commission makes its written recommendation regarding a proposed development agreement to the City Council. The public hearing may be continued from time to time, but not to exceed sixty (60) calendar days from the hearing date specified in the original notice of public hearing. Notice of such hearing(s) and the Council's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

If the Council finds that the proposed development agreement is consistent with the City's General Plan and any applicable specific plan, and that the agreement will promote the public health, safety and general welfare, it may, but is not required to approve, the development agreement.

Section 202. Duty to Give Notice. The Director shall give notice of the Commission's and/or Council's intention to consider the adoption of the development agreement, and of any other public hearing required by law or this Resolution, pursuant to this Article 2.

Section 203. Form and Time of Notice.

(a) Form of Notice. The form of the notice of intention to consider adoption of proposed development agreements shall contain without limitation:

(1) the date, time and place of the hearing;

(2) the identity of the hearing body or officer;

(3) a general explanation of the matter to be considered;

(4) a general description, in text or by diagram of the location of the real property that is the subject of the development agreement and the hearing;

(5) the location(s) where a copy of the proposed development agreement may be reviewed; and

(6) any proposals in the development agreement affecting the City's General Plan or any applicable prior approvals of the project.

(7) a notice substantially stating all of the following: "If you challenge the development agreement in any court of law, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (Planning Commission or City Council) at, or prior to, the public hearing.

(b) Time and Manner of Notice. Notice of the Commission's or Council's intention to consider the adoption of a proposed development agreement at a public hearing shall be given pursuant to Government Code Section 65867.

Section 204. Failure to Receive Notice. The failure of any person entitled to receive notice required by law or these regulations does not and shall not constitute grounds for invalidation of any actions of the City for which the notice was given.

Section 205. Irregularity in Proceedings. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to application, notice, record, findings, hearing, report, recommendation, or any matters or procedures whatever, unless after an examination of the totality of the circumstances, including the administrative record, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. No presumption of prejudice or injury shall arise from any showing of an error having occurred.

ARTICLE 3. STANDARDS OF REVIEW, FINDINGS AND DECISION.

Section 301. Determination by Planning Commission. At a public hearing(s), noticed conducted and concluded pursuant to Article 2 herein, the Commission shall review and consider the staff report and testimony or comments offered by the Applicant and the public at or before its public hearing on the proposed development agreement. After said hearing(s), the Commission shall make its recommendation, and the reasons therefore, in writing to the Council, which shall include, without limitation, the Commission's determination as to whether or not the proposed development agreement:

(a) is consistent with the goals, objectives, policies, standards, programs and uses specified in the General Plan, and any applicable specific plan;

(b) is consistent with the specific content and other requirements of this Resolution, the City's subdivision and zoning provisions of the Modesto Municipal Code, and Government Code Section 65864 et seq.; and

(c) is in compliance with the California Environmental Quality Act.

Section 302. Decision by City Council.

(a) Ordinance; Public Hearing. The adoption of a development agreement is a legislative act and shall be approved by ordinance only after a public hearing before the Council, noticed, conducted and concluded pursuant to Article 2 herein.

ARTICLE 4. RECORDATION

Section 401. Recordation of Development Agreement.

(a) Original Recordation. Within ten (10) business days after the City or its authorized agent enters into the development agreement, the Director shall record with the Stanislaus County Recorder's Office, a copy of the development agreement, which shall describe the land subject thereto. From and after the time of such recordation, the development agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the development agreement.

(b) Subsequent Recordation. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868, the Director shall have notice of such action recorded with the Stanislaus County Recorder's Office.

ARTICLE 5. ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE.

Section 501. Time for Review. The Applicant's best efforts shall be required to initiate an annual review by submitting a written request for same at least seventy-five (75) calendar days prior to the review date specified in the development agreement. An annual review shall occur at least every twelve (12) months from the effective date of the agreement. The Applicant shall be required to demonstrate good faith compliance with the terms of the development agreement.

Section 502. Delegation to Planning and Community Development Director. Any annual or periodic review shall be conducted by the Director.

Section 503. Notice of Annual Review. The Director shall begin an annual or periodic review process by giving at least ten (10) calendar days advance notice to the Applicant and any other parties to the development agreement of the time, date and place at which the matter will be considered by the Director.

Section 504. Public Hearing. The Director shall conduct a noticed public hearing pursuant to procedures set forth in Article 2 herein, at which time the Applicant shall have the burden of proof, based upon substantial evidence, good faith compliance with the terms of the development agreement.

Section 505. Evidence and Findings.

(a) Written Findings. The Director shall make written findings based on substantial evidence in the record whether or not the Applicant has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

(b) Compliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and the City shall not modify or terminate the agreement absent Applicant consent.

Upon determination of compliance, the Director may issue a "Finding of Compliance," which shall be in recordable form and may be recorded by the Applicant, at the Applicant's expense, in the Stanislaus County Recorder's Office after conclusion of the annual review. The following events shall be a final and conclusive determination of compliance and shall complete the review for the applicable period: (I) the issuance of a Finding of Compliance by the Director and the expiration of the appeal period hereinafter specified (without an appeal being filed); (ii) the confirmation by the Council of the issuance of the Finding of Compliance on such appeal; or (iii) the lack of a Finding of Noncompliance within thirty (30) days after the review date specified in the development agreement.

(c) Noncompliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has not complied in good faith with the terms and conditions of the development agreement during the period under review, the Director shall issue a "Finding of Noncompliance" which may be recorded by the City in the Stanislaus County Recorder's Office. The Director shall state in writing to the Applicant the respects in which Applicant has failed to comply, and shall set forth, to the extent possible, terms of compliance and state a reasonable time for the Applicant to meet the terms of compliance.

If the Applicant subsequently fails to comply with the Director's terms of compliance within the prescribed time limits, the development agreement shall be subject to Council action pursuant to Article 6 herein.

(d) Appeal of Determination. Upon issuance of either a Finding or Compliance or a Finding of Noncompliance, the Director shall give public notice of the issuance in the manner provided by Section 2(a) herein. An appeal may be brought regarding the issuance of a Finding of Compliance or Finding of Noncompliance within fifteen (15) calendar days after the Director has issued a notice of such determination. An appeal of the Director's determination to the Council shall be noticed pursuant to Article 2 herein and conducted in the same manner as any other adjudicatory appeal before the Council, at which time both oral and written testimony or comments shall be taken and considered and written findings thereon made which support the conclusions and determinations made by the Council. If no appeal to the Director's determination of a Finding of Compliance or a Finding of Noncompliance is filed within fifteen (15) calendar days of the giving of public notice, such determination shall become final and conclusive.

ARTICLE 6. COMPLIANCE, MODIFICATION OR TERMINATION.

Section 601. City Council Proceedings. If an appeal is brought pursuant to Section 505 (d) herein, or if the Director intends to take action under Section 505 (c) herein, the Council shall review and consider the findings and determinations of the Director made pursuant to Article 5 herein, any oral or written testimony or comments submitted prior to or at a public hearing noticed, conducted and concluded pursuant to Article 2, and shall further determine whether or not to modify or terminate the development agreement, to add, delete or modify conditions of compliance, to rescind the Finding of Compliance or Finding of Noncompliance or order the issuance of a different finding, or to take such other action as the Council determines necessary or appropriate.

Section 602. Other Actions by City Council. The Council may refer any matter under Articles 1-7 herein to the Commission for further proceedings, including without limitation, promulgation of a report and recommendation. Any such Commission proceedings shall be noticed, conducted and concluded pursuant to Article 2 herein. The Council may also take such other actions as it determines necessary or appropriate. The decision of the Council shall be final and conclusive.

Section 603. Cancellation or Modification by Mutual Consent. Any development agreement may be canceled or modified by mutual consent of the parties, but only in the manner provided for in Government Code Section 65868.

In the event that a development agreement is canceled or terminated, all rights of the Applicant or any successors in interest pursuant to the agreement shall terminate. The City may, in its sole discretion, and upon a finding of noncompliance determine to retain any and all benefits, including reservations or dedications of land, and payment of fees, obligated to or received by the City.

Notwithstanding the above paragraph, any termination or cancellation of the development agreement shall not prevent the Applicant from completing a building or other improvements authorized pursuant to a valid building permit, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring after termination or cancellation of the development agreement.

ARTICLE 7. MISCELLANEOUS PROVISIONS

Section 701. Effect of Development Agreement. The following development agreement provisions are declaratory of existing law pursuant to Government Code Section 65866. If State law is subsequently amended to prescribe different development agreement requirements, those requirements shall supersede the following provisions:

(a) unless otherwise provided by the development agreement, the City's rules, regulations and official policies governing permitted uses of the property, density, design, improvement, and construction standards and specifications applicable to the development of the real property subject to a development agreement shall be those City rules, regulations and official policies in force on the effective date of the development agreement.

(b) a development agreement shall not prevent the City in subsequent actions applicable to the real property described in the agreement, from applying new rules, regulations and official policies which do not conflict with those rules, regulations and official policies applicable to said real property as set forth in the development agreement.

(c) a development agreement shall not prevent City from denying or conditionally approving any subsequent land use permit or authorization for the real property described in the agreement, on the basis of such existing or new rules, regulations, and official policies.

Section 702. Construction. This Resolution governs the interpretation of any development agreement enacted under this Resolution.

Section 703. Judicial Review; Time Limitations.

(a) Any judicial review of a legislative act of the City taken pursuant to this Resolution and relating to a development agreement, such as the adoption of an ordinance

approving a development agreement, shall be by writ of mandate pursuant to Code of Civil Procedure Section 1085; any judicial review of any adjudicatory act of the City taken pursuant to this Resolution and relating to development agreement shall be by writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

(b) Any action or proceeding to attack, review, set aside, void or annul any adjudicatory action of the City taken pursuant to this Resolution and relating to a development agreement shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the action, as authorized by Code of Civil Procedure Section 1094.5 and 1094.6.

Section 704. Reimbursement of Costs. Fees and charges imposed for the filing and processing of each application and document provided for or approved under this Resolution, including appeals, annual reviews, and administration of development agreements shall be based on the established hourly rate for all development applications as established and periodically amended by separate Council Resolution.

Section 705. Indemnity. All development agreements shall contain an indemnity clause requiring the Applicant to indemnify and hold the City harmless against any and all claims arising out of the development agreement process, including all legal fees and costs.

Section 706. Separate Procedure. This Resolution setting forth the procedures and requirements for the consideration of development agreements is and shall be a separate procedure from other land use planning procedures and shall not take the place of the City's General Plan, any specified plan, zoning ordinance, development plan, conditional use permit or any other City planning procedures or functions. Public hearings on a proposed development agreement may, but need not be held concurrently with any other public hearings on related land use matters.

Section 707. Enforcement of Development Agreements. The procedures for enforcement, modification or termination of a development agreement specified in this Section and Government Code Section 65865.4, as the same now exists or hereafter may be amended, are non-exclusive. A development agreement may be enforced, modified or terminated in any manner otherwise provided by law or by the terms of the development agreement.

Section 708. Severability. Should any provision of this Resolution or a subsequent development agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Resolution or any development agreement shall remain in full force and effect unimpaired by the holding except as may otherwise be provided in a development agreement.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-493

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UPGRADE TO THE CURRENT NETWORK INFRASTRUCTURE HARDWARE UTILIZING THE STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT 3-96-00-0075A WITH CABLETRON SYSTEMS FOR $77,336.52

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of an upgrade to the current network infrastructure hardware are hereby waived.

BE IT FURTHER RESOLVED that the purchase and installation of an upgrade to the current network infrastructure through the State of California Multiple Award Schedule contract 3-96-00-0075A with Cabletron Systems for $77,336.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-494

A RESOLUTION APPROVING AN AGREEMENT WITH CRAWFORD, MULTARI & CLARK ASSOCIATES FOR CONSULTANT SERVICES TO UPDATE THE SIGN REGULATIONS OF THE MUNICIPAL CODE FOR $24,000

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Crawford, Multari & Clark Associates for consultant services to update the sign regulations of the Municipal Code 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 August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-495

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 97-375 APPROVING A REVISED SALARY RANGE FOR SYSTEMS TECHNICIAN AND ACCOUNTANT I (CONFIDENTIAL), AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 APPROVING A REVISED SALARY RANGE FOR SENIOR WASTEWATER TREATMENT PLANT OPERATOR.

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council granted a salary increase to Management And Confidential Employees, Including Council Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 97-375, and

WHEREAS, Exhibit "A" of Resolution No. 95-26, approving a revised class range table for General Non-Sworn Classes, has been previously amended by Resolution Nos. 95-349, 95-449, 96-328, 97-116, 97-241,97-310 and 97-412, and

WHEREAS, the City Council desires to further 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. 97-375. Exhibit "A" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective August 19, 1997, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" amends the salary range for Systems Technician (Range 420), reallocated from Miscellaneous to Confidential, and amends the salary range for one Accountant I position (Range 420), reallocated from Miscellaneous to Confidential.

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 August 19, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" amends the salary range for Senior Wastewater Treatment Plant Operator (Range 125).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 19, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

0
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective August 19, 1997

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) Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor Systems Technician

421	
422	Office Supervisor
423	Custodian Supervisor
424	Assistant Planner Asst. City Clerk/Auditor
425	Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Social Services Program Supervisor Systems Analyst
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Systems Manager
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist Business Analyst Cultural Services Manager
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

441	Sr. Deputy City Attorney I 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
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	General Services Manager Water Quality Control Supt. Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Senior Civil Engineer Traffic Engineer
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
448	Sr. Deputy City Attorney II
449	

450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective August 19, 1997

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 & Property Specialist
112	
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator Code Enforcement Officer I

116	Equipment Operator
	Fire Prevention Technician I
	Meter Reader/Repair Worker
	Motor Sweeper Operator
	Traffic Technician
	Traffic Painter
	Traffic Sign Worker
	Water Line Worker
	Wastewater Collection System Operator
117	Electrical Technician II
	Storm Water Inspector
118	Fleet Procurement Specialist
	Senior Storeskeeper
	Street Trees Crewleader
	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
120	Welder/Fabricator
	Senior Equipment Operator
	Fire Prevention Technician II
	Equipment Mechanic
	Assistant Electrician
	Traffic Painter Crewleader
	Accountant I
	Assistant Lab Technician
	Meter Reader Crewleader
121	

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst Sr. Wastewater Treatment Plant Operator
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-496

A RESOLUTION APPROVING THE PROPOSAL OF KLEINFELDER, INC. FOR GEOTECHNICAL AND CONCRETE TESTING SERVICES FOR THE PRIMARY PLANT HEADWORKS AND CANNERY SEGREGATION PROJECT AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR $127,585

WHEREAS, proposals were solicited from geotechnical and concrete testing services companies for geotechnical and concrete testing services for the Primary Plant Headworks and Cannery Segregation Project; and

WHEREAS, the proposals were reviewed by City staff and Black & Veatch, the consultants for the first phase of the expansion of the wastewater treatment system; and

WHEREAS, it is recommended that the proposal for concrete testing services for the Primary Plant Headworks and Cannery Segregation Project of Kleinfelder, Inc. be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal of Kleinfelder, Inc. for geotechnical and concrete testing services for the Primary Plant Headworks and Cannery Segregation Project for $127,585 be, and it is hereby approved, and that the preparation of a formal purchase order 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 August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Fig. 407

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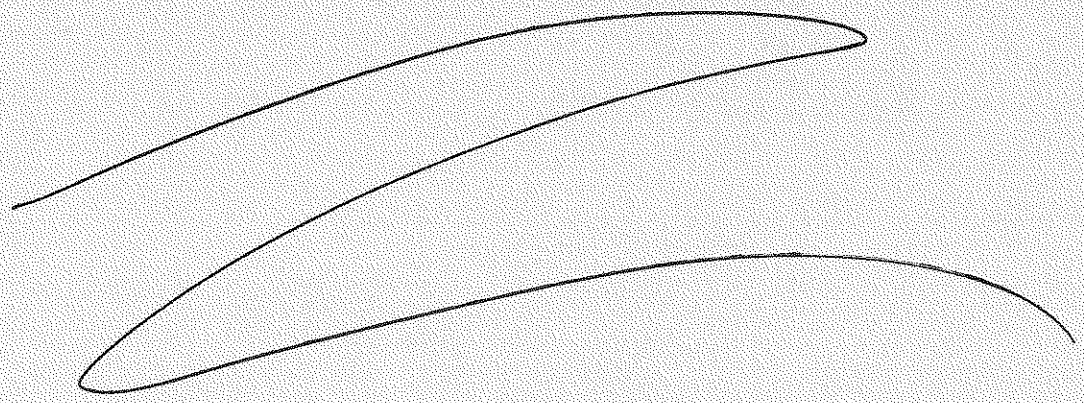
Not used



Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-498

A RESOLUTION APPROVING A ONE MONTH WATER BILL DISCOUNT AS AN INCENTIVE FOR CUSTOMERS WHO ASSIST IN THE COLLECTION OF SAMPLES FOR COPPER/LEAD TESTING.

WHEREAS, the Environmental Protection Agency (EPA) requires copper/lead testing of public water systems in order to verify whether the corrosiveness of water is leaching copper and lead out of the pipes within the homes of customers, and

WHEREAS, the target homes are those built between 1982 and 1986 using copper pipes and lead solder, and

WHEREAS, the sample must be taken from the kitchen tap after the water has been standing in the pipes for a minimum of six (6) hours, and

WHEREAS, this is an unfunded, federally mandated program, and EPA requires the City to collect a minimum of 290 samples, and

WHEREAS, in order to meet the EPA requirements, the City must depend upon its customers to take the samples,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one month water bill discount to customers who assist in the collection of samples for copper/lead testing as required by the Environmental Protection Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-499

A RESOLUTION APPROVING AN AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT FOR LINE CLEARANCE TREE TRIMMING BY COMMUNITY FORESTRY DIVISION STAFF

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Modesto Irrigation District for line clearance tree trimming by Community Forestry Division staff 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 August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-500

Print

A RESOLUTION APPOINTING DAVE HALEY TO THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. Dave Haley is hereby appointed to the Golf Courses Advisory Committee with term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Golf Courses Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of August, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-501

A RESOLUTION AMENDING RES. NO. 97-55 AND WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ELEVEN TRUCKS FROM VARIOUS VENDORS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 97-55 is amended and formal bid procedures for the purchase of eleven trucks from various vendors is hereby waived.

BE IT FURTHER RESOLVED that purchase of eleven trucks from various vendors for a not to exceed price of $103,764.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-502

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO BEE FOR CONSTRUCTION OF A PRESS BOX FACILITY AT JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Modesto Bee for the construction of a press box facility at John Thurman Field 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 September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-503

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $250,000 FROM FUND 130 RESERVE TO #130-310-J890 ESTIMATING $25,000 IN REVENUE TO FUND 130

WHEREAS, staff has been meeting with the Modesto bee to discuss construction of a press box at John Thurman Field; and

WHEREAS, an agreement had been reached with the Modesto Bee for the City to construct a press box and up to two private suites at a cost of $250,000; with the Bee reimbursing the City $25,000 per year for ten years beginning on January 1, 1998.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#130-510-9510-8301	$ 25,000
Expenditure	
#130-310-J890-6040	$ 250,000
#130-800-8000-8003	$(250,000)

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 2nd day of September 1997, by Councilmember McClanahan, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-504

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PACIFIC DESIGN FOR ARCHITECTURAL SERVICES FOR THE PRESS BOX FACILITY AT JOHN THURMAN FIELD.

WHEREAS, on September 2, 1997, the City Council considered a staff report dated August 28, 1997, from the Parks and Recreation Department, relating to the John Thurman Field, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, said staff report indicates that an understanding has been reached with *The Modesto Bee* for the City to construct a press box and up to two private suites at a cost of $250,000, whereby *The Modesto Bee* will reimburse the City $25,000 per year for ten years beginning on January 1, 1998, in exchange for certain advertising and recognition for *The Modesto Bee*, and

WHEREAS, Pacific Design Associates, Inc., was selected by an informal Request-for-Proposal process to provide architectural services for the press box facility project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate and execute an agreement with Pacific Design for architectural services for the press box facility project not to exceed $32,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-505

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $151,618 FROM FUND 130 RESERVE TO #130-310-H838 ESTIMATING $21,000 IN REVENUE TO FUND 130

WHEREAS, staff has been meeting with the Modesto bee to discuss construction of a press box at John Thurman Field. An agreement had been reached with the Modesto Bee for the City to construct a press box and up to two private suites at a cost of $250,000; with the Bee reimbursing the City $25,000 per year for ten years beginning on January 1, 1998; and

WHEREAS, an additional appropriation is needed to close out the Thurman Field Renovation Project with final costs being approximately $56,000 over the previous estimate of $3,932,226; and

WHEREAS, $21,000 in revenue has been received from four Thurman Renovation Project contractors who participated in the contractors' "Wall of Fame".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#130-510-9510-8155	$ 21,000
Expenditure	
#130-310-H838-6040	$ 151,618
#130-800-8000-8003	$(151,618)

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 September 1997, by Councilmember McClanahan, 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, McClanahan, Mayor Lang

NOES: Councilmembers: Cogdill and Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-506

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ARCHIBALD & WALLBERG CONSULTANTS TO PROVIDE TECHNICAL ASSISTANCE FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEMS (NPDES) STORMWATER PERMIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Archibald & Wallberg consultants to provide technical assistance for the National Pollutant Discharge Elimination Systems (NPDES) stormwater permit 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 September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-507

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT TO ALLOW THE CITY TO PUMP STORM DRAIN WATER INTO MID LATERAL NO. 3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Irrigation District (MID) to allow the City to pump storm drain water into MID Lateral 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 September, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-508

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND W.H. BRESHEARS INC. FOR ACQUISITION OF REAL PROPERTY INTERESTS APN 102-17-09 AND 102-17-11 FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and W.H. Breshears Inc. for acquisition of real property interests APN 102-17-09 and 102-17-11 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 September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-509

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND REDEV, INC. AUTHORIZING THE CITY TO PROCEED WITH EMINENT DOMAIN PROCEEDINGS AND REIMBURSEMENT BY THE DEVELOPER FOR RIGHT OF WAY IN VILLAGE ONE, SYMPHONY PARK SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and REDEV, Inc. authorizing the City to proceed with eminent domain proceedings and reimbursement by the developer for right of way in Village One, Symphony Park Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-510

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE COST OF PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF PAYMENT

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.) of the California Streets and Highways Code establishes a procedure that certain improvements may be required; and

WHEREAS, the Council did, on January 1, 1997, adopt its Resolution No. 99-6, ordering the construction of improvements along certain alleys and directing the Superintendent of Streets to give notice requiring such improvements; 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 of paving abutting the property hereafter described; and

WHEREAS, September 9, 1997, at 4:00 p.m. in the Council Chambers, located in the City Hall, 801 Eleventh 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 assessed in three annual installments as a special assessment against the parcel(s) of property fronting upon the work so constructed.

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.

SECTION 4. In accordance with the provisions of Sections 5893 and 5895 of Streets and Highways Code, it is hereby 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 prescribed 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 9th day of September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

qpw/kb/pfd/mchenry

FINAL COSTS FOR THE McHENRY MANSION SEWER GRAVITY LINE (ALLEY IMPROVEMENTS)

Final Unit Cost per SF of Alley $4.84

APN NO.	WORK ADDRESS	PROPERTY OWNERS ADDRESS	SQUARE FOOTAGE TO ASSESS			ASSESSMENT		
			CITY SHARE	DID SHARE*	OWNERS SHARE	CITY SHARE	DID SHARE*	OWNERS SHARE
105-07-01	1522 J Street	Liberty Zagaris, Trust c/o Zagaris 92 Trust 2701 Stuyvesant Cir. Modesto, CA 95356	450	150	150	$2,178.00	$726.00	$726.00
105-07-04	909 16th Street	Khatri, Inc. 909 16th Street Modesto, CA 95354	1500	0	1000	$7,260.00	$0.00	$4,840.00
105-07-05 105-07-06	906 15th Street	City of Modesto 906 15th Street Modesto, CA 95354	2000	0	0	$9,680.00	$0.00	$0.00
105-07-07	918 15th Street 920 15th Street	Withrow, Chronin, Ciccarelle, GP 1400 K Street, Suite F Modesto, CA 95354	300	0	200	$1,452.00	$0.00	$968.00
105-07-08	924 15th Street	Dennis W. & Audrey M. Helton 200 W. Poplar Modesto, CA 95354	300	0	200	$1,452.00	$0.00	$968.00
105-07-09	928 15th Street	Richard J. Phillips, et al P.O. Box 3468 Modesto, CA 95353	93	0	62	$450.12	$0.00	$300.08
105-07-10	930 15th Street	Richared J. & Angie S. Bosio, Trust c/o Bosio 93 Trust 2236 California Avenue Modesto, CA 95358	207	0	138	$1,001.88	$0.00	$667.92
105-07-11	1500 J Street	John J. & Judy A. Machado 1420 F Street Modesto, CA 95354	300	100	100	$1,452.00	$484.00	$484.00
105-07-12	1524 J Street 1526 J Street 1528 J Street	Joseph E. Atioun 1524 J Street Modesto, CA 95354	450	75	225	$2,178.00	$363.00	$1,089.00
			5600	325	2075	$27,104.00	$1,573.00	$10,043.00

Total SF 8000
Total Costs $38,700.20

* NOTE: Downtown Improvement District's (DID's) cost share based on properties within the established boundaries and agreed to by the District.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-511

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A COMMUTER-STYLE BUS FROM GILLIG CORPORATION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a commuter-style bus from Gillig Corporation is hereby waived.

BE IT FURTHER RESOLVED that purchase of a commuter-style bus from Gillig Corporation for a not to exceed price of $259,313.71.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-512

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE TO PROVIDE FUNDING TO THE CONVENTION AND VISITORS BUREAU FOR FISCAL YEAR 1997-98

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Chamber of Commerce to provide $229,975.83 in funding to the Convention and Visitors Bureau for Fiscal Year 1997-98 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 September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-513

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ENRICO FOSHEE FOR THE LEASE OF THE MCCLURE COUNTRY PLACE CARETAKER'S COTTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Enrico Foshee for the lease of the McClure Country Place Caretaker's Cottage 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 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-514

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) REGARDING AN UPDATE TO THE GENERAL PLAN MASTER EIR (MEIR)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Environmental Science Associates regarding an update to the General Plan Master EIR (MEIR) 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 September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

RESCINDED
SEP - A
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2011-368

MODESTO CITY COUNCIL
RESOLUTION NO. 97-515

A RESOLUTION AMENDING SECTION B.2.C. OF RESOLUTION NO. 91-690, REDESIGNATING SEAT NUMBERS ON THE HOUSING REHABILITATION LOAN COMMITTEE (HRLC), REDUCING THE NUMBER OF SEATS ON THE COMMITTEE FROM EIGHT TO SEVEN, AND RETAINING ONE ALTERNATE SEAT.

WHEREAS, the City Council has established citizens committees to advise the Council on the City's Housing and Community Development Act (HCDA) Program, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) is responsible for reviewing and approving housing rehabilitation loans and for reviewing policy and procedures for the HRLC program, and

WHEREAS, the HRLC formulates and transmits recommendations regarding policy matters to the Citizens Housing and Community Development Committee, and

WHEREAS, the HRLC makes recommendations in regard to the administrative use of the City's Housing Rehabilitation Loan portfolio, and

WHEREAS, Modesto City Council Resolution No. 91-690 restated terms of Office & Procedures for the Citizens Housing and Community Development Committee by renaming three specialized committees, and

WHEREAS, on August 22, 1997, pursuant to Resolution No. 95-432, the City Council changed the County Housing Authority representative's seat from an alternate seat to a permanent seat, and

WHEREAS, five members are now required for a quorum, and an odd number of committee members are preferable to prevent tie votes, therefore, decreasing the number of permanent seats to seven will provide for an odd number of seats which will help to obtain a quorum, help to prevent tie votes ,and retain one alternate seat appointed by the Citizens Housing and Community Development Committee,

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

1. The number of permanent seats on the Housing Rehabilitation Loan Committee (HRLC) are hereby reduced from eight to seven seats.

2. Seats No. 1 through No. 7 shall be redesignated and one alternate seat shall be retained as follows:

3. Subsection c. of Section B.2 of Council Resolution No. 96-690 is hereby amended to read as follows:

"c. Housing Rehabilitation Loan Committee

Seat No. 1 - City Council Member

Seat No. 2 - Financial Institution or Provider of Services

Seat No. 3 - Human Rights Commissioner or Citizen at Large

Seat No. 4 - Representative of Financial Institutions

Seat No. 5 - Provider of Shelter or Services

Seat No. 6 - Housing Authority of Stanislaus County

Seat No. 7 - Provider of Shelter or Program User

Seat No. 8 - Alternate, Citizens Housing and Community Development Committee."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-516

Print

A RESOLUTION ADOPTING REVISIONS TO THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO.

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption by the City Council of "Standard Specifications of the City of Modesto", said Standard Specifications to be prepared by the Public Works and Transportation Department and recommended by the Planning Commission, and

WHEREAS, the Public Works and Transportation Department, Engineering Division has recommended certain revisions, to produce an easier to use document with cost saving ideas for the developer and city maintenance crews, and

WHEREAS, the new Standard Specifications, which are contained in the document titled "City of Modesto Standard Specifications - 1997 Edition", contain four distinct sections for "Design", "Construction Standards", "General Provisions", and "Details", and

WHEREAS, each of the four sections consists of different color pages for quick identification of sections, and

numbering of sections is consistent throughout each of the four sections to quickly locate the appropriate section dealing with a particular subject, and

WHEREAS, the "General Provisions" Section of the Standard Specifications provides the standard boiler plate information for construction of City CIP projects, thus saving reprinting charges when each project is put out to bid, and

WHEREAS, all changes will be spelled out in the bidding documents, rather than as changes to the "General Provisions" in the Standard Specifications, making it more efficient for contractors to bid on City of Modesto projects, and

WHEREAS, the proposed revisions were considered by the BIA Construction Industry Liaison Committee, and notices of an informal public hearing by the Planning Commission to consider the proposed revisions were sent to the Building Industry Association, Board of Realtors, Stanislaus County Public Works, local developers, engineers, and utility companies, and

WHEREAS, an informal public hearing to consider the proposed revisions was held by the Planning Commission on August 18, 1997, and

WHEREAS, the Planning Commission, by Resolution No. 97-62, adopted on August 18, 1997, recommended to the City Council the adoption of revisions to the Standard Specifications of the City of Modesto as incorporated in the document titled "Modesto Standard Specifications - 1997 Edition", copies of which are on file in the offices of the Public Works and Transportation Director and the Secretary of the Planning Commission, and

WHEREAS, said proposed revisions to the Standard Specifications of the City of Modesto, as prepared by the Public Works and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on September 9, 1997, at which time the Council determined that the proposed revisions to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain revisions to the "Modesto Standard Specifications - 1997 Edition", copies of which revisions are on file in the offices of the Public Works

and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as revisions to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-517

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILLIP TROMPETTER TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES TO SWORN POLICE OFFICERS, PARTICIPATE IN MODESTO POLICE SWAT ACTIVATIONS AND HOSTAGE NEGOTIATIONS, PROVIDE CRISIS DEBRIEFING, AND PROVIDE FOR PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING PAYABLE AS PERFORMED

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Phillip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, provide crisis debriefing, and provide for pre-employment psychological screening payable as performed be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-518

A RESOLUTION APPROVING THE FINAL MAP OF THE OLYMPIC VILLAGE UNIT NO. 1 (ALSO KNOWN AS OLYMPIC VILLAGE EAST UNIT NO. 1) SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, L & L Venture, a joint venture composed of Warren Smith Lawson Family, Inc., a California corporation, and Rodney K. Lowe, Inc., a California corporation Company, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.63 acres, known as Olympic Village Unit No. 1 (also known as Olympic Village East 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 1st day of July, 1996, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Olympic Village Unit No. 1 (also known as Olympic Village East 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,

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the 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 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-519

A RESOLUTION APPROVING THE FINAL MAP OF THE MILLBROOK ESTATES UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bright Development, a California Corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 10.31 acres, known as Millbrook Estates 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 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. 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 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 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-520

Print

A RESOLUTION CANVASSING THE RESULTS OF THE AUGUST 19, 1997 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 declared its intention, by its Resolution of Intention to Annex No. 97-329, adopted on June 10, 1997, to annex certain territory to the District, a boundary map for which is recorded at Book 2 of Maps of Assessment and Community Facilities District, at page 82 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 July 16, 1997, and

WHEREAS, at the conclusion of the public hearing, the Council did, on July 15, 1997, adopt its Resolution No. 97-414, 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 August 19, 1997 (the "Election"), and

WHEREAS, on August 19, 1997, 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 9th day of September, 1997, by Councilmember McClanahan, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
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.

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 ADAMS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 97-414, the Resolution Calling an Election for the Purpose of Submitting the Levy of an Existing Special Tax Within The Territory Proposed to be Annexed to Community Facilities District No. 1996-1, adopted on July 15, 1997, by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1 on August 19, 1997, and that said election was conducted by mail or in person at the City Hall of the City of Modesto.

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

Proposition A. Shall a special tax with a maximum rate, method of apportionment, and manner of collection as established by Exhibit A to Resolution No. 97-414, entitled "A Resolution Calling an Election for the Purpose of Submitting the Levy of the Special Tax to the Qualified Electors of the Territory Proposed to be Annexed to Community Facilities District No. 1996-1" (the "Resolution") adopted by the City Council of the City of Modesto on July 15, 1997, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Community Facilities District No. 1996-1 for the purposes of financing certain public facilities and services as provided in Exhibits B and C to the Resolution?

TOTAL VOTES CAST: YES ___ NO ___

Dated: _____, 1997

_____

Jean Adams
City Clerk of the City of Modesto

Clerk
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MODESTO CITY COUNCIL
RESOLUTION NO. 97-521

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(523). (DR. RANDALL HAYASHI)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Dr. Randall Hayashi on June 9, 1997, to reclassify from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(523), to allow expansion of an existing medical building including a new parking area , property located at 601 and 607 16th Street, described as follows:

R-3 to P-D(523)

All that certain property located in Block 119, city of Modesto, being a portion of the southwest quarter of Section 28, Township 3 South, Range 9 East; Mount Diablo Base and Meridian, more particularly described as follows:

All of Lots 12 and 13 and the northeasterly 74.00 feet of Lots 14, 15, and 16 of said Block 119, as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records.

Including also the southwesterly 40.00 feet of 16th Street, the northwesterly 40.00 feet of F Street, and the northeasterly 10.00 feet of the alley, all being adjacent to the above described property.

and

WHEREAS, after a public hearing held on August 4, 1997, 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. 97-57, 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 a general upgrade to an existing nonconforming medical office building while bringing it into general conformity with contemporary City standards in the downtown area.

2. The proposed P-D Zone, with its conditions of approval including the addition of off-street parking, new fencing, and screen landscaping, will afford compatibility with the surrounding mixed use neighborhood.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 16, , 1997, 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 Dr. Randall Hayashi 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. 97-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3063 -C.S. on the 16th day of September , 1997, reclassifying the above-described property from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(523).

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

1. All development shall conform to the plot plan and floor plans titled "Dental Building for Dr. Randall Hayashi, 601 16th Street - Modesto, California" as amended in red, stamped approved by the City Council on September 16, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the northwest property line. 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. Six-foot-high (6') wood fence with decorative masonry pilasters at 16 foot on centers along the northeast property line.

   b. Six-foot-high, (6') 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 northwest and southeast and portion of northeast property lines.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

9. 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. The existing basement shall be brought into conformance as with all applicable Building and Fire Codes.

10. All signs shall comply with the sign requirements of the P-O Zone.

11. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(523):

The entire construction program be accomplished in one phase, construction to begin on or before August 4, 1999, and completion to be not later than August 4, 2000.

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 the ordinance reclassifying the above-described property to Planned Development Zone, P-D(523), 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 September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 97-522

Print

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 28-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(523), PROPERTY LOCATED AT 601 AND 607 16TH STREET. (DR. RANDALL HAYASHI)

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, Dr. Randall Hayashi has proposed that the zoning designation for the property located at 601 and 607 16th Street be amended to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(523), property located at 601 and 607 16th Street , in the City of Modesto ("the project"), and

WHEREAS, on July 16, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-79 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on August 4, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on July 16, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by

Councilmember Fisher , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

E.A. No. 97-79

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title: **Application of Dr. Randall Hayashi to Rezone from R-3 to P-D, Planned Development Zone for Expansion of an Existing Medical Building Including a new Parking Area, Property Located at 601 and 607 16th Street.**

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
Dennis Wilson, Mid-Valley Engineering, 900 H Street, Suite G, Modesto, Ca 95353 (209) 526-4214

D. Project Location:
601 and 607 16th Street, on the west corner of 16th and F Streets

E. Project sponsor: Dr. Randall Hayashi, applicant/owner

F. General Plan Designation: RPD, Redevelopment Planning District

G. Current Zoning: R-3, Medium-high-density residential, zone

H. Description of Proposed Project: This project is an amendment to the Zoning Map to rezone from R-3 to P-D to allow expansion of an existing nonconforming medical office building. The project

EXHIBIT A

includes removing an adjoining house for addition of offstreet parking.

I. Surrounding land uses: This project is bordered on the northwest and southwest by two-story apartment buildings. Mixed residential and a law office adjoin to the northeast and southeast.

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 zone amendment in itself will not present impacts that were not analyzed in the MEIR. Because this relatively small-scale proposal involves building and parking expansion only, a traffic mitigation study is not required for this project. These portions of 16th and F Streets, are not high traffic streets but have wider than typical widths. The Traffic Division, upon referral, expressed no concerns and had few comments. All new public improvements will be to City standard as required by the MMC. This 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 project will provide infill non-residential development within the City of Modesto. It will not have 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 project is adjacent to and surrounded by urban development. Although the project will add very little additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. There will be no new noise-generating activity that is not already possible with the existing development. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The project is already a developed site and there will be no loss of agricultural land 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, therefore still valid.

E. Increased Demand for Water Supplies
This project which will provide for additional non-residential 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.

F. Increased Demand for Sanitary Sewer Services
This 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
This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological 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 development of this project 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 development of this project 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 project will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. Increased Demand for Schools
This project will not generate any additional demand upon the local school districts. In addition, 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 proposal has 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 project proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is approximately one-quarter 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 project and subsequent 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 proposal will result in no 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 project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the
Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**
This proposal 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 P-D zoning application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).

B. The Project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are not specific features unique to this zone change to P-D that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide, ncluding this project as appropriate.

E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: Robert S. Cannell Date: 7-16-97

EA RESOLUTION

1	Attorney
1	CDD - Const. Admin.
1	CDD - George Osner
3	

MODESTO CITY COUNCIL
RESOLUTION NO. 97-523

Print

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN"

WHEREAS, the bids received for Coffee Road - Road Construction and Storm Drain were opened at 11:00 a.m. on August 26, 1997, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of $1,196,794 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 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-524

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $30,377.22 TO FULLY FUND THE PROJECT TITLED "COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN"

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

From:	Misc. Storm Drains, 628-480-J669-6040	$30,377.22
To:	Coffee Road Storm Drain, 628-480-H084-6040	$30,377.22

The low bid for the Coffee Road Storm Drain construction project is higher than originally budgeted. A high bid can be partially attributed to recent experience with large diameter pipeline construction on Coffee Road. Transfer of funds is 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 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-525

A RESOLUTION ACCEPTING THE BID OF IKON OFFICE SOLUTIONS FOR FOUR (4) COPY MACHINES, MO-CAL OFFICE MACHINES FOR ONE (1) COPY MACHINE, WOLCO BUSINESS SYSTEMS FOR THREE (3) COPY MACHINES

WHEREAS, the bids received for purchase of copy machines were opened at 11:00 a.m. on May 20, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of IKON Office Solutions for four copy machines, Mo-Cal Office Machines for one copy machine, and Wolco Business Systems for three copy machines for a combined, not to exceed, cost of $76,981.16, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of IKON Office Solutions, Mo-Cal Office Machines and Wolco Business 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 September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-526

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO INCREASE "OTHER FINANCE COURSES" IN FUNDS 130 AND 170 AND CREATE A CAPITAL IMPROVEMENT PROJECT

WHEREAS, the Police Department and Finance's Central Services Division need to replace a total of eight copy machines which are between five to nine years old; and

WHEREAS, funds are budgeted for the purchase of three of their four machines and an appropriation transfer is being requested to transfer these funds to a capital acquisition account; and

WHEREAS, a budget amendments are required to increase the amount of funds in "Other Finance Sources" to pay for the additional equipment costs and to increase a Capital Improvement Project in Fund 710.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#130-510-9510-8301	$70,775
#710-510-9510-8301	$61,591
Expense	
#130-190-J209-6070	$70,775
#710-120-J218-6070	$61,591

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 September 1997, by Councilmember McClanahan, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-527

A RESOLUTION APPROVING A MASTER LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY UNDER THE CALEASE PROGRAM FOR THE LEASE/PURCHASE OF EIGHT COPY MACHINES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Statewide Communities Development Authority under the CaLease Program for the lease/purchase of eight copy machines 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 September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-528

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UPGRADE TO THE CITY'S RS/6000 COMPUTER EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of an upgrade of the City's RS/6000 computer equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of an upgrade to the City's RS/6000 computer equipment for a not to exceed price of $373,273.48, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-529

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND SUPPLEMENTAL ONE UNDER THE MASTER LEASE AGREEMENT WITH CALEASE PUBLIC FUNDING CORPORATION (CPFC) FOR THE FINANCING OF COMPUTER MAINFRAME REPLACEMENT EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and Supplemental One under the Master Lease Agreement with CaLease Public Funding Corporation for $760,000.00 for the financing of computer mainframe 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 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

CITY OF MODESTO
RESOLUTION NO. 97-530

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CERTAIN CAPITAL EXPENDITURES UNDERTAKEN BY THE CITY

WHEREAS, the City Council has determined that it is in the best interests of the City to make certain capital expenditures for new replacement mainframe equipment (the "Project") which Project was acquired less than 60 days prior to the date of this resolution; and

WHEREAS, the City currently intends and reasonably expects to participate in a tax-exempt borrowing to finance such capital expenditures in an amount not to exceed $760,000.00 for reimbursing the City for the Project; and

WHEREAS, the City Council hereby desires to declare its official intent, pursuant to Section 1.150-2 of the resolution promulgated under the Internal Revenue Code of 1986, as amended, to reimburse the City for such capital expenditures with the proceeds of the City's future tax-exempt borrowing.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Modesto does hereby find, determine and order as follows:

Section 1. Declaration of Official Intent. The City acquired the project not more than 60 days prior to the date hereof by paying all or a portion of the costs thereof with monies borrowed from funds and accounts of the City which monies have not been, and are not reasonably expected to be, allocated to the Project or budgeted to pay for the Project on a long-term basis.

Section 2. Issuance of Obligation. The City presently intends and reasonably expect to participate in a tax-exempt borrowing within 18 months of the date of the expenditure of monies for the Project and to allocate an

amount not to exceed $760,000.00 of the proceeds thereof to reimburse the City for its expenditures in connection with the Project.

Section 3. Effective Date of Resolution. The Resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and by the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
Jean Adams, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-531

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 an IBM 4381 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, 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 IBM 4381 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 4381

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.

SECTION 4. If said property cannot be sold on a sealed bid process, or at a public auction then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-532

A RESOLUTION AMENDING RESOLUTION NO. 96-207 WHICH ORDERED THE FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT.

WHEREAS, Modesto City Council Resolution No. 96-207 was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of May, 1996, and was duly adopted by the City Council, and

WHEREAS, the Modesto City Council is desirous of amending Resolution No. 96-207, a copy of which is attached hereto and incorporated herein by reference, including Exhibit "A" to Resolution No. 96-207, which exhibit describes the affected territory, to include a provision finding that a resolution protesting a Williamson Act (Government Code Sections 51240, et seq.) contract (Modesto City Council Resolution No. 83-627) was filed by the City with the Local Agency Formation Commission, and approved by the Local Agency Formation Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-207, and

WHEREAS, the Local Agency Formation Commission, following a hearing, upheld the City's protest resolution (LAFCO Resolution No. 84-03), upon a finding that the Williamson Act contract, including the annexed territory, was inconsistent with the publicly desirable future use and control of the land in question, and

WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contract upon annexation of the land to the City, for which the Williamson Act contract was executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contract because a valid protest as above-described was filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991,

NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-207 is hereby amended to include the following language:

> "The land being annexed by this Resolution No. 96-207 was within one mile of the City of Modesto at the time the Williamson Act contract affecting it was initially executed, the City has filed and the Local Agency Formation Commission has approved a protest to the contract pursuant to Government Code Section 51243.5, and it is the intention of the City that it not succeed to the subject Williamson Act contract."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of Sept., 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

3

MODESTO CITY COUNCIL
RESOLUTION NO. 96-207

A RESOLUTION ORDERING THE FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT No. 1, AND DETACHMENT FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus, State of California, adopted its Resolution No. 96-07 on February 28, 1996, making determinations and approving the proposal of the City of Modesto to annex to the City of Modesto and to the Modesto Municipal Sewer District No. 1 the territory described in Exhibit "A" attached hereto, and by this reference incorporated herein, and the detachment of the territory from the Industrial Fire Protection District; and

WHEREAS, this action is being taken pursuant to Title 5, Local Agencies - Division 2, Cities, Counties and Other Agencies - Part 4, Conducting Authority Proceedings For Changes of Organization or Reorganization - Chapter 4, Resolution of Conducting Authority; and,

WHEREAS, the type of reorganization being acted on is an annexation of 228.91 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and a detachment of 228.91 acres from the Industrial Fire Protection District; and

WHEREAS, the terms and conditions of the proposal as approved by the Local Agency Formation Commission are as follows:

(a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of

Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Industrial Fire Protection District; and

WHEREAS, the reasons for this annexation are:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will provide a neo-traditional alternative site for development.

(c) This annexation is a necessary and logical first step in permitting the allocation of City services to this area and its ultimate urban development; and

WHEREAS, the regular county assessment roll will be utilized; and

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

WHEREAS, a public hearing on this annexation was called for and held by this Council on May 7, 1996, and this Council finds and determines that the value of written protests filed and not withdrawn is by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the territory described in Exhibit "A" annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and the detachment of the territory from the Industrial Fire Protection District, and directs the City Clerk to transmit a certified copy of this Resolution with applicable fees required by Section 54902.5 of the Government Code to the executive officer of the Local Agency Formation Commission 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 May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

OPON3GOB/jm

Approved as to description

ON 3-12-96

BY [signature]

FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO, CALIFORNIA

D E S C R I P T I O N

All that certain real property situate in portions of Sections 7 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of Lot 30, Block 9210, of "California Glen" according to the Official Map thereof filed for record in Volume 35 of Maps, Page 49, Stanislaus County Records, being on the west line of the "Hatch Road No. 5 Reorganization" to the City of Modesto; thence southerly along the west line of said "California Glen", being also said west line of the "Hatch Road No. 5 Reorganization", the following 2 courses:

1. South 0°19'10" West 1350.01 feet, and
2. South 0°17'22" West 189.96 feet to the northwesterly line of 50 foot wide Turlock Irrigation District Lateral No. 1;

thence South 48°33'38" East along said west line of the "Hatch Road No. 5 Reorganization" a distance of 50.00 feet to the southeasterly line of said T.I.D. Lateral No. 1; thence South 41°26'22" West along said southeasterly line of T.I.D. Lateral No. 1 a distance of 299.76 feet to the northwesterly corner of the "Fairview Tract" according to the Official Map thereof filed for record in Volume 17 of Maps, Page 16, Stanislaus County Records; thence South 0°10'30" West along said west line of the "Fairview Tract" a distance of 2166.88 feet to the existing north right-of-way line of Whitmore Avenue; thence South 89°52'30" East along said north line of Whitmore Avenue, being the south line of a Stanislaus County Road Abandonment recorded in Volume 1199 of Official Records, Page 521, Stanislaus County Records, parallel with and 10.00 feet south of the south line of Block 9712 of said "Fairview Tract", a distance of 467.50 feet to the southerly extension of the west line of Lot 15, Block 9712, of said "Fairview Tract"; thence North 0°10'30" East along said southerly extension of the west line of Lot 15 a distance of 10.00 feet to the southwest corner of said Lot 15; thence South 89°52'30" East along the south line of said Lot 15 a distance of 60.50 feet to the southeast corner of said Lot 15; thence South 0°10'30" West along the southerly extension of the east line of said Lot 15 a distance of 10.00 feet; thence South 89°52'30" East along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south line of said Block 9712, a distance of 60.50 feet to the southerly extension of the west line of Lot 13, Block 9712, of said "Fairview Tract"; thence North 0°10'30" East along said southerly extension of the west line of Lot 13 a distance of 10.00 feet to the southwest corner of Lot 13; thence South 89°52'30" East along the south line of said Lot 13 a distance of 60.50 feet to the southeast corner of said Lot 13; thence South 0°10'30" West along the southerly extension of the east line of said Lot 13 a distance of 10.00 feet; thence South 89°52'30" East along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south lines of Blocks 9712 and 9713 of said "Fairview Tract", a distance of 818.04 feet to the west line of the "Whitmore No. 3 Annexation" to the City of Modesto; thence South 0°10'30" West along said west line of the "Whitmore No. 3 Annexation" and southerly extension thereof a distance of 60.00 feet to the existing

EXHIBIT A

south right-of-way line of Whitmore Avenue; thence westerly along said existing south line of Whitmore Avenue the following 3 courses:

1. North 89°52'30" West parallel with and 20.00 feet south of the south line of said Section 7, a distance of 2653.66 feet to the northerly extension of the east line of Parcel 'B' as shown on map recorded in Book 31 of Parcel Maps, Page 78, Stanislaus County Records,
2. South 0°11'00" West along said northerly extension of the east line of Parcel 'B' a distance of 35.00 feet to the northeast corner of said Parcel 'B',
3. North 89°52'30" West along the north lines of said Parcel 'B' and Parcel 'A' of said Parcel Map a distance of 619.19 feet to the southerly extension of the east line of Parcel 'C' as shown on map recorded in Book 42 of Parcel Maps, Page 2, Stanislaus County Records;

thence northerly along said east line of Parcel 'C' and the southerly extension thereof the following 2 courses:

1. North 0°17'15" West 877.58 feet and
2. North 0°15'37" West 1132.00 feet;

thence North 89°51'55" West 975.00 feet; thence North 0°15'37" West 918.00 feet; thence South 89°51'55" East 326.48 feet to the east line of Parcel 'A' as shown on said Parcel Map recorded in Book 42 of Parcel Maps, Page 2; thence North 0°32'31" East along said east line of Parcel 'A' and northerly extension thereof, a distance of 1091.67 feet to the southerly right-of-way line of a 90 foot wide Hatch Road; thence North 0°05'30" East along the west line of land described in Quit Claim Deed to the County of Stanislaus, City of Modesto and City of Ceres filed for record September 25, 1980 as Instrument No. 19266, Stanislaus County Records, a distance of 266.00 feet more or less to the centerline of the Tuolumne River; thence easterly along said centerline of the Tuolumne River, being also the southerly line of the "Modesto Sewage Disposal Plant Annexation" to the City of Modesto, the following 3 courses:

1. North 88°30'00" East 1031.00 feet,
2. North 85°00'00" East 820.00 feet, and
3. South 85°30'00" East 790.00 feet to the northerly extension of the west line of land described in Deed to Lemmie C. McKinsey recorded in Volume 1627 of Official Records, Page 22, Stanislaus County Records;

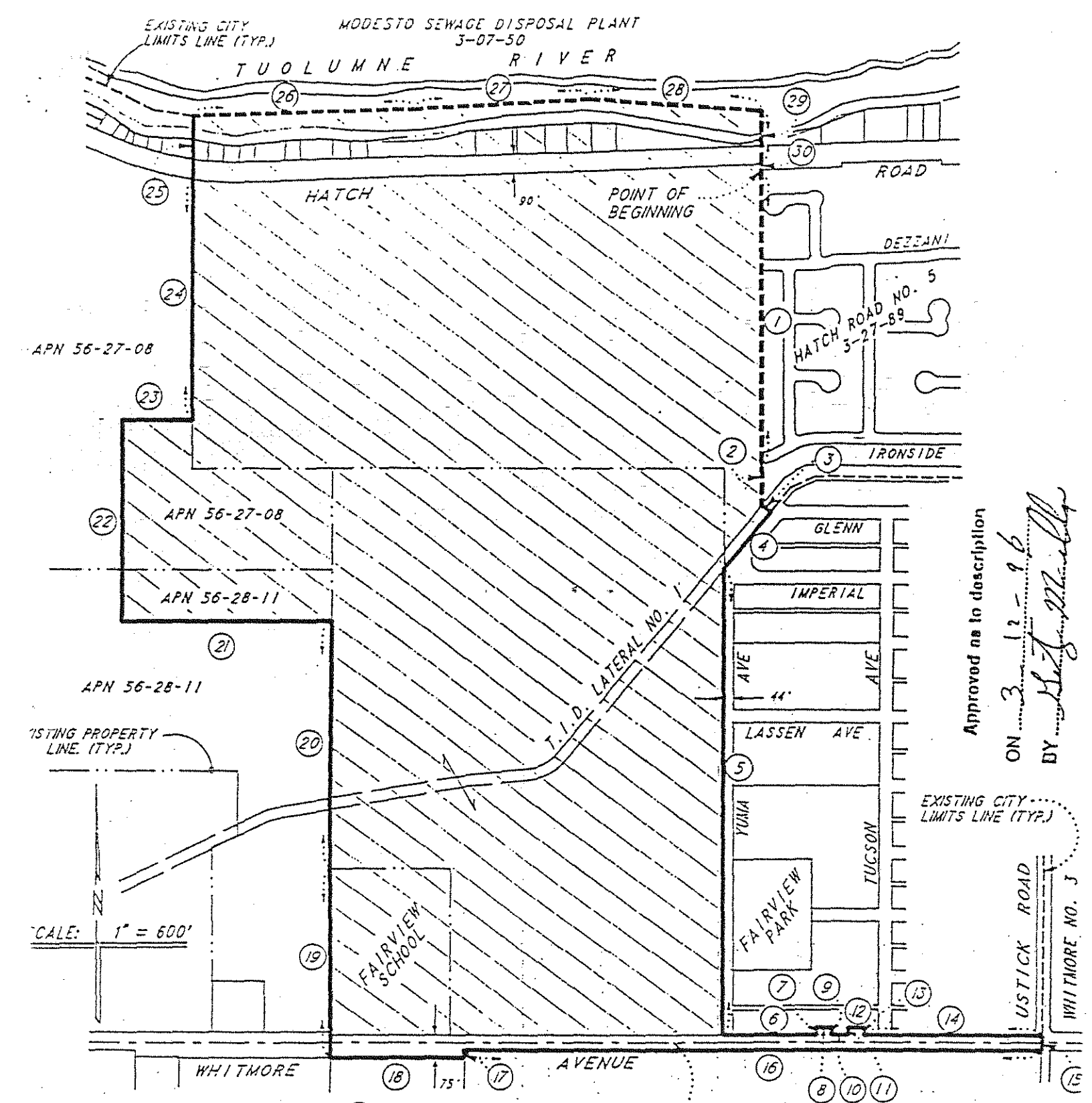
thence South 0°19'10" West along said west line of McKinsey Land and northerly extension thereof, being also said west line of "Hatch Road No. 5 Reorganization", a distance of 245.00 feet to said south line of 90 foot wide Hatch Road; thence continuing South 0°19'10" West along said west line of "Hatch Road No. 5 Reorganization" a distance of 22.50 feet to the point of beginning.

Containing: 230.96 Acres

LICENSED LAND SURVEYOR
J. STEVEN REICHMUTH III
No. 4895
Ex. 9-30-96
STATE OF CALIFORNIA

Approved as to description
ON 3-12-96
BY [signature]

[signature]



(1)	S. 0°19'10"W.	1350.01'
(2)	S. 0°17'22"W.	189.96'
(3)	S. 48°33'38"E.	50.00'
(4)	S. 41°26'22"W.	299.76'
(5)	S. 0°10'30"W.	2166.88'
(6)	S. 89°52'30"E.	467.50'
(7)	N. 0°10'30"E.	10.00'
(8)	S. 89°52'30"E.	60.50'
(9)	S. 0°10'30"W.	10.00'
(10)	S. 89°52'30"E.	60.50'
(11)	N. 0°10'30"E.	10.00'
(12)	S. 89°52'30"E.	60.50'
(13)	S. 0°10'30"W.	10.00'
(14)	S. 89°52'30"E.	818.04'
(15)	S. 0°10'30"W.	60.00'
(16)	N. 89°52'30"W.	2653.66'
(17)	S. 0°11'00"W.	35.00'
(18)	N. 89°52'30"W.	619.19'
(19)	N. 0°17'15"W.	877.58'
(20)	N. 0°15'37"W.	1132.00'
(21)	N. 89°51'55"W.	975.00'
(22)	N. 0°15'37"W.	918.00'
(23)	S. 89°51'55"E.	326.48'
(24)	N. 0°32'31"E.	1091.67'
(25)	N. 0°05'30"E.	266.00'
(26)	N. 88°30'00"E.	1031.00'
(27)	N. 85°00'00"E.	820.00'
(28)	S. 85°30'00"E.	790.00'
(29)	S. 0°19'10"W.	245.00'
(30)	S. 0°19'10"W.	22.50'

SOUTH LINE OF SECTION 7, T.4 S., R.9 E.

FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO

PREPARED BY:

DELAMARE-FULTZ

ENGINEERING AND SURVEYING

3421 TULLY ROAD SUITE J MODESTO, CA. 95350

TELEPHONE (209) 529-7450

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-533

A RESOLUTION AMENDING RESOLUTION NO. 96-294 WHICH ORDERED THE PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT.

WHEREAS, Modesto City Council Resolution No. 96-294 was introduced at a regular meeting of the Council of the City of Modesto, held on the 4th day of June, 1996, and was duly adopted by the City Council, and

WHEREAS, the Modesto City Council is desirous of amending Resolution No. 96-294, a copy of which is attached hereto and incorporated herein by reference, including Exhibit "A" to Resolution No. 96-294, which exhibit describes the affected territory, to include a provision finding that resolutions protesting Williamson Act (Government Code Sections 51240, et seq.) contracts (Modesto City Council Resolutions Nos. 74-104, 74-106, 75-299, 76-287, 76-288, 76-290, 76-1373, 76-1374, and 77-1093) were filed by the City with the Local Agency Formation Commission, and approved by the Local Agency Formation Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-294, and

WHEREAS, the Local Agency Formation Commission, following hearings, upheld the City's protest resolutions (LAFCO Resolutions adopted on November 22, 1977, March 28, 1978, and April 19, 1978), upon a finding that the Williamson Act contracts, including the annexed territory, were inconsistent with the publicly desirable future use and

control of the land in question, and

WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contracts upon annexation of the land to the City, for which the Williamson Act contracts were executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contracts because valid protests as above-described were filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991,

NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-294 is hereby amended to include the following language:

> "The land being annexed by this Resolution No. 96-294 was within one mile of the City of Modesto at the time the Williamson Act contracts affecting it were initially executed, the City has filed and the Local Agency Formation Commission has approved protests to the contracts pursuant to Government Code Section 51243.5, and it is the intention of the City that it not succeed to the subject Williamson Act contracts."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of Sept., 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-294

A RESOLUTION ORDERING THE PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT. (UNINHABITED)

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus, State of California, adopted its Resolution No. 96-08 on March 27, 1996, making determinations and approving the proposal of the City of Modesto to annex to the City of Modesto and to the Modesto Municipal Sewer District No. 1 the territory described in Exhibit "A" attached hereto, and by this reference incorporated herein, and the detachment of the territory from the Salida Fire Protection District, and

WHEREAS, this action is being taken pursuant to Title 5, Local Agencies - Division 2, Cities, Counties and Other Agencies - Part 4, Conducting Authority Proceedings For Changes of Organization or Reorganization - Chapter 4, Resolution of Conducting Authority, and,

WHEREAS, the type of reorganization being acted on is an uninhabited annexation of 408 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and a detachment of 408 acres from the Salida Fire Protection District, and

WHEREAS, the terms and conditions of the proposal as approved by the Local Agency Formation Commission are as follows:

(a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Salida Fire Protection District, and

WHEREAS, the reasons for this annexation are:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will provide a convenient site, near SR 99 for development.

(c) The proposed annexation will allow for the build out of the existing neighborhoods to the south of Snyder Avenue.

(d) The proposed annexation is a necessary and logical first step in permitting the allocation of City services to this area and its ultimate urban development, 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, a public hearing on this annexation was called for and held by this Council on June 4, 1996, and this Council finds and determines, pursuant to Section 57075 of the California Government Code, that the value of written protests filed and not withdrawn is by owners of land who own less than fifty (50%) percent of the total assessed value of land within the affected territory,

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

1. 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 Pelandale-Snyder 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. 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 Salida 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 Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution 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 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

PELANDALE-SNYDER REORGANIZATION

TO THE CITY OF MODESTO

ALL that certain real property being a portion of Section 1, Township 3 South, Range 8 East, Sections 5, 6, 7 and 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

BEGINNING at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 8 of Surveys, at Page 26, Stanislaus County Records; thence North 89 degrees 07'16" East, along said South line of the North half of the South half of Section 1, a distance of 5,293.70 feet to a point on the East line of said Section 1, and the Northwest corner of Lot 6, as shown on the Nash Tract, filed in Volume 4 of Maps, at Page 10, Stanislaus County Records; thence South 88 degrees 31'21" East, along the North line of Lots 6, 7, 9, and 11 of said Nash Tract, a distance of 3,482.91 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet, and from which point a radial line bears North 3 degrees 46' 02" West; thence Northeasterly 394.03 feet along said curve through a central angle of 4 degrees 30' 55" to the beginning of a curve concave to the Southeast, having a radius of 5000.00 feet; thence Northeasterly 820.38 feet along said curve through a central angle of 9 degrees 24' 03"; thence South 88 degrees 52' 54" East, a distance of 797.97 feet to a point on the East line of the above mentioned Section 6, with said point lying on the center line of a county road known as Tully Road; thence North 1 degree 15'20" West, along said centerline and said section line, a distance of 17.01 feet to the Westerly prolongation of the North line of Parcel 1, as shown on the map filed on January 29, 1985, in Book 36 of Parcel Maps, at Page 21, Stanislaus County Records; thence South 88 degrees 52'54" East, along last said line and along the North line of Parcels 1 and 2 of aforesaid parcel map and the Easterly prolongation thereof, a distance of 2,604.35 feet to the intersection with the Westerly right-of-way line of Union Pacific Railroad; thence South 1 degree 19'04" East along said Westerly right-of-way line of Union Pacific Railroad right-of-way, a distance of 457.29 feet to the intersection with the Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6; thence in a Southwesterly direction along said Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6 and the existing city limits line, the following twelve (12) courses; 1) thence South 68 degrees 19'55" West, 732.55 feet to the beginning of a curve, concave to the Southeast, having a radius of 242.90 feet; 2) thence 81.93 feet along the arc of said curve through a central angle of 19 degrees 19'35"; 3) thence south 49 degrees 00'20" West, 654.01 feet; 4) thence South 49 degrees 32'46" West, 208.15 feet; 5) thence South 40 degrees 27'14" East, 5.00 feet to the beginning of a curve, concave to the Northwest, having a radius of 367.90 feet from which a radial line bears South 40 degrees 27'14" East; 6) thence 175.40 feet along the arc of said curve

Approved as to description
ON 4-23-96

through a central angle of 27 degrees 19'00"; 7) thence South 76 degrees 51'46" West, 550.72 feet to the beginning of a curve concave to the North and having a radius of 367.90 feet; 8) thence 96.32 feet along the arc of said curve through a central angle of 15 degrees 00' 01"; 9) thence North 88 degrees 08'13" West, 395.19 feet; 10) thence North 88 degrees 36' 03" West, 844.31 feet; 11) thence North 0 degrees 29'50" West, 18.53 feet; 12) thence North 88 degrees 36'20" West, 2,000.88 feet to a point on the East right-of-way line of Carver Road; thence North 0 degrees 48'09" West, along said East right-of-way line of Carver Road and the existing city limits line, a distance of 108.06 feet to a point on the South line of said Section 6; thence North 88 degrees 36'20" West, along said South line of Section 6, and the centerline of Snyder Avenue and the existing city limits line, a distance of 2,657.37 feet to the Southwest corner of said Section 6; thence South 89 degrees 07'00" West along the South line of said Section 1 and the existing city limits line, a distance of 5,305.58 feet to the Southwest corner of said Section 1 and the centerline of Dale Road; thence North 0 degrees 19'30" West, along the West line of said Section 1 and the centerline of Dale Road, a distance 1,324.72 feet to the POINT OF BEGINNING.

Containing 408.11 acres, more or less.

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-97
CIVIL
STATE OF CALIFORNIA

MID-VALLEY ENGINEERING, INC.

Roy A. Galli

Roy A. Galli - R.C.E. 16024
License Expires 6/30/97

Date APRIL 17-1996

Approved as to description

ON 2.23.96

BY

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-534

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF WILLIAM GARDNER FROM THE SIGN IMPROVEMENT COMMITTEE, EFFECTIVE SEPTEMBER 16, 1997

WHEREAS, William Gardner was appointed a member of the Sign Improvement Committee on July 22, 1997; and

WHEREAS, William Gardner has tendered his resignation from the Sign Improvement Committee, effective September 16, 1997; and

WHEREAS, William Gardner 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 William Gardner from the Sign Improvement 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 William Gardner 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 16th day of September, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-535

A RESOLUTION ADOPTING THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AND THE EMERGENCY SHELTER GRANT (ESG) FOR FISCAL YEAR 1996-1997, AUTHORIZING THE CITY MANAGER TO EXECUTE THE REPORT AND AUTHORIZING FORWARDING THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, in May 1995, the City Council adopted the Consolidated Plan for Housing and Community Development, and

WHEREAS, the Office of Housing and Neighborhoods of the Community Development Department operates the Community Development Block Grant (CDBG), the Home Investment Partnership Program (HOME) and the Emergency Shelter Grant (ESG), and

WHEREAS, regulations for these programs require the City to review and report on the performance of the various activities and projects funded by these grants on an annual basis and submit to the U.S. Department Of Housing And Urban Development (HUD) an Annual Performance Report, and

WHEREAS, HUD regulations require that the City solicit citizen input on the programs' performance and hold a public hearing, a Public Notice was printed in the Modesto Bee on September 10, 1997, and copies of the report were made available at the Office of Housing and Neighborhoods, and

WHEREAS, on September 12, 1997, the Citizens Housing and Community Development Committee (CH&CDC) met and considered the Consolidated Annual Performance and Evaluation Report for Fiscal Year 1996-1997, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 23, 1997, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME) and the Emergency Shelter Grant (ESG) Consolidated Annual Performance and Evaluation Report for Fiscal Year 1996-1997, a copy of which is on file in the office of the City Clerk, (July 1, 1996, through June 30, 1997) is hereby adopted and approved for forwarding to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that might be required in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of Sept, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-536

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TWENTY-SIX CONTROLLERS COMPATIBLE WITH THE ADVANCED TRAFFIC MANAGEMENT SYSTEM

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 Twenty-six Controllers compatible with the existing Advanced Traffic Management System (ATMS), allowing communications to these controlers from City Hall, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 14, 1997 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 September, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-537

A RESOLUTION ADOPTING ACCOUNTABILITY BUDGETING SYSTEM FOR THE CITY OF MODESTO THROUGH 2000/01

WHEREAS, on July 15, 1997 the Council of the City of Modesto considered a proposal to adopt a new budget system.

WHEREAS, the proposed new budgeting system would accomplish the following objectives:

- Reduce the rate of growth in appropriations to operating departments from General Fund local discretionary revenues to create room within anticipated revenue to afford the new 10th Street Place Project, the new Police Building and to pick up police costs formerly paid with grants.
- Increase the accountability of operating department for maintaining and enhancing service levels to the public.
- Increase the monitoring of cost recovery from fees.
- Increase the monitoring of cost recovery from fees.
- Increase the delegation of authority of operating department to encourage creativity and innovation in developing more effective and cost efficient means of service delivery.
- Generate "dividends" from efficient operations that the Council can allocate to the evolving needs of the Community.
- Provide budgeting incentives for better performance.

WHEREAS, these proposals were requested by Council to be discussed internally with the organization and that the Financial Policy Committee bring a final recommendation back to Council.

WHEREAS, to conduct internal discussions, a Budget Committee composed of representatives of all departments was implemented. A Committee report was submitted to the Senior Executive Team for discussion and review.

WHEREAS, the Senior Executive Team discussed the Committee's report over an extended period with departmental discussions taking place over that

period. The resolution is the recommendation of the Senior Executive Team.

WHEREAS, the Financial Policy Committee has reviewed the Senior Executive Team's recommendation on the new Budget Policy and presented final recommendations back to Council.

BE IT FURTHER RESOLVED that the Council adopt a new budgeting system with the following characteristics:

1. Net Appropriation Base

   The departmental Net Appropriation Base is identified as locally funded operations including funding from General Fund Taxes and unallocated fees. The departmental Net Appropriation Base for 1997-98 is summarized as follows:

Police Department	$28,577,000
Fire Department	14,915,000
Parks & Recreation Dept	9,208,000
Public Works & Transportation	4,934,000
Community Development	2,372,000
Finance Department	2,159,000
City Manager	1,112,000
City Attorney	774,000
Personnel Department	767,500
City Clerk (excluding election costs)	299,000
City Council	215,000

2. Inflation

   Each fiscal year, beginning in 1998-99 and extending through fiscal year 2000/2001, the Appropriation Base for each department shall be escalated by the amount of inflation (as measured by the annual percentage increase in the San Francisco-Oakland CPI-U index through December 31 prior to the beginning of the fiscal year) less 1%. Council will compare the local discretionary revenue to inflation. If revenues do not meet the inflationary level, departmental appropriations base levels will be reduced by that amount.

3. Appropriation Savings

   Beginning in 1998-99 and for 1999-2000 and 2000/2001, departments will retain 50% of their unexpended net appropriations as additional appropriation for the next fiscal year. The final amount of carryover will be based on the year-end closing. Each departments' unexpended budget savings adjusted for any shortfalls in departmental revenue forecasts will be appropriated into a special account within the department and the unexpended portion shall not be reduced the next fiscal year 50%. Department Directors will have the authority to transfer funds from this "reserve"

account into any departmental account.

4. Vacant Positions

   Department Directors will be responsible for decisions approving the filling of vacant positions, and any reallocation of salary related appropriations into non-salary accounts. Increases in ongoing staffing requires three years of dedicated funding.

5. Charges to Departments

   The Department Directors can review and challenge any charges which impacts their operation, this includes internal service credits.

6. Appropriation Control Points

   Appropriation control points shall be identified by Department Directors, and administered at the departmental level. Department Directors will have the authority to perform appropriation transfers within department and fund.

7. Performance Reporting

   Department Directors will provide the City Manager and Council with a departmental performance report on a quarterly basis beginning January 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-538

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP FOR DESIGN SERVICES FOR KIERNAN BUSINESS PARK GATEWAY DESIGN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for design services between the City of Modesto and RRM Design Group for a not to exceed cost of $20,300.00 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-539

A RESOLUTION GRANTING APPROVAL TO THE MODESTO CERTIFIED FARMERS' MARKET TO CONDUCT A FARMERS' MARKET ON 16TH STREET, BETWEEN H AND I STREETS, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 88-402.

WHEREAS, the Modesto Certified Farmers' Market, an unincorporated association (hereinafter referred to as "Market"), requested permission to use the street area known as 16th Street, between H and I Streets, in the City of Modesto to conduct a farmers' market, and

WHEREAS, the City Council has previously granted approval for such a market, and

WHEREAS, the Market has requested revisions to the approval previously given for such a market, and

WHEREAS, the Council deems it appropriate to revise the approval previously given for such a market.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the use by the Market of 16th Street, between H and I Streets, in the City of Modesto, for a farmers' market, subject to the following conditions:

1. The Market may use the street area known as 16th Street, between H and I Streets, in the City of Modesto, each Thursday and Saturday until this resolution is rescinded, as hereinafter provided, between the hours of 5:00 a.m. and 2:00 p.m., to conduct a farmers'

market to sell to the general public those category of products specifically defined in this resolution.

2. Products sold at said farmers' market shall be sold only between the hours of 6:00 a.m. and 1:00 p.m. on each Thursday and Saturday that the Market is held. The hours between 5:00 a.m. and 6:00 a.m. on each Thursday and Saturday that the Market is held may be used for the purpose of setting up the farmers' market area. The hours between 1:00 p.m. and 2:00 p.m. on each Thursday and Saturday that the Market is held may be used for the purpose of dismantling stands and cleaning the area within the farmers' market.

3. The street area known as 16th Street, between H and I Streets, shall be closed to all traffic except emergency vehicles on each Thursday and Saturday that the Market is held, between the hours of 5:00 a.m. and 2:00 p.m., subject to the approval of the Police Chief of the City of Modesto. The Market shall furnish its own street barricades for the closing of the area referred to herein above.

4. There are three (3) categories of products that may be sold to the public. Each product category shall only be sold in those areas as designated below. These product categories are as follows:

a. **Certified agricultural products** are defined as raw fruits, nuts, vegetables, honey and eggs in the shell, all in the unprocessed state, grown and sold by a certified farmer with proper documentation.

b. **Non-certified agricultural products** are defined as processed food sold by the farmer who grew them.

c. **Non-agricultural products** are defined as foods that are not certified or non-certified such as baked goods.

5. Certified agricultural products and/or non-certified agricultural products shall be sold within the Certified Farmers' Market Area, which is defined as that area on 16th Street beginning at a point 20 (twenty) feet south of the south property line of I Street to the north property line of H Street including the paved area and the sidewalk area within the public right of way of 16th Street.

6. Non-agricultural products shall be sold outside the Certified Farmers Market Area, which is defined as that area on 16th Street, beginning at the south property line of H Street to a point twenty (20) feet south of the south property line of I Street including the paved area and the sidewalk area within the public right of way of 16th Street. The designated area for the Certified Farmers' Market shall be delineated by signage which clearly defines the Certified Farmers' Market.

7. Each farmers' market may feature, for promotional purposes only, a **Merchant at the Market**. The merchant so featured shall not conduct any sales during those hours the Farmers' Market is in operation.

8. The featured **Merchant at the Market** may be either a merchant who is a member of the Downtown Improvement District and is a food merchant, or a merchant who is a member of the Downtown Improvement District and is a non-food merchant. Two merchants shall be featured at each farmers' market session one food and one non-food. A rotating schedule for the **Merchant at the Market** shall be approved and monitored by the

Market. All merchants in some way will match the theme of the farmers market and/or season.

9. The Market shall publish a set of market rules and regulations which specify procedural criteria pertaining to:

(a) Admission of any producer to the market;

(b) Admission of any agricultural products to the market; and

(c) Removal of any producer from the market.

The Market has authority to establish specific rules and regulations for the:

(a) Type and number of producers and certified producers admitted;

(b) Type and number of certified and noncertifiable products admitted; and

(c) Methods of selling certified and noncertifiable agricultural products.

The Market's rules and regulations shall contain a clause, which states that the Market shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers' market in a fair and equitable manner.

A current copy of the certified farmers' market's rules and regulations shall be sent to the Department of Food and Agriculture, Fruit and Vegetable Quality Control Standardization and to the agricultural commissioner of Stanislaus County.

The Market's rules and regulations setting forth the criteria for acceptance of membership into the Market shall be in writing and shall be made available to anyone who requests a copy from the Modesto Certified Farmers' Market.

10. The Market shall obtain a Certified Farmer's Market Certificate in accordance with the provisions of Section 1392.2(a) of the Food and Agriculture Code of the State of California.

11. The Market, as sponsor of the market, shall obtain a business license in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code. The business license so issued is applicable to all of the Market's certified agricultural and non-certified agricultural product vendors. The Market shall be exempt from the payment of business license tax as provided for in Section 6-1.106 of said Municipal Code.

12. Each non-agricultural product vendor must obtain a business license from the City of Modesto in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code.

13. The Market shall remove from 16th Street, between H and I Streets, in the City of Modesto, and all areas adjacent thereto, all trash and debris generated as a result of the farmers' market. The removal of said trash and debris shall be completed by 2:00 p.m. on each Thursday and Saturday that the farmers' market is conducted.

14. The Market shall indemnify, defend and hold the City of Modesto, its officers, agents, employees, and volunteers free and harmless from and against all liabilities, judgments, claims, demands, actions, losses, damages, or costs, including litigation costs and attorney fees from every cause arising directly or indirectly out of, or in any way related to, the Market's use of the area known as 16th Street, between H and I Streets, in the City of Modesto, and all areas adjacent thereto. Upon demand, the Market shall at its own expense

defend the City of Modesto, its officers, agents, employees, and volunteers against all such liabilities, claims, judgments, demands, actions, losses, damages or costs.

15. The Market shall furnish to the City Clerk a current and valid certificate of insurance evidencing public liability and property damage insurance as shall protect the Market and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Market's use of the area known as 16th Street, between H and I Streets, in the City of Modesto, and the areas adjacent thereto as a farmers' market.

The amount of public liability insurance shall be as follows: Public liability insurance with combined single limits of liability, including products liability coverage, in the amount of one million ($1,000,000.00) dollars.

The Market's liability policy and the valid certificate of insurance which is to be furnished to the City Clerk shall contain contractual liability provisions stating that the policy is extended to cover the liability assumed by the Market under the terms of this resolution. The liability policy and the certificate of insurance furnished to City shall not permit cancellation of said insurance unless ten (10) days prior written notice is furnished to the City Clerk.

16. One portable identification sign not to exceed 25 square feet in area nor 6 feet in height may be placed by the Market at each entrance to the farmers' market during actual market operation but only if permitted by the provisions of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code.

17. Markings may be placed by the Market on the pavement and/or curbs of 16th Street, between H and I Streets, for the purpose of identifying selling areas. Such

markings shall be located and installed in accordance with a marking plan prepared by the Market and approved by the City's Public Works and Transportation Director. Such markings shall be unobstructive and shall in no way obscure or interfere with curb and/or pavement markings placed by the City of Modesto.

BE IT FURTHER RESOLVED that this resolution shall remain in full force and effect until such time as it is rescinded by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Certified Farmers' Market with a copy of this resolution. The Market shall file a written acceptance of this resolution and the conditions set forth herein with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 88-402 adopted on May 24, 1988, 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 September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-540

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR THE LEASE OF CORPORATE HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY-COUNCIL AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Executive Air Charter for the lease of corporate hangar plots 1 and 2 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-541

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF NEWMAN FOR THE USE OF THE CITY OF MODESTO'S PROPERTY AGENT

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 use of the City of Modesto's Property Agent 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 September, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-542

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAHRUMP HEIFER RANCH FOR THE USE OF THE HAILWOOD RANCH FOR LAND DISPOSAL OF WASTEWATER BY IRRIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pahrump Heifer Ranch for the use of the Hailwood Ranch for land disposal of wastewater by irrigation 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 September, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-543

A RESOLUTION APPROVING THE APPLICATION FOR A GRANT AVAILABLE THROUGH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is offering REMOVE Program Grants to assist California's Cities and Counties with projects which will reduce air pollution emissions from motor vehicles, implement relevant Transportation Control Measures (TCMs) and other resource related measures, and establish public education programs that support and do not duplicate any of the Districts efforts.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the application for $799,186 in grant funds through the San Joaquin Valley Air Pollution Control District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant applications 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 September, 1997, 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:	Councilmember:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-544

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SHUTT MOEN ASSOCIATES FOR THE DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION OF MODESTO CITY-COUNTY AIRPORT PROJECTS INCLUDED IN AIP GRANT 3-06-0153-19

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Shutt Moen Associates for the design, engineering, and construction administration of Modesto City-County Airport projects included in AIP grant 3-06-0153-19 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 September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-545

A RESOLUTION ADOPTING A PILOT PROGRAM WITHIN THE COMMUNITY DEVELOPMENT DEPARTMENT FOR A "PROJECT PROFESSIONAL LIABILITY PROGRAM".

WHEREAS, successful transfer of risk for professional projects has been tenuous due to market constraints, and professional liability carriers refuse to name the City as an additional insured on their policies because of the "deep pockets" fear, and

WHEREAS, most professional liability policies are written on a "claims made" basis, thus limiting the City's coverage for claims that are discovered after policy termination, and

WHEREAS, by a report dated September 23, 1997, City staff has recommended a pilot program within the Community Development Department for a "Project Professional Liability Program", a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, Diversified Risk Insurance Brokers has developed a Project Professional Liability Program to meet this need, and the Project Liability Professional Program would provide an opportunity for the City to strengthen its insurance requirements and provide the contractors an alternative source of coverage, and

WHEREAS, under a Project Professional Liability Program if the contractor elected to use the City's program, the City would actually purchase the coverage and the contractor would be required to reduce the contract bid by the amount that the contractor's carrier would have charged based upon the cost of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of a pilot program within the Community Development Department for a "Project Professional Liability Program for small projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST:_____
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By_____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-546

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 1 SUBDIVISION AND AUTHORIZING RELEASE OF PERFORMANCE SECURITIES

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 1 have filed bonds for faithful performance, and labor and materials, in the amount of $602,000 and $301,000 respectively to guarantee improvements in Rose Lane No. 1 subdivision and;

WHEREAS, the Public Works and Transportation Director in a memorandum dated September 16, 1997 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works 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. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $602,000 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 $301,000 upon expiration 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 September, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-547

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO CITY-COUNTY AIRPORT'S LAND USE POLICY CONTAINED IN THE AIRPORT MASTER PLAN

WHEREAS, the Modesto City-County Airport Master Plan, dated April 1993, restricts maintenance of aircraft on the northeast side of the airport to larger size aircraft; and,

WHEREAS, it is the City's desire to increase airport activities and generate more revenue for the airport enterprise fund; and,

WHEREAS, both the Airport Advisory Committee and the Transportation Policy Committee are in support of the amendment to the land use to allow maintenance and repair on all size aircraft and recommends its adoption.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Airport's Land Use Policy contained in the Airport Master Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-548

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MACERICH CORPORATION FOR IMPLEMENTATION OF THE CITY HALL AT THE MALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Macerich Corporation for implementation of the City Hall At The Mall 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 September, 1997, 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: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-549

A RESOLUTION APPROVING TRANSFER OF FUNDS FROM GENERAL FUND CASH TO CASH ON HAND

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

Increase Cash on Hand by $300, and transfer $300 from General Fund cash to Cash on Hand to fund the satellite office at Vintage Faire Mall named City Hall at the Mall.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1996, by Councilmember Serpa, who moved its adoption, whch motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Vice Mayor Fisher
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-550

A RESOLUTION APPROVING A LEASE AGREEMENT WITH COMPUTER PATHWAYS, INC. FOR LEASE OF THE INTERIOR CARD RACK SPACE INSIDE MODESTO AREA EXPRESS (MAX) BUSES

BE IT RESOLVED by the Council of the City of Modesto that the lease agreement with Computer Pathways, Inc. for the lease of the interior card rack space inside Modesto Area Express (MAX) buses 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-551

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(473), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(473). (TIM FISHER/ARCHITECTURE PLUS, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Tim Fisher/Architecture Plus, Inc. on July 14, 1997, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473), to allow a two-story medical office building and parking area, property located to the rear of 609 East Orangeburg Avenue, north of East Orangeburg Avenue, west of Sunrise Avenue, described as follows:

R-1 to P-D(473), as an addition to P-D(473)

All that real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that portion of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 21, being in the intersection of Melrose Avenue with East Orangeburg Avenue; thence East along the South line of the Northeast quarter of the Northwest quarter of said Section 21, being the centerline of East Orangeburg Avenue, a distance of 320 feet to the Southwest corner of existing P-D(473); thence North along the West line of existing P-D(473) which is parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 264 feet to the Northwest corner of said P-D(473); thence East along the North line of said P-D(473) and parallel to the aforementioned centerline of East Orangeburg Avenue, a distance of 10.00 feet to the Point of Beginning of this Description; thence North and parallel to the West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 207 feet; thence East and parallel to the aforementioned centerline of East Orangeburg

Avenue, a distance of 165 feet; thence south and parallel to the aforementioned West line of the East half of the Northeast quarter of the Northwest quarter of said Section 21, a distance of 207 feet to the Northeast corner of said P-D(473); thence West along the North line of existing P-D(473) and parallel to the aforementioned centerline of East Orangeburg Avenue, a distance of 165 feet to the Point of Beginning.

and

WHEREAS, after a public hearing held on September 8, 1997, 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. 97-64, 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(473) expansion, by reason of its design layout, is compatible with existing and potential surrounding developments.

2. The proposed P-D(473) expansion conforms with the General Plan which provides for mixed use development on the subject property.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 7, 1997, 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 Tim Fisher/Architecture Plus, Inc. 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. 97-64 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3064 -C.S. on the 7th day of October , 1997, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473).

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(473), as an addition to Planned Development Zone, P-D(473), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Stanislaus Orthopedic and Sports Medicine Expansion" as amended in red, stamped approved by the City Council on October 7, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the north, east, and west property lines. 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. Six-foot-high (6), 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 north, east, and west property lines except that single board and pilaster construction is allowed on the west line adjacent to the building.

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. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

9. All signs shall comply with the sign requirements of the P-O Zone.

10. All conditions of City Council Resolution No. 90-492 as amended by Planning Commission Resolution No. 91-35 not in conflict with this action shall remain in full force and effect.

11. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473):

The entire construction program be accomplished in one phase, construction to begin on or before September 8, 1999, and completion to be not later than September 8, 2000.

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 the ordinance reclassifying the above-described property to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 97-551-A

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(473), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(473), PROPERTY LOCATED TO THE REAR OF 609 EAST ORANGEBURG AVENUE, NORTH OF EAST ORANGEBURG AVENUE, WEST OF SUNRISE AVENUE. (TIM FISHER/ARCHITECTURE PLUS, INC.)

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

WHEREAS, Tim Fisher/Architecture Plus, Inc. has proposed that the zoning designation for the property located to the rear of 609 East Orangeburg Avenue, north of East Orangeburg Avenue, west of Sunrise Avenue be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(473), as an addition to Planned Development Zone, P-D(473), property located to the rear of 609 East Orangeburg Avenue, north of East Orangeburg Avenue, west of Sunrise Avenue , in the City of Modesto ("the project"), and

WHEREAS, on August 26, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-88 reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and,

further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on September 8, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on August 26, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

EA NO. 97-88

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this proposal to rezone from R-1 to Planned Development Zone, P-D(473) as an addition to P-D(473). 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:
Application of Tim Fisher/Architecture Plus, Inc. to Rezone from R-1 to Planned Development Zone, P-D(473) as an Addition to P-D(473), Property Located on the Rear and North of 609 East Orangeburg Avenue.

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Tim Fisher/Architecture Plus, Inc.
1207 - 13th Street, #6
Modesto, CA. 95353
phone (209) 577-4661

D. Project Location:
property located on the rear and north of 609 East Orangeburg Avenue

E. Project sponsor:
Jondy Cohen
609 East Orangeburg Avenue
Modesto, CA

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
Existing R-1

EXHIBIT A

H. Description of Proposed Project:
This is an application to rezone from R-1 to P-D(473) as an addition to P-D(473), a 0.78 acre landlocked parcel located to the rear and north of 609 East Orangeburg Avenue, west of Sunrise Avenue. The rezoning will facilitate a two-story 13,000-square-foot building to expand the Stanislaus Orthopedic and Sports Medicine facilities. The building is proposed at the southwest corner of the expansion area and will have 71 parking spaces arranged along the north and east sides with a circulating aisleway. All access will remain as it is on East Orangeburg Avenue.

I. Surrounding land uses:

North	immediately north is an undeveloped lot, zoned R-1, Low Density Residential
South	P-D(473), allowing professional offices (Orthopedic and Sports Medicine facilities)
East	R-1, Low Density Residential (dwellings)
West	R-1, Low Density Residential (convalescent care facility)

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 medical office expansion will generate an increase of traffic in the area. No site traffic mitigation study was required as a result of the proposed planned development for the professional office. Development of this parcel as a part of the development of P-D(473) 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 for medical offices is within the urban developed area of the City of Modesto. 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, still valid.

A

C. Generation of Noise

This proposed rezoning for office development is adjacent to and surrounded by urban development. These adjacent uses consist of a mixture of low and medium density residential units and other office uses. Because of building walls, setbacks, required property line fencing to the west, east, and north, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts on this professional office development or the adjacent residential neighborhood will be associated with the resulting office uses. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The proposed 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 residential development. P-D(473) will allow professional office development of the property. 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 rezoning 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 rezoning 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 rezoning is proposed 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 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 rezoning 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 rezoning 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 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 will not impact the Modesto School system, as this proposal will add no residential units. 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 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 will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately 0.75 of a 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 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 rezoning and professional office 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 rezoning and professional office building 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 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 P-D(473) zoning expansion is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 92052017).

B. The project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are not specific features unique to this zone change to expand P-D(473) 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: _____ Date: 8/26/97

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-552

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING NINE (9) NEW VARIOUS TYPES OF 1/2 TON PICKUP TRUCKS

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 nine new various types of 1/2 ton pickup trucks, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 24, 1997 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 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-553

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING MODESTO AREA EXPRESS RIDE GUIDES FOR UP TO THREE YEARS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing Modesto Area Express Ride Guides for up to three years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 21, 1997 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 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-554

A RESOLUTION ACCEPTING THE BID OF D.C. VIENT INC. FOR THE MCHENRY MANSION EXTERIOR PAINTING

WHEREAS, the bids received for the McHenry Mansion Exterior Painting were opened at 11:00 a.m. on September 23, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of $42,426.00 from D.C. Vient 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 D.C. Vient 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 October, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-555

A RESOLUTION ACCEPTING THE BID OF SEEGER'S PRINTING FOR THE PURCHASE OF PRINTING OF THE MONTHLY UTILITY BILL INSERT FOR FISCAL YEAR 1997-98, NOVEMBER 1997 THROUGH JUNE 30, 1998; ACCEPTING THE BID OF ARTISTIC PRINTING INC. FOR THE PURCHASE OF THE PRINTING OF THE BI-MONTHLY EMPLOYEES' NEWSLETTER FOR FISCAL YEAR 1997-98, NOVEMBER 1997 THROUGH JUNE 30, 1998; AND AUTHORIZING THE PURCHASE OF PRINTING OF THE MONTHLY UTILITY BILL INSERT AND THE BI-MONTHLY EMPLOYEES' NEWSLETTER FOR ADDITIONAL YEARS, UP TO AND INCLUDING FISCAL YEAR 1999-2000

WHEREAS, the bids received for printing of the monthly utility bill insert for Fiscal Year 1997-98, November 1997 through June 30, 1998, and for the printing of the bi-monthly employees' newsletter for Fiscal Year 1997-98, November 1997 through June 30, 1998 were opened at 11:00 a.m. on August 12, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Seeger's Printing for the monthly utility bill insert for the total price of between $13,016.00 and $21,383.00; the bid of Artistic Printing, Inc. for the bi-monthly printing of the employees' newsletter for the total price of $1,202.00; and the authorization of the purchase of printing of the monthly utility bill insert and the bi-monthly employees' newsletter for additional years, up to and including 1999-2000, for a total three-year cost of between $58,057.00 and $91,682.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Seeger's Printing and the bid of Artistic Printing 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-556

A RESOLUTION ACCEPTING THE BID OF KEYSTONE ELEVATOR AS SOLE BIDDER FOR THE PURCHASE OF THE JOHN THURMAN FIELD PRESS BOX ELEVATOR

WHEREAS, the bids received for purchase of the John Thurman Field press box elevator were opened at 11:00 a.m. on September 24, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $39,600.00 from Keystone Elevator be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Keystone Elevator 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-557

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED JENNIE STREET AND FAIRVIEW AVENUE WATER AND SEWER IMPROVEMENT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Jennie Street and Fairview Avenue Water and Sewer Improvement Project, has been completed by Rolfe Construction, in accordance with the contract agreement dated July 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Jennie Street and Fairview Avenue Water and Sewer Improvement Project 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 $143,215.22 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-558

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED ROOSEVELT PARK TENNIS COURT LIGHTING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Roosevelt Park Tennis Court Lighting, has been completed by Bowden Electric, in accordance with the contract agreement dated August 20, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Roosevelt Park Tennis Court Lighting be accepted from said contractor, Bowden Electric; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $104,249.89 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-559

A RESOLUTION ACCEPTING THE PROJECT TITLED CANNERY SEGREGATION SECTION IV PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Cannery Segregation Section IV Project, has been completed by Mauldin-Dorfmeier Construction Inc., in accordance with the contract agreement dated July 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Cannery Segregation section IV Project be accepted from said contractor, Mauldin-Dorfmeier Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $446,144.00 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 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-560

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF EIGHT (8) USED, LATE MODEL SEDANS FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of eight used, late model sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of eight used, late model sedans for a not to exceed price of $129,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-561

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TWO (2) SETS OF ROTARY DISTRIBUTOR SPRAY ARMS FROM HOGAN MANUFACTURING INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of two sets of rotary distributor spray arms is hereby waived.

BE IT FURTHER RESOLVED that purchase of two sets of rotary distributor spray arms from Hogan Mfg. for a not to exceed price of $143,038.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-562

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $154,200.00 TO FULLY FUND THE PURCHASE OF TWO SETS OF ROTARY DISTRIBUTOR SPRAY ARMS FROM HOGAN MANUFACTURING INC.

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

FROM: 621 480 F716 6040 $154,200.00

TO: 621 480 J880 6010 4,000.00
621 480 J880 6040 143,038.00
621 480 J880 6050 7,162.00

The arms on the rotary distributors for Fixed Film Reactors Nos. 1 & 2 at the secondary wastewater treatment site have exhibited severe leakage attributable to corrosion of the galvanized steel arms. WQC staff have applied temporary patches to the arms to allow the FFRs to continue to operate until the end of cannery season. Based on the deterioration of the arms, it is probable that a complete structural failure of the arms would occur if they are not replaced soon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-563

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF THE MODERNIZATION OF THE CITY HALL ELEVATOR #34000 FROM THYSSEN ELEVATOR CORPORATION DUE TO EXIGENT CIRCUMSTANCES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of the modernization of the City Hall elevator #34000 from Thyssen Elevator Corporation due to exigent circumstances is hereby waived.

BE IT FURTHER RESOLVED that purchase of the modernization of the city Hall elevator #34000 from Thyssen Elevator Corp. for a not to exceed price of $85,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-564

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO CREATE A NEW CAPITAL IMPROVEMENT PROGRAM PROJECT (CITY HALL ELEVATOR UPGRADE) FROM THE BUILDING SERVICES INTERNAL SERVICE FUND

WHEREAS, the passenger elevator in the City Hall building was installed 37 years ago and over the past 12 months has experiencing excessive and unacceptable down times resulting in citizens and employees being trapped in the elevator; and

WHEREAS, the modernization of the elevator would upgrade the unit to the current safety codes. Upgrades would include new microprocessor controllers and digital operation panels to accommodate the Americans with Disabilities Act Code compliance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Transfer from Acct #780-800-8000-8003	$(85,000)
Transfer to Acct #780-350-J193-6040	$ 85,000

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 October 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-565

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017): APPROVING AN AMENDMENT TO BEYER PARK MASTER PLAN TO ALLOW A SKATEBOARD PARK IN THE BEYER COMMUNITY PARK, WHICH IS LOCATED AT THE SOUTHEAST CORNER OF BEYER PARK DRIVE AND SYLVAN MEADOWS DRIVE IN THE CITY OF MODESTO.

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 October 1, 1997, the City's Parks Planning and Development Manager of the Parks and Recreation Department, by Environmental Assessment Initial Study No. 97-124, reviewed the proposed amendment to the Beyer Park Master Plan to allow a skateboard Park in the Beyer Community Park, which is located at the southeast corner of Beyer Park Drive and Sylvan Meadows Drive, in the City of Modesto, 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 measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on October 7, 1997, 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 on October 1,

1997, 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 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 7th day of October, 1997, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

97 - 124

CITY OF MODESTO
INITIAL STUDY AND FINDINGS
DRAFT STATEMENT OF EXEMPTION
FOR A SUBSEQUENT PROJECT TO A MASTER EIR

1. Purpose of Initial Study:

This Initial Study, based on Appendix I of the CEQA Guidelines, provides environmental review under CEQA Section 21157.1. This Initial Study analyzes whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report for the Urban Area General Plan ("Master EIR") and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. Project Title: Beyer Skate Park

3. Lead Agency Name and Address: City of Modesto, P.O. Box 642, Modesto, CA 95354

4. Contact Person and Phone Number: Fred D. Allen Jr., Parks Planning & Development Manager, (209) 577-5353.

5. Project Location: Beyer Community Park, southeast corner of Beyer Park Drive and Sylvan Meadows Drive.

6. Project Sponsor's Name and Address: City of Modesto, P. O. Box 642, Modesto, CA 95353

7. General Plan Designation: Residential

8. Zoning: R-1, Single family residential

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 Beyer Skate Park will provide a 13,000 square foot skate park in Beyer Community Park, which is located at the southeast corner of Beyer Park Drive and Sylvan Meadows Drive. The concrete structure will include ridges, bowls, steps, and other elements desired by skaters.

There may be a later phase of the project that adds area lighting. This phase will not be implemented until the use of the facility justifies the addition of lighting.

No secondary support or off-site features are necessary for the implementation of this project.

10. Surrounding Land Uses and Setting: (Briefly describe the projects surroundings.)

The project is located entirely within Beyer Community Park.

North: Residential neighborhood

East: Beyer High School

South: Residential neighborhood

West: Undeveloped lot, zoned commercial

11. Other Public Agencies whose approval is required (e.g. permits, financing approval, or participation agreement): None

City of Modesto
Initial Study to Document Conformance with General Plan Master EIR
Beyer Skate Park

DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor's Parcel Number and include attachments as necessary)

APN# 52-13-23
This project will provide a 13,000 square foot skate park in Beyer Community Park, which is located at the southeast corner of Beyer Park Drive and Sylvan Meadows Drive. The concrete structure will include ridges, bowls, steps, and other elements desired by skaters.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

Beyer Skate Park, 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. Pages IV-1-1 through IV-1-37 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The construction and operation of the subsequent project will result in minimal increase in vehicle trips per day to the site. The majority of the skaters will be using public transit to access the site and the remaining users will utilize skateboards and in-line skates as their primary mode of transportation.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

B. DEGRADATION OF AIR QUALITY

The skate park, 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. Pages IV-2-1 through IV-2-25 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction of the subsequent project would result in approximately 0 pounds per day and 0 tons per year 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 Master EIR and, therefore, would not result in any additional exceedences of SJVUAPCD thresholds.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

C. GENERATION OF NOISE

Beyer Skate Park, 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. Pages IV-1-31 through IV-3-33 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the General Plan Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the 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 PRODUCTIVE AGRICULTURAL LAND

The Beyer Skate Park, 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. Pages IV-4-1 through IV-4-16 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is located within the General Plan boundary and the potential for loss of productive

agricultural lands has already been anticipated and fully addressed in the Master EIR page VI-48.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

E. INCREASED DEMAND FOR WATER SUPPLIES

The Beyer Skate Park, 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. Pages IV-5-1 through IV-5-11 of the Master EIR 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 General Plan.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Beyer Skate Park, 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. Pages IV-6-1 through IV-6-9 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks Planning and Development Manager has confirmed that the subsequent project would not create the need for sanitary sewer services beyond that analyzed in the General Plan.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Beyer Skate Park, 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. Pages IV-7-1 through IV-7-30 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Project is located within the current General Plan. The park is located in a fully developed urban environment.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Beyer Skate Park, 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. Pages IV-8-1 through IV-8-21 of the Master EIR 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 Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

I. DRAINAGE, FLOODING, AND WATER QUALITY

The Beyer Skate Park, 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. Pages IV-9-1 through IV-9-23 of the Master EIR 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 and will not contribute to substantial flooding.

3. The subsequent project would not create any discharges in addition to those analyzed in the Master EIR that could result in a violation of water quality standards.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the subsequent project:

1. n/a

J. INCREASED DEMAND FOR STORM DRAINAGE

The Beyer Skate Park, 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. Pages IV-10-1 through IV-11-1 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not cause the drainage system to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

K. INCREASED DEMAND FOR PARKS AND OPEN SPACE

The Beyer Skate Park, 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. Pages IV-11-1 through IV-11-11 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks and Recreation director has confirmed that the subsequent project would 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 Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

L. INCREASED DEMAND FOR SCHOOLS

The Beyer Skate Park, 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. Pages IV-12-1 through IV-12-11 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The Director of Planning and Research of Modesto City Schools has confirmed that the subsequent project would not result in a substantial increase in the demand for schools in addition to that described in Chapter IV, Section 12 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

M. INCREASED DEMAND FOR POLICE SERVICES

The Beyer Skate Park, 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. Pages IV-13-1 through IV-13-8 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Police Chief has confirmed that construction and operation of the subsequent project would not exceed the capacity of local police services beyond that described in Chapter IV, Section 13 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

N. INCREASED DEMAND FOR FIRE SERVICES

The Beyer Skate Park, 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. Pages IV-14-1 through IV-14-9 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Fire Chief has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for fire services in addition to that described in Chapter IV, Section 14 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

O. GENERATION OF SOLID WASTE

The Beyer Skate Park, 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. Pages IV-15-1 through IV-15-10 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the generation of solid waste in addition to that described in Chapter IV, Section 15 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

P. GENERATION OF HAZARDOUS MATERIALS

The Beyer Skate Park, 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. Pages IV-16-1 through IV-16-14 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not potentially result in an unauthorized release of a hazardous substance or generate, use, store, or transport any hazardous waste substantially in addition to that described in Chapter IV, Section 16 of the Master EIR, or violate federal, state, or local laws or regulations for hazardous materials or hazardous wastes.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

Q. LANDSLIDES AND SEISMIC ACTIVITY

The Beyer Skate Park, 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. Pages IV-17-1 through IV-17-11 of the Master EIR 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 Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

R. ENERGY

The Beyer Skate Park, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows:

1. Pages IV-18-1 through IV-18-6 of the Master EIR provide the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director confirms that the subsequent project would not create a significant increase in demand for energy beyond that analyzed in Chapter IV, Section 18 of the Master EIR.

Following are the feasible mitigation measures identified in the Master EIR, which are now appropriate to be incorporated into the Beyer Skate Park subsequent project:

1. n/a

CONFORMANCE WITH GENERAL PLAN AND ZONING (SECTION 15063 (D)(5))

The Beyer Skate Park is consistent with R-1 zoning, which allows parks and recreational facilities. The Skate Park is similarly consistent with the Modesto Urban Area General Plan, which promotes recreational uses.

DETERMINATION

The City of Modesto, based upon the information contained in this Initial Study, determines that this 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 EIR and that no new or additional mitigation measures or alternatives will be required.

The City of Modesto, based upon the information contained in this Initial Study, finds that this subsequent project is within the scope of the project covered by the Master EIR.

Therefore, pursuant to Section 21157.1(c) of CEQA, no new environmental document nor findings pursuant to Section 21081 of CEQA shall be required.

Frank Alla Parks Planning & Development Manager — Oct. 1, 1997

Signature/Title — Date

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-566

A RESOLUTION APPROVING AN AMENDMENT TO THE BEYER PARK MASTER PLAN TO ALLOW A SKATEBOARD PARK AT THE SOUTHWEST CORNER OF BEYER COMMUNITY PARK, WHICH IS BOUNDED BY BEYER PARK DRIVE, FOREST GLEN DRIVE, SYLVAN AVENUE AND SYLVAN MEADOWS DRIVE, IN THE CITY OF MODESTO.

WHEREAS, in May, 1995, a Skateboard Task Force, which was formed to address the concerns of the skating community, recommended that a skate park be built in the undeveloped southwest area of Beyer Community Park, and

WHEREAS, at its meeting of October 7, 1997, the City Council considered City staff's recommendation to approve modification of the Beyer Park Master Plan to allow a skateboard park in the Beyer Community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that modification of the Beyer Park Master Plan to allow a skateboard park at the southwest corner of Beyer Community Park, bounded by Beyer Park Drive, Forest Glen Drive, Sylvan Avenue and Sylvan Meadows Drive, in the City of Modesto, is hereby approved as set forth on the drawing marked Exhibit "A" attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

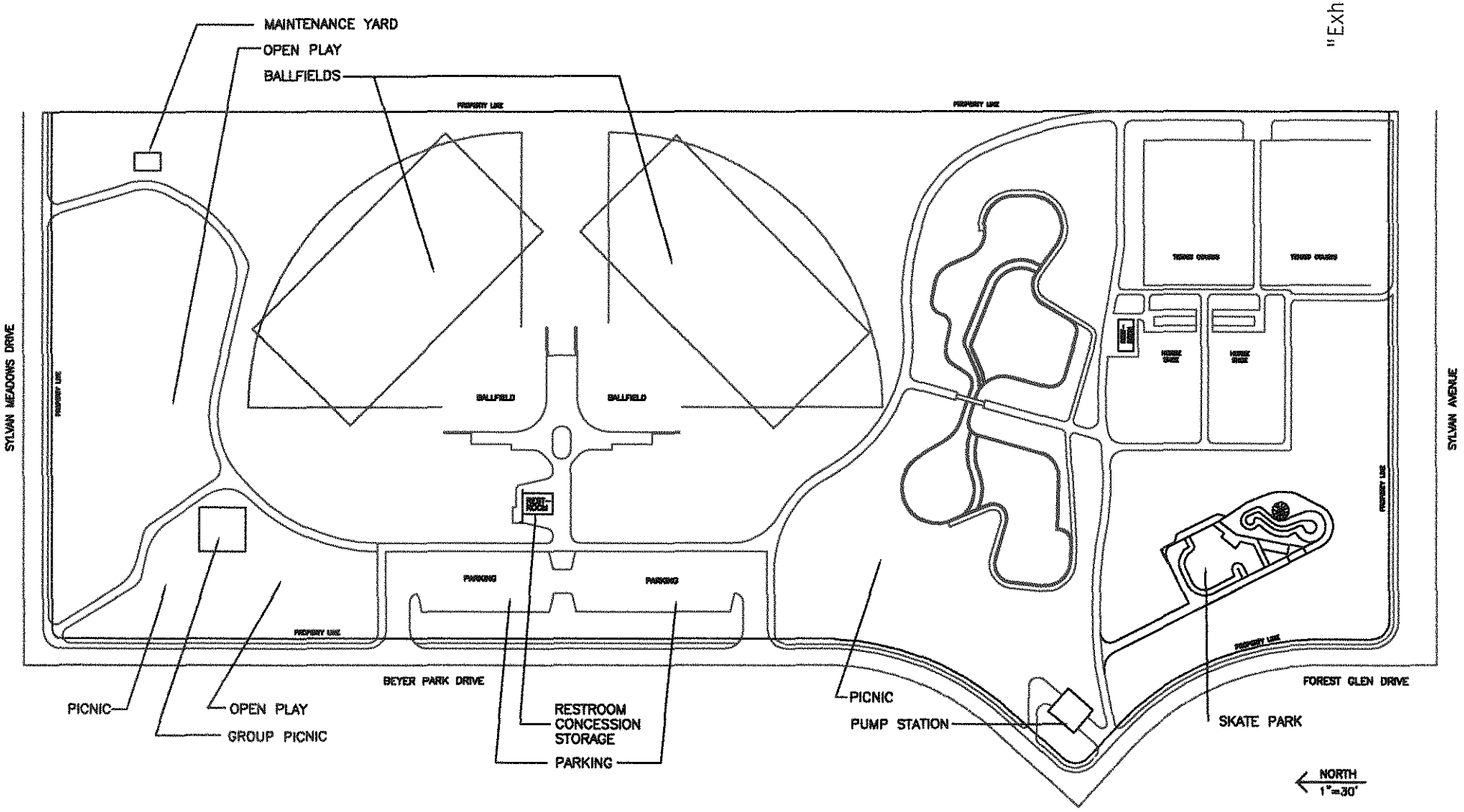
By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

BEYER PARK MASTER PLAN AMENDMENT

TO ALLOW SKATEBOARD PARK

"Exhibit A"



BEYER PARK MASTER PLAN

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-567

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO. (JOB AUDIT - PHASE II)

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, pursuant to the Ralph Andersen and Associates Study, Phase II, 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:

Public Works Supervisor I

Parks Maintenance Supervisor I

Trees Maintenance Supervisor I

Buyer

Community Development Program Specialist I/II

Administrative Clerk I

Customer Services Supervisor

Senior Wastewater Treatment Plant Operator

The job specifications for the classification of Public Works Supervisor I (Range 428), as shown on the attached Exhibit "A"; Parks Maintenance Supervisor I (Range 428), as shown on the attached Exhibit "B"; Trees Maintenance Supervisor I (Range 428), as shown on the attached Exhibit "C"; Buyer (Range 428), as shown on the attached Exhibit "D"; Community Development Program Specialist I/II (Range 124/128), as shown on the attached Exhibit "E"; Administrative Clerk I (Range 103), as shown on the attached Exhibit "F"; Customer Services Supervisor (Range 420), as shown on the attached Exhibit "G"; and Senior Wastewater Treatment Plant Operator (Range 123), as shown on the attached Exhibit "H", 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 CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Legal Services Administrator

Senior Community Development Program Specialist

Assistant Buyer

Senior Buyer

Workers' Compensation Claims Examiner I/II

Organizational Development Specialist

Police Support Services Supervisor

Community Service Officer I/II

Hazardous Materials Program Coordinator

Laboratory Analyst I/II

Laboratory Manager

Water Distribution System Operator

The job specifications for the classification of Legal Services Administrator (Range 427), as shown on the attached Exhibit "I"; Senior Community Development Program Specialist (Range 131), as shown on the attached Exhibit "J"; Assistant Buyer (Range 119), as shown on the attached Exhibit "K"; Senior Buyer (Range 428), as shown on the attached Exhibit "D"; Workers' Compensation Claims Examiner I/II (Range 420/424), as shown on the attached Exhibit "L"; Organizational Development Specialist (Range 433), as shown on the attached Exhibit "M"; Police Support Services Supervisor (Range 423), as shown on the attached Exhibit "N"; Community Service Officer I/II (Range 115/119), as shown on the attached Exhibit "O"; Hazardous Materials Program Coordinator (Range 130), as shown on the attached Exhibit "P"; Laboratory Analyst I/II (Range 120/124), as shown on the attached Exhibit "Q"; Laboratory Manager (Range 433), as shown on the attached Exhibit "R"; and Water Distribution System Operator (Range 116), as shown on the attached Exhibit "S", 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Legal Services Supervisor

Workers' Compensation Claims Examiner

Training Coordinator

Community Service Officer

Hazardous Materials Inspector

Laboratory Technician

Assistant Laboratory Technician

Laboratory Supervisor

Meter Reader/Repair Worker

Water Lineworker

Parks Construction Supervisor I

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after September 30, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 2723

OCTOBER 1997

PUBLIC WORKS SUPERVISOR

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

DEFINITION

To assign and supervise the work of crews engaged in a variety of water, wastewater and street operations, maintenance, repair and/or reconstruction work; and to perform the more complex and difficult duties assigned to the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and managment staff.

Exercises direct supervision over maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in water or wastewater line maintenance, repair and reconstruction, meter operations and maintenance, pumping systems operations and maintenance, water production and storage or street maintenance, repair and reconstruction.

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

Assist in developing and administering Division budget.

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

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

EXHIBIT A

Essential Functions: (Continued)

Participate in the full range of operations, maintenance, repair and construction duties including performing the most difficult duties assigned to the work unit.

Operate a full range of heavy and light equipment such as backhoes, loaders, dump trucks, rollers, tractors, and various trucks.

Check water or wastewater lines, pumping systems, streets, sidewalks and related facilities and equipment for needed maintenance and repairs.

Inspect work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in water, wastewater or street system operations, construction, maintenance and repair activities.

Types and level of maintenance and repair activities generally performed in a water, wastewater or street system operations, construction, maintenance and repair program.

Elements of construction technology as they relate to the assigned construction maintenance and repair activities.

Principles of supervision, training and performance evaluation.

Safe work practices.

QUALIFICATIONS (Continued)

Ability to:

Interpret and work from sketches, penciled layouts and blueprints and prepare plans for minor projects.

Keep records and make reports.

Operate and maintain water purification treatment machinery and equipment required for specific positions.

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.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience performing utility operations, construction and maintenance work in the assigned area of responsibility, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade, supplemented by specialized training in personnel supervision and/or construction-related subjects.

License or Certificate:

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

Possession of, or ability to obtain, a Grade III water treatment certificate issued by the State of California is required for specific positions.

Possession of, or ability to obtain, a Certificate issued by the State of California for backflow device testing is required for specific positions.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

Physical Conditions:

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

CITY OF MODESTO
No. 2751

OCTOBER 1997

PARKS 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, supervise and participate in the operation and maintenance of City parks; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Essential Functions:

Plan, prioritize, assign, supervise and review the work of maintenance crews involved in park grounds maintenance and minor repair.

Assist in budget preparation and administration.

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

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate a full range of grounds maintenance and minor repair.

Monitor insect level and take appropriate corrective actions.

Check park facilities and equipment for needed maintenance and repairs; and check assigned equipment for needed maintenance and repairs.

EXHIBIT B

Essential Functions: (Continued)

Supervise maintenance staff in the application and use of pesticides, fungicides, herbicides and fertilizers.

Inspect the work of crews while in progress; provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Supervise, train and evaluate subordinates.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in park grounds maintenance and minor repair activities.

Types and level of maintenance and repair activities generally performed in a park grounds, maintenance and repair program.

Principles of supervision, training and performance evaluation.

Safe work practices.

Ability to:

Interpret and work from sketches, penciled layouts and blueprints and prepare plans for minor projects.

Keep records and make reports.

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

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

QUALIFICATIONS (Continued)

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience performing parks maintenance, commercial landscaping, or professional tree maintenance, including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of 30 college units desirable, supplemented by specialized training in horticulture, personnel supervision and related subjects.

License or Certificate:

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

Possession of a Pesticide Applicator's Certificate, within one year of appointment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

WORKING CONDITIONS (Continued)

Physical Conditions:

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

CITY OF MODESTO
No. 2753

OCTOBER 1997

TREES 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, supervise and participate in the operation and maintenance of City trees; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Essential Functions:

Plan, prioritize, assign, supervise and review the work of maintenance crews involved in tree maintenance, planting and preservation.

Assist in budget preparation and administration.

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

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate a full range of tree maintenance, including tree trimming, tree planting duties, and tree preservation activities.

Monitor insect level and take appropriate corrective actions.

Check City trees and assigned equipment for needed maintenance and repairs.

EXHIBIT C

Essential Functions: (Continued)

Supervise maintenance staff in the application and use of pesticides, fungicides, herbicides and fertilizers.

Inspect the work of crews while in progress; provide technical advice and assistance to subordinate staff.

Maintain time, material and equipment use records.

Requisition supplies and materials.

Supervise, train and evaluate subordinates.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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

Types and level of maintenance and repair activities generally performed in tree planting, preservation and maintenance program.

Elements of tree technology as they relate to the assigned tree planting, preservation and repair activities.

Principles of supervision, training and performance evaluation.

Safe work practices.

Ability to:

Interpret and plan work from field trips and prepare plans for minor projects.

Keep records and make reports.

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

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

QUALIFICATIONS (Continued)

Ability to: (Continued)

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience performing tree maintenance, including one year of supervisory or lead responsibility.

Training:

Equivalent to 60 college units desirable, supplemented by specialized training in horticulture, personnel supervision and/or arboriculture subjects.

License or Certificate:

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

Possession of a Pesticide Applicator's Certificate.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

WORKING CONDITIONS (Continued)

Physical Conditions:

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

CITY OF MODESTO
No. 3790

October, 1997

BUYER
SENIOR BUYER

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

DEFINITION

To perform a variety of technical duties in the purchasing of supplies, materials and equipment in order to obtain maximum efficiency and economy in buying and utilizing materials, supplies, equipment, and services in order to support and enhance the delivery of City services; to supervise the storing inventorying, disposal and auction of obsolete and surplus equipment and supplies.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Buyer - This is the entry level in the professional Buyer series. Incumbents are responsible for purchasing a full array of supplies, materials, complex equipment and services. This class is distinguished from the Senior Buyer by the performance of the more routine duties assigned. Since this class is typically used as the entry class, employees may have only limited purchasing experience in governmental setting.

Senior Buyer - This is the full journey level class within the professional Buyer series. This class is distinguished from the Buyer by handling the more complex purchases, working independently and as required, supervising technical and/or support staff. Employees at this level receive only occasional instruction or assistance as unusual situations arise, and are fully aware of the procedures of the work unit.

EXHIBIT D

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Purchasing Officer or from management staff.

May exercise functional and technical supervision over clerical or technical staff.

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

ESSENTIAL FUNCTIONS:

Receive, examine and process purchase requisitions; check for correct ordering, accounting and departmental approval information; issue purchase orders.

Purchase all inventory office supplies; maintenance, repair and operating (MRO); complex, highly sophisticated equipment and services; solicit bids and proposals from vendors; select or recommend appropriate vendors.

Research and identify new sources for use in bidding; obtain bid and price information by mail, phone, fax, computer, or direct contact with vendors; negotiate with vendors on behalf of the City; interview and correspond with vendors regarding their materials, services, and products; ascertain whether vendors meet business license, insurance and other requirements of the City.

Assist in the development and achievement of division goals; assist in the development of and achievement of department goals; assist in implementing more effective procurement techniques.

Keep current on laws, regulations, ordinances, principles, practices and procedures for purchasing and application related to purchasing.

Prepare equipment, materials and services specifications and other necessary documents related to the purchase of supplies, equipment, services and materials.

Supervise the ordering, receiving, storing marking, issuing and inventory of supplies through the Purchasing Division's Stores/Warehouse.

Essential Functions: (Continued)

Assist in the development and preparation of instructions and forms related to purchasing and stores.

Confer with departmental representatives to determine purchasing needs; coordinate with vendors and receiving departments regarding deliveries.

Maintain and prepare periodic reports, including warehouse inventory and monthly activity report. Prepare other reports when directed by the Purchasing Officer.

Assist in the development and review of purchasing procedures and methods.

Interpret and apply City purchasing policies and procedures.

Prepare price, quality and value comparisons in the evaluation of bids, materials, services and equipment needs.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Supervise the storing, inventorying, disposing of and accounting for the sale or disposal of goods and equipment.

Use a personal computer to create professional documents.

Prepare Council agenda staff reports and perform complex staff analyses.

Marginal Functions:

Make presentations to the City Council, committees and other groups as necessary.

Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Purchasing procedures and negotiation techniques in a government setting.

Knowledge of: (Continued)

Office and warehouse procedures and practices.

Principles of supervision, training and leadership.

Principles and practices of a central purchasing operation, including specification writing.

Materials, supplies and equipment typically used in municipal services and the sources for such products.

General laws and regulations applicable to bidding procedures and purchasing operations.

Understanding of Federal and State purchasing laws and requirements.

Storekeeping and warehousing methods and practices including inventory control procedures.

Budgeting procedures and techniques.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

Advanced purchasing principles and techniques including multi-step procurement, life-cycle costing analysis, systems contracting and alternative procurement methods.

Management information systems including personal computers and associated hardware/software.

Ability to:

Supervise the purchase of a variety of supplies, materials, services and equipment.

With input from City departments, assist with the preparation of equipment, material and service specifications.

Prepare equipment and material specifications.

Ability to: (Continued)

Evaluate quality and price of products to judge suitability of goods and alternatives offered.

Prepare and administer a budget.

Develop new sources of supply.

Assist in analyzing, evaluating and modifying purchasing methods and procedures.

Supervise and train assigned staff.

Maintain accurate records and controls.

Make rapid and accurate arithmetical calculations.

Use modern office equipment and personal computers.

Present a positive, professional image.

Communicate effectively, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Buyer

Experience:

Two years of increasingly responsible purchasing experience including one year purchasing supplies and equipment, inventory stock control or warehousing experience.

Training:

Equivalent to an Associate of Arts degree from an accredited college with emphasis in business administration, public administration, purchasing, materials management or a related field. Possession of a purchasing certificate may be substituted for the required education.

License or Certificate:

Possession of, or the ability to obtain, an appropriate, valid California Driver's License.

Senior Buyer

Experience:

Four years of increasingly responsible complex purchasing experience, two years of which must include governmental purchasing. Experience must include the purchasing of a variety of services, the purchasing of repair and maintenance items, supplies and equipment, inventory stock control, or warehousing. Possession of a "Purchasing Certificate" from any state chartered purchasing association or accredited college may be substituted for one (1) year of the required experience.

Experience and Training Guidelines (Continued)

Training:

Equivalent to graduation from an accredited college or university with a Bachelor of Arts Degree in public administration, business administration, accounting, finance or a closely related field.

License or Certificate

Possession of a certificate as a Certified Purchasing Manager (CPM), Certified Public Purchasing Buyer (CPPB), or Certified Public Purchasing Officer (CPPO) is highly desirable.

Experience and Training Guidelines

Possession of, or ability to obtain, an appropriate, valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasional warehouse environment.

Physical Conditions:

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

CITY OF MODESTO
No. 3227
No. 3228

OCTOBER 1997

COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I/II

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

DEFINITION

Under general direction from the Housing and Neighborhoods Division Manager, provides administrative and technical support to the Housing and Neighborhoods Program Office. Also initiates and maintains contact with property owners, residents, organizations and governmental entities involved in community development programs offered through the Housing and Neighborhoods Program Office.

DISTINGUISHING CHARACTERISTICS

Community Development Program Specialist I - This position is distinguished from the Community Development Program Specialist II by the performance of the more routine tasks and duties assigned to the position.

Community Development Program Specialist II - Employees within this class are distinguished from the Community Development Program Specialist I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the I level, or when filled from the outside, require prior work experience directly related to the area of assignment.

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

Essential Functions:

Provide administrative and technical support to the Housing and Neighborhoods Program Development Manager.

Assist in preparation of the division budget.

Assist in the preparation of annual reports and funding applications.

Provide statistical methodology for major projects.

EXHIBIT E

Essential Functions: (Continued)

Coordinate informational seminars and workshops.

Prepare data and reports for citizen committees, primarily the Economic Development Loan Committee and Citizens Housing and Community Development Committee.

Assist in the marketing of community development programs administered through the Housing and Neighborhoods Program Office; write and prepare brochures and flyers, video tape segments, newspaper and magazine advertising copy.

Assist in monitoring Mortgage Revenue Bonds and other tax-exempt financing.

Monitor small-business loans, nonprofit organizations and other governmental entities for proper expenditures according to loan or grant agreements and Federal regulations.

Responsible for the implementation of the Affordable Housing Task Force and Housing Trust Fund.

Develop and maintain automated systems for compilation of economic data, housing data and participant files.

Monitor the low income benefit and the effectiveness of existing community development programs, and recommend the addition, expansion, or modification of programs and public outreach to respond to diverse and changing community needs.

Review and analyze proposals and make funding recommendations.

Advise prospective first-time home buyers about the availability of local, state and federal housing programs.

Prepare and/or update policies and procedures of existing community development programs.

Assist residents with relocation under the Housing Rehabilitation Program.

Assist with loan package preparation to applicants under the Small Business Loan Program.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Community Development Program Specialist I

Knowledge of:

Federal, State and local housing and community development programs and regulations.

Effective communication skills with a diversity of clients.

Technical report writing.

Basic statistical and record-keeping methods.

Principles and practices of basic small business operations.

Basic computer skills and operations.

Ability to:

Gather data and prepare recommendations

Prepare statistical charts, graphs and exhibits.

Foster cooperative working relationships with the general public.

Deal effectively with individuals from a variety of ethnic and socio-economic groups.

Prepare and present reports for public meeting and funding workshops.

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

Communicate clearly and concisely, both orally and in writing.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Community Development Program Specialist II

In addition to the Desirable Qualifications for the Community Development Program Specialist I:

Knowledge of:

Principles and practices of loan packaging and underwriting.

Principles and practices of contract monitoring.

Principles and practices of budget preparation and administration.

Computer and software knowledge, including spreadsheets.

Ability to:

Organize and implement comprehensive reports and community development programs.

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

Ability to analyze pro-formas and financial statements.

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:

FOR BOTH COMMUNITY DEVELOPMENT PROGRAM SPECIALIST I AND II:

Education:

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

License:

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

Experience: (Continued)

SPECIALIST I:

Two years of increasingly responsible experience in finance, community development, or related field. Familiarity with housing programs is highly desirable.

SPECIALIST II:

At least three years of increasingly responsible experience in finance, community development, or a related field with a minimum of one year in a community development or housing agency.

WORKING CONDITIONS

Environmental Conditions:

Both office and field environment; exposure to computer screens.

Physical Conditions:

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

CITY OF MODESTO
NO. 4730

OCTOBER, 1997

ADMINISTRATIVE CLERK I

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

DEFINITION

To perform a wide variety of general and routing typing, clerical, receptionist and micrographic duties.

DISTINGUISHING CHARACTERISTICS

This is the entry level class in the Administrative Clerk series. This class is distinguished from the Administrative Clerk II by the performance of the more routine tasks and duties assigned to positions within the series including the performance of routine and repetitive typing. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from management, professional, technical or secretarial staff.

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

Essential Functions:

Receive incoming calls; route them to proper parties; take and transmit messages.

Place, receive and complete long distance calls.

Receive and greet visitors; provide information and assistance; direct them to proper personnel and locations.

Assure proper scheduling and training of relief operator.

Collect pamphlets and brochures for information packets.

Compute and type information for recovering of City losses.

Microfilm documents received; provide a duplicate copy should the original be damaged; clean and load microfilm cameras; complete necessary forms for micro-filming projects.

EXHIBIT F

Essential Functions: (Continued)

Mix chemicals and operate film processor; load film in editing machines; splice and duplicate film.

Type letter, memorandums, reports or other material form oral direction, rough draft, copy, notes or transcribing machine recordings.

Search and retrieve material from files.

Post information on cards and records from well defined sources.

Maintain an accurate filing system.

Pick up, sort and distribute U.S. and inter-office mail; maintain related postage records to assure prompt mail delivery.

Meter out-going mail, prepare special mailings and perform related postage meter maintenance.

Marginal Functions:

Report phone and elevator malfunctions for proper repair.

Assist Mayor with visitors and schedules.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

English usage, spelling, grammar and punctuation.

Modern office procedures, methods and computer equipment.

Receptionist and telephone techniques.

Principles and procedures of record keeping.

Policies and procedures of the assigned department.

Basic math and accounting principles.

Basic work processing methods, techniques and programs.

Ability to:

Learn and correctly interpret and apply the policies and procedures of the function to which assigned.

Learn to operate a central incoming telephone call director.

Learn to operate office machines, postage meter and word processor.

Train relief receptionist.

Perform general clerical work including maintenance of appropriate records and compiling information for reports.

Type or work process at a speed necessary for successful job performance.

Understand and carry out oral and written directions.

Perform simple mathematical calculations.

Communicate clearly and concisely, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

No experience is necessary.

Training:

Equivalent to completion of the twelfth grade.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

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

CITY OF MODESTO
No: 3544

October, 1997

CUSTOMER SERVICES SUPERVISOR

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

DEFINITION:

To plan, coordinate and administer assigned sections of the Customer Services Division to include Utilities, Collections, Cashiering, and Business License.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from upper management staff.

Exercises direct supervision over technical and clerical staff.

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

Essential Functions:

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

Prepare and coordinate completed staff work in the areas of utilities, collections, cashiering, and business license operations.

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

Respond to requests for information and advise City Departments, governmental agencies, and the public of City utility, collections, cashiering, and business license policies.

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

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 intergovernmental meetings for the purpose of developing cooperative methods and practices.

EXHIBIT G

Essential Functions: (Continued)

Confer with members of the public to respond to complaints and requests for information. Refer difficult cases to the Customer Services Specialist.

Assist in the development and implementation of utility, collections, and licensing systems and reporting procedures.

Review, develop, and modify collections and utility control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Marginal Functions:

Conduct fiscal analyses and studies.

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

Principles and practices of organization and public administration.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Laws regulating public utilities, collections, cashiering, or business license activities. Pertinent Federal, State, and local laws, codes, and regulations.

Budget procedures and techniques.

Mainframe and personal computer applications.

Methods and techniques of effective technical report preparation and presentation.

Ability to:

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Ability to: (Continued)

Interpret and apply complex rules, regulations, and policies.

Prepare and analyze technical and administrative reports, statements, and correspondence.

Work with and control sensitive, confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines: - Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible financial experience in a public or utility agency with emphasis in professional utility, collections, cashiering, or business license work; including two years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college in business administration, accounting, or a related field.

License:

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

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

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

CITY OF MODESTO
No. 6440

OCTOBER 1997

SENIOR WASTEWATER TREATMENT PLANT OPERATOR

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

DEFINITION

To operate, monitor and otherwise maintain the facilities of a wastewater treatment plant to ensure effective treatment of domestic and industrial wastewater; and to maintain discharge quality in accordance with State and Federal requirements.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Wastewater Treatment Plant Operator Supervisor.

Exercises technical supervision over plant operators and attendants.

DISTINGUISHING CHARACTERISTICS:

When required, may act as shift supervisor as defined by the State Water Resources Control Board, California Code of Regulations, Title 23: a certified operator who oversees and directs the operation or a phase of operation of a wastewater treatment plant during a specific work period and who reports to a supervisor or a chief plant operator.

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

Essential Functions:

Monitor the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.

EXHIBIT H

Essential Functions: (Continued):

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment.

Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.

Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

Inspect and maintain wastewater collection facilities; report all suspected problems; prepare maintenance requests.

Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State, and County agencies.

Conduct tours of the treatment plant to visitors, civic organizations and other interested parties.

May assign work and provide training to other wastewater treatment plant staff.

Monitor pump lift station and water computer for alarms; notify response team to correct problem; operate two-way radio to coordinate with lift stations.

May be required to work irregular shifts.

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.

QUALIFICATONS (Continued)

Knowledge of: (Continued):

Wastewater discharge requirements. Grit disposal unit.

Safe work practices.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.

Perform heavy manual labor, including but not limited to lifting and carrying seventy-five (75) pounds of weight, climbing, bending, stooping, etc.

Operate, repair, and maintain wastewater treatment plant equipment.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Diagnose operating problems and take effective courses of action.

Make independent technical decisions to maintain proper treatment process.

Keep records and maintain reports.

Understand and carry out oral and written instructions.

Train and supervise assigned staff.

Work irregular work shifts.

Communicate clearly and concisely, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Ability to: (Continued)

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years experience in wastewater treatment plant operations.

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 III certificate from the California State Water Resources Control Board.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 75 pounds of weight, maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
NO. 2630

OCTOBER, 1997

LEGAL SERVICES ADMINISTRATOR

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

DEFINITION

To perform a variety of highly responsible, confidential and complex secretarial and administrative duties for the City Attorney; to supervise, coordinate, plan, and evaluate all clerical activities and staff of the City Attorney's Office; and to manage quality control of the City Attorney's Office work product including monitoring office systems, policies and procedures and administering the records system.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Attorney.

Exercises direct supervision over technical and clerical staff.

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

Essential Functions:

Perform a wide variety of complex, responsible and confidential secretarial and administrative duties for the City Attorney.

Interpret City policies, procedures, laws and regulations in response to inquiries and complaints; refer inquiries as appropriate.

Independently analyze problems, identify alternative solutions, provide guidance and instruction to the legal support staff as well as other City employees.

Analyze the Council Agenda and independently determine which documents shall be prepared by the City Attorney's Office.

Prepare and oversee the preparation and composition of certain complex documents required for adoption by the City Council.

EXHIBIT I

Essential Functions: (Continued)

Serve as liaison to other departments, professional legal staff, clerical staff and other City employees; respond to inquiries and requests for assistance from other employees, citizens, and office staff.

Create word processing documents, calendar, and use other automated office equipment typical to a City Attorney's Office.

Independently respond to letters and general correspondence of a routine nature.

Take and transcribe dictation; type and assemble reports, manuals, newsletters and other materials and distribute to staff.

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

Implement new procedures for the legal support staff to follow, and occasionally, for other City employees to follow.

Research, compile and analyze data for special projects and various reports as needed by the City Attorney.

Confer with other City personnel regarding environmental issues, strategic planning, zoning, and other land use matters.

Conduct briefing sessions for various City employees on procedures relating to agenda items, contracts and subdivisions.

Analyze and prepare budget projections and the Proposed Budget for the City Attorney's Office.

Administer and control the City Attorney's Office Budget: directing purchases, payments, appropriation transfers, and evaluating status of the budget throughout each fiscal year.

Screen visitors and telephone calls; refer to appropriate person.

Conduct coaching sessions, prepare pay for performance standards, and prepare evaluations for each employee supervised.

Process contracts and subdivisions; check bonds and insurance requirements; coordinate with insurance representatives, attorneys and other departments.

Essential Functions: (Continued)

Initiate and maintain a variety of files and records for information related to the City Attorney's office; maintain manuals and update resource materials.

Direct, assist, and formulate the development of short and long range planning for the Office of the City Attorney; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Compose, prepare or supervise the preparation of technical and legal documents.

Commissioned notary public.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Legal terminology, forms, and procedures.

Accounting and bookkeeping procedures, City's budget adoption process, and city's purchasing procedures.

Functions and organization of municipal government.

Legal requirements for City Council agenda and City's internal agenda preparation process.

Various technical requirements used in the preparation of both resolutions and ordinances.

English usage, spelling, grammar and punctuation.

Word processing computer software, calendaring systems and other litigation support software.

Business letter writing and basic report preparation.

Principles and procedures of record keeping.

Knowledge of: (Continued)

Pertinent federal, state and local laws, codes and regulations.

CEQA requirements and City and State requirements for subdivision and other land use approvals.

Principles of supervision, training and performance evaluation.

Budgeting procedures and techniques.

Ability to:

Learn the organization and operating procedures of the City.

Assume a leadership role in the overall management and delivery of legal services by the City Attorney's Office.

Interpret and apply administrative and departmental policies, procedures, laws and regulations.

Manage quality control of the City Attorney's Office work product.

Work cooperatively with other departments, City officials and outside agencies.

Perform responsible and difficult secretarial work involving the use of independent judgment and personal initiative.

Understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.

Prepare, compose, or oversee the preparation of accurate and appropriate required documents adopted by the Council.

Analyze situations carefully and adopt effective courses of action.

Analyze the Council Agenda in advance of the Council meeting to anticipate required documents.

Compile and maintain complex and extensive records and prepare reports.

Ability to: (Continued)

Maintain confidential data and information for executive staff.

Independently prepare correspondence and memorandums.

Perform word processing, systems calendaring, and to be creative and effective in coordinating implementation of document management technology.

Type and transcribe at a speed necessary for successful job performance.

Take and transcribe dictation at a speed necessary for successful job performance.

Work independently in the absence of supervision.

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate assigned staff.

Prepare and administer a budget.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training

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 legal secretarial experience including one year of lead supervision.

Experience and Training (Continued)

Training:

Equivalent to completion of the twelfth grade supplemented by specialized secretarial course work.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

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

CITY OF MODESTO
No. 3221

OCTOBER 1997

SENIOR COMMUNITY DEVELOPMENT PROGRAM SPECIALIST

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

DEFINITION

To provide administrative and technical support to the Housing and Neighborhoods Division of the Community Development Department; to perform research, statistical and other analytical work; and to fulfill other assignments in functional areas such as budget and financial accounting/monitoring and grant-related activities.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from a division manager.

May exercise technical and functional supervision over administrative staff.

DISTINGUISHING CHARACTERISTICS

This single position class is distinguished from the Community Development Program Specialist II by the performance of journey-level duties involving budgetary and financial responsibilities and providing administrative support to the Department in specific areas of responsibility including grant programs and budgeting.

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

Essential Functions:

Act as Budget Officer for the division; prepare and administer the division budget; manage the day-to-day fiscal operation and funding allocation; responsible for budget monitoring; responsible for gathering and compiling financial data for annual reports.

Undertake independent analysis, program development and research, making recommendations and preparing corresponding staff reports.

Coordinate preparation of required annual HUD grant applications, reports and documents; compile, analyze and prepare annual funding reports.

EXHIBIT J

Essential Functions: (Continued)

Compile and analyze data and prepare annual reports including the Grantee Performance Report, Community Development Block Grant (CDBG) Application, HOME Application and Comprehensive Housing Affordability Strategy (CHAS).

Negotiate terms and conditions of contracts; administer and monitor contracts with various sub-contractors.

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

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications.

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

Assist in marketing of community development programs administered through the Housing and Neighborhoods Office including writing and preparing brochures and flyers.

Monitor small-business loans, nonprofit organizations and other governmental entities for proper expenditures according to loan or grant agreements and Federal regulations.

Assist in packaging and underwriting loans under the Down Payment Assistance Program.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Federal, State and local housing and community development programs and regulations.

Effective communication skills with a diversity of clients.

Technical report writing procedures and grant proposal development.

Statistical methods and graphic presentation.

QUALIFICATIONS: (Continued)

Principles and practices of loan packaging and underwriting.

Principles and practices of contract monitoring.

Knowledge of:

Principles and practices of budget preparation and administration.

Computer and software knowledge, including spreadsheets.

Ability to:

Prepare and present completed staff reports including statistical charts, graphs and exhibits.

Deal effectively with individuals from a variety of ethnic and socio-economic groups.

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

Communicate clearly and concisely, both orally and in writing.

Estimate and project revenues and expenditures.

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

Ability to analyze pro-formas and financial statements.

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:

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

Experience and Training Guidelines: (Continued)

Experience:

At least four years of increasingly responsible experience in finance, community development, or a related field with a minimum of one year in a community development or housing agency.

License:

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

WORKING CONDITIONS:

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

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

CITY OF MODESTO
No. 3723

October, 1997

ASSISTANT BUYER

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

DEFINITION

To perform a variety of staff procurement, clerical and reception support services in the City's purchasing division; review purchase orders, purchase requisitions, bids, specifications, and invoices for accuracy and appropriateness; perform monitoring of contracts to ensure compliance with purchasing and related requirements; prepare and maintain a variety of purchasing related records, files, lists and forms; respond to inquiries and provide information regarding purchasing activities.

DISTINGUISHING CHARACTERISTICS

This is a para-professional bridge classification within the Buyer series designed to provide on-the-job training opportunities. Incumbents typically have appropriate specialized training with little or no job-related experience.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory or upper level 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:

Review purchase requisitions for completeness and accuracy.

Solicit, calculate and evaluate bids for price and quality; assist in the preparation of bid specifications.

Monitor contracts for compliance, correcting any non-compliance bidding of services for annual contracts, and compiling of cost projections for budget purposes.

Coordinate blanket purchase order issuance, research of requests, evaluation of past usage, and contact of vendors for pricing and terms.

EXHIBIT K

Essential Functions: (Continued)

Project future pricing on frequently purchased items and services for budget preparation purposes.

Respond to inquiries and clarify information from departments regarding purchasing process, supplies, equipment, and problems with invoices and purchase requisitions.

Maintain vendor files; contact established sources of supply to obtain specifications and price quotations.

Maintain a variety of files, records, lists and manuals.

Type purchasing related forms, lists and reports as assigned.

Train users city-wide on the use of the Extended Purchasing System (EPS) for electronic requisition input and budget referral.

Marginal Functions

Perform other related duties as required.

QUALIFICATIONS

Knowledge of:

Principles, practices, methods, and techniques used in purchasing.

Materials, supplies, and equipment typically used in local government services.

Personal computers and related software.

General methods and practices of bookkeeping and financial and statistical record keeping.

Ability to:

Perform responsible purchasing activities in a local government environment.

Learn City purchasing procedures and appropriate government codes applicable to purchasing.

Ability to: (Continued)

Make arithmetic calculations with speed and accuracy. Perform statistical analysis.

Establish and maintain cooperative working relationships with both internal and external customers.

Communicate effectively, both orally and in writing.

Operate a computer, calculator, and other basic office equipment.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of progressively responsible experience performing directly-related purchasing, bookkeeping, and clerical functions.

Training:

Equivalent to completion of the twelfth grade, supplemented by specialized training, possession of a purchasing certificate or the completion of college level coursework in business administration, purchasing, materials management, or a closely related field.

License or Certificate:

Possession of, or the ability to obtain, an appropriate, valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasional warehouse environment.

Physical Conditions:

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

WORKERS' COMPENSATION CLAIMS EXAMINER I/II

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

DEFINITION

To perform claims adjusting work in support of the City's self-administered Worker's Compensation program; and to provide technical assistance to the Risk Management Office.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Workers' Compensation Claims Examiner I - This is the entry level class in the Workers' Compensation Claims Examiner series. This class is distinguished from the Workers' Compensation Claims Examiner II by the performance of the more routine tasks and duties assigned. When appropriate, incumbents may also perform the full scope of duties under close supervision. Since this class is typically used as a training class, employees may have only limited claims processing experience.

Workers' Compensation Claims Examiner II - This is the full journey level class within the Workers' Compensation Claims Examiner series. This class is distinguished from the Workers' Compensation Claims Examiner I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direct 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:

Review a variety of reports to determine proper action under workers' compensation laws and regulations, including accident and injury.

Serve as a technical resource interpreting laws, rules and regulations and advising internal customers.

EXHIBIT L

Essential Functions: (Continued)

Adjust Workers' Compensation claims in accordance with applicable laws and regulations.

Establish and maintain monetary reserves to cover medical costs and project compensation costs.

Initiate and review all payments on workers' compensation claims, including temporary disability and permanent disability payments in accordance with applicable laws and regulations.

Perform periodic review of assigned Workers' Compensation claims to assure proper and timely payments.

Respond to questions from injured workers, physicians, attorneys, insurance claims representatives, and others regarding assigned Workers' Compensation claims.

Contact public agencies, insurance adjusters, attorneys, claimants and City staff to obtain and provide claims information in the Workers' Compensation area.

Conduct special surveys and projects; analyze information and prepare various City, State and Federal reports.

Marginal Functions:

Perform general clerical duties as required.

Perform related duties and responsibilities as assigned.

QUALIFICATIONS

Knowledge of:

Workers' Compensation laws and benefit administration.

Basic principles of statistics and mathematics.

City, State and Federal record keeping procedures.

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Ability to:

Analyze and interpret a variety of medical and legal documents, procedures, policies, rules and regulations.

Ability to: (Continued)

Respond to the public tactfully and courteously.

Prepare permanent disability rating estimates.

Prepare clear and concise reports.

Maintain confidential records.

Communicate clearly and concisely, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Workers' Compensation Claims Examiner I

Experience:

Two years of experience in the adjustment and evaluation of workers' compensation claims or a closely related field.

Training:

Equivalent to completion of the twelfth grade, supplemented by college level coursework in insurance, business administration, or a closely related field.

License or Certificate:

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

Workers' Compensation Claims Examiner II

Experience:

A minimum of four years of experience as a Claims Examiner.

Training:

Equivalent to completion of the twelfth grade, supplemented by college level coursework in insurance, business administration, or a closely related field.

License or Certificate:

Possession of a self-insurance plans certificate to administer workers' compensation claims issued by the State of California, Department of Industrial Relations.

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

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screen.

Physical Conditions:

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

CITY OF MODESTO
NO. 3698

OCTOBER, 1997

ORGANIZATIONAL DEVELOPMENT SPECIALIST

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

DEFINITION

To design, plan and implement organization-wide initiatives, employee development programs and training classes for City employees; to coordinate activities with other City departments and the public; and to provide responsible and complex administrative support to the Personnel Director and Senior Executive Team.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Personnel Director.

May exercise technical and functional supervision over administrative staff.

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

Essential Functions:

Design, plan and implement organization-wide initiatives, employee development programs and training classes.

Develop and direct employee motivational programs that improve morale and employee relations, including the Recognition, Suggestion and Educational Partnership programs.

Design, plan and coordinate organization-wide events such as the Retirement and Recognition Banquet, the Management Forum, and others as directed.

Lead and participate in inter-departmental project teams; provide facilitation support to teams; instruct teams on team process skills and guide team development and productivity.

Confer with management and supervisory staff to determine training needs; develop course work and advise staff or contract instructors as they deliver training programs.

Review operating procedures, systems and services; recommend and implement changes.

EXHIBIT M

Essential Functions: (Continued)

Maintain a system for tracking and reporting training participation in order to provide statistical data and monitor individual progress toward training goals.

Organize and prepare instructional materials utilizing available technology and multimedia equipment to enhance learning.

Advise management and supervisory staff on training methods and issues.

Prepare the training program budget; assist in budget implementation; participate in the forecast of additional funds needed for training materials and supplies.

Monitor training expenses; process check and cash advance requests.

Review contracts and trade materials relating to organizational and employee development and training.

Respond to questions from employees regarding training and mobility within the City structure.

Compose and type correspondence, agendas and reports; and maintain a variety of files and documents.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Effective organizational and employee development strategies and techniques.

City programs, policies, organization and practices.

Effective training techniques and learning processes.

Communication skills and interpersonal relations.

Principles and practices of budget preparation and administration.

Ability to:

Plan, organize and conduct training programs; prepare promotional materials for course work, advertise training schedules and encourage participation.

Make effective, tactful presentations to both individuals and public groups.

Analyze, evaluate and make recommendations for organization-wide initiatives, employee development programs and training classes.

Prepare written materials, manuals, handbooks, lesson plans, audio and visual aids such as charts, graphs, and diagrams.

Identify training needs; evaluate and modify training program as necessary.

Assist in accomplishment of City's goals and objectives.

Develop and maintain a relationship with trainers, facilitators, business and professional associations.

Prepare and administer the training program budget.

Communicate clearly and concisely, both orally and in writing.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of increasingly responsible experience in workplace training, employee development, organizational development, public speaking, or other managerial work.

Training:

Equivalent to a Baccalaureate Degree from an accredited college or university with major course work in education, communication or a related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

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

CITY OF MODESTO
NO. 3720

OCTOBER, 1997

POLICE SUPPORT SERVICES 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

Plan, organize and supervise the operations of a shift or unit of the Support Services Bureau, and to perform a variety of community relations, administrative and technical duties. Works a variety of shifts including days, evenings, weekends and holidays.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Police Records Manager or other second level management staff. Exercises direct and indirect supervision over subordinate technical and clerical staff and community services officers.

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

Essential Functions:

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in selection of staff.

Schedule personnel for shifts, including contacting off-duty employees to make necessary adjustments in shift schedules to fill vacancies, determining overtime needs and authorizing expenditure.

Supervise the training of employees in procedures, automated systems, and the use of equipment.

Recommend, coordinate and implement policy and procedures.

Participate in the development, supervision and maintenance of records and files necessary to the Police Records Section functions.

Investigate internal or citizen problems and complaints and respond in a manner resulting in appropriate resolution, and write reports related to the internal investigation of complaints.

EXHIBIT N

ESSENTIAL FUNCTIONS: (Continued)

Manage, facilitate and mediate workplace conflict issues.

Review, implement and interpret operating procedures and make recommendations for revisions to procedure manuals and other training materials as necessary.

Maintain and coordinate updates of automated files for records management system.

Supervise the accountability of incoming fees.

Compile and edit various monthly and annual reports including statistical, internal and administration reports.

Work with other department personnel, city staff and the public in the areas of assigned functional responsibilities.

Monitor all statistical reporting to determine any discrepancies and correct them prior to public announcements or state reporting.

Act as Custodian of Records as assigned, including court appearances for both civil and criminal cases.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training and performance evaluation.

Computer systems, including CLETS and Police network.

Principles and practices of office management, record keeping and scheduling.

Principles of police records, property/evidence management and maintenance.

Departmental rules and regulations and any governing MOU'S.

Knowledge of: (Continued)

Police methods and procedures related to patrol, traffic and investigative reporting, evidence requirements, documentation, and Identification work.

California Department of Justice policies, principles, codes, regulations and laws governing records management, and all federal requirements.

Criminal law with particular reference to the data needed for prosecution and recording of information, including rules of identification and evidentiary requirements, record keeping, computer entries and release of information.

A variety of additional codes, specifically Code of Civil Procedure, Government Code, Health and Safety Code, and Vehicle Code as they apply to duties within the division.

California Peace Officers Standards requirements of records and evidence, and identification.

Ability to:

Supervise, train, plan, organize and review the work of assigned staff.

Gather, assemble, analyze and evaluate facts and evidence.

Exercise independent judgment and make sound decisions in emergency situations.

Communicate clearly and concisely, both orally and in writing.

Handle simultaneous events effectively.

Operate computer equipment and other office equipment quickly and accurately.

Maintain attention to detail despite frequent interruptions.

Prepare and administer a budget.

Ability to: (Continued)

Work cooperatively with other departments, outside agencies and the public including the ability to resolve conflicts.

Compile and maintain complex and extensive records and prepare reports.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience in a law enforcement agency performing technical support duties, including one year of supervisory or lead responsibility.

Education:

Equivalent to an Associate of Arts Degree in Business Administration, Behavioral Science, Criminal Justice or a related field.

License or Certificate:

Successful completion of a POST certified Supervisory course within one year of appointment.

Successful completion of the POST Records management course within two years of appointment.

WORKING CONDITIONS:

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

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

Work Assignment:

Must be willing to work various shifts as assigned including weekends and holidays.

CITY OF MODESTO
No. 7161
No. 7162

OCTOBER, 1997

COMMUNITY SERVICE OFFICER I
COMMUNITY SERVICE OFFICER II

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

DEFINITION

To perform a variety of non-Peace Officer field and office law enforcement tasks including parking enforcement and traffic control, evidence and fingerprint collection, photography, non-injury traffic accident investigation, abandoned vehicle abatement, coordinating neighborhood watch activities, making public presentations, processing narcotics, taking telephone reports and providing general staff support to Police Department staff.

DISTINGUISHING CHARACTERISTICS

Community Service Officer I: This is the entry level class in the Community Service Officer series. This class is distinguished from Community Service Officer II by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Community Service Officer II: This is the full journey level class within the Community Service Officer series. Employees within this class are distinguished from the Community Service Officer I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, demonstrate job proficiency, and train new Police Department employees. Positions in this class are flexibly staffed and are normally filled by advancement from the I level class after a minimum of 24 months and a proficiency standards rating. (Flexing may occur after 12 months, with two years directly related experience in another law enforcement agency.)

SUPERVISION RECEIVED AND EXERCISED

Community Service Officer I: Receives immediate supervision from sworn and non-sworn police supervisory staff.

Community Service Officer II: Receives general supervision from sworn and non-sworn police supervisory staff.

EXHIBIT O

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Duties may include, but are not limited to, the following:

Essential Functions:

Write a variety of reports relating to assigned area of responsibility.

Direct traffic at special events, fire, crime and accident scenes and signal outages.

Testify in court.
Recover stolen vehicles when found unattended.

Observe and report hazardous conditions, obstructions to traffic, and other emergencies.

Patrol city streets and enforce parking laws and regulations applicable to non-moving vehicles and issue citations.

Identify and tow abandoned vehicles as authorized.

Collect, receive, and store property and evidence according to prescribed procedures.

Photograph crime scenes, victims, evidence and property.

Process crime scenes and evidence for fingerprints; analyze evidence and fingerprints.

Serve as court and District Attorney liaison; assemble reports; maintain files, subpoenas, citations, warrants, logs, permits and a variety of other documents; submit information to other agencies and departments as necessary.

Coordinate scheduled court appearances for department personnel; maintain records and statistics; process court papers and serve subpoenas.

Serve as a liaison between the Department and the public; coordinate and publicize a variety of events and programs including National Night Out, neighborhood watch activities, public awareness programs; conduct neighborhood security checks; coordinate "McGruff The Crime Dog" appearances and tours of the Department.

Respond to questions from the public regarding law enforcement activities and Community Oriented Policing.

Contact the public in person and via telephone to take a variety of reports where there are no suspects including, but not limited to, runaways, missing persons, fraud, theft, vandalism, burglary and auto theft.

Essential Functions:

Search prisoners.

Perform clerical and data entry functions as required.

Marginal Functions:

Perform other related duties as assigned.

QUALIFICATIONS

Community Service Officer I

Knowledge of:

Basic personal computer operations.

Basic organization and functions of a municipal law enforcement agency.

Procedures and work methods required to perform the full range of assigned duties safely and efficiently.

Procedures and techniques for dealing with the public in a tactful but firm manner.

Techniques of photography and fingerprinting.

Modern office procedures, practices and equipment.

Ability to:

Learn to interpret and apply pertinent laws, codes and regulations with impartiality and efficiency.

Think and act quickly in emergency situations.

Prepare and maintain accurate and grammatically correct written reports and records.

Understand and carry out oral and written directions.

Establish and maintain cooperative working relationships with coworkers and the public.

Communicate clearly, accurately, and concisely, both orally and in writing.

Deal with the public in general and in difficult work situations.

Ability to: (Continued)

Read maps and learn the city's geography.

Use sound judgment in decision making.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Community Service Officer II

In addition to the qualifications for Community Service Officer I:

Knowledge of:

The structural organization of the Police Department and it's Chain of Command; department policies and procedures; police staff; and location of all police facilities.

Proper principles, practices, methods and techniques of photography and fingerprinting.

Proper principles, practices, methods and techniques of evidence collection, packaging, storage and preservation; safety procedures for blood and biological evidence.

City services, organization and geographic layout, including location of facilities, offices, city boundaries, major streets and beat alignment.

Police radio 10-code, and codes and ordinances frequently used on the radio.

Ability to:

Enforce all laws, codes and ordinances applicable to Community Service Officers.

Operate manual and automatic cameras with all film mediums to photographically preserve evidence; select appropriate fingerprinting processes, powders or chemicals to develop prints; collect identifiable latent and inked finger and palm prints; accurately and completely document photo and fingerprint evidence.

Community Service Officer II (Continued)

Ability to: (Continued)
Identify and collect evidence after complete documentation, and maintain a chain of custody.

Complete traffic accident investigations according to department regulations, including assessing involved persons for medical response, maintaining a safe scene and clearing it, preparing an accurate written report with correct DMV interpretation, and a diagram.

Formally train new employees utilizing knowledge, skill, experience and enthusiasm: effectively explain policies and procedures; demonstrate tasks and equipment operation consistent with department proficiency standards; provide constructive criticism and feedback; complete written documentation of the new employee's progress and level of performance.

Organize, coordinate and make public presentations.

Perform all assigned duties with little or no supervision; demonstrate leadership and problem solving abilities; understand and practice officer safety 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:

Community Service Officer I

Experience:

One year of experience dealing with the public in an enforcement, inspection, investigation or customer service capacity. Experience including the enforcement of municipal codes is highly desirable.

Training:

Equivalent to the completion of the twelfth grade.

License or Certificate

Possession of a valid California driver's license at the time of appointment.

Community Service Officer II

Experience:

Two years of experience as a Community Service Officer I in the City of Modesto,

OR

Two years of experience as a Community Service Officer in another police agency, and one year of experience as a CSO I in the City of Modesto.

Training:

Equivalent to the completion of the twelfth grade.

Any formal photography, fingerprint, traffic accident investigation, FTO course, report writing, crime prevention, or other law enforcement training classes are desirable, but not required.

License or certificate:

Possession of a valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 75 pounds of weight, maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

Work Assignment:

Required to work evenings, weekend and holidays, with rotating shifts.

CITY OF MODESTO OCTOBER, 1997
No. 3353

HAZARDOUS MATERIALS PROGRAM COORDINATOR

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

DEFINITION

To conduct investigations, inspections, and site mitigations in the enforcement of the City Fire Code and hazardous materials regulations, and to perform other related duties as required.

SUPERVISION RECEIVED

Receives supervision from the Fire Marshal.

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

Essential Functions:

Inspect hazardous material handling facilities to ensure compliance with material storage, underground tank, and sanitation codes.

Respond to complaints and/or emergency incidents to assess the health or safety risks, and take action to mitigate the hazards.

Act as technical hazardous material environmental compliance expert/coordinator for City staff; provide employee training.

Identify industries which produce or use hazardous materials, or operate underground storage tanks.

Regulate the installation, removal, or modification of underground storage tanks to ensure compliance with applicable laws and regulations.

Conduct environmental survey, assessments, field investigations, monitoring programs, data collection, chemical testing, and sampling. Assess the degree of contamination of hazardous waste sites; coordinate follow-up of abatement and mitigation activities.

Review and approve Hazardous Material Business Plans for proper inventory of chemicals, emergency preparedness plans, and training components.

EXHIBIT P

Essential Functions: (Continued)

Prepare legal complaints and draft compliance orders, summaries, and reports for legal action by the City or District Attorney's Office.

Review construction, assessment, and mitigation plans for compliance with Hazardous Material Codes, standards and policies.

Conduct environmental impact review analysis as part of the CEQA process for selected city and development projects.

Provide legislative review and analysis applicable to fire, environmental, and hazardous materials compliance laws and regulations.

Develop, initiate, and monitor cost recovery for hazardous material incidents.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Environmental and hazardous materials management techniques.

State and Federal laws and regulations governing hazardous material use, storage and management.

Methods and procedures used in investigating, inspecting, identifying and correcting hazardous conditions, emergency preparedness, toxicological, personal protection, risk assessment and risk mitigation.

Ability to:

Plan, organize, and conduct research, analysis, and data evaluation, and make recommendations based on findings.

Prepare clear and concise reports.

Consult with and instruct others individually or in a group setting.

QUALIFICATIONS (Continued)

Ability to:

Establish and maintain effective relationships with staff, other governmental agencies, and the public.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of field experience in Environmental Health; or

Three years of experience in Environmental Management with one year of experience in hazardous materials regulation.

Training:

Possession of a Bachelor's Degree from an accredited college or university with a major in chemistry, biology, toxicology, or environmental health.

License or Certificate

Possession of a valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Field and office environment; may work with hazardous materials; work on slipping or uneven surfaces.

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.

CITY OF MODESTO
No. 3342
No. 3341

October, 1997

LABORATORY ANALYST I
LABORATORY ANALYST II

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

DEFINITION

To perform physical, chemical, biological, bacteriological or some instrumental analyses on water, wastewater, industrial waste, storm waters, receiving waters, sludges and environmental samples. Samples may be analyzed for process control, regulatory compliance, public health, litigation, investigations or other studies as required.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Laboratory Analyst I - This is the entry level class in the Laboratory Analyst series. Incumbents are responsible to evaluate, archive and report by manual or electronic means all data obtained from the analyses performed. This class is distinguished from the Laboratory Analyst II by the performance of the more routine duties assigned. Since this class is typically used as a training class, employees may have only limited experience in the required laboratory analysis.

Laboratory Analyst II - This is the full journey level class within the Laboratory Analyst series. This class is distinguished from the Laboratory Analyst I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the procedures and protocol of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from and reports to the Laboratory Manager.

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

EXHIBIT Q

Essential Functions:

Analyses of drinking water, wastewater, industrial waste waters, sludges, receiving waters, treatment processes, or environmental samples as directed for the following:

- Microbiological analyses such as total coliform, fecal coliforms, e.coli, MPN coliform testing, membrane filtration techniques, heterotrophic plate count, speciation of gram negative bacteria, gram stain, water suitability, toxic residues, sterility, microscopic examinations, or other analyses as required.

- Physical analyses such as pH, temperature, conductance, total dissolved solids, total solids, total volatile solids, suspended solids, volatile suspended solids, % moisture, % solids, % volatile solids, settleable solids, density, brix or other analyses as required.

- Chemical analyses by manual or instrumental means such as alkalinity, dissolved oxygen, calcium, hardness, volatile acids, grease and oil, oxygen demand, chlorine residual, chloride, etc.

- Biochemical analyses such as B.O.D., chlorophyll, or bio-toxicity.

Operate equipment including pH meters, conductivity meters, D.O. meters, balances, water baths, ovens, furnaces, burets, pipettes, incubators, autoclaves, distillation units, digestion units, UV-Vis spectrophotometer, calculators, computers, or other laboratory instrumentation as required.

Collect field samples using proper procedures for sampling, sample handling, chain of custody requirements, laboratory or field analyses of samples.

Perform research activities including the development and the implementation of new test procedures.

Research and advise staff on equipment purchases, write specifications or justifications and order material or services for the laboratory.

Maintain laboratory records, prepare laboratory documentation and agency reports using manual or electronic means.

Essential Functions: (Continued)

Clean, maintain, and care for equipment, materials, and the laboratory environment in a safe, efficient, effective and conservative manner.

Marginal Functions:

Train laboratory personnel, treatment plant and field personnel and outside agencies in laboratory procedures, sampling, and sample handling.

Develop and implement new test procedures as required.

May write computer programs to automate reports.

Perform other duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of chemistry, biology, physics, and related sciences as they pertain to water/wastewater treatment and environmental science.

Principles of mathematics and statistics used for laboratory and field calculations.

Laboratory safety; appropriate use, care, and maintenance of various equipment used in the laboratory setting.

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

Basic computer operation.

Ability to:

Learn procedures and materials used in chemical, biochemical, bacteriological, physical and instrumental analyses.

Operate laboratory equipment and understand use of materials.

Analyze data and draw sound conclusions.

Understand and carry out oral and written instructions.

Ability to: (Continued)

Communicate in a clear, concise, and appropriate manner both orally and in writing.

Maintain the laboratory environment at an appropriate level.

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

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Laboratory Analyst I

Experience:

Experience in the water quality field or in a laboratory environment conducting chemical analyses is desirable.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

Laboratory Analyst I

License or Certificate:

Possession of a Grade I Laboratory Analyst Certificate, issued by the California Water Environmental Association is required within one year of date of appointment. Failure to obtain this certificate will constitute grounds for dismissal from City service.

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

Laboratory Analyst II

Experience:

A minimum of one year of laboratory experience in conducting chemical analyses related to the water quality field.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

License or Certificate:

Possession of a Grade II Laboratory Analyst Certificate issued by the California Water Environmental Association.

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

WORKING CONDITIONS

Environmental Conditions:

Laboratory environment; exposure to potentially hazardous chemicals; work in or with water and wastewater.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; manual dexterity and the ability to distinguish color.

CITY OF MODESTO
No. 2770

OCTOBER, 1997

LABORATORY MANAGER

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

DEFINITION

To collect and analyze the more complicated chemical, biochemical, and bacteriological analyses of water, wastewater, and related solids and liquids, relevant to the operation of wastewater treatment and potable water systems; monitor, maintain and recommend improvements to the Laboratory's quality assurance/quality control programs; plan, organize, direct, and review the work of the subordinate laboratory staff; obtain and renew necessary laboratory procedure certifications; perform related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent. Exercises direct supervision over subordinate laboratory personnel.

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

Essential Functions:

Provides direction and supervision to staff; recommends selection of staff.

Reviews work performed and adjusts to schedules and available resources.

Provides for staff training and professional development.

Evaluates employee performances and conducts performance reviews.

Assists upper level management in the operation and organization of the laboratory and coordinates laboratory services to other divisions.

Develops and writes procedures for analytical laboratory methods.

Maintains and requisitions laboratory supplies and equipment.

EXHIBIT R

Essential Functions: (Continued)

Develops and writes analytical laboratory procedures; instructs laboratory staff in performing all laboratory analyses.

Prepares reports to Federal, State, and Local agencies; maintains up-to-date knowledge of these agencies' regulations pertaining to laboratory, water quality, and wastewater discharge.

Recognizes, corrects, and reports safety hazards.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Participates in budget preparation.

Marginal Functions:

Performs routine and non-routine chemical, biological, and microbiological laboratory analyses.

Performs the more technically complex laboratory tasks.

Collects routine and non-routine samples.

Trains laboratory staff and other staff in sample collection, as required.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern management principles and practices.

Principles and practices of water/wastewater laboratory operations, maintenance, and management.

Principles of chemistry, physics, biology, and microbiology.

Standard approved laboratory practices and procedures.

Laboratory safety.

Knowledge of: (Continued)

Mathematics required in a water and wastewater treatment laboratory.

Wastewater and water treatment processes.

Use of laboratory equipment.

Compilation and evaluation of laboratory data, and writing clear and accurate reports.

Applicable legal and regulatory codes and laws.

Effective communication techniques.

Ability to:

Cooperate and communicate effectively with other City employees, persons from other agencies, and the public.

Effectively plan, direct, and review the work of others.

Perform careful and accurate laboratory analyses and act on results as is appropriate.

Manage and communicate data using verbal, written, and electronic formats.

Work within City safety standards.

Make sound decisions regarding the proper operation of the laboratory.

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of laboratory analyses experience performing chemical, biological, or microbiological analyses or three years in water/wastewater laboratory operations, including one year in a supervisory capacity.

Training:

Possession of a Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a closely related field.

License or Certificate

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

Must possess a Grade III Laboratory Analyst Certificate issued by the California Water Environmental Association within one year from date of appointment.

WORKING CONDITIONS

Environmental Conditions:

Laboratory environment; exposure to potentially hazardous chemicals; work in or with water and wastewater.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; manual dexterity and the ability to distinguish color.

CITY OF MODESTO
NO. 6703

OCTOBER 1997

WATER DISTRIBUTION SYSTEM OPERATOR

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

DEFINITION

Under general supervision, perform skilled and semi-skilled labor in the full range of assigned duties related to the Water Distribution System. This may include construction, maintenance, repair, and meter reading activities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff. May exercise technical and functional supervision of other maintenance staff.

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

Essential Functions:

Lay and fit pipelines, make water line taps, install water services, fire hydrants, blow-offs, valves, meters, vaults, boxes, exercise valves, locate and mark services and mains for Underground Service Alert.

Flush water mains and services to maintain a safe, potable water system.

Respond to emergencies including flood, line breaks and overflows, and repair and restore system as required.

Respond to customer water problems including leaks, low water pressure, meter connects and disconnects, and unusual meter readings.

Collect water samples from wells, mains and services for lab testing.

Read and update water distribution maps and as-built plans and blueprints; analyze projected new routes.

EXHIBIT S

Essential Functions: (Continued)

Identify and locate service and main leaks for heavy crews; operate pipe locators and gas-sensing equipment; install and inspect backflow devices; raise and maintain water meters above ground.

Excavate trenches and install shoring; back fill trenches with proper material to achieve correct compaction.

Operate construction equipment and power tools such as dump trucks, front end loaders, tampers, tap machines, pavement saw, cutting torch and welder.

Operate hand-held and office computers to enter and retrieve data; prepare written and computerized records and reports, and review reports for accuracy.

Install street barricades, cones, flags and standards prior to the performance of construction and repair activities; direct and control traffic around work sites.

Tactfully respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques, and tools, and the operational characteristics of mechanical equipment used in the construction, maintenance and repair of water utility facilities and meters.

Methods and procedures used in monitoring water systems.

Knowledge of: (Continued)

Practices for collection of water samples.
Basic arithmetic principles.

Disinfection (chlorination) rules and regulations.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Handle contaminated materials and equipment.

Identify equipment, tools and materials needed for each project.

Fabricate tools and equipment if needed for project.

Identify possible or potential sources of contamination and how to deal with it to ensure a safe water system.

Disassemble water meters, clean meter parts; reassemble meters; test and adjust meters; install and remove meters; check for proper operation of meters.

Perform heavy manual labor, including but not limited to lifting and carrying seventy-five (75) pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

Use and operate hand tools, mechanical equipment, power tools, and other equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

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

Ability to: (Continued)

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of increasingly responsible experience performing field maintenance duties. Work experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to graduation from High School or possession of a G.E.D. certificate.

License or Certificate

Possession of an appropriate and valid California driver's license.

Grade I Water Distribution Operator Certificate issued by American Water Works Association.

Backflow Tester Certificate issued by American Water Works Association.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to heavy traffic and other hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to seventy-five (75) pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-568

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 97-375 TO APPROVE A REVISED CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO APPROVE A REVISED CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES. (JOB AUDIT - PHASE II)

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council granted a salary increase to Management And Confidential Employees, Including Council Appointees, and

WHEREAS, pursuant to the Ralph Andersen and Associates Study, Phase II, the City Council desires to amend Exhibit "A" of Resolution No. 97-375, and

WHEREAS, Exhibit "A" of Resolution No. 95-26, approving a revised class range table for General Non-Sworn Classes, has been previously amended by Resolution Nos. 95-349, 95-449, 96-328, 97-116, 97-241, 97-310, 97-412, 97-495, and

WHEREAS, pursuant to the Ralph Andersen and Associates Study, Phase II, the City Council desires to further 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. 97-375. Exhibit "A" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And

Confidential Non-Sworn Classes, Effective September 30, 1997, 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 the following:

Buyer from Range 428 to Range 424

Customer Services Supervisor from Range 420 to Range 428

Deputy City Attorney I/II from Range 435/439 to Range 437/441

Senior Deputy City Attorney I/II from Range 441/448 to Range 443/449

Assistant City Attorney from Range 452 to Range 453

Assistant Civil Engineer from Range 433 to Range 434

Assistant Traffic Engineer from Range 433 to Range 434

Associate Civil Engineer from Range 439 to Range 440

Associate Traffic Engineer from Range 439 to Range 440

Senior Civil Engineer from Range 446 to Range 447

Traffic Engineer from Range 446 to Range 447

Systems Analyst from Range 430 to Range 431

Water Quality Control Superintendent from Range 444 to Range 446

Budget Officer from Range 435 to Range 438

Financial/Investment Officer from Range 435 to Range 438

Said amended Exhibit "A" adds the following:

Legal Services Administrator at Range 427

Senior Buyer at Range 428

Workers' Compensation Claims Examiner I/II at Range 420/424

Organizational Development Specialist at Range 433

Police Support Services Supervisor at Range 423

Laboratory Manager at Range 433

Said amended Exhibit "A" deletes the following:

Legal Services Supervisor

Workers' Compensation Claims Examiner

Training Coordinator

Laboratory Supervisor

Parks Construction Supervisor I

Said amended Exhibit "A" reflects a title change for the following positions:

Public Works Supervisor from Public Works Supervisor I

Parks Maintenance Supervisor from Parks Maintenance Supervisor I

Trees Maintenance Supervisor from Trees Maintenance Supervisor I

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 September 30, 1997", 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 the following:

Senior Wastewater Treatment Plant Operator from Range 123 to Range 125

Said amended Exhibit "A" adds the following:

Assistant Buyer to Range 119

Senior Community Development Program Specialist to Range 131

Community Service Officer I/II to Range 115/119

Hazardous Materials Program Coordinator to Range 130

Laboratory Analyst I/II to Range 120/124

Water Distribution System Operator to Range 116

Said amended Exhibit "A" deletes the following:

Community Service Officer

Hazardous Materials Inspector

Laboratory Technician

Assistant Laboratory Technician

Meter Reader/Repair Worker

Water Lineworker

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 30, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

EXHIBIT A

Effective September 30, 1997

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

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 Airport Maintenance Supervisor Trees Maintenance Supervisor Equipment Maintenance Supervisor I Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Social Services Program Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Systems Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

433	**Organizational Development Specialist** **Laboratory Manager**
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Systems Manager **Assistant Civil Engineer** **Assistant Traffic Engineer**
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	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent **Budget Officer** **Financial/Investment Officer**
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
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
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
448	
449	Sr. Deputy City Attorney II

450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	
453	**Assistant City Attorney**

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective September 30, 1997

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 & Property Specialist
112	
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
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
	Storm Water Inspector
118	Fleet Procurement Specialist
	Senior Storeskeeper
	Street Trees Crewleader
	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
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	

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. 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 Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II **Hazardous Material Program Coordinator** Senior Crime Analyst
131	Sr. Civil Engineering Asst. **Sr. Community Development Program Specialist**

132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-569

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND SEND TO SAAG THE CMP ANNUAL SELF-CERTIFICATION CHECKLIST FOR 1996/97

WHEREAS on July 1, 1992 the Stanislaus County Congestion Management Program (CMP) became effective.

WHEREAS one of the requirements of the CMP is an Annual Self-Certification Checklist demonstrating the City's compliance with the CMP.

NOW, THEREFORE, BE IT RESOLVED that the execution of said Checklist by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-570

A RESOLUTION SUPPORTING THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATION TO REDESIGNATE THE SAN FRANCISCO BAY AREA

WHEREAS, the San Joaquin Valley is heavily impacted by transported pollutants from the San Francisco Bay Area, and

WHEREAS, according to the California Air Resources Board, transported pollutants from the San Francisco Bay Area are responsible for 27% of the ozone concentration in the northern portion of the San Joaquin Valley, and are solely responsible for certain exceedances of the National Ambient Air Quality Standard in the northern portion of the San Joaquin Valley, and

WHEREAS, transported pollutants from the San Francisco Bay Area affect the attainment status of the San Joaquin Valley, and

WHEREAS, a nonattainment designation or an upgraded nonattainment status can have a serious economic impact on business, industry and the public, and

WHEREAS, it is unreasonable to impose the entire burden of emission reduction upon the San Joaquin Valley, where emissions from within the district can be insufficient to cause an exceedance of the National Ambient Air Quality Standards in the absence of the contribution from transported pollutants, and

WHEREAS, it is unreasonable to inflict such a heavy economic burden upon business, industry and the public in a downwind affected district where transported pollutants

from an upwind air district overwhelmingly contribute to the pollution inventory in the downwind air district, and

WHEREAS, transported pollutants impose a great impact upon environmental quality and public health in the San Joaquin Valley, and

WHEREAS, transported pollution from the San Francisco Bay Area should be considered when determining its attainment status, and

WHEREAS, the U.S. Environment Protection Agency classified the San Francisco Bay Area as an attainment area in 1995, despite the fact that it has been classified by the California Air Resource Board as being an overwhelming contributor to pollutants in the San Joaquin Valley, and

WHEREAS, since being designated as an attainment area in 1995, the San Francisco Bay Area has exceeded the National Ambient Air Quality Standard 43 times, resulting in 17 violations of federal law, and

WHEREAS, the Bay Area's attainment status has relieved it from many of the onerous and burdensome requirements that are imposed upon the San Joaquin Valley, despite the fact that the Bay Area is an upwind contribution of pollutants to the San Joaquin Valley, and

WHEREAS, it is essential that the U.S. Environmental Protection Agency recognize and respond to the tremendous inequities that exist under a system that allows an upwind air district to be found in attainment by placing a significant burden of emission reduction upon downwind air districts, and

WHEREAS, on August 21, 1997, the U.S. Environmental Protection Agency recommended that the San Francisco Bay Area be redesignated as a nonattainment area,

NOW, THEREFORE, BE IT RESOLVED, by the City Council that the U.S. Environmental Protection Agency be commended for and fully supported in its August 21, 1997, recommendation to redesignate the San Francisco Bay Area as a nonattainment area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

Clerk (2)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-571

A RESOLUTION OPPOSING 1998 BALLOT INITIATIVE ENTITLED "GOVERNMENT COST SAVINGS AND TAXPAYERS PROTECTION AMENDMENT".

WHEREAS, every day billions of dollars of critical building, engineering and design projects are underway from seismic retrofitting to flood control to schools and hospitals, and

WHEREAS, state, regional and local governments are currently allowed the flexibility to contract with private firms, on a competitive basis, to design these projects, and

WHEREAS, this process allows government the essential flexibility to use private firms to deliver a project on time and cost effectively, and

WHEREAS, the so-called "Government Cost Savings and Taxpayers Protection Amendment" completely changes the process by giving the state bureaucracy a virtual monopoly on designing every project, and

WHEREAS, this will thereby force cities, counties, schools, special districts, regional governments and even many private businesses to use the state bureaucracy to design roads, parks, hospitals, health clinics, schools, water treatment facilities, flood control walls and other critical structures -- including all engineering, design, geological and environmental work, and

WHEREAS, virtually every school and hospital has been designed by private firms, not state government, and

WHEREAS, the proposed initiative eliminates local control and forces communities to rely on the out-of-town bureaucracy for their design work, and

WHEREAS, local governments would not be able to hold the state bureaucracy accountable, and

WHEREAS, the initiative gives one state politician enormous power to decide who gets tens of thousands of design and building projects worth billions of dollars, and

WHEREAS, the state controller would have to analyze tens of thousands of proposed contracts per year costing taxpayers hundreds of thousands of dollars, if not millions, in additional expenses, and

WHEREAS, to meet potential workload demands, hundreds, if not thousands of state employees would need to be employed and paid, even if no projects were underway, and

WHEREAS, taxpayers would pick up the tab for billions in extra costs for projects, lost jobs and more state employees to evaluate projects, and

WHEREAS, this could mean more delays on important projects such as the Bay Bridge retrofit and the Alameda Rail Corridor in Los Angeles County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes the so-called "Government Cost Savings and Taxpayers Protection Amendment" that will cost our cities, counties, special districts and economy millions and we support the efforts of the growing coalition of Taxpayers Fed Up With More State Bureaucracy (Fed Up)!.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-572

A RESOLUTION DESIGNATING THE PACIFIC TELEPHONE BUILDING AT 1012 11TH STREET AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: BRADLEY HAWN, ET AL.)

WHEREAS, Chapter 10 of Title IX 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 September 15, 1997, 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. 97-9, that the Pacific Telephone Building at 1012 11th Street 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 the current adaptive uses 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 the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on October 14, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Pacific Telephone Building at 1012 11th Street 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 1012 11th Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Pacific Telephone Building at 1012 11th Street has architectural and historical significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architectural significance as a Renaissance Revival building of the downtown of 1992. It is in fine condition.

2. Historical significance as the second home of the Pacific Telephone Company in Modesto, at a time when manually operated switchboards and operator-assisted calls were the current state of technology.

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 14th day of October, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

PACIFIC CENTER OFFICE BUILDING

1012 11th Street

Modesto, California

APN 105 2714 52

EXHIBIT A

Legal Description:

The northwesterly 13 feet of lot 21 and all of lots 22 and 23 in block 35 of the City of Modesto, as per map filed December 21, 1942 in volume 15 of maps, Stanislaus County records.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-572-A

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 5) FOR THE PACIFIC TELEPHONE BUILDING AT 1012 11TH STREET, LANDMARK SITE NO. 39, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: BRADLEY HAWN, ET AL.)

WHEREAS, Bradley Hawn, et al., owners of the Pacific Telephone Building at 1012 11th Street applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on September 15, 1997, and

WHEREAS, Chapter 10 of Title IX 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 the Pacific Telephone Building at 1012 11th Street, 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 September 15, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 5, by Resolution No. 97-10, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Pacific Telephone Building at 1012 11th Street, and

WHEREAS, after a public hearing held on October 14, 1997, 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 Pacific Telephone Building at 1012 11th Street, 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. 5) for the Pacific Telephone Building at 1012 11th Street 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 14th day of October, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-573

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING BUILDING PERMIT/LAND USE SOFTWARE AND RELATED INSTALLATION FOR THE COMMUNITY DEVELOPMENT DEPARTMENT'S DEVELOPMENT SERVICES DIVISION

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 building permit/land use software and related installation for the Community Development Department's Development Services Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 10, 1997 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-574

A RESOLUTION REJECTING BIDS FOR THE EIGHTH STREET/MID LATERAL NO. 4 CANAL EXTENSION, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 16, 1997, AND DIRECT PUBLIC WORKS AND TRANSPORTATION TO REDESIGN THE CANAL EXTENSION

WHEREAS, bids received for Eighth Street/MID Lateral No. 4 Canal Extension, were opened on September 16, 1997; and

WHEREAS, during the bid evaluation process, staff was informed by the California Department of Transportation that State Highway 132 will be improved during 1998, necessitating realignment of the Kansas/Needham over-crossing to align with the improved State Route 132; therefor staff recommends bids be rejected and redesign of the project specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Eighth Street/MID Lateral No. 4 Canal Extension, opened in the office of the City Clerk on September 16, 1997, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-575

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "PAVEMENT REHABILITATION - TAXIWAY C & E SLURRY SEAL AND GENERAL AVIATION APRON SEAL COST - AIP PROJECT NO. 3-06-0153-16, 17, AND 18" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Pavement Rehabilitation - Taxiway C & E Slurry Seal and General Aviation Apron Seal Coat - AIP Project No. 3-06-0153-16, 17, and 18, has been completed by Valley Slurry Seal Company, in accordance with the contract agreement dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Pavement Rehabilitation - Taxiway C & E Slurry Seal and General Aviation Apron Seal Coat - AIP Project No. 3-06-0153-16, 17, and 18,be accepted from said contractor, Valley Slurry Seal Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $213,159.72 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-576

A RESOLUTION ACCEPTING THE PROJECT TITLED AMERICAN LEGION HALL DECK RENOVATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled American Legion Hall Deck Renovation, has been completed by Barham Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the American Legion Hall Deck Renovation be accepted from said contractor, Barham Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $79,845.70 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-577

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 CAPITAL IMPROVEMENT BUDGET TO FULLY FUND THE BRIGGSMORE-COFFEE INTERSECTION IMPROVEMENT PROJECT BY TRANSFERRING $71,400 FROM THE CLAUS/YOSEMITE AND YOSEMITE/NORSEMAN INTERSECTION ACCOUNT

WHEREAS, the City Council awarded a contract to widen the Coffee Road and Briggsmore Avenue intersection and to install a segment of the storm drain line on Coffee Road north of the intersection; and

WHEREAS, three purchases of right-of-way ($71,400) were previously authorized by Council, but unaccounted for in the encumbrance with the project at the time of award. This accounting has created a shortfall in the project account and a fund transfer is needed to complete construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures		*Increase (Decrease)*
141-430-E937-6040	Claus/Yosemite/Norsemen-construction	$(36,400)
141-430-E937-6050	Claus/Yosemite/Norsemen-contingency	$(35,000)
141-430-F698-6040	Briggsmore/Coffee Intersection	$ 71,400

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 14th day of October 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-578

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, OR BY A 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 possesses 110 each obsolete traffic signal faces, 14 each obsolete 30' round tapered light poles, and 48 each 120 Volt/1500 Watt sport lights 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 those items 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 110 each obsolete traffic signal faces, 14 each obsolete 30' round tapered light poles, and 48 each 120 Volt/1500 Watt sport lights, 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 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-579

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SEVEN GRANULATED ACTIVATED CARBON (GAC) FILTERS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of seven granulated activated (GAC) filters is hereby waived.

BE IT FURTHER RESOLVED that purchase of seven granulated activated (GAC) filters for a not to exceed price of $402,656.25.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-579A

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO PURCHASE GRANULATED ACTIVATED CARBON FILTERS TRANSFERRING FUNDS FROM FUND 615 AND 616 RESERVES IN ORDER TO PAY FOR THE TOTAL COST

WHEREAS, the Utilities Division has requested the purchase of seven GAC filters to be located in the Del Rio and Beard/Empire area where the DBCP levels in the drinking water are above the maximum contamination levels; and

WHEREAS, funds from reserve accounts include monies recovered under the DBCP Settlement Agreement for past damages, so it is appropriate that funds be used for these GAC filters.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures (Fund 615)		Increase (Decrease)
615-480-5052-0215	Rental of Real Property	$(144,390)
615-800-8000-8003	Contingency Reserve	$(196,663)
615-480-5052-5101	GAC filters (6)	$341,053
Expenditures (Fund 616)		
616-800-8000-8003	Contingency Reserve	$(61,604)
616-480-5062-5108	GAC filters (1)	$61,604

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 October 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-580

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE GLOBAL POSITIONING SYSTEM (GPS) TOTAL STATION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Global Positioning system (GPS) total station is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Global Positioning system (GPS) total station for a not to exceed price of $50,923.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-580A

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO CONSOLIDATE FUNDS TO PURCHASE A GLOBAL POSITIONING SYSTEM (GPS)

WHEREAS, over the past three years, Utility Services Planning and Survey divisions have performed a variety of survey related work utilizing GPS technology on an experimental basis; and

WHEREAS, the GPS Total System will assist in converting paper utility maps into digital maps to show present utility infrastructure; and

WHEREAS, fund are available from several accounts and these funds need to be consolidated to purchase the total GPS system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures		Increase (Decrease)
610-480-5012-0235	Services Professional and Other	$(15,000)
610-700-7000-7130	Transfer Out to Fund 130	$15,000
615-480-5051-0235	Services Professional and Other	$(10,000)
615-700-7000-7130	Transfer Out to Fund 130	$10,000
130-430-E484-6070	Geographic Info Systems - Equipment Acquis	$25,000
Revenue		
130-700-7000-9610	Transfer In	$15,000
130-700-7000-9615	Transfer In	$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 14th day of October 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Clerk 15

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-581

A RESOLUTION APPROVING THE FINAL MAP OF THE ROSE LANE NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 19.12 acres, known as Rose Lane No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 26th day of November, 1996, 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. 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 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 October, 1997, 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: Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-582

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF THE ALLEY IN BLOCK 57 AND THE ALLEY IN BLOCK 67 LOCATED WITHIN THE 10TH STREET PLACE PROJECT.

WHEREAS, the 10th Street Place Project approved by the City Council and Stanislaus County requires abandonment of a portion of the alley in Block 57 from "J" Street to "K" Street, and abandonment of the alley in Block 67 from "J" Street to "K" Street, and an application has been filed to conduct formal abandonment proceedings, and

WHEREAS, the proposed alley abandonments have been referred to affected City departments and local utility companies, and no objection to the abandonments have been received, and it is proposed that utility easements within the subject alleys will be retained temporarily, and

WHEREAS, on October 7, 1997, the City's Community Development Department, by Environmental Assessment Initial Study No. 97-100, reviewed the proposed abandonments and made the determination that the proposed abandonments will have no additional significant effect on the environment that was not identified in the Initial Environmental Assessment No. 93-267 in relation to the 10th Street Place project (formerly called the "10th Street Plaza" project),

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

SECTION 1. The Council of the City of Modesto hereby declares its intention

to vacate and abandon a portion of the alley in Block 57 from "J" Street to "K" Street and the alley in Block 67 from "J" Street to "K" Street, located within the 10th Street Place project, subject to the condition that all public utility easements be retained temporarily.

Said proposed vacations and abandonments are more particularly shown on those certain maps entitled "Vacate and Abandon a Portion of the Alley in the City of Modesto Block 57 from 'J' Street to 'K' Street", and "Vacate and Abandon the Alley in the City of Modesto Block 67 from 'J' Street to 'K' Street", copies of said maps and written descriptions are attached hereto and incorporated herein by reference, which maps and written descriptions are also on file in the Office of the City Clerk.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provision of Chapter 3 of the State of California Streets and Highways Codes, (Sections 8300-8363).

SECTION 3. Notice is hereby given that November 4, 1997, at the hour of 7:00 p.m. in the City Council Chambers, 801 11th Street, Modesto California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Public Works and Transportation Director is hereby directed to cause notices of the proposed vacations and abandonments of the two alleys to be posted

conspicuously at the entrance of each alley and mid-block at Block 57 and mid-block at Block 67, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe each alley proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, Friedman, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

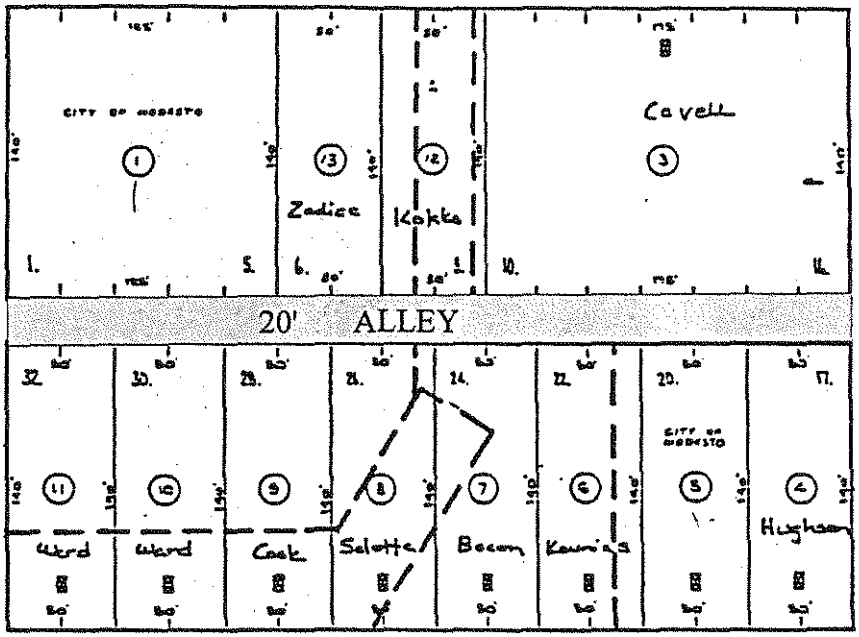
EXHIBIT "A"

ALLEY ABANDONMENTS

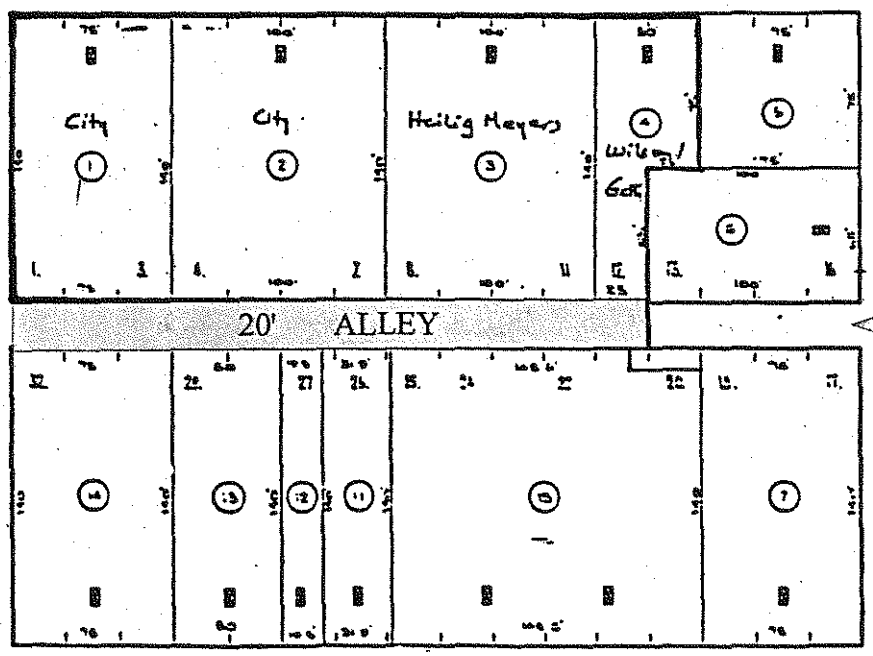
BLOCKS 57 AND 67

TENTH STREET PLACE PROJECT

80' 11th ST.



ST. 80' 10th ST. ST.



K 80' J 80'

PORTION OF ALLEY TO REMAIN

TO BE ABANDONED

88' 9th ST.

10TH STREET PLACE

KEVIN BECKER
C:/10thstr/diagram

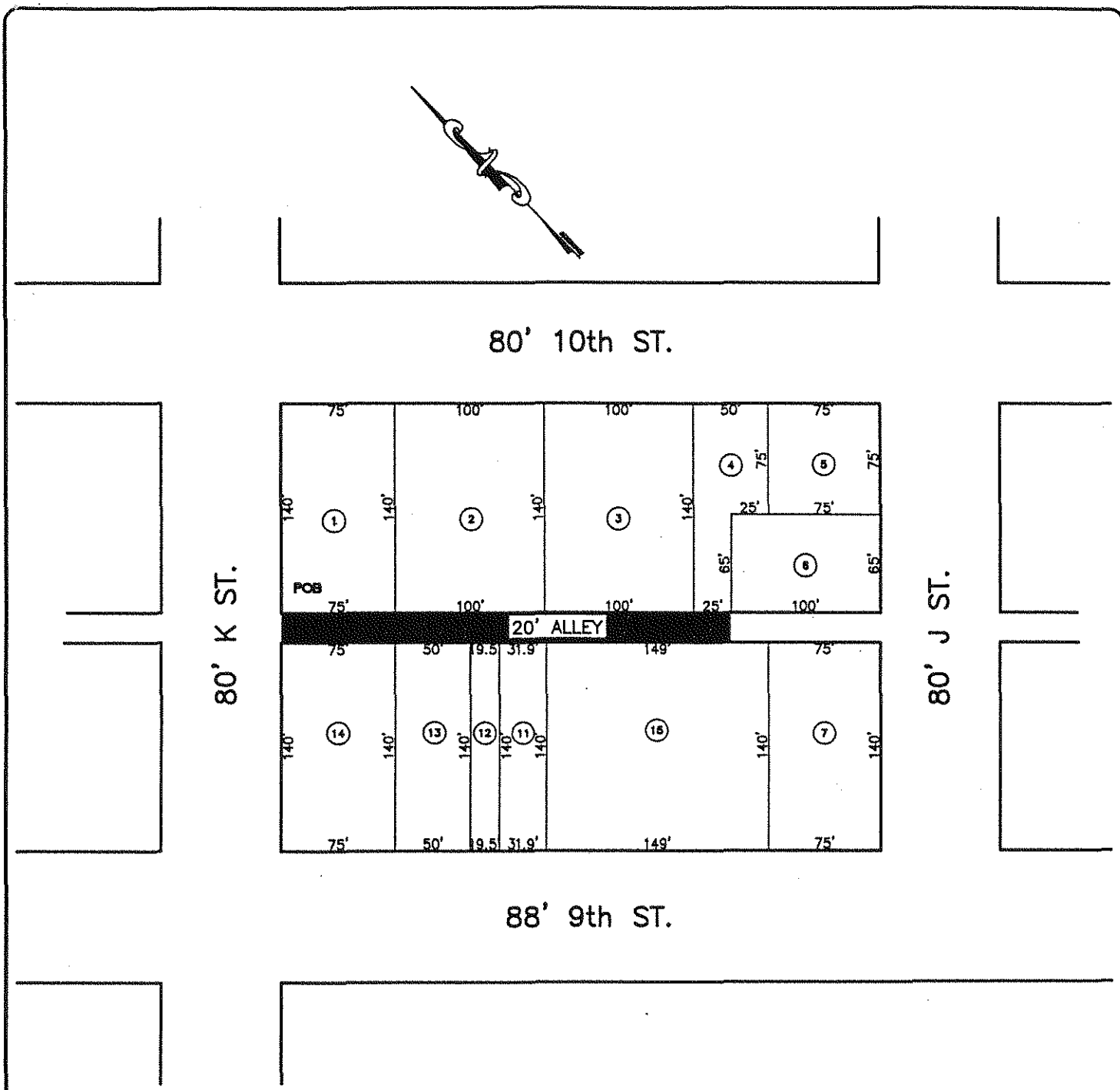
EXHIBIT "A"

VACATE AND ABANDON A PORTION OF ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM "J" STREET TO "K" STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 57 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 57, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 300 feet; thence South 46°30'30" West 20 feet to the southwesterly line of said alley; thence on said southwesterly line, North 43°29'30" West 300 feet to the northwesterly line of said Block 57; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 6,000 sq. ft. more or less.



APPROVED BY:	P.E.
DATE:	EXP. DATE:
ASBUILT BY:	DATE:
BUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: 09-30-97	DRAWN BY: Carl Latimer

VACATE AND ABANDON A PORTION OF THE ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM "J" STREET TO "K" STREET

CHECKED BY: | FIELD BOOK: | PAGE:

CITY of MODESTO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

ACTIVITY NO.

FILE NO.

C:\Kevin\Deeds\10str\final57.dwg

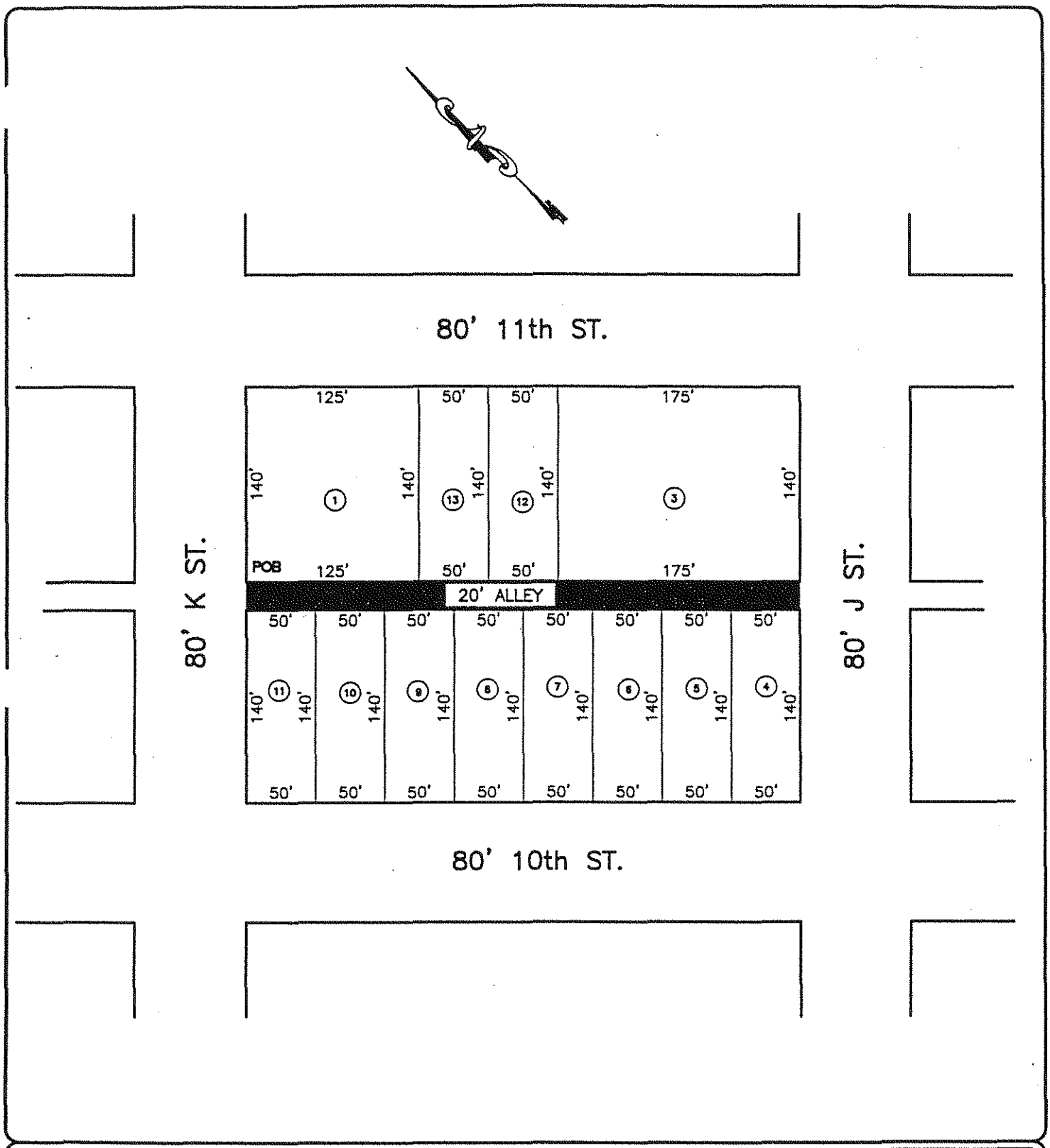
EXHIBIT "A"

VACATE AND ABANDON ALLEY IN CITY OF MODESTO BLOCK 67 FROM "J" STREET TO "K" STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 67 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 67, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 400 feet to the southeasterly line of said Block 67; thence on said southeasterly line, South 46°30'30" West 20 feet to the southwesterly line of aforesaid alley; thence on said southwesterly line, North 43°29'30" West 400 feet to the northwesterly line of said Block 67; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 8,000 sq. ft. more or less.



APPROVED BY:	P.E.
DATE:	EXP. DATE:
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: 09-30-97	DRAWN BY: Carl Latimer

VACATE AND ABANDON THE ALLEY IN THE CITY OF MODESTO BLOCK 67 FROM "J" STREET TO "K" STREET

CITY of MODESTO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

CHECKED BY:	FIELD BOOK:	PAGE:

ACTIVITY NO.

FILE NO.
C:\Kevin\Deeds\10str\final67.dwg

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-583

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TO ACCEPT $10 MILLION IN FUNDING FOR THE KANSAS-NEEDHAM OVERHEAD CROSSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California Department of Transportation to accept $10 million in funding for the Kansas-Needham overhead crossing 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-584

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HUMAN SERVICES FOR A LOCAL CABLE TELEVISION PUBLIC ACCESS GRANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for Human Services for a local cable television public access grant 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 October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-585

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BAVA FARMS LTD. FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bava Farms Ltd. for the acquisition of property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-586

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE ESTATE OF ALDO BAVA AND DOROTHY BAVA FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Estate of Aldo Bava and Dorothy Bava for the acquisition of property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-587

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RALPH BAVA, DIANE EMILIA BAVA AMADOR, DEBRA BAVA VARNI, AND RALPH JOHN BAVA FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ralph Bava, diane Emilia Bava Amador, Debra Bava Varni, and Ralph John Bava for the acquisition of property rights needed for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-588

Print

A RESOLUTION GRANTING THE REQUEST OF MODESTO GARBAGE COMPANY, INC., TO MERGE WITH U.S.A. WASTE SERVICES, INC., AND APPROVING THE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARBAGE CO., DBA MODESTO DISPOSAL SERVICE, A WHOLLY OWNED SUBSIDIARY OF U.S.A. WASTE OF CALIFORNIA, FOR THE COLLECTION OF SOLID WASTE IN THE CITY OF MODESTO, INCLUDING THE COLLECTION OF GARBAGE/RECYCLABLES, RECYCLABLES, INDUSTRIAL GARBAGE, CONTAINERIZED YARD WASTE, AND SALVAGEABLE WASTE.

WHEREAS, by Resolution No. 96-691 adopted on December 16, 1997, the Council approved a Service Agreement between the City of Modesto and Modesto Garbage Company, Inc., for the collection of solid waste, and

WHEREAS, by Resolution No. 97-36 adopted on January 14, 1997, the Council revised the indemnification provisions in said Service Agreement, and

WHEREAS, by letter dated July 2, 1997, to the City Clerk from Jack R. Jones, representing Modesto Garbage Company, Inc., a request for a City Council hearing was submitted to consider the approval of a merger of Modesto Garbage Co., Inc., with United Waste Systems, Inc. and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on July 22, 1997, 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 continued to the August 26, September 16, and October 7, 1997, Council meetings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto the request for a merger of Modesto Garbage Company, Inc., with U.S.A. Waste Services, Inc., is hereby approved.

BE IT FURTHER RESOLVED that the Service Agreement between the City of Modesto and Modesto Garbage Co., dba Modesto Disposal Service, a wholly owned subsidiary of U.S.A. Waste of California, a California Corporation, for the collection of solid waste in the City of Modesto, including the collection of garbage/recyclables, recyclables, industrial garbage, containerized yard waste, and salvageable waste, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Serpa, Mayor Lang

NOES: Councilmembers: Fisher, Friedman

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-589

A RESOLUTION DENYING AN AMENDMENT TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW INDOOR THEATERS IN THE REGIONAL COMMERCIAL DESIGNATION WITH A P-D ZONE (PAQUET 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, by Resolution No. 97-159, adopted on April 1, 1997, the City Council adopted the Kiernan Business Park Specific Plan for the purpose of developing a 614-acre business park, with a mix of light industrial, research and development, office, and regional commercial uses, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, on June 20, 1997, Paquet Development filed an application to amend the Kiernan Business Park Specific Plan to allow a theater complex with a Planned Development Zone in the area designated Regional Commercial in the Specific Plan area, and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 4, 1997, to receive evidence both oral and documentary regarding said proposal, and

WHEREAS, after said public hearing held on August 4, 1997, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 97-58, recommending to the City Council amendment of the Kiernan Business

Park Specific Plan to allow a theater complex, with a Planned Development Zone, in the area designated Regional Commercial in the Specific Plan area, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 2, 1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, which hearing was continued to October 2, 1997, and again to October 21, 1997, as requested by the applicant, 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, after hearing evidence both oral and documentary, the Council found and determined that said application should be denied for the following reasons:

1. The proposed Specific Plan Amendment is not needed since the applicant has dropped the request for a rezoning to allow a theater project in the Kiernan Business Park Specific Plan.

2. The proposed Specific Plan Amendment is too speculative without a specific proposal, and would allow for the possibility of theaters in the Kiernan Business Park without the benefit of an actual, detailed application with accompanying studies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the application filed by Paquet Development to allow a theater complex with a Planned Development Zone in the area designated Regional Commercial in the Specific Plan is hereby denied for the reasons set forth above and the recommendation of the Planning Commission is hereby overruled.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-590

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE PELANDALE-SNYDER SPECIFIC PLAN TO ALLOW A PHASED DEVELOPMENT OF PELANDALE AVENUE, DELETE A COLLECTOR STREET CONNECTION TO PELANDALE AVENUE, AND TO MODIFY OR DELETE CERTAIN OTHER DEVELOPMENT STANDARDS.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on January 16, 1995, 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 August 12, 1997, Mid-Valley Engineering filed an application to amend the Pelandale-Snyder Specific Plan to allow phasing of Pelandale Avenue and to delete or modify certain other development requirements, and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 22, 1997, 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 September 22, 1997, the Planning Commission adopted Resolution No. 97-68, recommending to the City Council Amendment No. 3 to the Pelandale-Snyder Village Specific Plan to delete a collector street connection to Pelandale Avenue, located east of Marsala Way, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 7, 1997, at 7:00 p.m., which was continued to October 21, 1997, 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 allow

phasing of Pelandale Avenue, delete a collector street connection to Pelandale Avenue, and delete or modify certain other development standards, as recommended by the Planning Commission in its Resolution 97-68, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> The Specific Plan Amendments concern either the phasing of infrastructure improvements in the Specific Plan Area or minor modifications to Development Standards in the Specific Plan Area, neither of which are the subject of any specific goal or policy of the General Plan. Therefore, the Pelandale-Snyder Specific Plan continues to be consistent with the General Plan.

BE IT FURTHER RESOLVED that the paragraph on page 4 of Modesto City Council Resolution No. 96-19, (Adopting the Pelandale-Snyder Specific Plan) concerning the construction of Pelandale Avenue is hereby amended to read as follows:

> BE IT FURTHER RESOLVED that the Council hereby adopts the Pelandale-Snyder Specific Plan, as proposed, except that Pelandale Avenue is to be constructed for two-way traffic from Dale Road to the existing improvements on Pelandale Avenue west of McHenry Avenue prior to the build-out of the entire Specific Plan Area. The funding mechanism for this construction shall be identified in the Financing Plan for the project and is to be adopted by the City Council prior to approval of the first Tentative Subdivision Map within the Specific Plan Area.

BE IT FURTHER RESOLVED that said Amendment No. 3 to the Pelandale-Snyder Specific Plan to delete or modify certain development standards, 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 21st day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Dobbs, Fisher

ATTEST: _____
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 3 TO 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.

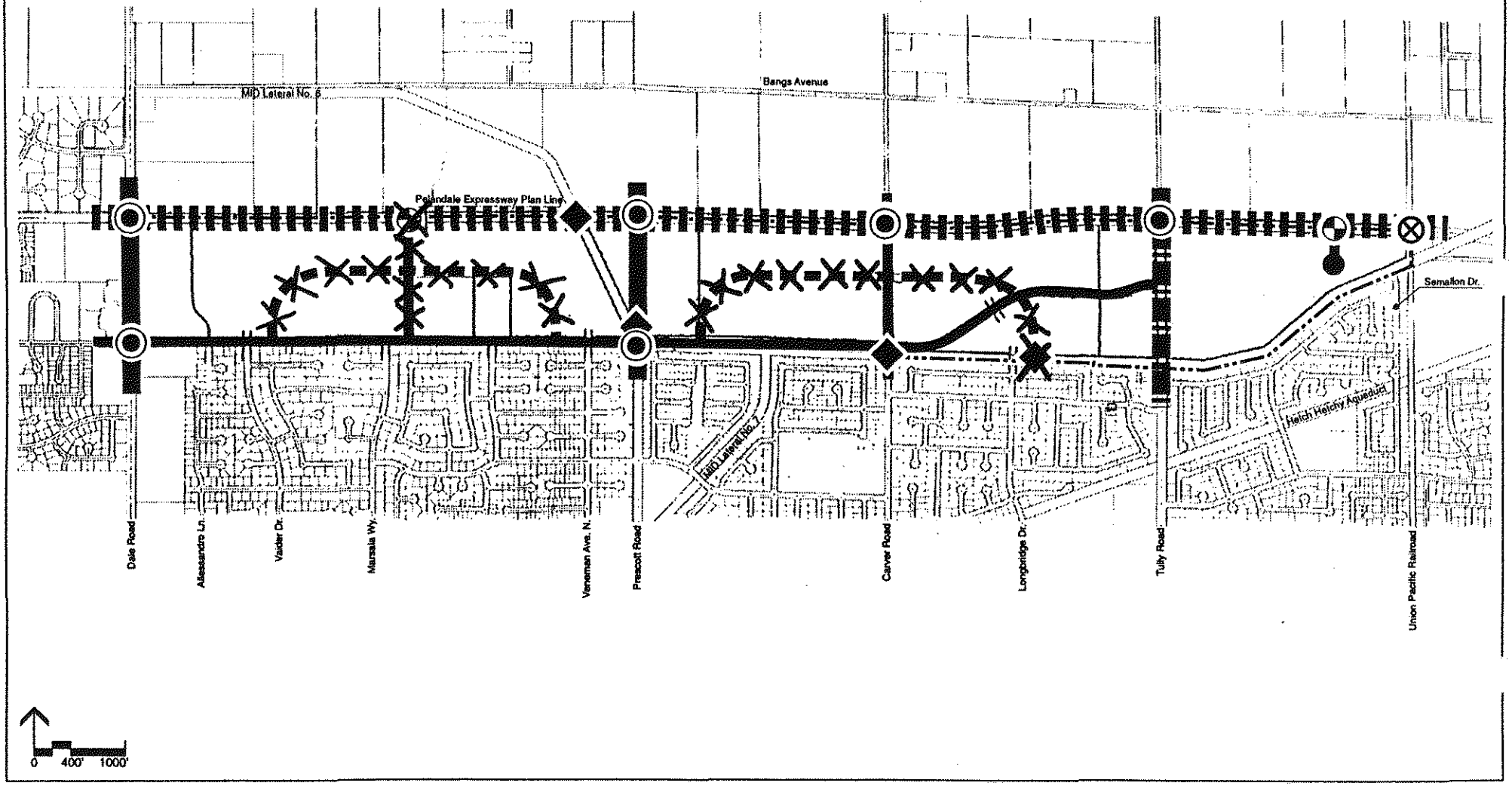
Objective A.3. Minimize use conflicts among existing and proposed land uses.

Policies

A.3.a. Where either MFR or SFR designated land use areas adjoin ~~the Pelandale Expressway or Major~~ an Arterial 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 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.



Class B Expressway

Principle Arterial

Minor Arterial

Collector Street

Loop Collector Conceptual Alignment

Canal Crossing Structure/ Railroad Crossing

Restricted Intersection Right-Turn Only

Signalized Intersection

CITY OF MODESTO

PELANDALE-SNYDER SPECIFIC PLAN

Figure 6

Vehicular Circulation Diagram

Objective B.3. **Extend the system of arterials and collector streets in a manner consistent with the General Plan.**

Policies

B.3.a. Tully Road, Dale Road, and Prescott Road shall be improved as 100' Major Streets, per public works standards. (Indicate on tentative map)

B.3.b. Snyder Avenue, ~~Marcela Way~~, Carver Road shall be improved as 60' Collector Streets. (Indicate on tentative map)

~~B.3.c. A 60' collector loop street shall be provided within the McKinney Colony and Aqueduct Neighborhood Areas (see Circulation Diagram). Intersections with Snyder shall align with Vieder Drive, Veneman Avenue, and Longbridge Drive. Exact loop street alignment shall be established in the Facilities Master Plan. (Indicate on tentative map).~~

B.3.d. Roadways shall be phased to avoid bottlenecks and unconnected street segments.

B.3.d. Canal crossing shall be provided at Pelandale Expressway, Prescott Road, and Carver Road ~~and Longbridge Drive~~. Financing of canal crossings shall be determined Facilities Master Plan.

B.3.e. Intersections of major streets with the Expressway shall be signalized as warranted. Full turning movements will be provided.

B.3.f. Intersections of collector streets with Major Streets shall be minimized. Signals and turning lanes shall be provided as warranted.

B.3.g. Collector street intersections with the Expressway shall be minimized and have limited left turn movements. Carver Road shall be considered a pre-existing exception and improved as a signalized intersection with full turning movements as warranted. (Staff shall verify that all proposed intersections are consistent with the Circulation Diagram)

B.3.h. Collector streets shall be improved as depicted in Figure 9 Collector Street Schematic Section.

B.3.i. Local street alignments will be determined at time of subdivision mapping. (Indicate on tentative map)

Objective B.4. **Implement the Modesto Bicycle Plan.**

Bicycle Policies

B.4.a. Residential streets shall include a Class I bike path where the street is adjacent to the MID Canal as shown in Figure 11 Class I Bike Path Adjacent Residential Street (Indicate on tentative map)

B.4.b. A Class I Bikepath shall be installed adjacent to the Modesto Irrigation District Lateral #6 between the Union Pacific R.O.W. and the extension of Pelandale Avenue west of Prescott as indicated in (Figure 10 Class I Bike Path Schematic Section).

B.4.c. A Class I bike path shall be installed within the southern side of the Pelandale Expressway R.O.W.

B.4.d. Class II bike routes shall be installed on Tully Road, Prescott Road, and Dale Road consistent with Public Works Standards. (Tentative map condition)

Table 5 Sensitive Species Identified by USFW

Species	Status in Plan Area
San Joaquin Kit Fox	No evidence of species, poor quality habitat
Valley Elderberry Longhorn Beetle	No Elderberry plants found, Beetle requires plants
California Tiger Salamander	No aquatic habitat or potential habitat exists
Western Spadefoot Toad	No aquatic habitat or potential habitat exists
Southwestern Pond Turtle	No aquatic habitat or potential habitat exists
Riparian Brush Rabbit	No riparian habitat or potential habitat exists
San Joaquin Valley Woodrat	No riparian habitat or potential habitat exists
Pacific Western Big-eared Bat	No caves, cliffs, or structures exists to provide habitat

c. Air Quality

The San Joaquin Valley Air Basin has been identified by the State Air Resources Board as a non-attainment area for PM-10, CO, and Ozone. Under the California Clean Air Act, (AB 2595) non-attainment counties shall achieve an annual 5% reduction in emissions until standards are met. One of the primary sources of air pollution is the automobile. The Specific Plan circulation element addresses this issue by providing facilities for pedestrians, bicycles, and mass transit.

2. Natural Resource Goal, Objectives, and Policies

The following Goal, Objectives, and Policies relate to the reasonable management of natural resources related to the Specific Plan Area. Compliance with these policies will be verified at tentative map submittal and monitored by the Final EIR.

Goal G **Minimize the impact of the Project on existing natural resources.**

Objective G.1. **Minimize the conflicts and protect existing agricultural operations north of the Plan Area.**

Agricultural Protection Policies

~~G.1.a. One half of the Pelandale Expressway R.O.W. plus a 12' landscape buffer shall be established along the entire northern project boundary. This corridor with landscaping and wall improvements shall serve as a buffer between the Plan's residential areas and the existing agricultural uses to the north.~~

G.1.b. Existing agricultural operations within the Plan Area shall be allowed to operate unimpeded until development.

G.1.c. All tentative maps shall include a "right to farm" disclosure that notifies future residents of potential impacts from surrounding agricultural operations.

G.1.d. Williamson Act Contract lands which are protested by the City shall be terminated upon annexation.

H. Community Design and Landscaping

1. 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.

2. 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.**

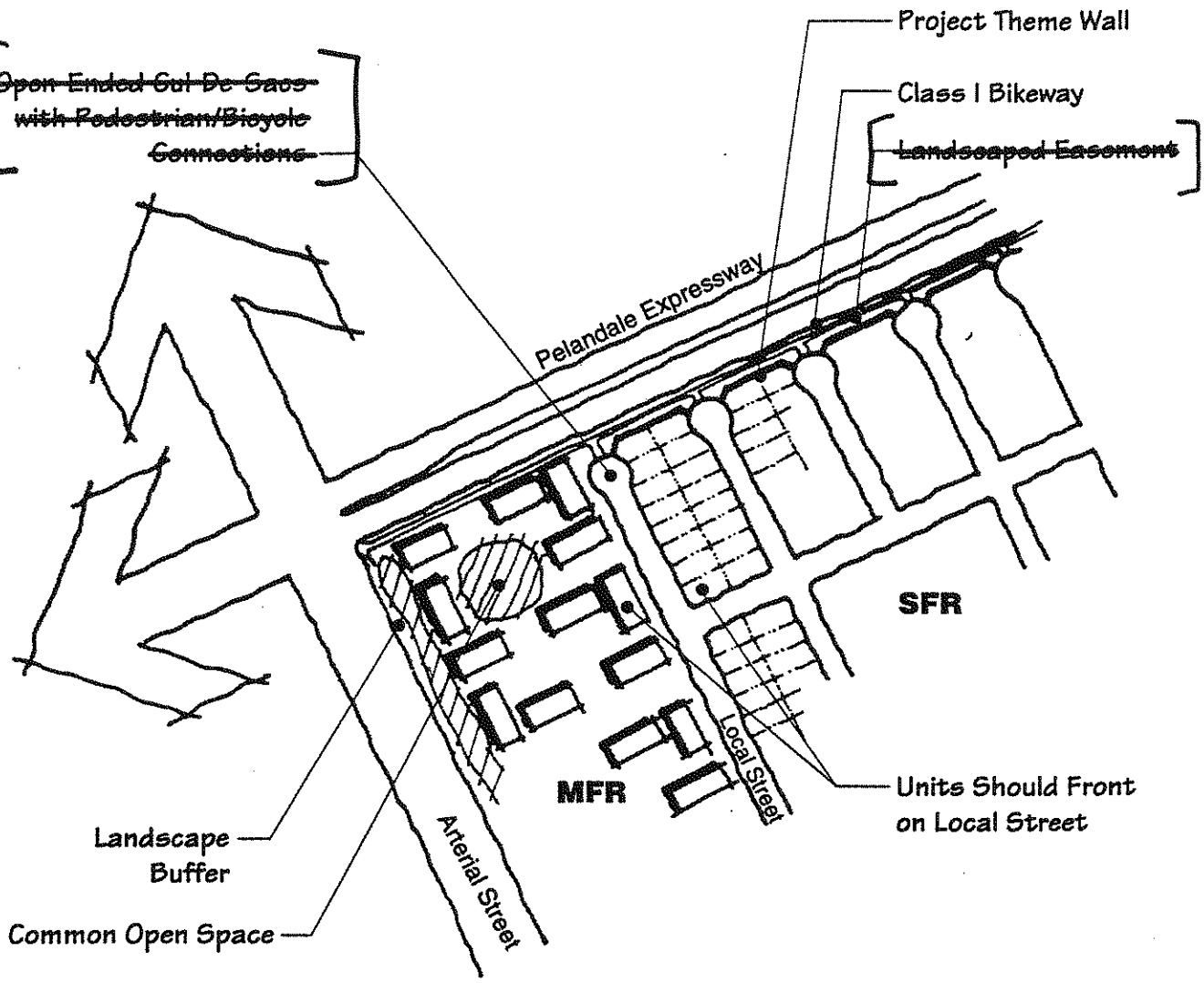
Community Design Street Policies
(refer to Figure 17 Neighborhood Street Layout Prototype)

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 be provided between SFR and MFR land use areas. Units in both land use areas shall front the street.

~~H.1.c. Open-ended cul-de-sacs with pedestrian/bicycle connections shall be provided along the Pelandale Expressway at a minimum of 1000 feet 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).



This diagram illustrates one concept of how neighborhood circulation could be designed consistent with Objective H.1 of the Plan.

Note: These drawings are diagrammatic to depict possible improvement and are for illustrative purposes only. These drawings are not binding and do not represent any required improvements

Figure 17

Neighborhood Street Layout

Prototype

Objective H.2. Provide adequate landscaping and buffer along community edges.

Landscaping Policies

H.2.a. A 12' landscape area shall be provided along the edge of the all ~~Major~~ Arterial Street ~~and Expressway~~ R.O.W's.

H.2.b. All landscaping installed along a Major Street, Expressways, the MID Canal, and/or a Class I Bike paths shall follow a design approach that is consistent throughout the Plan Area.

H.2.c. Street trees shall be installed along all streets spaced 30' on center.

H.2.d. Street Trees shall be planted at a uniform distance from edge of street.

H.2.e. All projects shall comply with the Modesto Street Tree Master Plan - adopted by City Council on November 25, 1987 (Dept. of Parks and Recreation to ensure compliance)

H.2.f. Large canopy street trees selected from Categories I and II of Appendix D of the Modesto Street Tree Plan, shall be used throughout the Plan Area.

Objective H.3. Provide consistent and unifying design elements throughout the Plan Area.

Plan Area Design Policies

H.3.a. All masonry walls within the project area that adjoin a street R.O.W, detention basin or the canal shall be of the same unifying design for the entire Plan Area. Table 6 Masonry Wall Design Criteria and Figure 19 Schematic Wall Design Prototype provide design criteria for masonry walls and are incorporated herein as a policy.

Table 6 Masonry Wall Design Criteria

Wall Element	Design Criteria
Height	8'-0"
Materials	Plaster Coated Masonry
Pilasters	25' on center with decorative cap
Cap	Accent color/material
Landscaping	Climbing Vines planted 20' on center
Corner Returns	At all street intersections
Change in Wall Plane	6 foot change in wall plane or an opening is required at a minimum, for every 200 linear feet of wall.

H.3.b. The city shall initiate the creation of a single wall design detail with landscaping standard that complies with the preceding policies.

H.3.c. All street lighting standards, signal lights, and sign posts shall meet City Public Works standards.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-590A

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 93042004) RELATING TO THE APPROVAL OF THE PELANDALE-SNYDER SPECIFIC PLAN: APPROVING AMENDMENT NO. 3 TO THE PELANDALE-SNYDER SPECIFIC PLAN TO ALLOW A PHASED DEVELOPMENT OF PELANDALE AVENUE, DELETE A COLLECTOR STREET CONNECTION TO PELANDALE AVENUE, AND TO MODIFY OR DELETE CERTAIN OTHER DEVELOPMENT STANDARDS.

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 93042004) for the Pelandale-Snyder Specific Plan, and

WHEREAS, on September 16, 1997, the City's Community Development Department by Environmental Assessment Initial Study No. 97-93, reviewed the proposed Amendment No. 3 to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale Avenue, delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards, in the City of Modesto, 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 measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on October 21, 1997, 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 on September 16, 1997, 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 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. 97-98, provides substantial evidence to support findings 1, 2, and 3, 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).

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 21st day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-93

City of Modesto
Initial Study

Pelandale-Snyder Specific Plan Amendment No. 3
E.A. No. 97-93
September 16, 1997

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.

Section 21166 of Public Resources Code allows the Pelandale-Snyder Specific Plan Final 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: Pelandale-Snyder Specific Plan Amendment No. 3

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:

North of Snyder Avenue, east of Dale Road, south of Pelandale Avenue, and west of the Union Pacific Railroad.

E. Project sponsor:

Mid-Valley Engineering, 900 H Street, Modesto, CA 95354

F. General Plan Designation: Residential (R) and Mixed Use (MU)

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This Specific Plan Amendment is for the following purposes:

1. An amendment to City Council Resolution No. 96-19, allowing for phasing of Pelandale Avenue.

2. Elimination of the requirement for a 12-foot landscape buffer adjacent to Pelandale Avenue.

3. Elimination of the collector street loops that connected to Snyder Avenue.

4. Elimination of the requirement for open-ended cul-de-sacs with bicycle/pedestrian connections to Pelandale Avenue.

5. Modification of Marsala Way from 60-foot right-of-way to 55-foot right-of-way.

6. Elimination of the canal crossing connection to Longbridge Drive.

7. Modify the 60-foot collector street cross-section to put sidewalks adjacent to the curb.

I. Surrounding land uses:

The Specific Plan is adjoined by existing single-family and multi-family residential uses to the south, existing multi-family uses to the west, agricultural uses to the north, and a railroad to the east. A planned extension of Pelandale Avenue lies between the project and the existing agricultural uses to the north.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH CEQA 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 Pelandale-Snyder Specific Plan Final 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. Eliminating the 12-foot landscape buffer will not affect compatibility with the agricultural uses to the north, as the planned extension of Pelandale Avenue, which will be 135-feet wide, will provide a sufficient buffer to these uses. None of the other proposed amendments will affect compatibility with surrounding land uses. None of the proposed changes will conflict with any adopted plans and policies, including the General Plan.

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. None of the proposed changes affect the population or buildout numbers 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 phasing of Pelandale Avenue does not affect the conclusions of the EIR, as it analyzed the traffic at buildout of the Specific Plan, when Pelandale Avenue would be completed under this amendment. The elimination of the collector street loop would not significantly alter traffic circulation, as connections to Snyder Avenue would still be provided. The other amendments would have no effect on traffic and circulation.

4. **Noise**

Noise impacts are analyzed on pages 95 through 109 of the Pelandale-Snyder Specific Plan EIR. The elimination of open-ended cul-de-sacs adjacent to Pelandale Avenue will help reduce noise impacts to the residences adjacent to Pelandale Avenue. The other amendments will not affect noise impacts one way or the other.

5. **Air Quality**

Impacts to air quality are analyzed on pages 110 through 126 of the Pelandale-Snyder Specific Plan EIR. Since air quality impacts for this project are directly related to traffic impacts, and since none of the amendments will increase traffic impacts, there will be no increase of air quality impacts beyond those analyzed in the EIR. The elimination of the open-ended cul-de-sacs with pedestrian connections to Pelandale Avenue will not cause any increase in air quality impacts, as the EIR did not include this feature as mitigation for analyzed air quality impacts.

6. **Biology**

Impacts to biology are analyzed on pages 127 through 129 of the Pelandale-Snyder Specific Plan EIR. None of the amendments will affect the biological impacts analyzed in the EIR, as there will be no change in the physical development of the area.

7. **Archaeology**

Impacts to archaeology are analyzed on page 130 of the Pelandale-Snyder Specific Plan EIR. None of the amendments will affect the archaeological impacts analyzed in the EIR, as there will be no change in the physical development of the area..

8. **Public Services**

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale-Snyder Specific Plan EIR. None of the amendments would impact public services, as there would be no change in the physical development of the Specific Plan, and no changes to utility lines to serve the project.

9. **Hydrology and Drainage**

Hydrology and drainage are analyzed on pages 137 through 141 of the Pelandale-Snyder Specific Plan EIR. The amendments will not affect the conclusions reached in the EIR regarding hydrology and drainage, as the amendments will not result in a change to the physical development of the Specific Plan, and no changes are proposed to the storm drainage system of the Specific Plan.

10. **Growth Inducing Impacts**

Growth-inducing impacts are analyzed on page 142 of the Pelandale-Snyder Specific Plan EIR. Since the amendments would result in no increase in the buildout of the Specific Plan, there would be no change to the conclusions reached in the EIR regarding growth-inducing impacts.

11. **Geology/Soils**

Impacts to geology and soils are analyzed on pages 143 through 144 of the Pelandale-Snyder Specific Plan EIR. Because these amendments would not result in a change to the physical buildout of the Specific Plan, the EIR's conclusions regarding impacts to geology and soils would not change.

B. <u>No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report</u>

The Pelandale-Snyder Specific Plan EIR was certified by the Modesto City Council on January 16, 1996. In the period since then, the City Council has approved the Carver-Bangs and Kiernan Business Park Specific Plans for development immediately to the north of the Pelandale-Snyder Specific Plan. However, this development was consistent with the City's General Plan, and was therefore analyzed in the Pelandale-Snyder Specific Plan EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan EIR.

C. <u>No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available</u>

The Pelandale-Snyder Specific Plan EIR was certified by the Modesto City

Council on January 16, 1996. In the intervening period, there has been no new information, which was not known at the time the Pelandale-Snyder Specific Plan EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project 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 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 Pelandale-Snyder Specific Plan EIR was certified as complete, has become available.

D. This initial study provides substantial evidence to support findings A, B and C, above.

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

C.C. Const Admin
CDD. — Mitchell

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-591

A RESOLUTION APPROVING THE PELANDALE-SNYDER FINANCING STRATEGY AND FACILITIES MASTER PLAN.

WHEREAS, City staff has recommended to the Council the adoption of a proposed Pelandale-Snyder Financing Strategy and Facilities Master Plan (the "Finance Plan"), a copy of which proposed plan dated October 1997, is on file in the office of the City Clerk, and

WHEREAS, the proposed Pelandale-Snyder Finance Plan is intended to provide for a comprehensive approach to the financing of infrastructure to serve the Pelandale-Snyder area, and

WHEREAS, said proposed plan was considered at a duly noticed public meeting of the City Council which was held at 7:00 p.m., on Tuesday, October 21, 1997, 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 Pelandale-Snyder Financing Strategy and Facilities Master Plan (the "Finance Plan"), a copy of which proposed plan dated October 1997, 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 21st day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Dobbs, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

10/23/97

OP0N4R2N/CA/rh

MODESTO CITY COUNCIL
RESOLUTION NO. 97-592

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE VAN, THREE UTILITY VEHICLES, ONE PACKER TRUCK, THREE FRONT END LOADERS AND ONE TRACTOR

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 one van, three utility vehicles, one packer truck, three front end loaders and one tractor, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 24, 1997 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-593

A RESOLUTION ACCEPTING THE PROJECT TITLED SISK ROAD WIDENING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Sisk Road Widening, has been completed by George Reed Inc., in accordance with the contract agreement dated June 3, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Sisk Road Widening 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 $89,996.60 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 21st day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-594

A RESOLUTION ACCEPTING THE PROJECT TITLED CHRYSLER 99 NEIGHBORHOOD PARK PHASE I AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Chrysler 99 Neighborhood Park Phase I, has been completed by Grover Landscaping Services, in accordance with the contract agreement dated august 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Chrysler 99 Neighborhood Park Phase I be accepted from said contractor, Grover Landscaping Services; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $320,860.19 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-595

Print

A RESOLUTION REJECTING ALL BIDS FOR THE PURCHASE OF LAWN MOWING SERVICES, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 14, 1997

WHEREAS, bids received for Lawn Mowing Services, were opened on May 14, 1997; and

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was higher than current in-house costs, therefor staff recommends bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Lawn Mowing Services, opened in the office of the City Clerk on May 14, 1997, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

CITY OF MODESTO

RESOLUTION NO. 97-596

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO RELATING TO REFUNDING REVENUE CERTIFICATES OF PARTICIPATION (1997 WATER UTILITY SYSTEM REFINANCING PROJECT); APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER INSTALLMENT PURCHASE CONTRACT, A 1997 SUPPLEMENTAL INSTALLMENT PURCHASE CONTRACT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, A PURCHASE CONTRACT, AND APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT, IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS

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

WHEREAS, the Modesto Public Financing Authority (the "Authority") is authorized under the Modesto Public Financing Joint Exercise of Powers Agreement, dated as of December 5, 1989, by and between the City and the Industrial Development Authority of the City of Modesto, and the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4, Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government Code (the "Bond Pooling Act"), among other things, to purchase at public or negotiated sale certain obligations ("Obligations") issued by Members of the Authority and other public agencies and sell at public or negotiated sale such Obligations or issue and sell at public or negotiated sale bonds secured in whole or in part by such Obligations or by other revenues designed in such Obligations;

WHEREAS, in order to assist the City in the financing the acquisition, construction, installation of certain improvements to its municipal water utility system (the "1992 Project"), the City, the Authority and the Trustee (as defined below) caused the execution and delivery of $25,065,000 in aggregate principal amount of Certificates of Participation (1992 Water System Improvement Project) (the "1992 Certificates") under and pursuant to a Trust Agreement, dated as of November 1, 1992, by and among the City, the Authority and the State Street Bank and Trust Company of California, N.A., as trustee (the "Trustee");

WHEREAS, in order to pay the purchase price of the 1992 Project the Authority and the City entered into an Installment Sale Agreement (the "Installment Sale Agreement"), dated as of

November 1, 1997, by and between the Authority and the City, pursuant to which the City would pay installment payments for the purchase price of the 1992 Project;

WHEREAS, the City and the Authority have determined that in order to achieve debt service savings it is in their best interest to provide for the prepayment of the Installment Sale Agreement through the deposit into an escrow fund of an amount, together with investment earnings thereon, which is sufficient to defease the 1992 Certificates;

WHEREAS, in order to implement the foregoing, the City and the Authority propose to execute and enter into a Master Installment Purchase Contract (the "Master Installment Purchase Contract") and a 1997 Supplemental Installment Purchase Contract (the "Supplemental Installment Purchase Contract"), whereby the City will sell the 1992 Project to the Authority, and the Authority in turn will sell the 1992 Project to the City, and the City will be obligated to make installment payments to the Authority for the purchase price therefor (hereinafter referred to as the "1997 Project");

WHEREAS, the City desires to approve the financing of the Project through the execution and delivery by the Trustee of Refunding Revenue Certificates of Participation (1997 Water Utility System Refinancing Project) (the "Certificates"), evidencing and representing proportionate interests of the owners thereof in installment payments to be made by the City, pursuant to a Trust Agreement (the "Trust Agreement"), proposed to be executed and delivered by the Authority and the Trustee;

WHEREAS, the City proposes to execute and deliver a Purchase Contract (the "Purchase Contract") with Lehman Brothers (the "Underwriter"), pursuant to which the Underwriter will purchase the Certificates for reoffering to the public, and to authorize the execution and distribution of a Preliminary Official Statement and an Official Statement pertaining to the Certificates; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, AS FOLLOWS:

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City in that the City expects to benefit from demonstrable savings in costs related to financing the 1997 Project.

Section 2. Master Installment Purchase Contract. The Master Installment Purchase Contract, proposed to be executed and entered into by and between the City and the Authority, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Authority the Master Installment Purchase Contract in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Supplemental Installment Purchase Contract. The Supplemental Installment Purchase Contract, proposed to be executed and entered into by and between the City and the Authority, in the form presented at this meeting and on file with the City Clerk of the City, is hereby approved, and the City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Authority the Supplemental Installment Purchase Contract in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, that the schedule of the installment payments to be contained in the Supplemental Installment Purchase Contract and to be attached as an exhibit thereto shall be determined by the City Manager or the Finance Director of the City upon the sale of the Certificates, but shall not exceed $32,000,000 in aggregate principal amount, shall provide for installment payments not later than the final maturity of the 1992 Certificates, and shall result in a true interest cost not in excess of [eight] percent per annum.

Section 4.. Escrow Agreement. The Escrow Agreement, proposed to be executed and entered into by and between the City, the Authority and State Street Bank and Trust Company of California, as escrow agent, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Escrow Agreement in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 5. Purchase Contract. The Purchase Contract, proposed to be executed and entered into by and among the City, the Authority, and the Underwriter, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and the City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Underwriter the Purchase Contract in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. Official Statement. The Preliminary Official Statement, in the form presented at this meeting and on file with the City Clerk, is hereby approved. The City Manager or the Finance Director are hereby authorized and directed to cause the Preliminary Official Statement, in substantially said form, with such changes therein as such officers may require or approve, to be deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Act of 1934 and to be distributed to potential purchasers of the Certificates. The City Manager or the Finance Director are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Official Statement in a final form approved by such officers, such

approval to be conclusively evidenced by the execution and delivery thereof, and to cause the distribution of the Official Statement in final form.

Section 7. Continuing Disclosure Certificate. The Continuing Disclosure Certificate, proposed to be executed and delivered by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved and the City Manager or the Finance Director are hereby authorized and directed for and in the name and on behalf of the City to execute and deliver the Continuing Disclosure Certificate in substantially said form, with such changes therein as such officers may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 8. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of the Certificates and the documents approved by this Resolution.

Section 9. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things (including the negotiating and obtaining of a municipal bond insurance policy or reserve fund surety bond with respect to the Certificates if the City Manager or Finance Director determine that such insurance policy or surety bond will result in savings to the City) and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to consummate the sale, execution and delivery of the Certificates and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, the Master Installment Purchase Contract, the Supplemental Installment Purchase Contract, the Escrow Agreement, the Continuing Disclosure Certificate, the Purchase Contract, the Preliminary Official Statement, the Official Statement, and the Certificates; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 10. Effective Date. This Resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-597

A RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY NO. 1.019

WHEREAS Government Code section 53646 requires that local agencies annually adopt an investment policy.

WHEREAS the current investment policy continues to meet the requirements of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the execution of Investment Policy No. 1.019 by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-598

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS FOR THE "COPS MORE" PROJECT.

WHEREAS, in 1996, the Modesto Police Department applied for a "Making Officer Redeployment Effective" ("MORE") grant from the federal COPS Office, and

WHEREAS, the Department was recently approved for the grant in the amount of $150,000, with a match of $50,000 by the City, and

WHEREAS, the "COPS MORE" grant is a technology grant for networking all area police offices, imaging software licenses, and scanning software, and

WHEREAS, a list of the equipment and software licenses to be purchased with the grant are attached hereto as Exhibit "A", and

WHEREAS, funding for the $50,000 match is currently available from previously encumbered funds and a Special Fund for Capital Outlay - Computer Network and Imaging System,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby accepts the "COPS MORE" grant offer in the sum of $150,000 for the purchase of equipment and software licenses.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute and submit all documents 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 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

Requirements for Networking Area Offices:

1.	Five (5) Novell file servers	$20,000
2.	Cabling for five (5) area offices	5,000
3.	Five (5) area office routers	5,000
4.	Fifteen (15) personal computers	27,000
5.	Five (5) stackable/SNMP managed hugs	7,500
	Subtotal	$64,500

Requirements for CLETS, Internet and Intranet Connectivity:

1.	One (1) router with T1, ISDN, and Ethernet connectivity for up to eight (8) remote sites	$20,000
2.	Internet/intranet server and associated software	15,000
3.	Software for CLETS and Com Center emulation	5,500
4.	Internet connectivity with provider (annual cost)	12,000
5.	Two (2) 100 user versions of Novell Netware 4.11	8,000
6.	CD Rom server for resource sharing	20,000
	Subtotal	$80,500

Licenses:

1.	Five (5) File Net Imaging software licenses	$50,000
2.	One (1) File Net Scanning/workflow license	5,000
	Subtotal	$55,000
	Grand Total:	**$200,000**

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-599

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET INCREASING REVENUES BY $200,000 AND APPROPRIATING AND EXPENDING FUNDS

WHEREAS, the Modesto Police Department applied for a "Making Officer Redeployment Effective" grant from the Federal COPS Office and was approved for the grant of $150,000, with a match of $50,000; and

WHEREAS, the match of $50,000 for this grant will come from two sources: (1) $40,731.14 previously encumbered funds for a telephone recording system and (2) $9,268.86 from Special Fund for Capital Outlay - Computer Network and Imaging System.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#010-190-1901-3508	$150,000
#010-700-7000-9130	9,269
Expenditure	
#010-190-1901-5090	$200,000
#130-700-7000-7010	9,269
#130-190-H002-6070	(9,269)
#010-800-8000-8003	(40,731)

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of October 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-600

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MILLER, NELSON & BRIGGS FOR OUTSIDE LEGAL SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Miller, Nelson & Briggs for Outside Legal 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 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-601

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PAUL A. HORN FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE OCTOBER 21, 1997

WHEREAS, Paul A. Horn was appointed a member of the Human Relations Commission on April 9, 1996; and

WHEREAS, Paul A. Horn has tendered his resignation from the Human Relations Commission, effective October 21, 1997; and

WHEREAS, Paul A. Horn 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 Paul A. Horn from the Human Relations Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Paul A. Horn 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 21st day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-602

Print

A RESOLUTION ADOPTING AMENDMENT NO. 12 TO THE VILLAGE ONE SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS, TO DELETE REQUIREMENT FOR BUSINESS PARK MARKET STUDY, AND TO ALLOW REGIONAL COMMERCIAL USES IN THE BUSINESS PARK.

WHEREAS, Government Code Section 65450 et seq. permits cities and counties to adopt Specific Plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and

reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to

reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to amend the Precise Plan portion of the Village One Specific Plan to delete the multiple-family development designation from the Precise Plan for Area No. 8, (PPA No. 8), and Precise Plan for Area No. 33, (PPA No. 33,) respectively, and Resolution No. 96-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Village One Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan pertaining to standards for dwelling setbacks and three-car garages which are to be applied to all single-family developments throughout the Village One Specific Plan,

WHEREAS, the City Council on May 6, 1997, by Resolution

No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt Public Facilities from Precise Plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on September 22, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 12, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 97-67, recommended to the City Council approval of an amendment to the Village One Specific Plan to allow changes in Public Service Providers, to delete the requirement for a Business Park Market Study, and to allow Regional Commercial Uses in the Business Park, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on October 21, 1997, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, and

WHEREAS, by a report to the Council dated October 14,

1997, 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. 12 to allow changes in Public Service Providers, to delete the requirement for a Business Park Market Study, and to allow Regional Commercial Uses in the Business Park, 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. 12 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. 12 to the Village One Specific Plan to allow changes in Public Service Providers, to delete the requirement for a Business Park Market Study, and to allow Regional Commercial Uses in the Business Park, and

WHEREAS, said changes to the Village One Specific Plan, approved herein by the City Council, are as set forth in the report marked 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 21st

day of October, 1997, 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: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Staff report dated October 14, 1997 for the October 28, 1997 Council Meeting, w/attachments.

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 10/28/97

October 14, 1997

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Public Hearing to Consider Amendment No. 12 to the Village One Specific Plan to Allow Changes in Public Service Providers, Delete Requirement for Business Park Market Study, and Allow Regional Commercial Uses in the Business Park

I. RECOMMENDED COUNCIL ACTION

The Planning Commission by Resolution No. 97-67 recommends the City Council adopt a Resolution adopting Amendment No. 12 to the Village One Specific Plan to:

A. Allow changes in Public Service Providers.

B. Delete requirement to prepare Business Park Market Study.

C. Allow Regional Commercial uses in the Business Park (and revise the Business Park diagram).

II. BACKGROUND

On October 16, 1990, the City Council approved the Village One Specific Plan (Attachment 1). Since that time, there have been changes in the private companies that provide various services to the City. In addition, the City's General Plan, adopted in 1995, emphasizes economic development including regional commercial.

III. SUMMARY OF ISSUES

A. Service Providers

The Public Infrastructure section of the current Specific Plan contains language which specifically identifies service providers for City and non-City services. Because of economic forces, e.g. privatization, mergers etc., some or all of these providers may be

different in the future. Specifically, Solid Waste and Other Utilities sections such as telephone, cable television and power may change. These providers are currently named in the Plan.

B. Market Study

When the Specific Plan was first adopted in 1990, it was thought a market study would be needed to define users within the Business Park. Seven years later, these uses have become more defined and the provision for a market study is no longer needed.

C. Business Park Regional Commercial

The Village One Business Park, because of its proximity to regional transportation corridors, is an excellent location for regional commercial uses. The Specific Plan currently defines the Business Parks uses as: office, light industrial and support retail, as permitted by the City's Business Park Zone. The General Plan defines Business Park as including Regional Commercial uses. The amendment would permit the Business Park to take advantage of its location for economic development goals.

IV. REASONS FOR RECOMMENDED ACTIONS

The proposed Amendment meets the Specific Plan Amendment criteria, found in Section V of the Village One Plan, as described below:

A. Need for Amendment/Reasons for Proposed Text and Map Changes

Specific Plan Amendment No. 12 proposed five specific changes to the Village One Specific Plan. Attachment 2 represents the full text and diagrams of the five proposed changes. Following is a brief explanation of the reason for each of those proposed additions, deletions of revisions to the Specific Plan's text or maps:

1. New Service Provider Language

This policy language is proposed to be added because the City Attorney has determined that the Specific Plan should allow for the instance where service providers, such as Solid Waste (garbage) companies may realign service boundaries. There are a number of reasons that service providers may change in the future. This paragraph provides a policy basis in the Specific Plan for changing service providers while ensuring that adequate service will be provided to the Specific Plan area.

2. Revise Industrial/Business Park Land Use Policy

This revision to the Industrial/Business Park Land Use Policy is needed to be consistent with the policy changes proposed in the Business Park Precise Plan Area policies. Since the land use policy language in Precise Plan Area 35 will permit Regional Commercial uses, the reference limiting retail commercial uses was removed.

3. Amtrak Station Revision

This revised language is needed to be consistent with the City's actions on moving ahead with construction of the Amtrak Station. The parcel and roadway alignment have been created and the Station will be constructed in the near future.

4. Replace Business Park Market Study Requirement

This revision replaces the requirement for a Market Study with language that specifically states that Regional Commercial uses may be allowed in addition to the Business Park uses. Thus, potential users are more specifically identified.

5. Revise Business Park Precise Plan Diagram

This revision to Figure III-36 is necessary to reflect the current status of the Amtrak station as described in item 3 above.

B. Criteria for Analysis of Amendment

Compared to the adopted Specific Plan, the effects of the proposed amendment would be as follows:

1. The amended plan would conform to the Guiding Principles described in Chapter I of the Village One Specific Plan, because the revisions do not conflict with any of the elements contained in the Guiding Principles.

2. The proposed amendment is compatible with uses inside and surrounding the project area because the Regional Commercial uses would be located within the Business Park area separated from any residential areas by regional transportation facilities.

3. The amended plan would be consistent with the Comprehensive policies found in Chapter II of the Village One Specific Plan because there would not be any substantial change to the standards or principles contained in this chapter.

4. There would be no visual impacts, on or off-site resulting from the proposed amendment, because the Specific Plan contains explicit design guidelines which will be applied to development within the Business Park, including Regional Commercial uses.

5. The amendment would create no new level of traffic impacts, because the amendment includes a requirement for the developer of Regional Commercial uses to provide traffic analysis demonstrating that the overall level of service on the planned street system will be consistent with the Village One Program EIR.

6. The scope and nature of Public Utilities, as described in the Specific Plan and Facilities Master Plan, would not be affected by the amendment because although service providers may change, the Plan's infrastructure requirements do not.

V. ENVIRONMENTAL REVIEW

An Initial Study was prepared pursuant to CEQA Section 15162 to determine if environmental review for the amendment was covered under the Village One Program EIR. The Initial Study concluded that the amendment is within the scope of the Village One Program EIR and that no new substantial changes have occurred that no new environmental document is required.

This proposed amendment would not require changes to the environmental analysis or mitigation measures in the Supplement to the Program EIR or General Plan Master EIR.

VI. REQUIRED FINDINGS

Following are the findings necessary for the adoption of the proposed Specific Plan Amendment:

The proposed Amendment No. 12 to the Village One Specific Plan is consistent with Goals and Policies of the City's General Plan.

This finding can be made since the action considered would implement General Plan policy for economic development.

VII. STEPS FOLLOWING APPROVAL

Reprint the Specific Plan document based on the Council's action.

Prepared By: Steve R. Nish
Steve R. Nish, Associate Planner

Recommended By: Philip A. Testa
Philip A. Testa, Community Development Director

Submitted By: _____
J. Edward Tewes, City Manager

Attachments:
1. Location Map
2. Proposed Changes to the Specific Plan
3. Draft Planning Commission Resolution

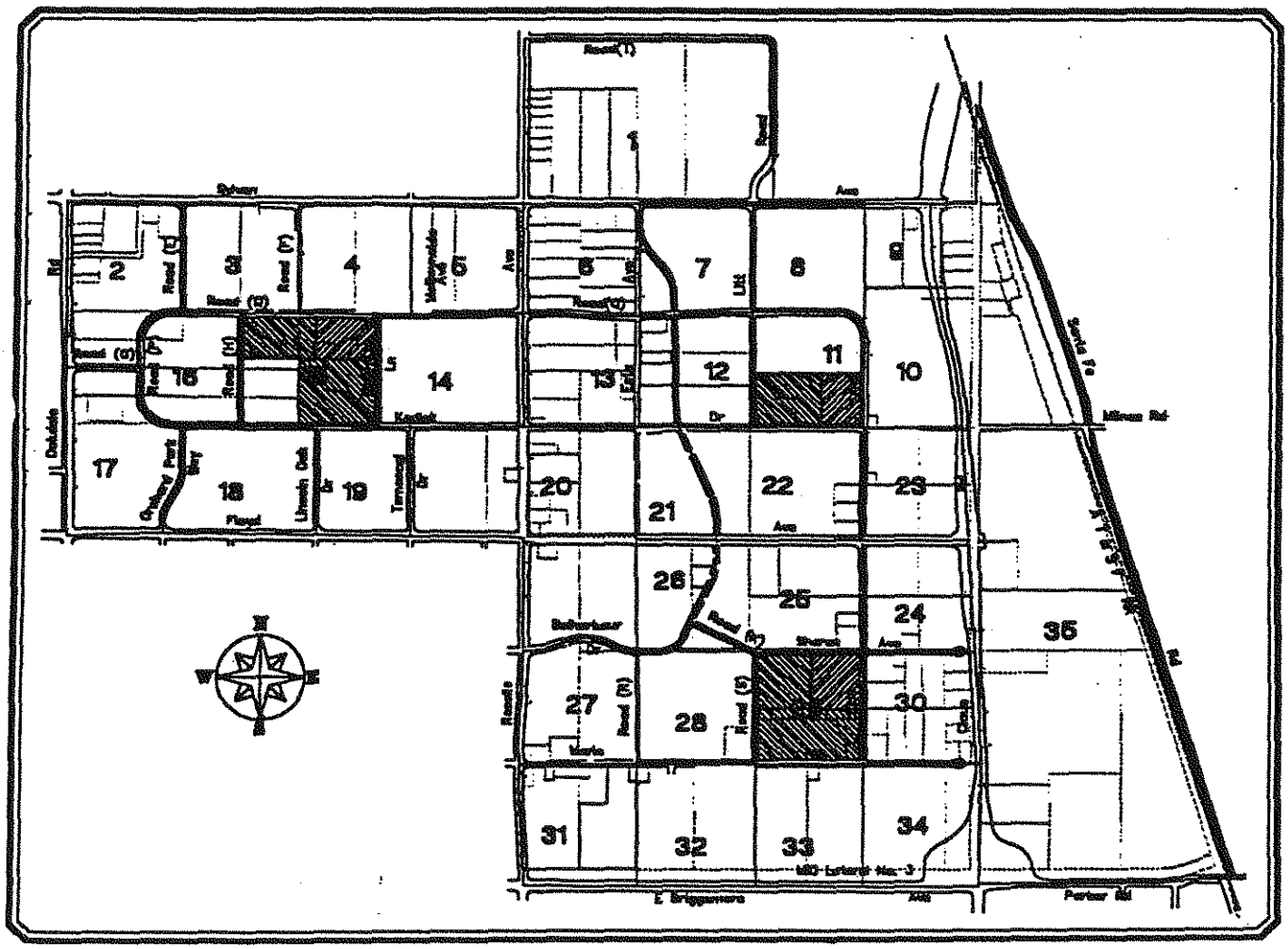
SN/elc
cc: City Clerk (22)
City Attorney
Deputy City Manager
Community Development Director

ATTACHMENT 1

LOCATION MAP

SPECIFIC PLAN AMENDMENT NO. 12

VILLAGE ONE



AREA OF PROPOSED SPECIFIC PLAN AMENDMENT NO. 12

ATTACHMENT 2

PROPOSED CHANGES TO THE SPECIFIC PLAN

PROPOSED CHANGES TO THE VILLAGE ONE SPECIFIC PLAN

The following changes will be made to Chapters II and III of the Village One Specific Plan. The annotated pages follow with the specific text and diagram changes (note: as revisions are made to the Specific Plan repagination is necessary), page numbers below refer to the current document:

	Proposed Change to:	Action:
1.	Policy II.D.1, Public Facilities Overview, Page II-11	Add text
2.	Policy II.G.9, Industrial/Business Park Land Use Policies, Page II-29	Revise text
3.	Policy 5 a, Precise Plan Area 35, Page III-90	Revise text
4.	Policy 5b, Precise Plan Area 35, Page III-91	Delete text and Add text
5.	Figure III-36, Precise Plan Area 35, Page III-92	Revise diagram

street. It would be a major transit corridor for east-west travel between Oakdale Road and the Business Park east of Claus Expressway.

The junctions of Roselle Avenue and Floyd Avenue with neighborhood connectors and streets occur at one-quarter-mile intervals to provide an adequate number of bus stop locations for local service. Bus turnouts will be provided along Roselle Avenue at all junctions with Arterial streets or neighborhood connectors. The design of all neighbor-hood connectors shall allow for the installation of far-side bus stops. On neighborhood connectors, parking would be prohibited adjacent to the curb and on the far side of the intersections.

c) Alternative future transit systems will be provided within Village One. These future transit systems will be accommodated within the existing travel lanes of Arterial streets. The systems will include the potential for coordinating with a future regional mass transit system along the Santa Fe Railroad alignment.

D. Public Facilities and Infrastructure

1. Public Facilities - Overview

Public facilities have the responsibility to help structure and shape the public realm. This is not only true in terms of the activities that they house, but also in terms of the siting and distribution of facilities, and the design of specific buildings. For this reason, public and semi-public buildings are prominent within the Village landscape and reinforce the larger community concept by creating focal points within residential districts. A more efficient utilization of land is made through the use of shared campuses and facilities, which can, in turn also encourage a stronger and more positive relationship to the surrounding neighborhoods.

In Village One, the Plan calls for the development of three elementary schools, two middle schools, one high school, one community park, three neighborhood parks, a branch fire station, and a police substation within the Village Center as a store-front lease. In addition, a number of existing churches would remain in their present locations.

Schools and parks clearly consume the largest share of land for community facilities within Village One. Of the 1,850 acres of land in the Village, approximately 107 acres would be devoted to schools, and approximately 60 acres would be set aside and developed as parks.

A branch fire station would be located within the Village Center, on a half-acre site. A police substation will also be located in the Village Center, as a storefront lease. Figure II-24 presents the present and planned Public Facilities within Village One.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

add Text

8. industrial/Business Park - Overview

A major new employment center shall be established in Village One comprised of commercial, office and industrial uses. The development of these employment uses adjacent to Village residential neighborhoods would create a base of employees with the potential to live close to their places of work. By achieving a better jobs/housing balance, the Plan sets the framework for a more viable, self-sufficient community.

Potentially conflicting uses are separated from each other by establishing the Business Park between the Village residential uses and the railroad tracks, adjacent agricultural areas, and the Mosquito Abatement District's airstrip. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining air strip may be disruptive to residential areas as well. Industry/business uses are well-suited to this location, and create an appropriate transition to residential uses to the west of Claus Road.

9. Industrial/Business Park - Land Use Policies

a) Development in the Industrial/Business Park shall be allowed at a maximum intensity of 0.25 Floor Area Ratio (FAR).

It is anticipated that the overall development intensity would be relatively low in this area, however, it would allow a higher intensity, associated more with office business parks (0.25 FAR), for greater flexibility.

b) A variety of office and industrial uses shall be allowed.

To take best advantage of future opportunities and to allow flexibility to respond to potentially market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area, however, residential ~~and retail commercial~~ uses ~~(except those serving the employee in the business park as permitted in the City Business Park Zone Ordinance)~~ would be specifically prohibited.

Revise text

10. Industrial/Business Park - Design Policies

The Business Park is planned as a major activity center, with the possibility of employing several thousand people at full buildout. It offers the potential to allow Village residents to work close to home, and therefore it is important that it be designed to include physical and visual linkages to the rest of the Village. In addition, it will be located between two major transportation corridors, the Santa Fe railroad tracks and the Claus Expressway, and positive transition to surrounding uses should be made.

identified a potential demand for office uses in the Village One site, where access to a qualified labor pool is more important than highway accessibility. The site can also serve as an area for expansion of existing Modesto businesses requiring backup office space or warehousing. This area could also include a corporation yard for the City and the Sylvan Union School District. ~~There is also potential for integrating t~~The ~~future~~ City's Amtrak Station should also be integrated into the Business Park plans.

Revise text

b) ~~As part of the Precise Plan preparation, the City should require a detailed study that evaluates the specific market niche that the Business Park can fill. This study includes:~~

~~1. Identification of likely users;~~

~~2. Identification of parcel size requirements;~~

~~3. Preparation of a site plan;~~

~~4. Identification of infrastructure requirements;~~

~~5. Identification of incentives to attract development.~~

delete text

The "Industrial/Business Park" land use designation may also allow Regional Commercial uses. Irrespective of the ultimate land use mix within this Precise Plan Area, the overall Traffic Level of Service resulting from this land use mix shall be consistent with the Village One Program EIR (SCH #90020181).

add text

c) An infrastructure phasing program shall be prepared that will promote design of the employment center without an excessive burden on undeveloped property.

Based on the detailed study, the City should prepare an infrastructure phasing program to identify how services will be connected with the sewer, water, and storm drainage facilities located west of Claus Road.

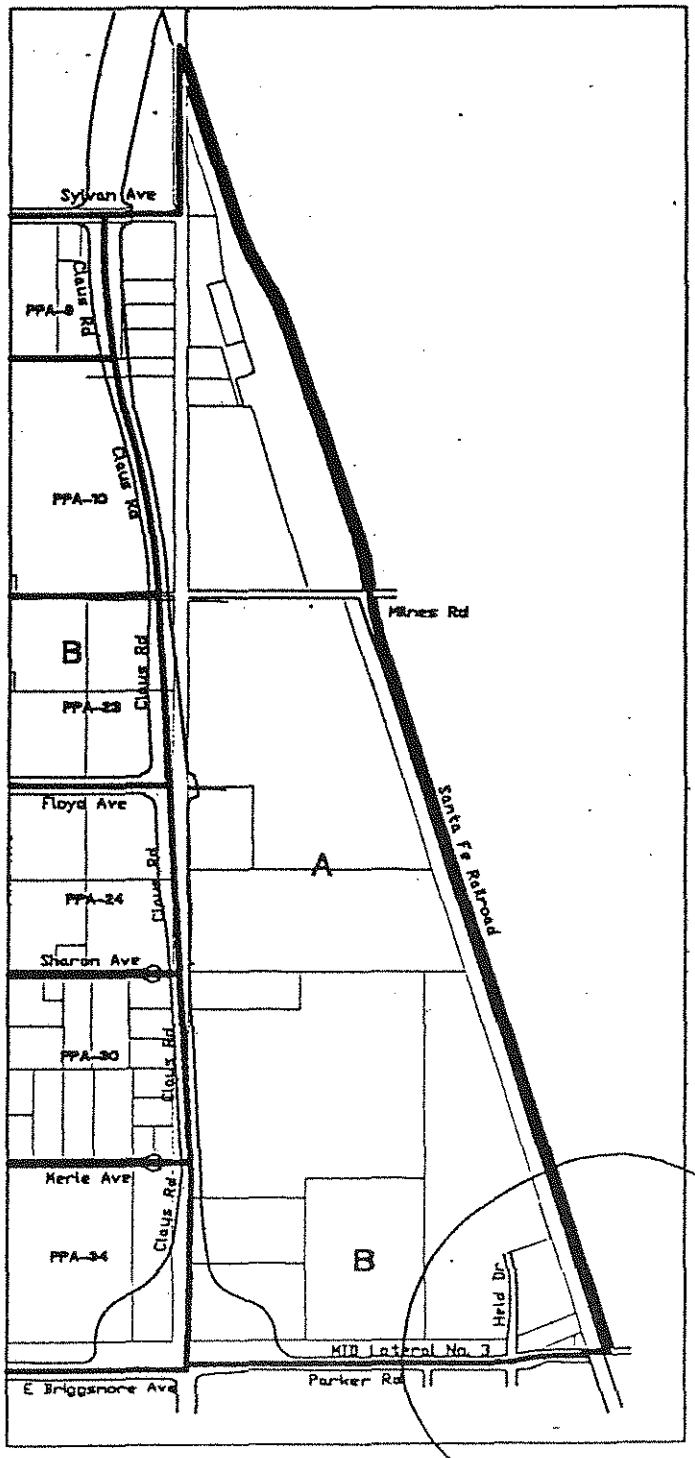
The Facilities Master Plan will address how services will be connected. Phasing is dependent on the development proposed.

d) A high priority shall be assigned to Briggsmore Avenue and Claus Road improvements funded through the City's Capital Facilities Fees.

Accessibility is critical to the development of the Business Park. The City should give high priority to the Claus Road and Briggsmore Avenue improvements. Presently, the traffic improvements funded by the City's Capital Improvements Facilities Fees have not been prioritized.

Figure III – 36

Precise Plan Area #35



Revise Diagram

ATTACHMENT 3

DRAFT PLANNING COMMISSION RESOLUTION

PLANNING COMMISSION
RESOLUTION NO. 97-67

A RESOLUTION RECOMMENDING AMENDMENT NO. 12 TO THE VILLAGE ONE SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS, DELETE THE REQUIREMENT FOR A BUSINESS PARK MARKET STUDY, AND ALLOW REGIONAL COMMERCIAL USES IN THE BUSINESS PARK

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 the greater level of detail in planning sites or areas of special interest or values; and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828a adopted the Village One Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body; and

WHEREAS, an Initial Study was prepared pursuant to CEQA Section 15162 to determine if environmental review for the amendment was covered under the Village One Program EIR. The Initial Study concluded that the amendment is within the scope of the Village One Program EIR and that no new substantial changes have occurred that no new environmental document is required; and

WHEREAS, the purpose of Amendment No. 12 is to make provision for future changes in service providers and to implement the economic development policies of the General Plan through revisions to Chapter II and III of the Plans policies including: revise language in the Public Facilities Infrastructure chapter to allow for future changes in service providers, and replace language in Precise Plan Area Description No. 35 to delete the requirement for a Business Park Market Study and add new policy language allowing Regional Commercial Uses; and

WHEREAS, the Planning Commission held a duly notice public hearing on September 22, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 12, and to consider making a recommendation to the City Council on said Proposed Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds and determines as follows:

SECTION 1. That this Amendment is consistent with the goals and policies of the Modesto Urban Area General Plan.

SECTION 2. That it recommends to the City Council adoption of Amendment No. 12 to the Village One Specific Plan which specific details are set forth in Exhibit "A," attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission held on September 22, 1997, by _____ who moved its adoption, which motion was seconded by_____ and carried by the following vote:

AYES:

NOES:

ABSENT:

RECUSED:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

_____
George Osner, Secretary

Attachment: Exhibit "A"

street. It would be a major transit corridor for east-west travel between Oakdale Road and the Business Park east of Claus Expressway.

The junctions of Roselle Avenue and Floyd Avenue with neighborhood connectors and streets occur at one-quarter-mile intervals to provide an adequate number of bus stop locations for local service. Bus turnouts will be provided along Roselle Avenue at all junctions with Arterial streets or neighborhood connectors. The design of all neighbor-hood connectors shall allow for the installation of far-side bus stops. On neighborhood connectors, parking would be prohibited adjacent to the curb and on the far side of the intersections.

c) Alternative future transit systems will be provided within Village One. These future transit systems will be accommodated within the existing travel lanes of Arterial streets. The systems will include the potential for coordinating with a future regional mass transit system along the Santa Fe Railroad alignment.

D. Public Facilities and Infrastructure

1. Public Facilities - Overview

Public facilities have the responsibility to help structure and shape the public realm. This is not only true in terms of the activities that they house, but also in terms of the siting and distribution of facilities, and the design of specific buildings. For this reason, public and semi-public buildings are prominent within the Village landscape and reinforce the larger community concept by creating focal points within residential districts. A more efficient utilization of land is made through the use of shared campuses and facilities, which can, in turn also encourage a stronger and more positive relationship to the surrounding neighborhoods.

In Village One, the Plan calls for the development of three elementary schools, two middle schools, one high school, one community park, three neighborhood parks, a branch fire station, and a police substation within the Village Center as a store-front lease. In addition, a number of existing churches would remain in their present locations.

Schools and parks clearly consume the largest share of land for community facilities within Village One. Of the 1,850 acres of land in the Village, approximately 107 acres would be devoted to schools, and approximately 60 acres would be set aside and developed as parks.

A branch fire station would be located within the Village Center, on a half-acre site. A police substation will also be located in the Village Center, as a storefront lease. Figure II-24 presents the present and planned Public Facilities within Village One.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

add Text

8. industrial/Business Park - Overview

A major new employment center shall be established in Village One comprised of commercial, office and industrial uses. The development of these employment uses adjacent to Village residential neighborhoods would create a base of employees with the potential to live close to their places of work. By achieving a better jobs/housing balance, the Plan sets the framework for a more viable, self-sufficient community.

Potentially conflicting uses are separated from each other by establishing the Business Park between the Village residential uses and the railroad tracks, adjacent agricultural areas, and the Mosquito Abatement District's airstrip. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining air strip may be disruptive to residential areas as well. Industry/business uses are well-suited to this location, and create an appropriate transition to residential uses to the west of Claus Road.

9. Industrial/Business Park - Land Use Policies

a) Development in the Industrial/Business Park shall be allowed at a maximum intensity of 0.25 Floor Area Ratio (FAR).

It is anticipated that the overall development intensity would be relatively low in this area, however, it would allow a higher intensity, associated more with office business parks (0.25 FAR), for greater flexibility.

b) A variety of office and industrial uses shall be allowed.

To take best advantage of future opportunities and to allow flexibility to respond to potentially market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area, however, residential ~~and retail commercial~~ uses ~~(except those serving the employee in the business park as permitted in the City Business Park Zone Ordinance)~~ would be specifically prohibited.

Revise text

10. Industrial/Business Park - Design Policies

The Business Park is planned as a major activity center, with the possibility of employing several thousand people at full buildout. It offers the potential to allow Village residents to work close to home, and therefore it is important that it be designed to include physical and visual linkages to the rest of the Village. In addition, it will be located between two major transportation corridors, the Santa Fe railroad tracks and the Claus Expressway, and positive transition to surrounding uses should be made.

identified a potential demand for office uses in the Village One site, where access to a qualified labor pool is more important than highway accessibility. The site can also serve as an area for expansion of existing Modesto businesses requiring backup office space or warehousing. This area could also include a corporation yard for the City and the Sylvan Union School District. ~~There is also potential for integrating t~~The ~~future~~ City's Amtrak Station should also be integrated into the Business Park plans.

Revise text

b) ~~As part of the Precise Plan preparation, the City should require a detailed study that evaluates the specific market niche that the Business Park can fill. This study includes:~~

~~1. Identification of likely users;~~

~~2. Identification of parcel size requirements;~~

~~3. Preparation of a site plan;~~

~~4. Identification of infrastructure requirements;~~

~~5. Identification of incentives to attract development.~~

delete text

The "Industrial/Business Park" land use designation may also allow Regional Commercial uses. Irrespective of the ultimate land use mix within this Precise Plan Area, the overall Traffic Level of Service resulting from this land use mix shall be consistent with the Village One Program EIR (SCH #90020181).

add text

c) An infrastructure phasing program shall be prepared that will promote design of the employment center without an excessive burden on undeveloped property.

Based on the detailed study, the City should prepare an infrastructure phasing program to identify how services will be connected with the sewer, water, and storm drainage facilities located west of Claus Road.

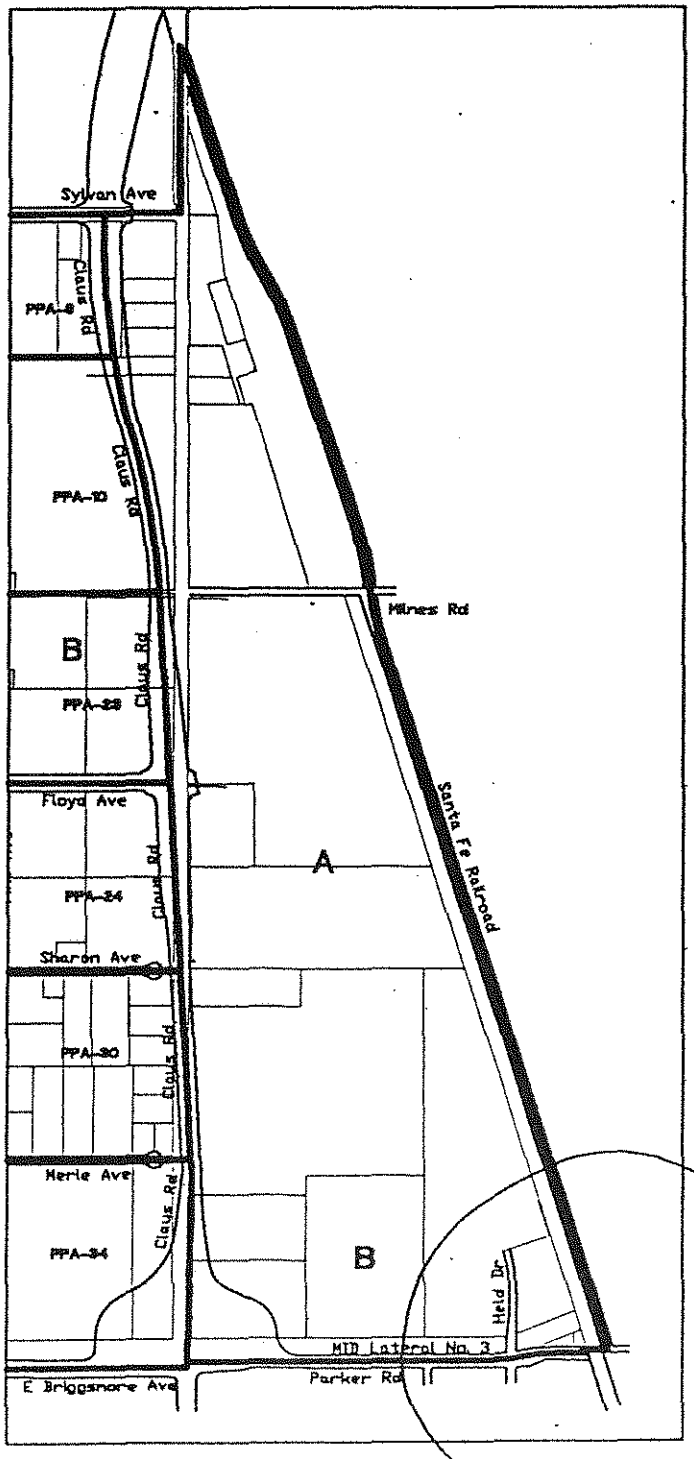
The Facilities Master Plan will address how services will be connected. Phasing is dependent on the development proposed.

d) A high priority shall be assigned to Briggsmore Avenue and Claus Road improvements funded through the City's Capital Facilities Fees.

Accessibility is critical to the development of the Business Park. The City should give high priority to the Claus Road and Briggsmore Avenue improvements. Presently, the traffic improvements funded by the City's Capital Improvements Facilities Fees have not been prioritized.

Figure III – 36

Precise Plan Area #35



Revise Diagram

7

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-603

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:

Community Services and Neighborhood Connections Director

Operations and Maintenance Director

Engineering and Transportation Director

The job specifications for the classification of Community Services and Neighborhood Connections Director (Range 1420), as shown on the attached Exhibit "A",

Operations and Maintenance Director (Range 1420), as shown on the attached Exhibit "B", and Engineering and Transportation Director (Range 1422), as shown on the attached Exhibit "C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Public Works and Transportation Director

Parks and Recreation Director

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 28, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 1761

OCTOBER, 1997

COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR

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

DEFINITION

To plan, direct and review the activities and operations of the Community Services and Neighborhood Connections Department including leisure and community services programming and activities, human services program administration, and community and neighborhood outreach and improvement; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

Essential Functions:

Develop, plan, and implement division goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the Department's annual work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Plan, organize, direct, evaluate, and schedule the work and programs of the department divisions, programs and the administrative office staff.

Plan and direct the development of community and neighborhood improvement initiatives and programs.

Plan, direct, and/or facilitate leisure service programs and activities, golf operations, and community-wide programs or activities.

Essential Functions: (Continued)

Negotiate and resolve significant and controversial neighborhood and community issues.

Prepare and submit reports and recommendations, and provide technical advice to the City Manager, City Council, and related boards and commissions.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Develop and implement citizen based problem-solving models.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Prepare long-range plans to meet community needs based on studies of local conditions and projections of the future composition of the community; recommend additional, altered or expanded public recreation facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies monitor and approve expenditures; implement mid-year adjustments.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Coordinate and direct fund-raising activities.

Direct the establishment and maintenance of files and records of Departmental activities.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and methods used in community and leisure services administration and management, and program and facility acquisitions and maintenance.

Recreational, cultural, human, and social needs of all age, ethnic and economic groups.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Record keeping and reporting procedures.

Principles and practices of budget preparation and administration.

Principles of supervision, training and performance evaluation.

Group problem solving techniques and partnerships with individuals and community groups.

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

Principles and practices of organization, administration and personnel management.

Grants and administration of funds obtained from external agencies.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

Understand and implement the community, social and leisure services needs of the community and recommend additional areas, facilities and programs to meet those needs.

Ability to: (Continued)

Prepare and present complex reports.

Work through complex community and neighborhood issues.

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

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

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

Maintain liaison with various private and public agencies, and deal successfully with the public and other interested groups.

Prepare and administer a budget.

Select, lead, supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making decision and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Eight years of increasingly responsible supervisory or administrative experience in community, leisure or human service programs.

Training:

A Bachelor's degree from an accredited college or university with major course work in public administration, recreation, or a related field.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions

Office environment.

Physical Conditions:

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

CITY OF MODESTO
NO. 1787

OCTOBER, 1997

OPERATIONS AND MAINTENANCE DIRECTOR

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

DEFINITION

To plan, direct and review the functions of the Operations and Maintenance Department including but not limited to fleet, streets, water, waste water collection and treatment, solid waste, forestry, and park operations; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

Essential Functions:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the Department's annual work plan as approved by the City Manager; assign and schedule work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Plan, organize, direct, evaluate, and maintain schedules for all operations relating to streets, water, solid waste, and sewer related activities including the operation, maintenance and repair of utility facilities.

Essential Functions (Continued)

Plan, organize, direct, evaluate, and maintain schedules for all operations relating to fleet, parks, parking lots, parking structures, and building maintenance related activities including the operation, maintenance and repair of public recreation and general government facilities.

Plan, organize, direct and evaluate forestry related activities including the planting, maintenance and preservation of street and park trees.

Respond to and resolve difficult and sensitive citizen inquires and complaints.

Supervise and participate in the development and administration of the Operations and Maintenance Department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Prepare resolutions, ordinances, reports and correspondence.

Review plans, reports and budget estimates prepared by subordinates, outside consultants and other City departments.

Represent the City before citizens, elected officials and community groups on utility matters as directed by the City Manager.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Select, train, motivate and evaluate personnel; provide a high level of leadership; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, materials, techniques and equipment used in the operation and maintenance of fleet, water, sewer, streets, forestry, parks, buildings and solid waste systems.

Applicable laws and regulatory codes related to utility and solid waste operations.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Recent developments, current literature and sources of information regarding water, sewer and waste-to-energy issues.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

Principles and practices of contract administration and managed competition.

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

Duties and functions of State and local water and sewer districts.

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

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

Prepare and administer a budget.

Ability to: (Continued)

Analyze organization and operational issues and select proper courses of action.

Interpret and apply City policies, procedures, rules and regulations.

Communicate clearly and concisely, both orally and in writing.

Select, supervise, train and evaluate professional and technical subordinates.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts.

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

Build consensus and maintain a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Eight years of increasingly responsible public works type experience including five years of administrative and supervisory responsibility.

Experience and Training (Continued)

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering, management, 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 and field environment; exposure to computers.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travelling to and from job sites in a vehicle.

CITY OF MODESTO
NO. 1750

OCTOBER, 1997

ENGINEERING AND TRANSPORTATION DIRECTOR

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

DEFINITION

To plan, direct and review the activities and operations of the Engineering and Transportation Department including the electrical service, engineering, parking and traffic and transit divisions; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

Exercises direct supervision over professional, technical, maintenance and clerical staff.

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

Essential Functions:

Develop, plan, and implement Department goals and objectives; recommend and administer policies and procedures.

Direct, oversee and participate in the development of the Department's annual work plan as approved by the City Manager; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Plan, design, restore and construct utility facilities.

Plan, organize, direct, evaluate and schedule the construction, maintenance and operation of City-owned electrical facilities including street lights and electrical systems associated with City buildings.

Prepare and implement long-range planning for public works systems and improvements; prepare public works conditions to be placed on new and redeveloped parcels.

Essential Functions: (Continued)

Direct the installation of all public improvements in subdivisions and developments.

Perform statutory duties of City Engineer as prescribed by state law and the Municipal Code.

Direct the development, implementation and administration of the City's capital improvement program as it relates to City-owned utilities and electrical facilities.

Direct the City's parking, traffic, transit, airport, and solid waste activities.

Confer with and advise supervisory assistants and outside consultants on problems related to the operation, construction and maintenance of City utility and electrical facilities.

Supervise and participate in the development and administration of the department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments.

Prepare resolutions, ordinances, reports and correspondence.

Review plans, engineering reports and budget estimates prepared by subordinates, outside consultants and other City departments.

Perform utility rate structure analysis and make recommendations on utility rates.

Evaluate and recommend professional engineering consultants and contracts.

Represent the City before citizens, elected officials and community groups on utility matters.

Participate on a variety of boards and commissions; attend and participate in professional groups and committees.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Manager and City Council; prepare and present staff reports and other necessary correspondence.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Marginal Functions:

Perform related duties as assigned.

Marginal Functions: (Continued)

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

QUALIFICATIONS

Knowledge of:

Methods, materials, techniques and equipment used in the construction, operation and maintenance of water, sewer, telecommunications and electrical systems, and waste-to-energy facilities.

Modern and complex principles and practices of parking and traffic program development and administration.

Principles and practices of civil engineering administration.

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

Recent developments, current literature and sources of information regarding water, sewer, solid waste and waste-to-energy facility engineering and operation.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Principles of supervision, training and performance evaluation.

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

Ability to:

Organize, direct and coordinate the activities of the Department in a manner conducive to full performance and high morale.

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

Ability to:

Prepare and administer a budget.

Analyze organization system issues and select proper courses of action.

Interpret and apply City policies, procedures, rules and regulations.

Communicate clearly and concisely, both orally and in writing.

Select, lead, supervise, train and evaluate professional and technical subordinates.

Represent the City's interests before boards and commissions of local agencies and special water and sewer districts as directed by the City Manager.

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

Build consensus and develop a team approach; gain cooperation through discussion and persuasion.

Maintain mental capacity which allows the capability of making decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing, and operating assigned equipment.

Experience and Training

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Eight years of increasingly responsible public works engineering experience including five years of administrative and supervisory responsibility.

Training:

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

License or Certificate

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

Possession of a Certificate of Registration as a professional civil engineer in the State of California.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 97-604

Print

A RESOLUTION AMENDING EXHIBIT "I" OF RESOLUTION NO. 97-375 TO REVISE THE CLASS RANGE TABLE FOR EXECUTIVE MANAGEMENT TO ADD COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR, OPERATIONS AND MAINTENANCE DIRECTOR, AND ENGINEERING AND TRANSPORTATION DIRECTOR, AND TO ABOLISH PUBLIC WORKS AND TRANSPORTATION DIRECTOR AND PARKS AND RECREATION DIRECTOR PURSUANT TO THE REORGANIZATION OF CERTAIN CITY DEPARTMENTS AND FUNCTIONS.

WHEREAS, the City Council desires to amend Exhibit "I" of Resolution No. 97-375 to revise the Class Range Table For Executive Management to add Community Services and Neighborhood Connections Director (Range 1420), Operations and Maintenance Director (Range 1420), and Engineering and Transportation Director (Range 1422), and to abolish Public Works and Transportation Director and Parks and Recreation Director pursuant to the reorganization of certain City departments and functions,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 97-375. Exhibit "I" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Executive Management, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "I" entitled "City Of Modesto Class Range Table Executive Management, Effective October 28, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "I" adds salary ranges for Community Services and Neighborhood

Connections Director (Range 1420), Operations and Maintenance Director (Range 1420),and Engineering and Transportation Director (Range 1422), and abolishes salary ranges for Public Works and Transportation Director and Parks and Recreation Director pursuant to the reorganization of certain City departments and functions.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 28, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

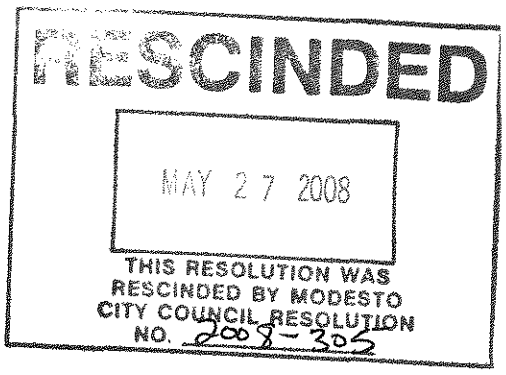
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective October 28, 1997

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



MODESTO CITY COUNCIL
RESOLUTION NO. 97-605

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT MONTHLY VEHICLE ALLOWANCES TO THE COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DIRECTOR, OPERATIONS AND MAINTENANCE DIRECTOR, AND ENGINEERING AND TRANSPORTATION DIRECTOR.

WHEREAS, by Resolution No. 92-348 adopted by the Council of the City of Modesto on June 23, 1992, the Council authorized the City Manager to grant monthly vehicle allowances to the Deputy City Manager and Public Works and Transportation Director, and

WHEREAS, by Resolution No. 94-398 adopted by the Council of the City of Modesto on June 28, 1994, the Council authorized the City Manager to grant monthly vehicle allowances to the Community Development Director and Parks and Recreation Director, and

WHEREAS, by Resolution No. 97-603 adopted by the Council of the City of Modesto on October 28, 1997, the Position Classification Plan was revised to create classifications for Community Services and Neighborhood Connections Director, Operations and Maintenance Director, and Engineering and Transportation Director, and to abolish classifications for Public Works and Transportation Director and Parks and Recreation Director pursuant to a reorganization of certain City departments and functions, and

WHEREAS, the Council desires to authorize the City Manager to grant monthly vehicle allowances to the Community Services and Neighborhood Connections Director, Operations and Maintenance Director and Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to grant vehicle allowances in an amount not to exceed Three Hundred Fifty and no/100ths ($350) Dollars per month to the Community Services and Neighborhood Connections Director, Operations and Maintenance Director, and Engineering and Transportation Director.

BE IT FURTHER RESOLVED that Resolution No. 92-348 adopted on June 23, 1992, authorizing the City Manager to grant a monthly vehicle allowance to the Deputy City Manager 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 28th day of October, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-606

A RESOLUTION ACCEPTING THE MODESTO CENTRE PLAZA FIVE YEAR PLAN AND AUTHORIZING STAFF TO IMPLEMENT RECOMMENDATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Modesto Centre Plaza Five Year Plan be, and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said Five Year Plan by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-607

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $5,635 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE CENTRE PLAZA FUND FOR ADDITIONAL SALARIES AND BENEFITS FOR PART-TIME SERVICE WORKER

WHEREAS, over the past two years, a study had been conducted of the growing needs of the Modesto Centre Plaza which resulted in development of a Five-Year Plan for the Centre. This report forecasts the financial trends of the Modesto Centre Plaza over the next five years, benchmarks current performance of the operation and makes future recommendations; and

WHEREAS, a recommendation was made to restore a part-time service worker position in order to provide acceptable levels of customer service; and

WHEREAS, the cost of $5,635 will be expended for this position for the remainder of this fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures:	
#010-800-8000-8003	$(5,635)
#670-370-3412-0140	$5,635
Transfers:	
#670-700-7000-9010	$5,635
#010-700-7000-7670	$5,635

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 October 1997, by Councilmember Cogdill, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-608

Print

A RESOLUTION APPROVING THE REVISION OF THE MODESTO CENTRE PLAZA RENTAL RULES, REGULATIONS, AND RATES POLICY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Revision of the Modesto Centre Plaza Rental Rules, Regulations and Rates Policy be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Revision of Policy by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-609

Print

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR CONSTRUCTION AND OPERATION OF THE POOL SUPPORT FACILITY AT JOHANSEN HIGH SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Modesto City Schools for construction and operation of the pool support facility at Johansen High School 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 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-610

A RESOLUTION APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY ATTORNEY MICHAEL MILICH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to employee agreement between the City of Modesto and City Attorney Michael Milich to consolidate previous amendments and to accurately reflect changes in benefits which are applicable to all management level employees of the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to employee agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-611

Print

A RESOLUTION APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY MANAGER J. EDWARD TEWES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to employee agreement between the City of Modesto and City Manager J. Edward Tewes to consolidate previous amendments and to accurately reflect changes in benefits which are applicable to all management level employees of the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to employee agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-612

A RESOLUTION APPROVING AN AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY CLERK/AUDITOR JEAN ADAMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to employee agreement between the City of Modesto and City Clerk/Auditor Jean Adams to consolidate previous amendments and to accurately reflect changes in benefits which are applicable to all management level employees of the City be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to employee agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-613

A RESOLUTION APPROVING A FIVE (5%) INCREASE IN SALARY FOR THE CITY CLERK/ AUDITOR.

WHEREAS, by Resolution No. 97-375, effective June 24, 1997, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 97-98 Effective 6/24/97", for Executive Management (Exhibit "J"), and

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to $4,722.16 per month for City Clerk/Auditor, Jean Adams, effective October 28, 1997, which is within the range established in Exhibit "J" of Resolution No. 97-375,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5%) percent increase in salary to $4,722.16 per month for City Clerk/Auditor, Jean Adams, effective October 28, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 97-614

A RESOLUTION APPROVING A RIGHT OF ENTRY AND INDEMNIFICATION AGREEMENT WITH STANLEY GALAS, BONNIE K. GALAS, NORMAN GALAS, AND JUNE GALAS FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanley Galas, Bonnie K. Galas, Norman Galas, and June Galas to allow entry and indemnification for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-615

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING AND SURVEYING FOR PROFESSIONAL SURVEY SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Delamare-Fultz Engineering and Surveying for professional survey 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 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-616

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID VAUGHN ENTERPRISES FOR REPAIR TO THE DISPLAY FOUNTAIN SYSTEM 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 David Vaughn for repair to the display fountain system 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 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-617

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $6,000 FROM THE CENTRE PLAZA FUND FF&E RESERVE TO A CAPITAL, NON-CIP ACCOUNT TO REPAIR THE DISPLAY FOUNTAIN SYSTEM AT THE MODESTO CENTRE PLAZA

WHEREAS, inspection of the display fountain system at the Modesto Centre Plaza has revealed numerous leaks in the pool (basin) portion of the system. The damage is due mostly to settling of the ground under and around the fountain, with the remaining deterioration related to ten years of wear and tear; and

WHEREAS, a thorough survey of the damage and an effective repair plan has been created for a total cost of $6,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Account #670-800-8000-8003	$(6,000)
Account #670-340-J206-6040	$6,000

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October 1997, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-618

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO FUND THE INSTALLATION OF APPROXIMATELY 19 ADDITIONAL ROCKWELLS UNDER THE CURRENT ROCKWELL CONTRACT

WHEREAS, the El Nino Task Force discussions resulted in the development of a list of key locations where localized flooding would be reduced with the installation of a rockwell; and

WHEREAS, staff has identified approximately $70,000 in savings from the 1996-1997 rockwell project and contingencies from the 1997-1998 rockwell project which could be used to fund the additional rockwells.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that a change order to fund the installation of approximately 19 additional rockwells under the current rockwell contract be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-619

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $38,000 TO FUND AN ADDITIONAL 19 ROCKWELLS UNDER THE CURRENT "ROCKWELL/REPLACEMENT/ADDITION" PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfers are approved:

FROM:	628 480 H089 6040	$10,000
	628 480 H080 6050	$28,000
TO:	628 480 J740 6050	$38,000

Funds to be used for installation of additional rockwells in anticipation of above-normal rain fall this season.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-620

A RESOLUTION APPOINTING ELIZABETH SODERSTROM 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. Elizabeth Soderstrom 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 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 28th day of October, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-621

A RESOLUTION VACATING AND ABANDONING A PORTION OF THE ALLEY IN BLOCK 57 AND THE ALLEY IN BLOCK 67 LOCATED WITHIN THE 10TH STREET PLACE PROJECT.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 97-582 on October 14, 1997, declaring its intention to vacate and abandon a portion of the alley in Block 57 from "J" Street to "K" Street, and abandonment of the alley in Block 67 from "J" Street to "K" Street, and

WHEREAS, said portion of the alley in Block 57 from "J" Street to "K" Street, and the alley in Block 67 from "J" Street to "K" Street to be vacated and abandoned are more particularly shown on those certain maps entitled, "Vacate and Abandon a Portion of the Alley in the City of Modesto Block 57 from "J" Street to "K" Street" and "Vacate and Abandon the Alley in the City of Modesto Block 67 from "J" Street to "K" Street", which are on file in the office of the City Clerk, and

WHEREAS, said Resolution No. 97-582 was published in *The Modesto Bee*, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Public Works and Transportation Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously at the entrance of each alley and mid-block at Block 57 and mid-block at Block 67 at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on Tuesday, November 4, 1997, 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 Chapter 3, Sections 8320 through 8325 of the Streets and Highways Code of the State of California in order to vacate and abandon said alleys have been done and accomplished, and

WHEREAS, the Council finds and declares as follows:

1. That portion of the alley in Block 57 from "J" Street to "K" Street, and the alley in Block 67 from "J" Street to "K" Street, are located within the 10th Street Place project and are unnecessary for present or prospective street purposes.

2. That the vacation and abandonment thereof is in the public interest, and

WHEREAS, on October 7, 1997, the City's Community Development Department, by Environmental Assessment Initial Study No. 97-100, reviewed the proposed abandonments and made the determination that the proposed abandonments will have no additional significant effect on the environment that was not identified in the Initial Environmental Assessment No. 93-267 in relation to the 10th Street project (formerly called the "10th Street Plaza" project),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders and declares the vacation and abandonment of the portion of the alley in Block 57 from "J" Street to "K" Street, and the alley in Block 67 from "J" Street to "K" Street, as shown on those certain maps entitled, "Vacate and Abandon a Portion of the

Alley in the City of Modesto Block 57 from "J" Street to "K" Street" and "Vacate and Abandon the Alley in the City of Modesto Block 67 from "J" Street to "K" Street", subject to the utility easements within the subject alleys being retained temporarily. Copies of said maps and written descriptions are attached hereto, incorporated herein by reference, which maps and written descriptions are also on file in the Office of the City Clerk.

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 4th day of November, 1997, 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: Cogdill, Dobbs, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

VACATE AND ABANDON A PORTION OF ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM "J" STREET TO "K" STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 57 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 57, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 300 feet; thence South 46°30'30" West 20 feet to the southwesterly line of said alley; thence on said southwesterly line, North 43°29'30" West 300 feet to the northwesterly line of said Block 57; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 6,000 sq. ft. more or less.

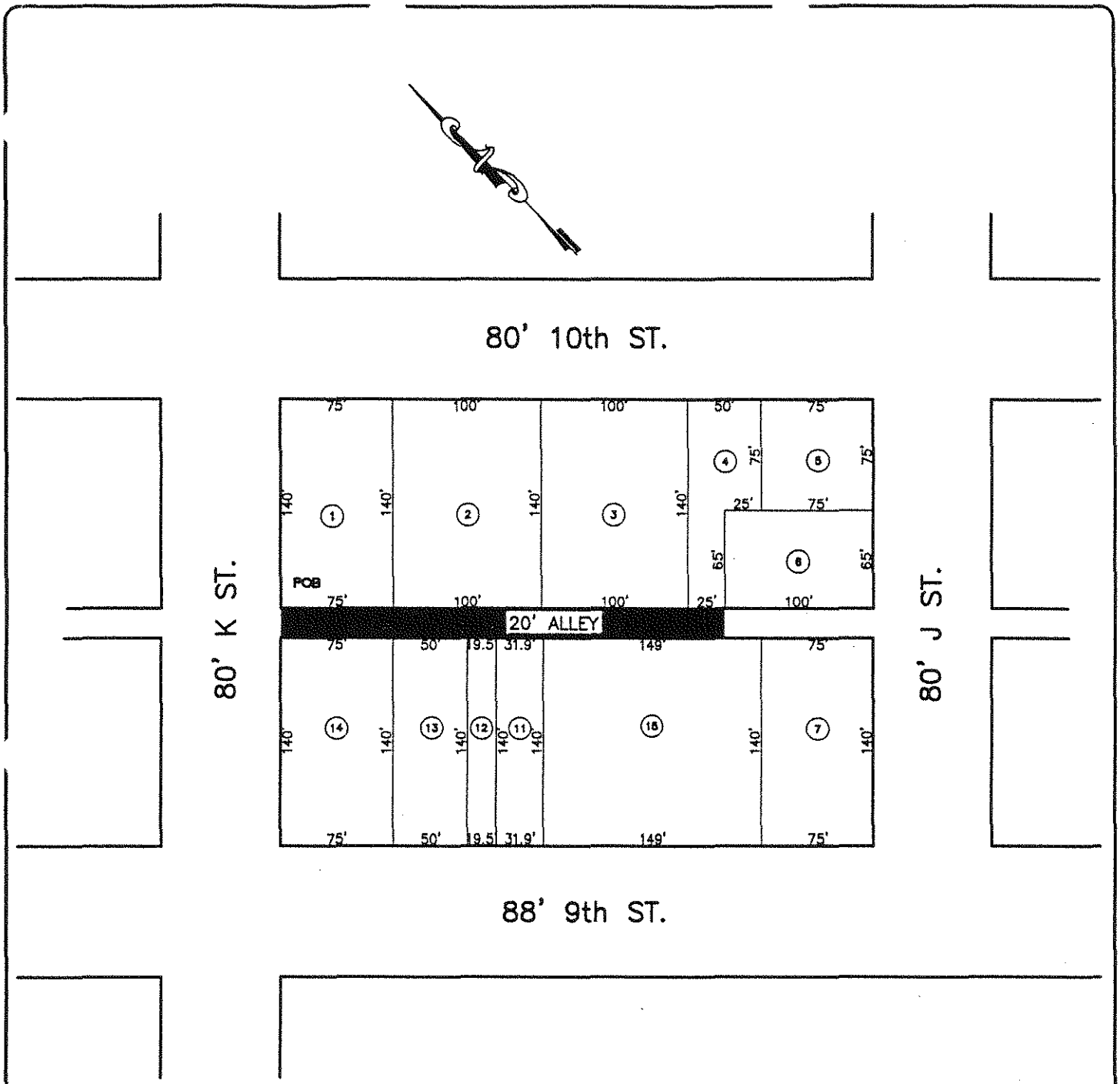
EXHIBIT "A"

VACATE AND ABANDON ALLEY IN CITY OF MODESTO BLOCK 67 FROM "J" STREET TO "K" STREET.

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the northerly corner of Block 67 of the City of Modesto as shown on the map recorded in Volume 15 of Maps, Stanislaus County Records; thence on the northwesterly line of said Block 67, South 46°30'30" West 140 feet to the northeasterly line of a 20 foot wide alley and the POINT OF BEGINNING of this description; thence on said northeasterly line, South 43°29'30" East 400 feet to the southeasterly line of said Block 67; thence on said southeasterly line, South 46°30'30" West 20 feet to the southwesterly line of aforesaid alley; thence on said southwesterly line, North 43°29'30" West 400 feet to the northwesterly line of said Block 67; thence on said northwesterly line, North 46°30'30" East 20 feet to the point of beginning.

Containing 8,000 sq. ft. more or less.



APPROVED BY:	P.E.
DATE:	EXP. DATE:
ASBUILT BY:	DATE:
SBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: 09-30-97	DRAWN BY: Carl Latimer

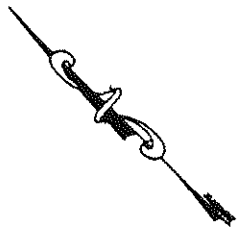
VACATE AND ABANDON A PORTION OF THE ALLEY IN THE CITY OF MODESTO BLOCK 57 FROM "J" STREET TO "K" STREET

CHECKED BY: | FIELD BOOK: | PAGE:

CITY of MODESTO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

ACTIVITY NO.

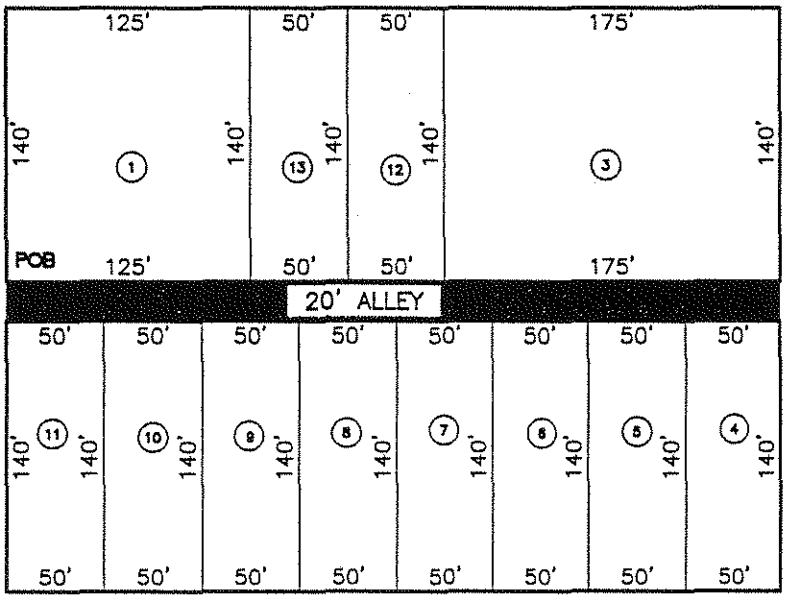
FILE NO.
C:\Kevin\Deeds\10str\final57.dwg



80' 11th ST.

80' K ST.

80' J ST.



80' 10th ST.

APPROVED BY:	P.E.
DATE:	EXP. DATE:
ASBUILT BY:	DATE:
ASBUILT PLOTTED:	DATE:
REVISED:	DATE:
DATE: 09-30-97	DRAWN BY: Carl Latimer

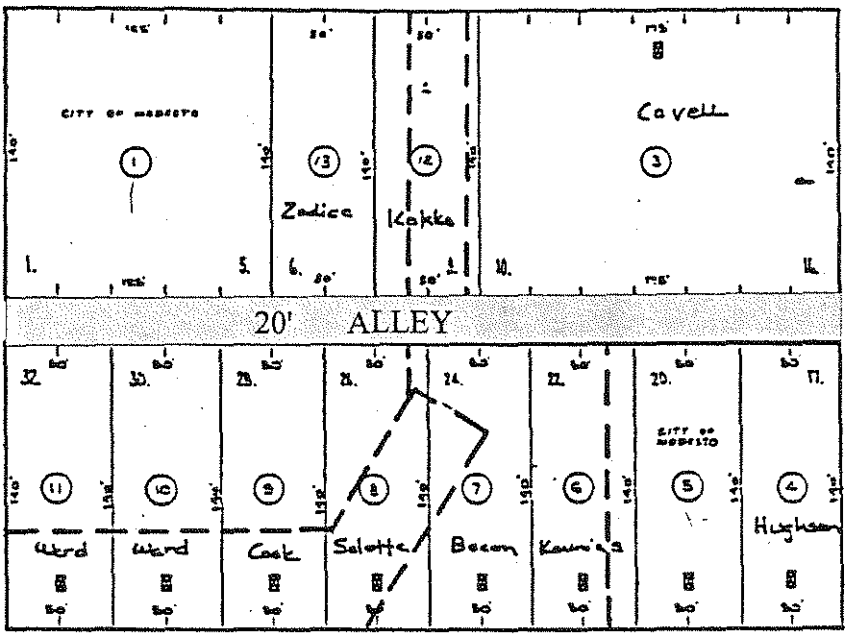
VACATE AND ABANDON THE ALLEY IN THE CITY OF MODESTO BLOCK 67 FROM "J" STREET TO "K" STREET

CITY of MODESTO
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

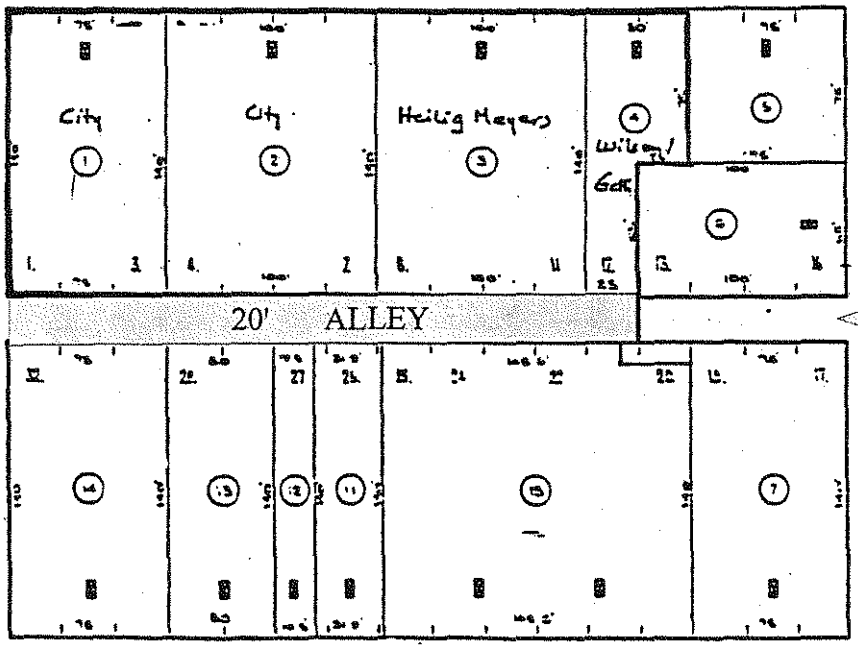
ACTIVITY NO.

CHECKED BY:	FIELD BOOK: PAGE:	FILE NO. C:\Kevin\Deeds\10ctr\final67.dwg

80' 11th ST.



ST. 80' 10th . ST. ST.



K 80' J 80'

PORTION OF ALLEY TO REMAIN

TO BE ABANDONED

88' 9th ST.

10TH STREET PLACE

KEVIN BECKER
C:/10thstr/diagram

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-622

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE FAIRVIEW VILLAGE SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on December 12, 1995, the City Council by Resolution No. 95-585 adopted the Fairview Village 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. 97-135, approved Amendment No. 1 to the Fairview Village 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. 97-138, approved Amendment No. 2 to the Fairview Village Specific Plan to delete the requirement for a housing trust fund equity sharing program collection of an affordable housing fee, and

WHEREAS, City staff has proposed Amendment No. 3 to the Fairview Village Specific Plan to add text to Section 2.3, page 30, of the Plan's Infrastructure section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 6, 1997, the Planning Commission adopted Resolution No. 97-71, recommending to the City Council Amendment No. 3 to the Fairview Village Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, 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 Fairview Village Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-71, is consistent with the City of Modesto Urban Area General Plan for the

following reason:

> 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. 3 to the Fairview Village Specific Plan to allow changes in Public Service Providers, 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 3 TO FAIRVIEW VILLAGE SPECIFIC PLAN

2.3 Infrastructure

This section of the Specific Plan describes public facilities, including community services and infrastructure, needed to support the physical development described in the Land Use Section. Descriptions and proposed improvements conform to the requirements of Section 65451(a)(2) of the Government Code for transportation (circulation and access), sewage, water, drainage, solid waste disposal, and energy.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

2.3.1 Circulation and Access

The street layout for Fairview Village is, in general, a simple, north-south/east-west grid that connects with a circular, central connector roadway defining a large site for the Village elementary school and neighborhood park. Six connector streets, which in turn are served by local streets, provide access to the edge arterials for the neighborhoods and commercial center. The residential street alignments, which will define traditional blocks divided into building lots, are not identified in the Specific Plan as they will be designed as part of the tentative subdivision map application. In concept, the Village Plan for circulation and access is the traditional pattern that defines many older neighborhoods an small towns. For illustrative purposes, a conceptual neighborhood layout for local streets is provided following the circulation and access diagram.

The connectors intersect with the edge. "Class C" Expressways, Hatch and Carpenter Roads, and a Minor Arterial, Whitmore Avenue, at distances of 1/4 mile or greater in accordance with City Public Works standards. Street access to the commercial center is restricted to the connector streets from Carpenter and Hatch Roads. There is no direct access to the commercial center from two edge expressways. Both Hatch and Carpenter Roads and Whitmore Avenue, will be widened to meet planned future width lines in conjunction with tentative subdivision map approvals, as required by the City Public Works and Transportation Department, along the Fairview Village edge.

Connector street intersections with the circular, central connector around the neighborhood and park site are to be located at reasonable intervals that distribute access to the community facilities and at points on the curve that do not result in unacceptable intersection geometry. Local residential street intersections with collectors are to be sufficiently well located to allow relatively direct pedestrian routes between neighborhoods and community facilities in the Village, including Fairview central neighborhood park and school and the Village commercial center.

As has been discussed in the section on Open Space, the final design of the landscaped drainage basins that are associated with the connector may differ somewhat from the representative forms shown on the accompanying circulation and access diagram. In concept, the landscaped drainage basins are to be part of the Village connector network. Whether or not a drainage basin is round or rectangular and how the connectors intersect with the drainage basin is a matter to be determined as part of the final design solution submitted.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-623

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 95032006) RELATING TO THE APPROVAL OF THE FAIRVIEW VILLAGE SPECIFIC PLAN: APPROVING AMENDMENT NO. 3 TO THE FAIRVIEW VILLAGE SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on December 12, 1995, by Resolution No. 95-587, the City Council of the City of Modesto certified the Final Environmental Impact Report (" EIR") (SCH 95032006) for the Fairview Village Specific Plan, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 97-116 reviewed a proposed Amendment No. 3 to the Fairview Village Specific Plan to allow changes in public service (utility) providers, 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on November 4, 1997, 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. There are no substantial changes occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Fairview Village Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Fairview Village Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-116 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).

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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-116

97-116

City of Modesto
Fairview Village Specific Plan Amendment No. 3
Initial Study

E.A. No. 97-116 (Corrected)

I. PURPOSE:

On December 12, 1995, the Modesto City Council certified the Final Focused Environmental Impact Report for the Fairview Village Specific Plan (SCH# 95032006). This Final EIR analyzed the impacts of build-out of the Fairview Village Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Fairview Village Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for Specific Plan Amendment No. 3 to the Fairview Village Specific Plan described as follows:

EXHIBIT "A"

II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 3 to the Fairview Village Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Between Whitmore and Hatch Roads, east of Carpenter Road.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Fairview Village Comprehensive Planning District

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This project is for the purpose of amending the Infrastructure section of the Specific Plan text, Chapter 2, Page 30, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan. The text requires the level of service of said provider (e.g. garbage, cable, gas, electric etc.) be maintained.

I. Surrounding land uses:

This project is adjoined on the north by large lot residential and the Tuolumne River and west by agricultural land and scattered rural residential development. It is adjoined on the east by existing residential development in the City and unincorporated County, and to the south by agricultural lands.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF PROJECT CONFORMANCE WITH THE FAIRVIEW VILLAGE FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Fairview Village Specific Plan, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Fairview Village Final Focused EIR was certified by the Modesto City Council on December 12, 1996. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Fairview Village Specific Plan in the following categories:

Traffic and Circulation Needs
Degradation of Air Quality
Generation of Noise
Loss of Productive Agricultural Land
Loss of Sensitive Wildlife and Plant Habitat
Disturbance of Archaeological or Historical Sites
Increased Demand for Schools
Generation of Hazardous Materials

The proposed amendment, addition of text allowing changes in service providers (see Project description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Fairview Village Specific Plan Final Focused EIR was certified by the Modesto City Council on December 12 1995. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the Fairview Village Final Focused EIR.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c)

The Fairview Village Final Focused EIR was certified by the Modesto City Council on December 12, 1995. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Fairview Village Final Focused Environmental Impact Report.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Fairview Village Final Focused Environmental Impact Report.

C. No new information, which was not known and could not have been known at the time the Fairview Village Final Focused Environmental Impact Report was certified as complete, that would require major revisions in the EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 116, provides substantial evidence to support the above findings.

Signature:

Steve Nish,
Associate Planner

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-624

A RESOLUTION APPROVING AMENDMENT NO. 4 TO THE PELANDALE-SNYDER SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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 the 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, City staff has proposed Amendment No. 4 to the Pelandale-Snyder Specific Plan to add text to Section Two, page 2-17, of the Plan's Infrastructure section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 6, 1997, the Planning Commission adopted Resolution No. 97-70, recommending to the City Council Amendment No. 4 to the Pelandale-Snyder Village Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, 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 allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution 97-70, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> 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. 4 to the Pelandale-Snyder Specific Plan to allow changes in Public Service Providers, 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 4 TO PELANDALE-SNYDER SPECIFIC PLAN

C. Infrastructure

1. Infrastructure Overview

The Pelandale-Snyder Specific Plan Area infrastructure system is an extension of the existing Neighborhood Area's infrastructure. Capacity issues will not be an issue since buildout of the Plan Area was planned for part of the existing city systems, without requiring new sewer trunk lines or wells. A separate storm water drainage system with a single detention pond will be built to serve the entire Plan Area.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

a. Specific Plan Infrastructure Diagram Adoption

The Specific Plan Infrastructure Diagram, (Figure 12 Pelandale-Snyder Specific Plan Infrastructure Diagram) is hereby adopted and incorporated into the Pelandale-Snyder Specific Plan. The Infrastructure Diagram conforms with Section 65451(a)(2) of the State Government Code. The diagram serves as a design schematic for the Planning Area infrastructure (i.e. major water and sewer trunk lines and storm drain system) and does not represent specific alignments or locations for facilities. Project level infrastructure improvements are not reflected on Figure 12.

b. Infrastructure Master Plan

The Infrastructure Master Plan, included in back of the Plan indicates the preliminary sizing, location, and costs for backbone infrastructure in the Planning Area. Exact sizing, phasing, and financing of the backbone infrastructure system will be determined by the Facilities Master Plan.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-625

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 93042004) RELATING TO THE APPROVAL OF THE PELANDALE/SNYDER SPECIFIC PLAN: APPROVING AMENDMENT NO. 4 TO THE PELANDALE/SNYDER SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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 93042004) for the Pelandale/Snyder Specific Plan, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 97-115 reviewed a proposed Amendment No. 4 to the Pelandale/Snyder Specific Plan to allow changes in public service (utility) providers, 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on November 4, 1997, 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. 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. 97-115, 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).

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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-115

City of Modesto
Pelandale/Snyder Specific Plan Amendment No. 4
Initial Study
E.A. No. 97-115

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 EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the project described below.

II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 4 to the Pelandale/Snyder Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Between Pelandale Avenue extended and Bangs Avenue, eastward from Dale Road to the City Limits.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Pelandale/Snyder Comprehensive Planning District

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This project is for the purpose of amending the Infrastructure Overview section of the Specific Plan text, Chapter 2, Page 2-17, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan.

I. Surrounding land uses:

This project is adjoined on the north and west by agricultural land, with a MID canal immediately to the north. It is adjoined on the west by agricultural lands, and to the south by existing City residential area.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF PROJECT CONFORMANCE WITH THE PELANDALE/ SNYDER FINAL EIR PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final EIR for the Pelandale/Snyder Specific Plan, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report?

Following is an analysis of whether there are substantial changes proposed in the project which would require major revisions of the Pelandale/Snyder Specific Plan Final EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages 45 to 94 of the Pelandale/Snyder Final EIR. The project is a text amendment to the infrastructure section for service providers. It would not change any aspect of the Plan's land use or street system which could affect the EIR's traffic analysis. Therefore, no change has occurred in the project related to Traffic and Circulation.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages 110 to 126 of the Pelandale/Snyder Final EIR. The project is only to allow for future changes in service providers, which has no effect on pollutant generation. Thus, there will be no change in air quality impacts.

3. Generation of Noise

Noise impacts are analyzed on pages 95 through 109 of the Pelandale/Snyder Final EIR. The project is only a change in the text of the Plan's Infrastructure section to allow future changes in service providers. Since this project would not change the development analyzed by the EIR, the analysis remains valid.

D. **Loss of Productive Agricultural Land**

Impacts to agricultural land are analyzed on pages IV-4-1 through IV-4-16 of the General Plan Master EIR. The proposed project is the addition of text to the Plan's Infrastructure section to allow future changes in service providers and has no effect on land use. Therefore, the project would not change the previous analysis which is based on the land use designation in the General Plan.

4. **Increased Demand for Water Supplies**

Demand for water supplies is analyzed on pages 131 through 132 of the Pelandale/Snyder Final EIR. It concluded that the project will not result in water demand exceeding the capacity of the water service system. Since this project does not effect the type and intensity of land uses that were anticipated in the EIR, this conclusion would not change.

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

Demand for sewer services is analyzed on pages 131 through 132 of the Pelandale/Snyder Final EIR. The Final EIR concluded that the Pelandale/Snyder project will not result in sewage generation exceeding the capacity of the sewage treatement plant. Since the project is to allow future changes in service providers unrelated to sewer, it would not effect the conclusion of the EIR.

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

Impacts to sensitive wildlife and plant habitat are analyzed on pages 127 through page 129 of the Pelandale/Snyder Final EIR. The EIR concluded that the project would not result in impacts to Swainson's hawks. Because this project does not change the type, intensity and location of uses analyzed in the EIR, this conclusion does not change.

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

Impacts to archaeological and historical sites was analyzed by the Pelandale/Snyder Final EIR on page 130. The EIR concluded that the project may be potentially result in the destruction of unknown subsurface archaeological resources, that with mitigation the level is less than significant. Since this project does

not change the type, location and intensity of uses in the Specific Plan, this conclusion would remain valid.

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

Drainage, flooding and water quality are analyzed on pages 137 through 141 of the Pelandale/Snyder Final EIR. The EIR concluded that although the project may result in the degradation of groundwater or surface water or reduction of groundwater supplies, the impact would be less than significant. Since the project proposed would not change the type and intensity of used from those of the EIR, there would be no additional impacts over those analyzed in the EIR.

9. **Increased Demand for Storm Drainage**

Demand for storm drainage is analyzed on pages 137 to 141 of the Pelandale/Snyder Final EIR. It concluded that although demand for storm drainage may exceed capacity of existing facilities, that facilities will be provided by the master plan. Therefore, the impact is less than significant. Since this project would not change the type and intensity of uses that were anticipated in the EIR, this conclusion would not change.

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

Increased demand for parks and open space is analyzed on page 133 of the Pelandale/Snyder Final EIR. It concluded that the project will not result in the need for additional parks. It determined 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.

11. **Increased Demand for Schools**

Increased demand for schools is analyzed on pages 134 and 135 of the Pelandale/Snyder Final EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project is only a change in the text of the Specific Plan to allow future changes in service providers, no school facilities would be affected. Thus, this conclusion remains valid.

12. **Increased Demand for Police Services**

Increased demand for police services was analyzed by the Pelandale/Snyder Final EIR on page 133. The EIR concluded that there would be no significant impacts to demand for police services that were not mitigable. Since this project is only to allow a change in service providers and will not change the type, location and intensity of uses, this conclusion would remain valid.

13. **Increased Demand for Fire Services**

Increased demand for fire services was analyzed by the Pelandale/Snyder Final EIR on pages 132 and 133. The EIR concluded that there would be no significant impacts to demand for fire services that were not mitigable. Since this project, to allow future changes in service providers, does not affect the type, location and intensity of uses, this conclusion would remain valid.

14. **Generation of Solid Waste**

Generation of solid waste was analyzed by the Pelandale/Snyder Final EIR on pages 135 and 136. The EIR concluded that the Pelandale/Snyder Specific Plan development will not affect the provision of solid waste collection and disposal services. Since this project, to allow changes in service providers, would not affect the type, location and intensity of planned uses, this conclusion would remain valid.

15. **Generation of Hazardous Materials**

Generation of hazardous materials was analyzed by the General Plan Master EIR on pages IV-16-1 through IV-16-15. The EIR concluded that there would be no significant impacts to the generation of hazardous materials that were not mitigable. Since this project is to revise text to allow changes in service providers and would not cause changes to the Plan in terms of type, location and intensity of uses, this conclusion would remain valid.

16. **Landslides and Seismic Activity**

Landslides and seismic activity were analyzed by the General Plan Master EIR on pages IV-17-1 through IV-17-11. The EIR concluded that there would be no significant impacts due to landslides and seismic activity in the urban area that were not mitigable. Since this project is only a text amendment to allow changes in service

providers in the Pelandale/Snyder Specific Plan, which would not affect the type, location and intensity of land uses in the General Plan, this conclusion would remain valid.

17. Energy

Energy use was analyzed by the General Plan Master EIR on pages IV-18-1 through IV-18-6. The EIR concluded that there would be no significant impacts for energy usage that were not mitigable. Since this project to allow changes in service providers for the Pelandale/Snyder Specific Plan would not change the type, location and intensity of planned uses, this conclusion would remain valid.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR?

The Pelandale/Snyder Specific Plan Final EIR was certified by the Modesto City Council on January 16 1996. Although there have been two Specific Plans adopted north of the project area (Kiernan Business Park & Carver-Bangs), they are also consistent with the General Plan as is the Pelandale/ Snyder Specific Plan. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the Pelandale/Snyder Final EIR.

C. No new information, which was not known and could not have been known at the time the EIR was certified as complete, has become available.

The Pelandale/Snyder Final EIR was certified by the Modesto City Council on January 16, 1996. Since that date, there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Pelandale/Snyder Specific Plan Final Environmental Impact Report.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Pelandale/ Snyder Final Environmental Impact Report.

C. No new information, which was not known and could not have been known at the time the Pelandale/Snyder Final Environmental Impact Report was certified as complete, that would require major revisions in the EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 115, provides substantial evidence to support the above findings.

Signature:

Steve Nish,
Associate Planner

c.c. Steve Nish
Carol Nelson
Kathy Swedlow Sanders

MODESTO CITY COUNCIL
RESOLUTION NO. 97-626

Print

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on January 7, 1997, the City Council by Resolution No. 97-4 adopted the Empire North Unit 1 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, City staff has proposed Amendment No. 1 to the Empire North Unit 1 Specific Plan to add text to Chapter 4, page 4-1, of the Plan's Public Facilities Overview section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 6, 1997, the Planning Commission adopted Resolution No. 97-72, recommending to the City Council Amendment No. 1 to the Empire North Unit 1 Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, 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 Empire North Unit 1 Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-72, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> 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. 1 to the Empire North Unit 1 Specific Plan to allow changes in Public Service Providers, 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 1 TO EMPIRE NORTH UNIT 1 SPECIFIC PLAN

EXHIBIT "A"

Chapter 4. Public Facilities

A. OVERVIEW

This chapter describes development of the transportation and circulation, wastewater collection and treatment, water delivery, stormwater drainage, solid waste disposal, energy, parks and recreation, schools, community services (e.g., fire, police, and other services), and infrastructure necessary to support residential development in the Plan area. Relevant City General Plan community services and facilities policies are presented in Table 4-1. For each of the general plan policies listed in Table 4-1, a corresponding description of how the Specific Plan complies with the policy is provided. The reference in parenthesis at the end of each compliance statement indicates where more detailed information may be found. Specific Plan policies have been developed to ensure compliance with the General Plan.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project, irrespective of the organization providing that service.

B. TRANSPORTATION AND CIRCULATION

Specific Plan and focused EIR preparation included a traffic analysis, performed under the direction of the City Public Works and Transportation Department, to determine the impacts of development on the transportation and circulation system of the region. This analysis assessed existing conditions (1996), near-term interim development conditions without the project, near-term interim development conditions with the project, and year 2025 conditions with the project (without the Briggsmore Avenue/Parker Road realignment). The following intersections were analyzed during the p.m. peak hour: Parker Road/Church Street, Parker Road/Santa Fe Avenue, Parker Road/Held Drive, Parker Road/Claus Road, and Claus Road/Orangeburg Avenue.

1. Distribution, Location, Extent, and Intensity

The primary access to the Specific Plan area is from Parker Road. Parker Road is designated as a four-lane, Class C expressway in the Modesto General Plan. This Specific Plan will improve Parker Road to a four-lane minor arterial street standard, as shown on Figure 4-1. The Public Works and Transportation Department has determined that these improvements are sufficient to address the traffic impacts of this project, based on the traffic analysis contained in the Empire North Unit 1 Focused EIR.

The Public Works and Transportation Department has also determined that these improvements will not inhibit the ultimate development of Parker Road as an expressway, because the close

MODESTO CITY COUNCIL
RESOLUTION NO. 97-627

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 95122030) RELATING TO THE APPROVAL OF THE EMPIRE NORTH SPECIFIC PLAN: APPROVING AMENDMENT NO. 1 TO THE EMPIRE NORTH UNIT 1 SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on January 7, 1997, by Resolution No. 97-5, the City Council of the City of Modesto certified the Final Environmental Impact Report (" EIR") (SCH 95122030) for the Empire North Specific Plan , and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 97-118 reviewed a proposed Amendment No. 1 to the Empire North Unit 1 Specific Plan 1 to allow changes in public service (utility) providers, 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on November 4, 1997, 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. There are no substantial changes occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Empire North Unit 1 Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-118, 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).

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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-118

City of Modesto
Empire North Specific Plan Unit 1 Amendment No. 1
Initial Study

E.A. No. 97-118

I. PURPOSE:

On January 7, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Empire North Unit #1 Specific Plan (SCH# 95122030). This Final EIR analyzed the impacts of build-out of the Empire North Unit #1 Specific Plan, which includes the area in which this project is proposed.

Section 21166 of Public Resources Code allows the Empire North Unit #1 Specific Plan Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for Specific Plan Amendment No. 1 to the Empire North Unit #1 Specific Plan described as follows:

II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 1 to the Empire North Unit #1 Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Between Dry Creek and Parker Road, east of the Santa Fe Railroad Tracks.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Empire North Comprehensive Planning District

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This project is for the purpose of amending the Public Facilities Overview section of the Specific Plan text, Chapter 4, Page 4-1, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan. The text requires the level of service of said provider (e.g. garbage, cable, gas, electric etc.) be maintained.

I. Surrounding land uses:

This project is adjoined on the north by farmland and on the south by Dry Creek, and bounded by the Santa Fe Railroad tracks on the west which is adjacent developed residential area.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF PROJECT CONFORMANCE WITH THE EMPIRE NORTH UNIT #1 SPECIFIC PLAN FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Empire North Unit #1 Specific Plan, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Empire North Unit #1 Final Focused EIR was certified by the Modesto City Council on January 7, 1997. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Empire North Unit #1 Specific Plan in the following categories:

Traffic and Circulation Needs
Generation of Noise
Loss of Sensitive Wildlife and Plant Habitat
Disturbance of Archaeological or Historical Sites
Drainage, Flooding, and Water Quality
Increased Demand for Parks and Open Space
Public Safety
Increased Demand for Schools

The proposed amendment, addition of text allowing changes in service providers (see Project description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Empire North Unit #1 Specific Plan Final Focused EIR was certified by the Modesto City Council on January 7 1997. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the Fairview Village Final Focused EIR.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c)

The Empire North Unit #1 Final Focused EIR was certified by the Modesto City Council on January 7, 1997. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Empire North Unit #1 Specific Plan Final Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Empire North Unit #1 Final Focused EIR.

C. No new information, which was not known and could not have been known at the time the Empire North Unit 1 Specific Plan Final Focused Environmental Impact Report was certified as complete, that would require major revisions in the Empire North Unit # 1 Final Focused EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 118, provides substantial evidence to support the above findings.

Signature:

Steve Nish,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 97-628

Print

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE NORTH BEYER PARK SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on November 26, 1996, the City Council by Resolution No. 96-641 adopted the North Beyer Park 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, City staff has proposed Amendment No. 1 to the North Beyer Park Specific Plan to add text to Chapter 4, page 4-5, of the Plan's Implementation and Financing section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 6, 1997, the Planning Commission adopted Resolution No. 97-73,

recommending to the City Council Amendment No. 1 to the North Beyer Park Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, 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 North Beyer Park Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-73, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> 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. 1 to the North Beyer Park Specific Plan to allow changes in Public Service Providers, 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 1 TO NORTH BEYER PARK SPECIFIC PLAN

6. Storm Drainage

a. Funding Source: Each individual property owner/developer shall be responsible for installation of infrastructure improvements (i.e. main storm drain trunk system, storm drain basin) which are required for development of their property and are in accordance with this Specific Plan.

b. Net Cost to City: None. Development will provide financing for these improvements.

7. Schools

a. Funding Source: Separate agreement with school district or annexation into the Village One Schools Infrastructure Financing Agency (SIFA CFD 1994-1).

School impacts shall be considered mitigated when the project is annexed to the Schools Infrastructure Financing Agency or has executed a developer fee agreement with Modesto City Schools. As of this date, only four parcels have not completed the mitigation process; A.P.N. 52-05-18, A.P.N. 52-05-20, A.P.N. 52-05-21, and A.P.N. 52-05-22. Compliance with this policy shall be a condition on any final map which includes these parcels.

b. Net Cost to City: None. The individual property owners/developers shall reach full agreement with Modesto City Schools and the Sylvan School District to insure funding and to mitigate impacts to the school districts.

8. Parks - None Are Required Within the Plan Area

a. Park fees will be paid within the North Beyer Park Plan Area.

b. Net Cost to City: None. City wide fees and development will provide financing for park improvements.

F. UTILITIES

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

Electricity - Electricity to the Plan Area shall be provided by the Modesto Irrigation District (MID).

Street Lighting - Street lighting shall be provided along the streets per Public Works Standards as individual properties develop.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-629

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 96102053) RELATING TO THE APPROVAL OF THE NORTH BEYER PARK SPECIFIC PLAN: APPROVING AMENDMENT NO. 1 TO THE NORTH BEYER PARK SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on November 26, 1996, by Resolution No. 996-641, the City Council of the City of Modesto adopted the North Beyer Park Specific Plan , and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 97-117 reviewed a proposed Amendment No. 1 to the Beyer Park Specific Plan to allow changes in public service (utility) providers, and made the determination that there are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plan; there are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration; No new information, which was not known and could not have been known at the time the North Beyer Park Specific Plan Mitigated Negative Declaration was certified as complete, that would require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration, has become available; and that the Initial Study, Environmental Assessment No. 97-117, provides substantial evidence to support the above findings, and

WHEREAS, on November 4, 1997, 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. There are no substantial changes occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the North Beyer Park Specific Plan.

2. No new information, which was not known and could not have been known at the time the North Beyer Park Specific Plan Negative Declaration was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-117, 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).

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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-117

City of Modesto
Initial Study

North Beyer Park Specific Plan Amendment No. 1
E.A. No. 97-117
October 2, 1997

I. PURPOSE

On November 26, 1996, the Modesto City Council certified the Mitigated Negative Declaration for the North Beyer Park Specific Plan (SCH#96102053). This document analyzed the impacts of build-out of the North Beyer Park Specific Plan.

Section 21166 of Public Resources Code allows the North Beyer Park Mitigated Negative Declaration to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the Specific Plan Amendment No. 1 to the North Beyer Park Specific Plan as described below.

II. PROJECT DESCRIPTION

A. Project Title: North Beyer Park Specific Plan Amendment No. 1 to allow for future changes in service providers.

B. Lead Agency Name and Address:

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

C. Contact Person and Phone Number:

Steve Nish, Community Development Department, (209) 577- 5280

D. Project Location:

The north side of Mable Avenue, east of Coffee Road.

E. Project Sponsor:

City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:

North Beyer Park Comprehensive Planning District

G. Current Zoning: Specific Plan Overlay (SP-O) Zone.

H. Description of Proposed Project:

This project is for the purpose of amending the Implementation and Financing section of the Specific Plan text, Chapter 4, Page 4-5, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan.

I. Surrounding Land Uses:

Existing single-family residential uses to the south, orchards, farmland and development consistent with the approved North Beyer Park Specific Plan for the areas immediately surrounding the subdivision to the west, north and east.

J. Other Public Agencies Whose Approval is Required: None.

III. ANALYSIS OF PROJECT CONFORMANCE WITH THE NORTH BEYER PARK MITIGATED NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Mitigated Negative Declaration for the North Beyer Park Specific Plan, or whether changes have occurred pursuant

to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The North Beyer Park Mitigated Negative Declaration was certified by the Modesto City Council on November 26, 1996. Based on the analysis contained in the City's Master EIR (SCH# 92052017), and the Claratina-Coffee Reorganization/North Beyer Park Reorganization Staged EIR (SCH#91102032) the scope of the Negative Declaration included the analysis of physical impacts to the environment from the development of the North Beyer Park Specific Plan in the following categories:

Land Use and Planning
Population and Housing
Geologic Problems
Water
Air Quality
Transportation/Circulation
Biological Resources
Energy and Mineral Resources
Hazards
Noise
Public Services
Utilities and Service Systems
Aesthetics
Cultural Resources
Recreation

The proposed amendment, the addition of text allowing changes in service providers (see Project Description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The North Beyer Specific Plan Park Mitigated Negative Declaration was certified by the Modesto City Council on November 26, 1996. In the period since then, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revision in the North Beyer Park Specific Plan Mitigated Negative Declaration.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c)

The North Beyer Park Mitigated Negative Declaration was certified by the Modesto City Council on November 26, 1996. Staff review of the relevant Community Development Department sources (i.e. studies /reports/plans/ publications etc.) has determined that since that date there has been no new information, that was not known at the time the Mitigated Negative Declaration was certified, that has become available that would require major revisions to the analysis of the Mitigated Negative Declaration.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plans .

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration.

C. No new information, which was not known and could not have been known at the time the North Beyer Park Specific Plan Mitigated Negative Declaration was certified as complete, that would require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration, has become available.

D. The initial study, Environmental Assessment No. 97 - 117, provides substantial evidence to support the above findings.

Signature:

Steve Nish,
Associate Planner

C.C. Atty
Comm Admin
Nish

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-630

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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 the 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. 97-159 adopted the Kiernan Business Park 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, City staff has proposed Amendment No. 1 to the Kiernan Business Park Specific Plan to add text to Chapter V, page 34, of the Plan's Public Facilities section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 6, 1997, the Planning Commission adopted Resolution No. 97-75, recommending to the City Council Amendment No. 1 to the Kiernan Business Park Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, 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 Kiernan Business Park Specific Plan to allow changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-75, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> 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. 1 to the Kiernan Business Park Specific Plan to allow changes in Public Service Providers, 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 1 TO KIERNAN BUSINESS PARK SPECIFIC PLAN

Chapter V
PUBLIC FACILITIES

A. Overview

This chapter describes the development of the basic wastewater collection, water supply, and storm drainage infrastructure needed to support anticipated growth in the Kiernan Business Park Specific Plan area. The Specific Plan's public facilities goal is stated below:

1. Specific Plan Public Facilities Goal

Provide public facilities and infrastructure in the Kiernan Business Park in an orderly manner consistent with the needs of planned development in the business park and applicable City standards.

2. Modesto General Plan Policies

This chapter of the Kiernan Business Park Specific Plan is consistent with the stated goals and policies of the City of Modesto General Plan including applicable overall infrastructure and public facility policies, as shown on Table V-1.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

B. Wastewater Collection

Policy PF-1: All infrastructure and public facilities shall be constructed in accordance with Figure V-1, Public Facilities Plan Diagram, which is hereby adopted as part of this Specific Plan.

An existing 48-inch wastewater collection line is planned to be extended approximately 2,800 feet to Bangs Avenue in the future alignment of Marsala Way, which would intersect with the proposed alignment of American Avenue in the Specific Plan area. Sanitary sewer service to the Kiernan Business Park will be provided by this extension. The existing 48-inch line flows south into the City's West Trunk Main.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-631

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) RELATING TO THE APPROVAL OF THE KIERNAN BUSINESS PARK SPECIFIC PLAN: APPROVING AMENDMENT NO. 1 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

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, the City's Community Development Department by Environmental Assessment Initial Study No. 97-119 reviewed a proposed Amendment No. 1 to the Kiernan Business Park Specific Plan to allow changes in public service (utility) providers, 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on November 4, 1997, 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. There are no substantial changes occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Kiernan Business Park Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Kiernan Business Park Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-119, 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).

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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-119

City of Modesto
Kiernan Business Park Specific Plan Amendment No. 1
Initial Study
E.A. No. 97-119

I. PURPOSE:

On April 1, 1997, the Modesto City Council certified the Final Environmental Impact Report for the Kiernan Business Park and Carver Bangs Specific Plans (SCH# 94082005). This Final 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 and Carver-Bangs Specific Plans Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the Specific Plan Amendment No. 1 to the Kiernan Business Park Specific Plan as described below.

II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 1 to the Kiernan Business Park Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Generally between Pelandale and Kiernan Avenues from Stoddard Avenue to approximately 1/2 mile east of Dale Road.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Kiernan/Carver Comprehensive Planning District

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This project is for the purpose of amending the Public Facilities Overview section of the Specific Plan text, Chapter V, Page 34, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan. The text requires that service providers (e.g. garbage, cable, gas & electric) maintain the same level of service to the plan area.

I. Surrounding land uses:

This project is adjoined on the north by agricultural lands, to the west by an existing business park, to the south by a MID canal and existing City residential areas, and to the east by agricultural lands.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF PROJECT CONFORMANCE WITH THE KIERNAN BUSINESS PARK AND CARVER-BANGS SPECIFIC PLANS FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SEC. 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Kiernan Business Park and Carver-Bangs Specific Plans, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Kiernan Business Park Specific Plan in the following categories:

Traffic and Circulation Needs
Degradation of Air Quality
Generation of Noise
Increased Demand for Water Supplies
Increased Demand for Sanitary Sewer Services
Loss of Sensitive Wildlife and Plant Habitat
Drainage, Flooding, and Water Quality
Increased Demand for Storm Drainage
Generation of Hazardous Materials
Increased Demand for Schools
Increased Demand for Parks and Open Space

The proposed amendment, the addition of text allowing changes in service providers (see Project Description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with

c.c. Atty & Consult Admin

respect to the circumstances under which this project is being undertaken which will require major revision in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c)

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plans Final Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final 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 Final Focused EIR was certified as complete, that would require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 119, provides substantial evidence to support the above findings.

Signature:

Steve Nish

Steve Nish,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-632

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE CARVER-BANGS SPECIFIC PLAN TO ALLOW FOR CHANGES IN PUBLIC SERVICE PROVIDERS.

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 the 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

WHEREAS, City staff has proposed Amendment No. 1 to the Carver-Bangs Specific Plan to add text to Chapter IV, page 4-1, of the Plan's Public Facilities section to allow for future changes in Public Service Providers, and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 6, 1997, 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 6, 1997, the Planning Commission adopted Resolution No. 97-74, recommending to the City Council Amendment No. 1 to the Carver-Bangs Specific Plan to allow changes in Public Service Providers, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4, 1997, 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 changes in Public Service Providers, as recommended by the Planning Commission in its Resolution No. 97-74, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> 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. 1 to the Carver-Bangs Specific Plan to allow changes in Public Service Providers, 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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 1 TO CARVER-BANGS SPECIFIC PLAN

IV. Public Facilities

A. OVERVIEW

This chapter describes development of the transportation and circulation, wastewater collection and treatment, water delivery, stormwater drainage, solid waste disposal, energy, parks and recreation, schools, community services (i.e., fire, police, and other services), and infrastructure necessary to support residential development in the Plan area. Relevant City General Plan community services and facilities policies are presented in Table 4-1. Specific Plan policies have been developed to ensure compliance with the General Plan.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service."

B. TRANSPORTATION AND CIRCULATION

Specific Plan and focused EIR preparation included a traffic analysis, performed under the direction of the City Public Works and Transportation Department, to determine the impacts of the development on the transportation and circulation system of the region. This analysis assessed existing conditions (1996), five year future conditions without the project and five year future conditions with the project. Exhibit 4-1 diagrams the proposed road classifications for the projects surrounding circulation system. Exhibit 4-2 shows the proposed bikeways that will be developed in the planning area. Proposed street sections are detailed on Exhibits 4-3 through 4-6. The proposed street sections were developed in accordance with city standards, applicable surrounding specific plans, and the General Plan Street Cross Sections.

The following intersections were analyzed for daily and P.M. Peak hour traffic as they exist today and under year 2001 conditions. Information on the long term cumulative impacts for surrounding and project area intersections was obtained from the City of Modesto General Plan Traffic Model.

Existing Study Intersections:

Bangs Avenue/Carver Road
Cheyenne Way/Prescott Avenue
American Avenue Access (1)
Prescott Avenue Access (1)
Bangs Avenue Access (3)

MODESTO CITY COUNCIL
RESOLUTION NO. 97-633

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) RELATING TO THE APPROVAL OF THE CARVER-BANGS SPECIFIC PLAN: APPROVING AMENDMENT NO. 1 TO THE CARVER-BANGS SPECIFIC PLAN TO ALLOW CHANGES IN PUBLIC SERVICE PROVIDERS.

WHEREAS, on April 1, 1997, by Resolution No. 97-162, the City Council of the City of Modesto certified the Final Environmental Impact Report (" EIR") (SCH 93042004) for the Carver-Bangs Specific Plan , and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 97-120 reviewed a proposed Amendment No. 1 to the Carver-Bangs Specific Plan to allow changes in public service (utility) providers, 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on November 4, 1997, 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. There are no substantial changes occurring with respect to the Specific Plan Amendment being undertaken which will require major revisions in the Carver-Bangs Specific Plan EIR.

2. No new information, which was not known and could not have been known at the time the Carver-Bangs Specific Plan EIR was certified as complete, has become available.

3. The Initial Study, Environmental Assessment No. 97-120, 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).

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 4th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 97-120

City of Modesto
Carver-Bangs Specific Plan Amendment No. 1
Initial Study
E.A. No. 97-120

I. PURPOSE:

On April 1, 1997, the Modesto City Council certified the Final Environmental Impact Report for the Kiernan Business Park and Carver Bangs Specific Plans (SCH# 94082005). This Final 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 Public Resources Code allows the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR to be used for subsequent projects, unless one or more of the following events occurs:

A. "Substantial changes are proposed in the project which will require major revisions of the environmental impact report." (Section 21166(a)) In the context of this initial study, this criteria is discussed in Section III A.

B. "Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III B.

C. "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." (Section 21166(b)) In the context of this initial study, this criteria is discussed in Section III C.

The purpose of this Initial Study is for determining whether CEQA Section 21166 can be utilized for the Specific Plan Amendment No. 1 to the Carver-Bangs Specific Plan as described below.

II. PROJECT DESCRIPTION

A. Project title: Specific Plan Amendment No. 1 to the Carver-Bangs Specific Plan for Future Change in Utility Providers

B. Lead agency name and address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact person and phone number:

Steve Nish, Community Development Department, (209) 577-5280

D. Project Location:

Between Bangs Avenue and Carver Avenue, eastward from Dale Road to the City Limits.

E. Project sponsor:

City of Modesto, Community Development Department

F. General Plan Designation: Kiernan/Carver Comprehensive Planning District

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This project is for the purpose of amending the Public Facilities Overview section of the Specific Plan text, Chapter 4, Page 4-1, to include new language. The new language is intended to allow changes in service providers without the need for a Specific Plan Amendment. With this amendment, Service Provider companies or boundaries could change in the future without requiring an amendment to the Specific Plan.

I. Surrounding land uses:

This project is adjoined on the north and west by agricultural land, with a MID canal immediately to the north. It is adjoined on the west by agricultural lands, and to the south by Bangs Avenue and existing City residential area.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF PROJECT CONFORMANCE WITH THE KIERNAN BUSINESS PARK AND CARVER-BANGS SPECIFIC PLANS FINAL FOCUSED EIR PURSUANT TO PUBLIC RESOURCES CODE SEC. 21166

Following is an analysis for determining whether this project conforms with the analysis contained within the Final Focused EIR for the Kiernan Business Park and Carver-Bangs Specific Plans, or whether changes have occurred pursuant to Public Resources Code Section 21166 which would require the use of new analysis.

A. Are substantial changes proposed in the project which will require major revisions of the environmental impact report? (Section 21166 (a))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Based on the analysis contained in the City's Master EIR (SCH# 92052017), the scope of the Focused EIR was limited to the analysis of physical impacts to the environment from the development of the Carver-Bangs Specific Plan in the following categories:

Traffic and Circulation Needs
Degradation of Air Quality
Generation of Noise
Increased Demand for Water Supplies
Increased Demand for Sanitary Sewer Services
Loss of Sensitive Wildlife and Plant Habitat
Drainage, Flooding, and Water Quality
Increased Demand for Storm Drainage
Generation of Hazardous Materials
Increased Demand for Schools
Increased Demand for Parks and Open Space

The proposed amendment, the addition of text allowing changes in service providers (see Project Description for details), would not result in any physical impacts to the environment in any of the above categories. Therefore, no major revisions to the EIR are required.

B. Have substantial changes occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR? (Section 21166 (b))

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. In the period since then, no development has taken place within the Specific Plan area. In addition, no changes have occurred on the properties surrounding the Specific Plan area. Therefore, there have been no substantial changes with

respect to the circumstances under which this project is being undertaken which will require major revision in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR.

C. Has new information, which was not known and could not have been known at the time the EIR was certified as complete, become available? (Section 21166 (c)

The Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR was certified by the Modesto City Council on April 1, 1997. Staff review of the relevant Community Development Department sources (i.e. studies/reports/plans/publications etc.) has determined that since that date there has been no new information, that was not known at the time the EIR was certified, that has become available that would require major revisions to the analysis of the Final Focused EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the proposed Specific Plan Amendment which will require major revisions in the Specific Plans Final Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the Specific Plan Amendment being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final 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 Final Focused EIR was certified as complete, that would require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Final Focused EIR, has become available.

D. The initial study, Environmental Assessment No. 97 - 120, provides substantial evidence to support the above findings.

Signature:

Steve Nish

Steve Nish,
Associate Planner

c.c. Steve Nish
Comm. Admin
Attn

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-634

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(525). (KEARNEY VENTURES)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Kearney Ventures on August 11, 1997, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(525), to allow a strip commercial center, property located on the east side of Oakdale Road south of Wylie Drive, described as follows:

R-1 to P-D(525)

All that certain real property shown as Parcel 1, 2 and 3 on that certain parcel map filed for record in Book 15 of Parcel Maps at Page 24, Stanislaus County Records, on September 24, 1972, lying within the southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California.

Including the north 4.00 feet of the 14.00-foot-wide alley immediately adjacent to the above-mentioned Parcel 3.

Including also the eastern 46.50 feet of Oakdale Road located immediately adjacent to and between the above-mentioned Parcels 1, 2 and 3 and the west line of Section 23-3-9.

and

WHEREAS, after a public hearing held on October 6, 1997, 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. 97-76, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed commercial development is in an area designated for (MU) Mixed Uses and the site will be well served by the signalized drop curb approach driveway entrance at the intersection of Oakdale Road and Wylie Drive.

2. The P-D Zone and conditions of approval of the commercial use will tend to insure a degree of compatibility consonant with the surrounding properties.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 4 , 1997, 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 Kearney Ventures 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. 97-76 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3073 -C.S. on the 4th day of November , 1997, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(525).

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

1. All development shall conform to the plot plan and floor plans titled "Oakdale-Wylie Center" as amended in red, stamped approved by the Council on November 4, 1997.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south, east, and north property lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Minimum five-gallon screen landscape material shall be used to provide a 15-foot-high screen in five years.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

   Eight-foot-high solid decorative masonry wall along the south and east property lines. An eight-foot-high decorative masonry wall is also required along the north property line unless the adjacent property is commercially zoned.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. A seven-foot street dedication consistent with Standard Specifications along Oakdale Road shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Maximum two-driveway approaches shall be allowed for this development on Oakdale Road including a signalized drop curb approach at the intersection of Oakdale Road and Wylie Drive and a full-access drop curb approach at the far south Oakdale Road frontage of the property. To facilitate these approaches, one parking space at the northwest corner of the site adjacent to the Oakdale Road frontage and two parking spaces abutting the southwest corner of the site adjacent to Oakdale Road frontage shall be removed.

7. The existing traffic signals and equipment at the Oakdale Road/Wylie Drive "T" intersection shall be relocated clear of the future 114-foot right of way for Oakdale Road and modified to provide a four-legged type intersection signal that will also serve the new drop curb access approach opposite Wylie Drive. The developer shall be responsible for all work and costs related to the signal modification/ relocation. Signal modification plans shall be as per current City Standards as approved by the City Traffic Engineer.

8. 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.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

11. 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.

12. Any business may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m., seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

13. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

14. The loading dock area on the east side of the shopping center may not be used for outside storage of any type of material.

15. Any activity in the loading dock area, including the parking of trucks, may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.

16. No signs shall be permitted above eight feet in height on the east face of the building(s).

17. All signs shall comply with the sign requirements of the C-3 Zone.

18. 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(525):

> The entire construction program be accomplished in one phase, construction to begin on or before October 6, 1999, and completion to be not later than October 6, 2000.

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 the ordinance reclassifying the above-described property to Planned Development Zone, P-D(525), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Item 7

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-635

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 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(525), PROPERTY LOCATED ON THE EAST SIDE OF OAKDALE ROAD SOUTH OF WYLIE DRIVE. (KEARNEY VENTURES)

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, Kearney Ventures has proposed that the zoning designation for the property located on the east side of Oakdale Road south of Wylie Drive be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(525), property located on the east side of Oakdale Road south of Wylie Drive , in the City of Modesto ("the project"), and

WHEREAS, on September 17, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-97 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on October 6, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on September 17, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

EA NO. 97-97

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this proposal to rezone from R-1 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 with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:
Application of Kearney Ventures to Rezone from R-1 to P-D, Planned Development Zone for a Strip Commercial Center, Property Located on the East side of Oakdale Road South of Wylie Drive.

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Roy A. Galli
Mid-Valley Engineering
900-H Street, suite G
Modesto, CA. 95353
phone (209) 526-4214

D. Project Location:
property located on east side of Oakdale Road south of Wylie Drive

E. Project sponsor:
Kearney Ventures
5674 Stoneridge Drive, suite 108
Pleasanton , CA. 94588

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
Existing R-1

EXHIBIT

H. Description of Proposed Project:
This is an application to rezone 2.78 acres from R-1, Low Density Residential Zone to P-D, Planned Development Zone for a strip commercial center containing 26,130 square feet of building area. The property is composed of three parcels located on the east side of Oakdale Road south of Wylie Drive. The parcel directly opposite Wylie Drive is developed with a church facility and the remaining two parcels each contain a dwelling. Redevelopment of these parcels will provide a A Rite Aid drug store building containing 16,692 square feet and a Leslie's Pools store which will share a 9,380 square foot building with a yet to be named tenant. The applicant's plot plan also provides an off-street parking design with the total number of spaces exceeding minimum code requirements for retail commercial.

I. Surrounding land uses:

North	immediately north is an undeveloped lot, zoned R-3, Medium High Density Residential
East	R-1, Low Density Residential (dwellings)
South	R-2, Medium Density Residential
West	C-1, Neighborhood Commercial P-D(137), allowing a car wash, service station and office 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**
Development of the proposed P-D zone for a strip commercial center will generate an increase of traffic in the area. A site traffic mitigation study was provided by the applicant as part of their rezoning application to address traffic issues. Development of the proposed commercial use is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**
This proposed rezoning for commercial uses is within the urban developed area of the City of Modesto. 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, still valid.

C. Generation of Noise

This proposed rezoning for commercial development is adjacent to and surrounded by urban development. These adjacent uses consist of a mixture of low and medium density residential units and other commercial uses. Because of building walls, setbacks, required property line fencing to the east, south, and north, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts on this commercial development or the adjacent residential neighborhood will be associated with the resulting retail commercial uses. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The proposed 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 residential development. The proposed P-D zone will allow commercial development of the property. 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 rezoning 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 rezoning 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 rezoning is proposed 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 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 rezoning 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 rezoning 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 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 will not impact the Modesto School system, as this proposal will add no residential units. 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 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 will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 3 is located approximately 0.25 of a 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 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 rezoning and commercial 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 rezoning and commercial 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 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 planned development for a strip commercial center is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 92052017).

B. The project will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are not specific features unique to this planned development for a strip commercial center 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: _____ Date: 9/17/97

C.C. ATTY
Const Admin
George Osner

MODESTO CITY COUNCIL
RESOLUTION NO. 97-636

Print

A RESOLUTION ACCEPTING THE BID OF WALKER BUSINESS FORMS FOR PRINTING OF THE RIDE GUIDES FOR THE JANUARY TO JUNE PERIOD OF FISCAL YEAR 1997-1998 AND AUTHORIZING THE PURCHASE OF PRINTING OF THE RIDE GUIDES TO ADDITIONAL YEARS, UP TO AND INCLUDING FISCAL YEAR 1999-2000

WHEREAS, the bids received for printing of the ride guides for the January to June period of Fiscal Year 1997-1998 and authorizing the purchase of printing of the ride guides for additional years, up to and including Fiscal Year 1999-2000, were opened at 11:00 a.m. on October 21, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $13,150.20 for the January to June period of Fiscal Year 1997-1998 and the additional years, up to and including Fiscal Year 1999-2000, for a total 2 1/2 year estimated cost of $65,751.00 from Walker Business Forms be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Walker Business Forms 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 November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-637

A RESOLUTION ACCEPTING THE BID OF MCCAIN TRAFFIC SUPPLY FOR PURCHASE OF TWENTY-TWO CONTROLLERS

WHEREAS, the bids received for twenty-two controllers were opened at 11:00 a.m. on October 14, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $138,610.45 from McCain Traffic Supply be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of McCain Traffic Supply 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 November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-638

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FIRST QUARTER OF FISCAL YEAR 1997-98

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 1997-98;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment "A".

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Debra Eggleston for
STAN FEATHERS, Budget Officer

Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Appr Unit	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Contingency Reserve		010	800	8000	01H	8003	3,962,775	648,423	4,611,198
Contingency Reserve		040	800	8000		8003	15,010	(15,010)	0
Contingency Reserve		051	800	8000	06H	8003	8,069	(2,693)	5,376
Contingency Reserve		052	800	8000	56H	8003	147,578	(32,717)	114,861
Contingency Reserve		060	800	8000		8003	0	41,119	41,119
Contingency Reserve		070	800	8000	07H	8003	40,350	43,181	83,531
Contingency Reserve		080	800	8000	80H	8003	138,476	(4,973)	133,503
Contingency Reserve		090	800	8000	09H	8003	106,945	14,429	121,374
Contingency Reserve		113	800	8000	22H	8003	0	37,969	37,969
Contingency Reserve		114	800	8000		8003	0	5,695	5,695
Contingency Reserve		117	800	8000	26H	8003	6,180	(6,180)	0
Contingency Reserve		130	800	8000	30H	8003	1,920,265	338,034	2,258,299
Contingency Reserve		131	800	8000	13U	8003	1,298,932	(76,609)	1,222,323
Contingency Reserve		132	800	8000	13S	8003	5,200	13,377	18,577
Contingency Reserve		135	800	8000	13W	8003	52,886	(15,888)	36,998
Contingency Reserve		138	800	8000	13Y	8003	597,192	13,046	610,238
Contingency Reserve		139	800	8000	13Z	8003	33,140	1,315	34,455
Contingency Reserve		140	800	8000	40H	8003	29	47,442	47,471
Contingency Reserve		141	800	8000	55H	8003	171,167	293,090	464,257
Contingency Reserve		142	800	8000	57H	8003	75,253	4,877	80,130
Contingency Reserve		143	800	8000	54H	8003	98,514	(45,962)	52,552
Contingency Reserve		150	800	8000	50H	8003	2,608	513	3,121
Contingency Reserve		170	800	8000	17H	8003	0	16,893	16,893
Contingency Reserve		180	800	8000	17W	8003	3,868	7	3,875
Contingency Reserve		600	800	8000	60H	8003	716,917	93,054	809,971
Contingency Reserve		610	800	8000	61H	8003	6,107,315	475,794	6,583,109
Contingency Reserve		612	800	8000	61X	8003	1,377,583	(1,377,578)	5
Contingency Reserve		615	800	8000	85H	8003	5,042,227	1,306,724	6,348,951
Contingency Reserve		616	800	8000	86H	8003	(201,629)	779,519	577,890
Contingency Reserve		621	800	8000	62H	8003	11,004,423	(351,470)	10,652,953
Contingency Reserve		623	800	8000		8003	0	120,340	120,340
Contingency Reserve		622	800	8000	62W	8003	181,720	(248,037)	(66,317)
Contingency Reserve		627	800	8000		8003	561,036	(380,554)	180,482
Contingency Reserve		628	800	8000	68H	8003	243,442	49,030	292,472
Contingency Reserve		631	800	8000	63H	8003	0	(14,590)	(14,590)
Contingency Reserve		632	800	8000	63W	8003	40,367	(33,976)	6,391
Contingency Reserve		651	800	8000	65H	8003	1,858,860	(88,341)	1,770,519
Contingency Reserve		652	800	8000	65W	8003	312,328	113,794	426,122
Contingency Reserve		653	800	8000	65S	8003	233,466	12,523	245,989
Contingency Reserve		660	800	8000	33H	8003	3,790	(3,739)	51
Contingency Reserve		670	800	8000	34H	8003	21,227	(11,386)	9,841
Contingency Reserve		710	800	8000	70R	8003	44,188	36,239	80,427
Contingency Reserve		711	800	8000	71H	8003	256,449	19,397	275,846
Contingency Reserve		712	800	8000	76H	8003	0	935	935
Contingency Reserve		720	800	8000	72R	8003	2,515,543	315,292	2,830,835
Contingency Reserve		731	800	8000	73H	8003	0	11,789	11,789
Contingency Reserve		732	800	8000		8003	4,433,816	146,630	4,580,446
Contingency Reserve		733	800	8000		8003	1,315,973	(797,330)	518,643
Contingency Reserve		734	800	8000		8003	121,504	(27,441)	94,063
Contingency Reserve		735	800	8000		8003	226,830	(100,444)	126,386
Contingency Reserve		736	800	8000		8003	9,819	(5,732)	4,087
Contingency Reserve		737	800	8000		8003	23,901	57,020	80,921

Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Appr Unit	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Contingency Reserve		738	800	8000		8003	201,270	(48,064)	153,206
Contingency Reserve		739	800	8000		8003	1,703	33,168	34,871
Contingency Reserve		751	800	8000	75H	8003	3,183,526	303,719	3,487,245
Contingency Reserve		780	800	8000	35H	8003	276,702	(36,151)	240,551
Contingency Reserve		885	800	8000	88H	8003	285,309	(115,063)	170,246
Contingency Reserve		890	800	8000	89H	8003	1	326,568	326,569
Contingency Reserve		905	800	8000	90H	8003	0	(71,496)	(71,496)
Contingency Reserve		906	800	8000	91H	8003	1	(1)	0
Contingency Reserve		907	800	8000	92H	8003	685,597	(34,069)	651,528
Professional Services		010	040	0401	04B	0235	55,604	10,000	65,604
Professional Services		010	120	1223	12B	0235	152,401	30,000	182,401
Service Credit		010	120	1223	12K	9990	(917,286)	(30,000)	(947,286)
Symphony Place		010	140	1421	21M	1600	0	14,000	14,000
Miscellaneous Unclassified		010	190	1901	19E	0428	0	10,826	10,826
Video Equipment		010	190	1942	193	5127	0	2,167	2,167
Salary, Part-time		010	190	1961	19A	0140	67,414	(40,000)	44,414
Equipment Rental		010	190	1961	19B	0218	1,207,305	91,179	1,298,484
Office Supplies		010	190	1961	19D	0301	18,708	(7,000)	11,708
Service Credit		010	190	1961	19K	9990	0	(65,000)	(65,000)
Professional Services		010	190	1966	197	0235	3,500	66,621	70,121
Overtime		010	190	1969	19A	0130	0	1,000	1,000
Salary, Part-time		010	190	1969	19A	0140	0	20,000	20,000
Service City Forces		010	190	1969	19B	0255	0	65,000	65,000
Office Supplies		010	190	1969	19D	0301	0	500	500
Professional Services		010	190	1980	198	0235	0	159,430	159,430
Police Equipment		010	190	1980	19J	5129	0	14,748	14,748
Security		010	190	1980	19J	5599	0	1,019	1,019
Salary, Part-time		010	370	3769	37A	0140	0	70,000	70,000
Utilities		010	370	3769	37B	0210	0	900	900
Office Supplies		010	370	3769	37D	0301	0	700	700
PC Software		010	450	4512	45D	0306	25,000	446	25,446
Transfer Out to Special Fund for Capital Outlay		010	700	7000	01G	7130	460,000	229,111	689,111
Transfer Out to Golf Fund		010	701	7001	01L	7660	0	2,500	2,500
Transfer Out to General Fund		040	700	7000		7010	432,640	85,176	517,816
Transfer Out to Fleet Management Fund		040	700	7000		7720	0	167,098	167,098
Transfer Out to Gas Tax Fund		051	700	7000	06G	7070	440,000	100,000	540,000
Transfer Out to General Fund		060	700	7000		7010	145,000	164,637	309,637
Service City Forces		113	140	1452	22B	0255	61,006	35,650	96,656
Miscellaneous Services		113	140	1452	22B	0260	87,704	(75,993)	11,711
CDBG Direct Grant		113	140	1452	22E	0496	67,000	67,000	134,000
Computer Equipment		113	140	1452	22J	5131	0	3,500	3,500
Housing Demolition		113	140	1454	22E	0493	0	84,202	84,202
CDBG Direct Grant		113	140	1454	22E	0496	456,000	60,207	516,207
Direct Loans		113	140	1454	22E	0497	443,882	2,949	446,831
Housing Demolition		113	140	1456	22E	0493	40,000	26,771	66,771
Service Credits		113	140	1456	22K	9990	(10,702)	(35,650)	(46,352)
Transfer Out to Special Gas Tax Fund		113	700	7000	22G	7070	0	55,904	55,904
Highway Village		113	480	H831	831	6040	35,000	32,077	67,077
Direct Loans		115	140	1466		0497	800,007	100,318	900,325
Direct Loans		116	140	1467		0497	324,519	18,565	343,084
Direct Loans		117	140	1458	26E	0497	1,000,934	110,391	1,111,325

Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Appr Unit	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Briggsmore/McHenry Intersection - ROW		141	430	H069	069	6030	437,876	(300,000)	137,876
Pelandale Expressway: Phase IA		141	430	J924	924	6040	0	1,382,000	1,382,000
Professional Services		610	480	5012	61B	0235	338,500	243,000	581,500
Service City Forces		610	480	5099	61B	0255	530,198	12,000	542,198
Transfer Out to Water CIP Fund		610	700	7000	61G	7612	1,070,018	102,059	1,172,077
"12" Mains-Hatch,Morgan,Glenn& Whitmore		612	480	J963	963	6040	0	1,000,000	1,000,000
"20" transmission main on Carpenter, Maze to Tank 6		612	480	J941	941	6040	0	325,500	325,500
"24" transmisssion main-McHenry to Carver		612	480	J944	944	6040	0	1,000,000	1,000,000
Professional Services		621	480	5201	62B	0235	102,060	243,000	345,060
Service City Forces		621	480	5299	62B	0255	596,084	12,000	608,084
Headworks and Grit Removal		623	480	H868	868	6040	12,891,786	500,000	13,391,786
Service City Forces		628	480	5399	68B	0255	156,854	6,000	162,854
Capitalized Maintenance and Repair		651	480	5612	66D	0366	0	13,000	13,000
Purchase 3 New Transit Buses		651	160	F748	748	6070	295,000	(13,000)	282,000
Auto Vehicle Locator System for MAX		651	160	F768	768	6070	234,000	226,000	460,000
Info & Tech		660	330	3311	33C	0211	5,579	(5,579)	0
LAN Server		670	340	J956	956	6040	0	30,000	30,000
Re-surface Parking Lot		670	340	J962	962	6040	0	8,600	8,600
Vehicles		720	480	5814	72J	5571	0	167,098	167,098
Transfer Out to Employee Benefits Fund		738	700	7000		7751	0	342,067	342,067

Attachment B
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Building Fee- All Inclusive		010	140	1401	4001	241,500	50,000	291,500
Zoning Fees		010	140	1401	4008	45,600	15,000	60,600
Environmental Impavt Fees		010	140	1401	4009	19,382	2,000	21,382
Developer's Share of Project		010	140	1421	4058	0	14,000	14,000
Bingo Permits		010	190	1901	2204	2,000	(2,000)	0
County Vehicle Theft Allocation		010	190	1941	3312	96,000	98,700	194,700
Domestic Vilence Grant		010	190	1942	3503	84,791	(7,908)	76,883
Miscellaneous Revenue		010	190	1961	8155	64,000	(47,000)	17,000
Crime Bill Grant		010	190	1962	3175	332,000	(82,718)	249,282
Universal Hiring Grant		010	190	1963	3177	400,000	(6,207)	393,793
Traffic Safety Program Grant		010	190	1966	3176	241,293	(28,715)	212,578
Miscellaneous Revenue		010	190	1969	8155	0	47,000	47,000
Federal Law Enforcement Grant		010	190	1980	3506	0	227,265	227,265
Interest		010	190	1980	6101	0	10,000	10,000
Miscellaneous Recreation Fees		010	370	3769	4074	0	2,000	2,000
Billing Fees		010	370	3769	4093	0	30,000	30,000
Items for Resale		010	370	3769	8143	0	10,000	10,000
Transfer In from Supplemental Law Enforcement Fund		010	700	7000	9040	432,640	85,176	517,816
Transfer In from Traffic Safety		010	700	7000	9060	145,000	164,637	309,637
Current Yr Secured Taxes		010	510	9510	1101	6,508,500	(200,000)	6,308,500
Current Yr Unsecured Taxes		010	510	9510	1107	329,340	30,000	359,340
Supplemental Roll		010	510	9510	1110	65,487	7,500	72,987
Cable TV Franchise		010	510	9510	1301	631,710	45,000	676,710
Garbage Franchise		010	510	9510	1307	943,500	75,000	1,018,500
Motor Vehicle License Fees		010	510	9510	3119	7,242,000	83,000	7,325,000
Interest		010	510	9510	6101	999,045	(60,000)	939,045
Parking Fines		010	510	9510	7113	355,907	(60,000)	295,907
COPS-FY97		040	510	9510	3502	432,640	252,274	684,914
Vehicle Release		060	510	9510	4028	0	53,409	53,409
Transfer In from Local Transportation Fund		070	700	7000	9051	440,000	100,000	540,000
Transfer In from CDBG Direct Program Fund		070	700	7000	9113	0	55,904	55,904
CDBG Operating Grant		113	140	1452	3513	570,874	(36,843)	534,031
"Emergency Shelter"Grant		113	140	1452	3518	67,000	67,000	134,000
CDBG Operating Grant		113	140	1454	3513	1,014,882	116,902	1,131,784
CDBG Operating Grant		113	140	1456	3513	888,244	(13,991)	874,253
CDBG Operating Grant		113	140	1462	3513	700,000	225,954	925,954
CDBG Operating Grant		115	140	1466	3513	800,007	100,318	900,325
CDBG Operating Grant		116	140	1467	3513	324,519	18,565	343,084
"HOME" Grant		117	140	1458	3517	1,127,534	108,825	1,236,359
Transfer In from General Fund		130	700	7000	9010	460,000	229,111	689,111
Interest		130	510	9510	6101	120,000	30,000	150,000
Capital Facility Fee Revenue		141	430		4015	640,560	187,440	828,000
Capital Facility Fee Revenue-County		141	430		4016	75,320	96,680	172,000
Developer Contribution		141	430		4057	0	600,000	600,000
Intereset		141	430		6101	100,000	65,000	165,000
Transfer In from Water Fund 610		612	700	7000	9610	1,070,018	102,059	1,172,077
TA -Capital Grant		651	510	9510	3605	878,256	200,078	1,078,334
FEMA		660	330	3311	8122	460,000	(460,000)	0
FEMA		660	330	3311	8171	0	95,875	95,875
Transfer In from General Fund		660	701	7001	9010	0	2,500	2,500
Transfer In from Supplemental Law Enforcement Fund		720	700	7000	9040	0	167,098	167,098

Attachment B
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Insurance Reimbursement		738	030	6618	8119	0	342,067	342,067
Transfer In from Other Employee Insurance Fund		751	700	7000	9738	0	342,067	342,067

MODESTO CITY COUNCIL
RESOLUTION NO. 97-638

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FIRST QUARTER OF FISCAL YEAR 1997-98

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 1997-98;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment "A".

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Appr Unit	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Contingency Reserve		010	800	8000	01H	8003	3,962,775	648,423	4,611,198
Contingency Reserve		040	800	8000		8003	15,010	(15,010)	0
Contingency Reserve		051	800	8000	06H	8003	8,069	(2,693)	5,376
Contingency Reserve		052	800	8000	56H	8003	147,578	(32,717)	114,861
Contingency Reserve		060	800	8000		8003	0	41,119	41,119
Contingency Reserve		070	800	8000	07H	8003	40,350	43,181	83,531
Contingency Reserve		080	800	8000	80H	8003	138,476	(4,973)	133,503
Contingency Reserve		090	800	8000	09H	8003	106,945	14,429	121,374
Contingency Reserve		113	800	8000	22H	8003	0	37,969	37,969
Contingency Reserve		114	800	8000		8003	0	5,695	5,695
Contingency Reserve		117	800	8000	26H	8003	6,180	(6,180)	0
Contingency Reserve		130	800	8000	30H	8003	1,920,265	338,034	2,258,299
Contingency Reserve		131	800	8000	13U	8003	1,298,932	(76,609)	1,222,323
Contingency Reserve		132	800	8000	13S	8003	5,200	13,377	18,577
Contingency Reserve		135	800	8000	13W	8003	52,886	(15,888)	36,998
Contingency Reserve		138	800	8000	13Y	8003	597,192	13,046	610,238
Contingency Reserve		139	800	8000	13Z	8003	33,140	1,315	34,455
Contingency Reserve		140	800	8000	40H	8003	29	47,442	47,471
Contingency Reserve		141	800	8000	55H	8003	171,167	293,090	464,257
Contingency Reserve		142	800	8000	57H	8003	75,253	4,877	80,130
Contingency Reserve		143	800	8000	54H	8003	98,514	(45,962)	52,552
Contingency Reserve		150	800	8000	50H	8003	2,608	513	3,121
Contingency Reserve		170	800	8000	17H	8003	0	16,893	16,893
Contingency Reserve		180	800	8000	17W	8003	3,868	7	3,875
Contingency Reserve		600	800	8000	60H	8003	716,917	93,054	809,971
Contingency Reserve		610	800	8000	61H	8003	6,107,315	475,794	6,583,109
Contingency Reserve		612	800	8000	61X	8003	1,377,583	(1,377,578)	5
Contingency Reserve		615	800	8000	85H	8003	5,042,227	1,306,724	6,348,951
Contingency Reserve		616	800	8000	86H	8003	(201,629)	779,519	577,890
Contingency Reserve		621	800	8000	62H	8003	11,004,423	(351,470)	10,652,953
Contingency Reserve		623	800	8000		8003	0	120,340	120,340
Contingency Reserve		622	800	8000	62W	8003	181,720	(248,037)	(66,317)
Contingency Reserve		627	800	8000		8003	561,036	(380,554)	180,482
Contingency Reserve		628	800	8000	68H	8003	243,442	49,030	292,472
Contingency Reserve		631	800	8000	63H	8003	0	(14,590)	(14,590)
Contingency Reserve		632	800	8000	63W	8003	40,367	(33,976)	6,391
Contingency Reserve		651	800	8000	65H	8003	1,858,860	(88,341)	1,770,519
Contingency Reserve		652	800	8000	65W	8003	312,328	113,794	426,122
Contingency Reserve		653	800	8000	65S	8003	233,466	12,523	245,989
Contingency Reserve		660	800	8000	33H	8003	3,790	(3,739)	51
Contingency Reserve		670	800	8000	34H	8003	21,227	(11,386)	9,841
Contingency Reserve		710	800	8000	70R	8003	44,188	36,239	80,427
Contingency Reserve		711	800	8000	71H	8003	256,449	19,397	275,846
Contingency Reserve		712	800	8000	76H	8003	0	935	935
Contingency Reserve		720	800	8000	72R	8003	2,515,543	315,292	2,830,835
Contingency Reserve		731	800	8000	73H	8003	0	11,789	11,789
Contingency Reserve		732	800	8000		8003	4,433,816	146,630	4,580,446
Contingency Reserve		733	800	8000		8003	1,315,973	(797,330)	518,643
Contingency Reserve		734	800	8000		8003	121,504	(27,441)	94,063
Contingency Reserve		735	800	8000		8003	226,830	(100,444)	126,386
Contingency Reserve		736	800	8000		8003	9,819	(5,732)	4,087
Contingency Reserve		737	800	8000		8003	23,901	57,020	80,921

Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Appr Unit	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Contingency Reserve		738	800	8000		8003	201,270	(48,064)	153,206
Contingency Reserve		739	800	8000		8003	1,703	33,168	34,871
Contingency Reserve		751	800	8000	75H	8003	3,183,526	303,719	3,487,245
Contingency Reserve		780	800	8000	35H	8003	276,702	(36,151)	240,551
Contingency Reserve		885	800	8000	88H	8003	285,309	(115,063)	170,246
Contingency Reserve		890	800	8000	89H	8003	1	326,568	326,569
Contingency Reserve		905	800	8000	90H	8003	0	(71,496)	(71,496)
Contingency Reserve		906	800	8000	91H	8003	1	(1)	0
Contingency Reserve		907	800	8000	92H	8003	685,597	(34,069)	651,528
Professional Services		010	040	0401	04B	0235	55,604	10,000	65,604
Professional Services		010	120	1223	12B	0235	152,401	30,000	182,401
Service Credit		010	120	1223	12K	9990	(917,286)	(30,000)	(947,286)
Symphony Place		010	140	1421	21M	1600	0	14,000	14,000
Miscellaneous Unclassified		010	190	1901	19E	0428	0	10,826	10,826
Video Equipment		010	190	1942	193	5127	0	2,167	2,167
Salary, Part-time		010	190	1961	19A	0140	67,414	(40,000)	44,414
Equipment Rental		010	190	1961	19B	0218	1,207,305	91,179	1,298,484
Office Supplies		010	190	1961	19D	0301	18,708	(7,000)	11,708
Service Credit		010	190	1961	19K	9990	0	(65,000)	(65,000)
Professional Services		010	190	1966	197	0235	3,500	66,621	70,121
Overtime		010	190	1969	19A	0130	0	1,000	1,000
Salary, Part-time		010	190	1969	19A	0140	0	20,000	20,000
Service City Forces		010	190	1969	19B	0255	0	65,000	65,000
Office Supplies		010	190	1969	19D	0301	0	500	500
Professional Services		010	190	1980	198	0235	0	159,430	159,430
Police Equipment		010	190	1980	19J	5129	0	14,748	14,748
Security		010	190	1980	19J	5599	0	1,019	1,019
Salary, Part-time		010	370	3769	37A	0140	0	70,000	70,000
Utilities		010	370	3769	37B	0210	0	900	900
Office Supplies		010	370	3769	37D	0301	0	700	700
PC Software		010	450	4512	45D	0306	25,000	446	25,446
Transfer Out to Special Fund for Capital Outlay		010	700	7000	01G	7130	460,000	229,111	689,111
Transfer Out to Golf Fund		010	701	7001	01L	7660	0	2,500	2,500
Transfer Out to General Fund		040	700	7000		7010	432,640	85,176	517,816
Transfer Out to Fleet Management Fund		040	700	7000		7720	0	167,098	167,098
Transfer Out to Gas Tax Fund		051	700	7000	06G	7070	440,000	100,000	540,000
Transfer Out to General Fund		060	700	7000		7010	145,000	164,637	309,637
Service City Forces		113	140	1452	22B	0255	61,006	35,650	96,656
Miscellaneous Services		113	140	1452	22B	0260	87,704	(75,993)	11,711
CDBG Direct Grant		113	140	1452	22E	0496	67,000	67,000	134,000
Computer Equipment		113	140	1452	22J	5131	0	3,500	3,500
Housing Demolition		113	140	1454	22E	0493	0	84,202	84,202
CDBG Direct Grant		113	140	1454	22E	0496	456,000	60,207	516,207
Direct Loans		113	140	1454	22E	0497	443,882	2,949	446,831
Housing Demolition		113	140	1456	22E	0493	40,000	26,771	66,771
Service Credits		113	140	1456	22K	9990	(10,702)	(35,650)	(46,352)
Transfer Out to Special Gas Tax Fund		113	700	7000	22G	7070	0	55,904	55,904
Highway Village		113	480	H831	831	6040	35,000	32,077	67,077
Direct Loans		115	140	1466		0497	800,007	100,318	900,325
Direct Loans		116	140	1467		0497	324,519	18,565	343,084
Direct Loans		117	140	1458	26E	0497	1,000,934	110,391	1,111,325

Attachment A
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Appr Unit	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Briggsmore/McHenry Intersection - ROW		141	430	H069	069	6030	437,876	(300,000)	137,876
Pelandale Expressway: Phase IA		141	430	J924	924	6040	0	1,382,000	1,382,000
Professional Services		610	480	5012	61B	0235	338,500	243,000	581,500
Service City Forces		610	480	5099	61B	0255	530,198	12,000	542,198
Transfer Out to Water CIP Fund		610	700	7000	61G	7612	1,070,018	102,059	1,172,077
"12" Mains-Hatch,Morgan,Glenn& Whitmore		612	480	J963	963	6040	0	1,000,000	1,000,000
"20" transmission main on Carpenter, Maze to Tank 6		612	480	J941	941	6040	0	325,500	325,500
"24" transmisssion main-McHenry to Carver		612	480	J944	944	6040	0	1,000,000	1,000,000
Professional Services		621	480	5201	62B	0235	102,060	243,000	345,060
Service City Forces		621	480	5299	62B	0255	596,084	12,000	608,084
Headworks and Grit Removal		623	480	H868	868	6040	12,891,786	500,000	13,391,786
Service City Forces		628	480	5399	68B	0255	156,854	6,000	162,854
Capitalized Maintenance and Repair		651	480	5612	66D	0366	0	13,000	13,000
Purchase 3 New Transit Buses		651	160	F748	748	6070	295,000	(13,000)	282,000
Auto Vehicle Locator System for MAX		651	160	F768	768	6070	234,000	226,000	460,000
Info & Tech		660	330	3311	33C	0211	5,579	(5,579)	0
LAN Server		670	340	J956	956	6040	0	30,000	30,000
Re-surface Parking Lot		670	340	J962	962	6040	0	8,600	8,600
Vehicles		720	480	5814	72J	5571	0	167,098	167,098
Transfer Out to Employee Benefits Fund		738	700	7000		7751	0	342,067	342,067

Attachment B
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Building Fee- All Inclusive		010	140	1401	4001	241,500	50,000	291,500
Zoning Fees		010	140	1401	4008	45,600	15,000	60,600
Environmental Impavt Fees		010	140	1401	4009	19,382	2,000	21,382
Developer's Share of Project		010	140	1421	4058	0	14,000	14,000
Bingo Permits		010	190	1901	2204	2,000	(2,000)	0
County Vehicle Theft Allocation		010	190	1941	3312	96,000	98,700	194,700
Domestic Vilence Grant		010	190	1942	3503	84,791	(7,908)	76,883
Miscellaneous Revenue		010	190	1961	8155	64,000	(47,000)	17,000
Crime Bill Grant		010	190	1962	3175	332,000	(82,718)	249,282
Universal Hiring Grant		010	190	1963	3177	400,000	(6,207)	393,793
Traffic Safety Program Grant		010	190	1966	3176	241,293	(28,715)	212,578
Miscellaneous Revenue		010	190	1969	8155	0	47,000	47,000
Federal Law Enforcement Grant		010	190	1980	3506	0	227,265	227,265
Interest		010	190	1980	6101	0	10,000	10,000
Miscellaneous Recreation Fees		010	370	3769	4074	0	2,000	2,000
Billing Fees		010	370	3769	4093	0	30,000	30,000
Items for Resale		010	370	3769	8143	0	10,000	10,000
Transfer In from Supplemental Law Enforcement Fund		010	700	7000	9040	432,640	85,176	517,816
Transfer In from Traffic Safety		010	700	7000	9060	145,000	164,637	309,637
Current Yr Secured Taxes		010	510	9510	1101	6,508,500	(200,000)	6,308,500
Current Yr Unsecured Taxes		010	510	9510	1107	329,340	30,000	359,340
Supplemental Roll		010	510	9510	1110	65,487	7,500	72,987
Cable TV Franchise		010	510	9510	1301	631,710	45,000	676,710
Garbage Franchise		010	510	9510	1307	943,500	75,000	1,018,500
Motor Vehicle License Fees		010	510	9510	3119	7,242,000	83,000	7,325,000
Interest		010	510	9510	6101	999,045	(60,000)	939,045
Parking Fines		010	510	9510	7113	355,907	(60,000)	295,907
COPS-FY97		040	510	9510	3502	432,640	252,274	684,914
Vehicle Release		060	510	9510	4028	0	53,409	53,409
Transfer In from Local Transportation Fund		070	700	7000	9051	440,000	100,000	540,000
Transfer In from CDBG Direct Program Fund		070	700	7000	9113	0	55,904	55,904
CDBG Operating Grant		113	140	1452	3513	570,874	(36,843)	534,031
"Emergency Shelter"Grant		113	140	1452	3518	67,000	67,000	134,000
CDBG Operating Grant		113	140	1454	3513	1,014,882	116,902	1,131,784
CDBG Operating Grant		113	140	1456	3513	888,244	(13,991)	874,253
CDBG Operating Grant		113	140	1462	3513	700,000	225,954	925,954
CDBG Operating Grant		115	140	1466	3513	800,007	100,318	900,325
CDBG Operating Grant		116	140	1467	3513	324,519	18,565	343,084
"HOME" Grant		117	140	1458	3517	1,127,534	108,825	1,236,359
Transfer In from General Fund		130	700	7000	9010	460,000	229,111	689,111
Interest		130	510	9510	6101	120,000	30,000	150,000
Capital Facility Fee Revenue		141	430		4015	640,560	187,440	828,000
Capital Facility Fee Revenue-County		141	430		4016	75,320	96,680	172,000
Developer Contribution		141	430		4057	0	600,000	600,000
Intereset		141	430		6101	100,000	65,000	165,000
Transfer In from Water Fund 610		612	700	7000	9610	1,070,018	102,059	1,172,077
TA -Capital Grant		651	510	9510	3605	878,256	200,078	1,078,334
FEMA		660	330	3311	8122	460,000	(460,000)	0
FEMA		660	330	3311	8171	0	95,875	95,875
Transfer In from General Fund		660	701	7001	9010	0	2,500	2,500
Transfer In from Supplemental Law Enforcement Fund		720	700	7000	9040	0	167,098	167,098

Attachment B
First Quarter Report FY 97-98
Budget Adjustment Detail

Description		Fund	Agency	Orgn	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Insurance Reimbursement		738	030	6618	8119	0	342,067	342,067
Transfer In from Other Employee Insurance Fund		751	700	7000	9738	0	342,067	342,067

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-639

A RESOLUTION ESTABLISHING THE REVISED 1997-98 FISCAL YEAR APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO BE USED IN THE CALCULATION

WHEREAS, adoption of the Fiscal Year 1997-98 budget requires that Council establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for that year; and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, it has been determined that a correction to the Appropriation Limit needs to be established.

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 1997-98 appropriations limit is hereby established.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-640

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET APPROVING CAPITAL FACILITIES FEES FOR PELANDALE/SNYDER PROJECT

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required; and the Capital Facilities Fees for the Pelandale/Snyder Project has been established.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment A.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs and Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

First Quarter Report FY 97-98
Budget Adjustment Detail

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Revenue	Developer Contribution	141	430		4057	0	600,000	600,000
Appropriation	Pelandale Expressway: Phase 1A	141	430	J___	6040	0	1,382,000	1,382,000
Appropriation	Briggsmore/McHenry Intersection - ROW	141	430	H069	6040	437,876	(300,000)	137,876

Adjustment to fund Pelandale expressway:Phase 1A per the adopted Pelandale/Synder Financing Plan, and to reduce the Briggsmore/McHenry intersection to reflect anticipated expenditures.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-641

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION RELATING TO SICK LEAVE PROVISIONS.

WHEREAS, by Resolution No. 97-177, adopted on April 1, 1997, the Council approved a Memorandum of Understanding between the City of Modesto and the Modesto City Fire fighters Association for the Fiscal Years 1996-97 to 2000-01, and

WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association (MCFFA) have met and conferred in good faith concerning an amendment to said MOU relating to the use of sick leave and the conversion of accumulated sick leave to deferred compensation, and

WHEREAS, to accommodate the Family Medical Leave Act and to provide more flexibility for short-term absences, the proposed amendment reduces the minimum use of sick leave from 12 hours to 5 hours, and

WHEREAS, under the proposed amendment, employees may convert 85% of accumulated sick leave to deferred compensation up to 1,800 hours, and

WHEREAS, the proposed Amendment to the Memorandum of Understanding represents the mutual understandings reached as a result of meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the Memorandum of Understanding between the City of Modesto and the Modesto City

Fire Fighters Association relating to sick leave provisions as stated above is hereby approved and shall become effective on November 4, 1997. A copy of said Amendment to the Memorandum of Understanding is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Amendment to the Memorandum of Understanding by the designated City Officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-642

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 4, 1997, DECLARING THE RESULTS OF SAID ELECTION, AND RECOGNIZING A RUNOFF ELECTION TO BE HELD ON DECEMBER 9, 1997.

WHEREAS, on Tuesday, November 4, 1997, 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 Councilmembers, Board of Education Members, and to submit to the qualified electors in the City of Modesto certain sewer service advisory measures, as follows:

1. One Councilmember to Chair No. 2 for a term of four years;

2. One Councilmember to Chair No. 3 for a term of two years;

3. One Councilmember to Chair No. 4 for a term of four years;

4. One Councilmember to Chair No. 5 for a term of four years;

5. Elect four members to the Modesto Board of Education of said District for a term of four years;

6. Measure "M" relating to the Modesto Citizen's Advisory Growth Management Act of 1995 (Aarvig Initiative);

7. Measure "P" relating to providing sewer service to the areas of the Modesto Urban Area General Plan (Kiernan Business Park, Carver-Bangs, Pelandale/Snyder, and the Kiernan/McHenry Comprehensive Planning District); and

8. Measure "Q" relating to providing sewer service to areas in Fairview Village, North Beyer Park, The Bluffs Subdivision, Coffee/Claratina

Comprehensive Planning District, and the Southwest quadrant of Roselle/Claribel Comprehensive Planning District, and

WHEREAS, said election was held on Tuesday, November 4, 1997, 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 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 municipal election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election to the office, 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 12, 1997, 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.

(d) The number of votes given in the city to each person.

(e) The number of votes given in the city for Measure M.

(f) The number of votes given in the city for Measure P.

(g) The number of votes given in the city for Measure Q.

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 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:

Mike Serpa	Councilmember, for a term of four years, Chair No. 4, Modesto City Council.
Kenni Friedman	Councilmember, for a term of four years, Chair No. 5, Modesto City Council.
Kitty Thomson	Member, Board of Education, for a term of four years.

Kate Nyegaard Member, Board of Education, for a term of four years.

Cindy Marks Member, Board of Education, for a term of four years.

Ricardo Cordova Member, Board of Education, for a term of four years.

SECTION 4. At said regular municipal election, a majority vote was not cast for Councilmember for Chairs Nos. 2 and 3, therefore, a second municipal election shall be held on Tuesday, December 9, 1997, at which time the two candidates receiving the highest number of votes for Chair No. 2, Armour Smith and Dan Thayer, for a term of four years, and the two candidates receiving the highest number of votes for Chair No. 3, Bill Conrad and Carmen Sabatino, for a term of two years, shall have their names on the ballot for election to the office of Councilmember.

SECTION 5. The following votes were cast for Measures M, P and Q:

Measure	Total Votes For	Total Votes Against
Measure M: Growth Management Act of 1995	11,849	7,263
Measure P: Provide Sewer to Urban Area	7,134	12,021
Measure Q: Provide Sewer to Areas in Measure Q	6,952	12,133

Measure M. More than a majority of all of the votes cast at the election on Measure M were in favor of said Growth Management Act of 1995, and said Measure did

carry and was approved and was ratified by a majority of the qualified voters voting on said Measure M.

Measure P. A majority vote was not cast for Measure P, to provide sewer to the areas in Measure P, therefore, said measure was defeated.

Measure Q. A majority vote was not cast for Measure Q, to provide sewer to areas in Measure Q, therefore, said measure was defeated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 4, 1997

I, Jean Adams, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 10, 1997, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 4, 1997, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Chair 2, Modesto City Council			
Armour Smith	6,625		34.7
Dan Thayer	6,098		31.9
Jerold Ford	2,381		12.4
Jesse Alexander	1,721		9.0
Marcus Nugent	1,479		7.7
Charles Taylor	766		4.0
Chair 3, Modesto City Council			
Bill Conrad	6,705		34.3
Carmen Sabatino	5,568		28.5
Barney Hale	5,351		27.3
Chip Langman	1,911		9.7
Chair 4, Modesto City Council			
Mike Serpa	11,224		60.5
Douglas Welborn	7,328		39.4
Chair 5, Modesto City Council			
Kenni Friedman	11,788		64.2
Ross Smirfitt	6,551		35.7
Measure M			
Growth Mgmt Act of 1995	11,849	YES	61.9
	7,263	NO	38.0
Measure P			
Provide Sewer to Urban Area	7,134	YES	37.2
	12,021	NO	62.7
Measure Q			
Provide Sewer to Areas in Measure Q	6,952	YES	36.4
	12,133	NO	63.5

Member, Modesto Board of Education

Kitty Thomson	12,550	15.9
Kate Nyegaard	12,429	15.8
Cindy Marks	12,348	15.7
Ricardo Cordova	11,922	15.1
Sandy Lucas	8,292	10.5
Steven Grenbeaux	8,130	10.3
Adrienne "Tande" Riner	4,515	5.7
David Messinger	4,042	5.1
Regina Guzman	2,394	3.0
Leah Casey-Hinkle	1,894	2.4

Voter Turnout

City of Modesto Council Seats	20,892	24.9
Measures M, P & Q	20,860	24.8
Modesto High School District	24,374	22.9

JEAN ADAMS
City Clerk/Auditor
City of Modesto

November 12, 1997

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-643

A RESOLUTION DESIGNATING THE GUNDLACH HOME AT 410 ELMWOOD AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: RONNIE AND DEWEYNNE GUNDLACH)

WHEREAS, Chapter 10 of Title IX 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 October 20, 1997, 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. 97-11, that the Gundlach Home at 410 Elmwood 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, 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 November 12, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Gundlach Home at 410 Elmwood 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 410 Elmwood Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Gundlach Home at 410 Elmwood Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

> Architectural significance as a well-maintained Provincial single family residence from the 1930'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 12th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Ronnie and Deweynne Gundlach, owners
410 Elmwood Avenue

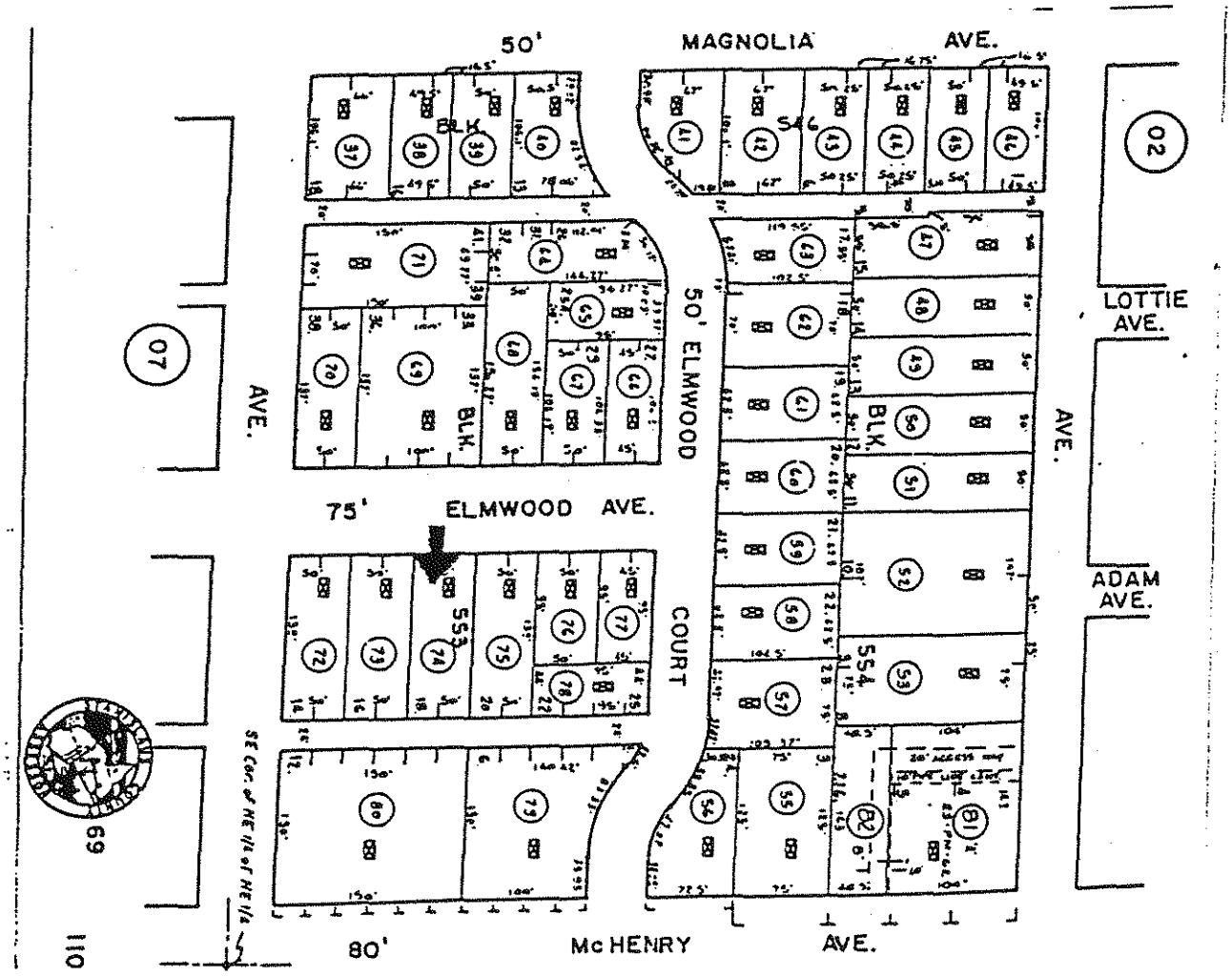
Modesto, CA 95354

EXHIBIT "A" - LEGAL DESCRIPTION

The land referred to herein is situated in the state of California, county of Stanislaus, city of MODESTO and is described as follows:

LOTS 18 AND 19 IN BLOCK 553 OF THE CITY OF MODESTO, AS PER MAP FILED ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, STANISLAUS COUNTY RECORDS.

ASSESSOR'S PARCEL NUMBER: 110-03-74-101



MODESTO CITY COUNCIL
RESOLUTION NO. 97-644

Print

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 6) FOR THE GUNDLACH HOME AT 410 ELMWOOD AVENUE, LANDMARK SITE NO. 40, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: RONNIE AND DEWEYNNE GUNDLACH)

WHEREAS, Ronnie and Deweynne Gundlach, owners of the Gundlach Home at 410 Elmwood Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on October 20, 1997, and

WHEREAS, Chapter 10 of Title IX 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 the Gundlach Home at 410 Elmwood Avenue, 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 October 20, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 6, by Resolution No. 97-12, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Gundlach Home at 410 Elmwood Avenue, and

WHEREAS, after a public hearing held on November 12, 1997, 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 Gundlach Home at 410 Elmwood Avenue, 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. 6) for the Gundlach Home at 410 Elmwood Avenue 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 12th day of November, 1997, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-645

Print

A RESOLUTION GRANTING APPROVAL OF A ONE-TIME ONLY "HOLIDAY (CHRISTMAS) SIGN PACKAGE".

WHEREAS, by a report dated November 4, 1997, City staff recommended to the City Council a waiver of provisions of the Modesto Municipal Code to allow businesses additional time to display banners, flags, and holiday theme inflatables, and to display merchandise outdoors from November 15, 1997, through January 15, 1998, without payment of a permit fee, and

WHEREAS, the Council considered said recommendation at its meeting of November 12, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby waives the provisions of the Modesto Municipal Code and grants a one-time only "Holiday (Christmas) Sign Package" to allow businesses to display banners, flags, and holiday theme inflatables, and to display merchandise outdoors from November 15, 1997, through January 15, 1998, without payment of a permit fee. Said Christmas Sign Package is more particularly described in the Staff report dated November 4, 1997, attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto Agenda Report	Agenda Item Number Council Meeting of: 11-12-97

To: Mayor and City Council

From: Virginia Magana, Neighborhood Preservation Unit Supervisor

Date: November 4, 1997

Subject: One -Time Only Holiday Sign Program

RECOMMENDED COUNCIL ACTION:

We are asking Council to consider adoption of a resolution to waive provisions of the Modesto Municipal Code and to allow businesses additional time to display banners, flags, holiday theme inflatables and display merchandise outdoors from November 15, 1997 through January 15, 1998, without payment of a permit fee.

BACKGROUND:

In the past six months, the City Council has directed the Neighborhood Preservation Unit to step up the enforcement of illegal signs. During the same time-period, the Council also hired a sign consultant to work with the Council appointed Sign Improvement Committee to begin a comprehensive review and rewrite of the City's sign ordinance.

While these two projects are running concurrently, the focus and goals for each project are different. Consequently, business owners have expressed concerns of an economic nature and requested consideration of special rules for the upcoming holiday season.

REASON FOR RECOMMENDATION:

To help create a smoother transition to possible changes in the new sign ordinance, and to support "the Spirit of Economic Development", we would like to offer all businesses in a commercial location, a ***one-time only*** "Holiday Sign Program" for the Christmas holidays

STEPS FOLLOWING APPROVAL:

The "Holiday Sign Program" would be in effect from November 15, 1997 thru January 15, 1998. Businesses would be allowed to: fly holiday banners, with or without text; flags, setup a holiday theme (cold air) inflatable balloons (only if they meet the required safety regulations); and/or display merchandise outdoors through this entire time period - without a permit. This would be in addition to the businesses regular yearly allotment of outdoor sales permits.

The use of A-frame signs, balloons, pennants and streamers would still be a violation of the municipal code and are not allowed. The code currently allows Christmas lights to outline a building during the above-mentioned period without a permit.

Prepared By: Virginia Magana
Virginia Magana
Neighborhood Preservation Unit Supervisor

Recommended By: Phil Testa
Phil Testa
Community Development Director

Approved By:
J. Edward Tewes
City Manager

Temporary Sign
Summary Guidelines with Proposed Holiday Program

	Allowed	Allowed by Permit	Prohibited	Holiday Program
A-Frame			☒	Not Allowed
Balloons			☒	Not Allowed
Banners -Holiday		-	☒	Allowed
-Advertising Text		☒		Allowed
Flags (Legitimate Countries and one Corporate Flag per Property)	☒			Allowed
Flags (Others)			☒	Allowed
Inflatables		☒		Holiday Theme
Outdoor Display of Merchandise		☒		Yes
Pennants			☒	Not Allowed
Time Parameters		Six permits each year, each permit good for 9 days--a total of 54 days a year		November 15 thur January 15
Cost of Permit		$35.00		No Fee

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-646

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND OATES, ERICKSON AND HOULIHAN FOR OFFICE SPACE AT 2005 EVERGREEN AVENUE, SUITE 600, FOR A NEW POLICE SUBSTATION FOR THE NORTHWEST AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oates, Erickson and Houlihan for office space at 2005 Evergreen Avenue, Suite 600, for a new Police Substation for the Northwest 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 12th day of November, 1997, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

CITY OF MODESTO
RESOLUTION NO. 97-647

Print

A RESOLUTION APPROVING A RIGHT OF ENTRY AND INDEMNIFICATION AGREEMENT WITH FRED J. AND PENELOPE J. TOELKES FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fred J. and Penelope J. Toelkes to allow entry and indemnification for the parallel outfall project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-648

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVE ELLIOTT DBA PERFORMANCE TIRE AND WHEEL FOR RELOCATION EXPENSES

WHEREAS, the City acquired the property for the Police Facilities project and Performance Tire and Wheel at 1024 G Street is the only remaining tenant; and

WHEREAS, as part of the acquisition it is the City's responsibility to assist in relocating the tenants; and

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dave Elliott dba Performance Tire and Wheel for relocation expenses in the amount of $92,000.00 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 November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-649

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF FUNDS FOR THE NORTH BEYER PARK AND COFFEE/CLARATINA NEIGHBORHOOD SANITARY SEWER SUBTRUNK AND LIFT STATION CONSTRUCTION PROJECT

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

FROM:	621-480-F735-6040	$85,000
TO:	621-480-H818-6060	$85,000

The North Beyer Subtrunk Project encountered difficulties in the acquisition of right-of-way, as a result of negotiations with the property owner. Changes to the lift station site resulted in increased costs to design and construction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1997, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-650

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

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled SCADA System Additions-Phase II, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated May 20, 1997.

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 $92,461.64 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-651

A RESOLUTION DESIGNATING COUNCILMEMBER MIKE SERPA TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Councilmember Mike Serpa is hereby designated to serve as Vice mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-652

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARTA ALVAREZ FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE NOVEMBER 18, 1997

WHEREAS, Marta Alvarez was appointed a member of the Affirmative Action Commission on April 8, 1997; and

WHEREAS, Marta Alvarez has tendered her resignation from the Affirmative Action Commission, effective November 18, 1997; and

WHEREAS, Marta Alvarez 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 Marta Alvarez from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Marta Alvarez 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 18th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-653

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NANCY BRONSTEIN FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE NOVEMBER 18, 1997

WHEREAS, Nancy Bronstein was appointed a member of the Affirmative Action Commission on January 7, 1997; and

WHEREAS, Nancy Bronstein has tendered her resignation from the Affirmative Action Commission, effective November 18, 1997; and

WHEREAS, Nancy Bronstein 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 Nancy Bronstein from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Nancy Bronstein 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 18th day of November, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-654

Print

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: APPROVAL OF PRECISE PLAN FOR AREA NO. 33 PERTAINING TO BRADLEY ESTATES SUBDIVISION AND AMENDMENT OF ZONING MAP FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH OF MERLE AVENUE WEST OF FINE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (STEWARD BRADLEY)

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, Stewart Bradley proposes to develop an 80-lot, single-family subdivision called "Bradley Estates", all on a 16.93-acre site located on the south side of Merle Avenue west of Fine Avenue, and

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

Plan-Overlay (SP-O) Zone, and

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

WHEREAS, by Environmental Assessment No. 97-129, findings have been made 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. 97-88, adopted on November 3, 1997, and City staff, by a report dated November 14, 1997, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 33 of the Village One Specific Plan as set forth in said Resolution No. 97-88, and an Amendment to Section 13-3-9 of the Zoning Map to rezone from a Specific Plan-Holding (SP-H) Zone to a Specific Plan-Overlay (SP-O) Zone, Precise Plan Area 33, located on the south side Merle Avenue, west of Fine Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 25, 1997, 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. 97-129, entitled "City of Modesto Initial Study Precise Plan No. 33, Rezoning to Specific Plan Overlay Zone, and Bradley Estates Vesting Tentative Subdivision

Map", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994, State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required for purposes of Section 15168, State CEQA Guidelines.

2. The proposed Precise Plan, Area No. 33, poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).

3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 97-129, entitled "City of Modesto Initial Study Precise Plan No. 33, Rezoning to Specific Plan-Overlay Zone, and Bradley Estates Vesting Tentative Subdivision Map E.A. No. 97-129", 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 25th day of November, 1997, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

97-129

City of Modesto
Initial Study

Precise Plan No. 33, Rezoning to Specific Plan-Overlay Zone, and Bradley Estates Vesting Tentative Subdivision Map E.A. No. 97-129

I. PURPOSE

On September 11, 1990, the Modesto City Council certified the 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 Public Resources Code allows the Village One Program EIR, as amended by the Supplemental 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:

Precise Plan No. 33, Rezoning to Specific Plan-Overlay Zone, and Bradley Estates Vesting Tentative Subdivision Map

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

The south side of Merle Avenue east of Maid Mariane Lane.

E. Project Sponsor:

Stewart Bradley, 3524 Merle Avenue, Modesto, CA 95355

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 development for development of 35 acres with single-family residential development, with an expected dwelling-unit yield of 175 dwelling units. The subdivision is for the purpose of subdividing the western 16.93 acres of the Precise Plan to create 80 single-family lots.

I. Surrounding land uses:

The project is adjoined on the west by an approved single-family subdivision, currently under construction, by an M.I.D. canal and the Briggsmore Avenue expressway to the south, and by existing agricultural areas to the east and north, on which there is an approved Specific Plan for future residential development.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH CEQA 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 development proposed by this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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. The development proposed by this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the air quality impacts of this project are 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 map is consistent with the Village One Specific Plan in terms of 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, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. 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 this Precise Plan, rezoning and subdivision map 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 map 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 map is consistent with the Village One Specific Plan in terms of land use and intensity. 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 map 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 this Precise Plan,

rezoning and subdivision map 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 this Precise Plan, rezoning and subdivision map is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to public services of this project are 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 map 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 this Precise Plan, rezoning and subdivision map 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 this Precise Plan, rezoning and subdivision map 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.

C.C. Atty 2
Develp Servs. - 1 - Becky
Constr Inspection - 1

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

RESCINDED
199 Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 97-655

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. 96-626 AND AMENDING RESOLUTION NO. 97-123 RELATING TO TOURNAMENT GREEN FEES.

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

(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 Parks and Recreation 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.

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 Parks and Recreation 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 December 1, 1997.

SECTION 8. REPEALS. Resolution No. 96-626 adopted on November 19, 1996, is hereby rescinded November 30, 1997.

SECTION 9. AMENDMENT. Resolution No. 97-123 adopted on March 4, 1997, is hereby amended as to tournament green fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Serpa

NOES: Councilmembers: Dobbs, Fisher, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE DECEMBER 1, 1997

CREEKSIDE & DRYDEN

Weekdays, 9-holes	$ 12.50
Weekdays, 9-holes (seniors/juniors/disabled)	$ 10.00
Weekdays, 18-holes	$ 17.00
Weekdays, 18-holes (seniors/juniors/disabled)	$ 13.50
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	$ 13.00
Weekends/Holidays, 18-holes	$ 21.00
Weekends/Holidays, 18-holes (juniors, after noon)	$ 10.50
Weekends/Holidays Mid-day, 18-holes	$ 14.00
Weekends/Holidays Super-Twilight, 18-holes	$ 8.00
6-play Valu-Play booklet	$ 72.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 60.00
8-play Valu-Play booklet	$ 96.00
8-play Valu-Play booklet (seniors/juniors/disabled)	$ 80.00
10-play Valu-Play booklet	$120.00
10-play Valu-Play booklet (seniors/juniors/disabled)	$100.00

MUNI

Weekdays, 9-holes	$ 9.00
Weekdays, 9-holes (seniors/juniors/disabled)	$ 7.00
Weekdays, 9-holes (juniors, after noon)	$ 4.50
Weekdays Mid-day, 9-holes	$ 7.00
Weekdays Super-Twilight, 9-holes	$ 5.00
Weekdays afternoon League Play	$ 6.00
Weekends/Holidays, 9-holes	$ 11.00
Weekends/Holidays, 9-holes (juniors, after noon)	$ 5.50
Weekends/Holidays Mid-day, 9-holes	$ 8.00
Weekends/Holidays Super-Twilight, 9-holes	$ 6.00
6-play Valu-Play booklet	$ 36.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 30.00
8-play Valu-Play booklet	$ 48.00
8-play Valu-Play booklet (seniors/juniors/disabled)	$ 40.00
10-play Valu-Play booklet	$ 60.00
10-play Valu-Play booklet (seniors/juniors/disabled)	$ 50.00

EXHIBIT "B"

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE DECEMBER 1, 1997

	FEE PER PLAYER		
	Regular Tee Time Style	Full Shotgun Tee Time Style	Modified Shotgun Tee Time Style
CREEKSIDE & DRYDEN			
Weekday	$27.00	$48.00	$48.00
Weekends	$31.00	$53.00	$53.00
MUNI			
Weekday	$17.00	$30.00	N/A
Weekend	$21.00	$34.00	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 ($17.00 weekdays/$21.00 weekends at Creekside/Dryden and $9.00 weekdays/$11.00 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 ($21.00 weekdays/$26.00 weekends at Creekside/Dryden and $10.00 weekdays/$12.00 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 ($21.00 weekdays/$26.00 weekends); cart rental ($13.00 at Creekside/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.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-656

A RESOLUTION APPROVING THE FINAL MAP OF THE CENTER COURT SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Charleston Place, a California Limited Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 19.6 acres, known as Center Court Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of May, 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 Center Court 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 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 25th day of November, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Mayor Lang

NOES: Councilmembers: Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-657

A RESOLUTION APPROVING A DEFERRAL AGREEMENT FOR THE CENTER COURT SUBDIVISION.

WHEREAS, Charleston Place, a California Limited Partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 19.6 acres, known as Center Court Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 19th day of May, 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 Center Court 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, prior to submission of the final map to the City Council, Subdivider is required to pay to City subdivision fees in the sum of $71,496.06, as set forth in a letter to O'Dell Engineering from the Community Development Department dated September 11, 1997, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, J.C. Williams on behalf of Charleston Place, the developer of the project, has requested a deferral of the fees over a six month term,

WHEREAS, on November 25, 1997, the Council adopted Resolution No. 97-656 approving the final map and authorizing the City Manager to sign the Subdivision Agreement, contingent and concurrent with the adoption of this resolution approving a Deferral Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved contingent upon the following:

1. Subdivider shall pay to City a portion of the Fees in the sum of $21,496.06.

2. Subdivider shall pay the remainder of the fees in the sum of $50,000 per building permit issued by City for Center Court Subdivision, with any outstanding balance of fees all due and payable on May 24, 1998.

3. Subdivider shall assign to City a Time Deposit Account to secure payment of the fees. 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, a Deferral Agreement with Subdivider.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Mayor Lang

NOES: Councilmembers: Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

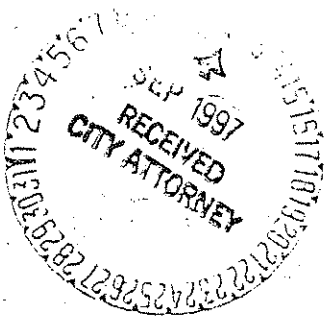
(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY of MODESTO

Community Development Department



September 11, 1997

O'Dell Engineering
1101 M Street, Suite 1
Modesto, CA 95354

RE: SUBDIVISION FEES - CENTER COURT SUBDIVISION

The following fees are payable to the City Attorney's Office prior to submission of the Final Map to the City Council.

Checking (Standard Fee of $385.00):	$ 385.00
(52 Lots @ $7.85 each):	408.20
Prints (3 Mylars @ $8.35 each):	25.05
(3 Sepias @ $1.35 each):	4.05
(84 Bluelines @ $0.30 each):	25.20
Street Trees (183 Trees @ $66.00 each):	12,078.00
Street Name/Traffic Signs (6 Name/Traffic Signs @ $175.00):	1,050.00
Subtrunk Sewer (20.40 Gross Acre @ $645.00/Gross Acre):	13,158.00
Monument Deposit (198 Monuments Remaining @ $40.00 Each):	7,920.00
Improvement Plan Checking Fee (Standard Fee of $335.00 plus $10.75/lot for each lot over 10 lots) Standard Fee + 52 Lots:	894.00
Water Systems Fee (888,714 S.F. Gross @ $0.04/sq. ft.):	35,548.56
TOTAL FEES	$71,496.06

Make one check payable to the City of Modesto for the total amount of the above fees and deliver it to the City Attorney's Office.

An additional check payable to the Stanislaus County Recorder will be required to record the map and any other required documents. The exact amount will depend upon the number of sheets of the approved documents. As an alternative, a voucher from a title company acceptable to the County Recorder may be submitted. This check or voucher should also be delivered to the City Attorney's Office.

801 11th Street, P.O. Box 642, Modesto, CA 95353
Phone (209) 577-5267, (209) 577-5232 (Building Inspection)
Fax (209) 571-5135, TDD (209) 526-9211

EXHIBIT A

The County Clerk's Certificate as to taxes and assessments on the subdivision signature sheet must be executed prior to the filing of the Final Map.

The Subdivision Agreement has been prepared and the two originals (Blue Backed) to be signed are available for signature in the City Attorney's Office.

A performance Bond in the amount of 100% of the estimated cost of the improvements and a Payment Bond in the amount of 50% of the cost of the improvements and a warranty bond in the amount of 10% of the cost of improvements are required and they are to be submitted to the City Attorney's Office. The estimated cost of the improvements is $812,000.00.

Security for the construction of storm drain piping and basin in the amount of $106,500.00 is also required.

All of the above requirements must be met before the Final Map may be presented to the City Council for approval. The Final Map will be filed following the Council approval depending on when the Guarantee of Ownership is submitted.

Sincerely,

Keith Coggins

KEITH COGGINS
Associate Civil Engineer
Development Services Division/Permits Section

KC:bj

cc: City Attorney
City Clerk (2)
Finance - M. Guidice
P&R/Trees - Chuck Gilstrap
Bob Gagliardi

MODESTO CITY COUNCIL
RESOLUTION NO. 97-658

Print

A RESOLUTION APPOINTING CHRIS HARRIGFELD TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Chris Harrigfeld is hereby appointed to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-659

A RESOLUTION APPOINTING CLARENCE ATTERBURY, JAMES ANDERSON AND EDWIN PENFOLD TO THE AFFIRMATIVE ACTION 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. Clarence Atterbury, James Anderson and Edwin Penfold are hereby appointed to the Affirmative Action Commission, with term expirations of January 1, 1999.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-660

Print

A RESOLUTION APPOINTING ARNOLD NAIMARK 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Arnold Naimark is hereby appointed to the Human Relations Commission, with a term expiration of January 1, 2000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-661

Print

A RESOLUTION APPOINTING DANIEL HEVRON, CARMAN KING, JEROME KOPP, AND LINDA LEWIS 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Daniel Hevron, Carman King, Jerome Kopp, and Linda Lewis are hereby appointed to the Community Qualities Forum, with term expirations as follows: Daniel Hevron's term expires January 1, 2001; Carman King, Jerome Kopp and Linda Lewis' terms expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-672

A RESOLUTION ACCEPTING THE EAST LEVEE ROAD RECONSTRUCTION PROJECT AT THE REMOTE PONDS AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the East Levee Road reconstruction project at the Remote Ponds has been completed by Teichert Construction, in accordance with the contract agreement dated June 24, 1997.

NOW, THEREFORE, BE IT RESOLVED that the East Levee Road reconstruction project at the Remote Ponds 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 $67,335.70, 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 December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-673

A RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 87-237, AS AMENDED BY RESOLUTION NOS. 87-1183, 88-317 AND 92-389, TO AMEND THE AFFIRMATIVE ACTION PROGRAM TO EXTEND TERMS OF OFFICE FOR AFFIRMATIVE ACTION COMMISSIONERS FROM TWO TO FOUR YEAR TERMS, WITH A TWO-TERM MAXIMUM.

WHEREAS, on April 7, 1987, the City Council by Resolution No. 87-237 adopted a revised Affirmative Action Program for the City of Modesto, which is marked Exhibit "A" and attached to said Resolution No. 87-237, a copy of which is on file in the office of the City Clerk, and

WHEREAS, by Resolution Nos. 87-1183 and 88-317, adopted on November 10, 1987, and April 26, 1988, respectively, the City of Modesto amended Resolution No. 87-237 and revised the Affirmative Action Commission membership listed on page 5 of the revised Affirmative Action Program dated March 1987, and

WHEREAS, the subsection entitled "Affirmative Action Commission" on page 5 of the Affirmative Action Program specifies two-year terms of office for membership on the Commission, and

WHEREAS, by a staff report dated November 21, 1997, it was recommended to the City Council that the terms of office for Affirmative Action Commissioners should be extended from two to four-year terms with a two-term maximum consistent with other boards and commissions, and

WHEREAS, the Economic Development, Community and Intergovernmental

Relations Committee has reviewed the recommendation on October 8, 1997, and agreed with the proposed staff recommendation, and

WHEREAS, said matter was considered by the Council on December 2, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the subsection entitled "Affirmative Action Commission" on page 5 of the Affirmative Action Program, attached as Exhibit "A" to Council Resolution No. 87-237, a copy of which is on file in the office of the City Clerk, and as amended thereafter by Resolution Nos. 87-1183, 88-317 and 92-389, is hereby amended to read as follows:

Affirmative Action Commission

The Commission shall consist of eleven (11) members appointed by the City Council including a member from the Human Relations Commission. Representation shall include members of protected classes: females, minorities, the disabled and workers over forty (40) years of age.

Membership on the Commission shall be for a term of four (4) years, with a two-term maximum.

At the first meeting of each calendar year, the Commission shall designate a chair and vice-chair from among its members to serve for a one (1) year period.

When an interim vacancy occurs on the Commission, an appointment may be made by the City Council to fill the unexpired term of the membership vacated. All members serve at the discretion of the City Council and serve without compensation.

The Affirmative Action Officer shall serve as staff/secretary for the Commission keeping all minutes of all meetings and providing necessary assistance for the functioning of the Commission.

From time to time, Department Affirmative Action Coordinators may be appointed by department heads, as required, and shall attend Commission meetings as directed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-674

A RESOLUTION AUTHORIZING THE EXTENSION OF TERM OF OFFICE FOR ROBERT ANDREWS AS AN AFFIRMATIVE ACTION COMMISSIONER THROUGH DECEMBER OF 2000, TERM TO EXPIRE JANUARY 1, 2001

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

WHEREAS, Robert Andrews was appointed to the Affirmative Action by City Council Resolution No. 92-687 on December 15, 1992, and reappointed by City Council Resolution No. 95-55 on January 24, 1995; and

WHEREAS, on December 2, 1997, by Resolution No. 97-673, the term of office of Affirmative Action Commissioners was extended from two to four years, with a two term maximum, and it is the desire of the Commissioners that Mr. Andrews' term of office be extended so he can serve for a total of eight years, consistent with recommendation for two four-year terms.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the term of office for Robert Andrews is hereby extended to January 1, 2001.

The City Clerk is hereby directed to transmit a copy of this resolution to the Secretary of the Affirmative Action Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-675

A RESOLUTION APPROVING AN AGREEMENT WITH SHUTT MOEN ASSOCIATES FOR THE DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION OF MODESTO CITY-COUNTY AIRPORT IMPROVEMENT PROJECTS INCLUDED AS PART OF AIP GRANT 3-06-0153-20

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Shutt Moen Associates for the design, engineering, and construction administration of the Modesto City-County Airport improvement projects included as part of AIP Grant 3-06-0153-20 be, and 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 December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

RESOLUTION NO. 97-676

Print

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

AMTRAK RAIL STATION PROJECT

APN2-191/014-26-04-880

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

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to implement the Amtrak Rail Station Project; and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article l, Section 19, of the Constitution of the State of California, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1250.240, 1240.410 and 1240.610 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 City Council of the City of Modesto 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.

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, the City of Modesto has made an offer to the owner or owners of record to acquire the real property for just compensation;

NOW, THEREFORE, IT IS FOUND, DETERMINED, AND ORDERED 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 law firm of Meyers, Nave, Riback, Silver & Wilson 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;

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 determined 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 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

March 12, 1997
Job No. 70-767

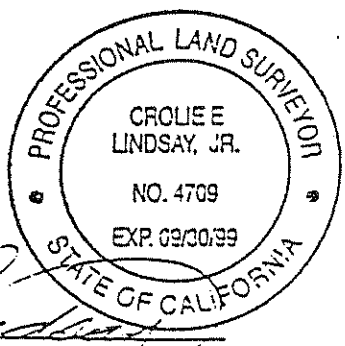
LEGAL DESCRIPTION
FOR
AMTRAK SITE

ALL that certain real property being a portion of the South half of Section 18, Township 3 South, Range 10 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the South quarter corner of said Section 18 and proceeding thence North 88°33'00" West along the south line of said Section, a distance of 449.42 feet to a point which bears North 00°17'58" East, 53.89 feet from the centerline-centerline intersection of Parker Road and Held Drive; thence leaving said section line and proceeding North 00°17'58" East, a distance of 106.11 feet to a point on the Northerly line of the 140.00 foot wide right-of-way for the Modesto Irrigation District's Lateral No. 3; thence South 89°42'02" East along said right-of-way line, a distance of 36.00 feet to the TRUE POINT OF BEGINNING; thence leaving said right-of-way line and proceeding North 01°05'21" West, a distance of 165.05 feet; thence North 00°17'58" East, a distance of 171.99 feet to the beginning of a curve concave to the Southwest, having a radius of 882.00 feet; thence Northerly 278.11 feet along said curve through a central angle of 18°03'59", to the point of tangency with a line which bears North 17°46'01" West; thence along said line a distance of 137.33 feet; thence North 72°13'59" East, a distance of 308.67 feet to a point on the Southwesterly line of the 100.00 foot wide right-of-way for the Burlington Northern Santa Fe Railroad; thence South 17°46'01" East along last said right-of-way line, a distance of 700.91 feet to a point on the above mentioned Northerly right-of-way line of Modesto Irrigation District Lateral No. 3; thence South 67°47'48" West along last said right-of-way line, a distance of 445.33 feet to an angle point; thence North 89°42'02" West along said right-of-way line, a distance of 9.32 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way record.

Containing 5.84 acres, more or less.



CROLIE E. LINDSAY, L.S. 4709

EXHIBIT A

mid-valley engineering
A Professional Corporation
900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

March 12, 1997
Job No. 70-767

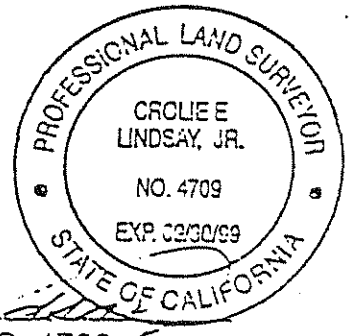
ROAD DEDICATION
HELD DRIVE

ALL that certain real property being a portion of the Southwest quarter of Section 18, Township 3 South, Range 10 East, Mount Diablo Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the South quarter corner of said Section 18 and proceeding thence North 88°33'00" West along the South line of said section, a distance of 449.42 feet to a point which bears North 00°17'58" East, 53.89 feet from the centerline-centerline intersection of Parker Road and Held Drive; thence leaving said section line and proceeding North 00°17'58" East, a distance of 106.11 feet to a point on the Northerly line of the 140.00 foot wide right-of-way for the Modesto Irrigation District's Lateral No. 3 and the TRUE POINT OF BEGINNING; thence North 89°42'02" West along said right-of-way line, a distance of 36.00 feet; thence leaving said right-of-way line and proceeding North 06°31'31" East, a distance of 165.98 feet; thence North 00°17'58" East, a distance of 171.99 feet to the beginning of a curve concave to the Southwest, having a radius of 832.00 feet; thence northerly 262.34 feet along said curve through a central angle of 18°03'59" to the point of tangency with a line which bears North 17°46'01" West; thence along said line a distance of 137.33 feet; thence North 72°13'59" East, a distance of 50.00 feet; thence South 17°46'01" East, a distance of 137.33 feet to the beginning of a curve concave to the Southwest, having a radius of 882.00 feet; thence Southerly 278.11 feet along said curve through a central angle of 18°03'59", to the point of tangency with a line which bears South 00°17'58" West; thence along said line a distance of 171.99 feet; thence South 01°05'21" East, a distance of 165.05 feet to a point on the above mentioned northerly right-of-way line of Modesto Irrigation District Lateral No. 3; thence North 89°42'02" West along said right-of-way line, a distance of 36.00 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 39,042 square feet, more or less.



CROLIE E. LINDSAY, L.S. 4709

EXHIBIT A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-677

A RESOLUTION AUTHORIZING STAFF TO SUBMIT A FLOOD DISASTER RELIEF APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR DISASTER RELIEF INITIATIVE FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS RELATING TO SAID APPLICATION.

WHEREAS, the City of Modesto is eligible for $650,426.00 in supplemental Community Development Block Grant (CDBG) funds ("Funds") from the Emergency Disaster Relief Initiative passed by Congress in 1997, and

WHEREAS, although some CDBG regulations were waived for this program, eligible uses were still limited to those directly benefitting low and moderate income households and neighborhoods, and

WHEREAS, said Funds are to be used to address the results of the January, 1997 floods, such as flood repairs or flood mitigation efforts, and

WHEREAS, in order to access the Funds the City is required to prepare an Action Plan ("Plan") describing the activities the City intends to carry out with the Funds, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, the City intends to use the Funds to purchase fourteen (14) residential parcels ("Parcels") on the south side of Hillside Drive, between Empire and Tioga, in the Airport area, and

WHEREAS, since all Parcels will need to be acquired, it is possible that the City may have to exercise its' Eminent Domain powers in order to acquire the Parcels, and

WHEREAS, if it is necessary for the City to exercise its' Eminent Domain powers, all tenants of the Parcels will be relocated and owners of the Parcels will receive fair market value for their property, as determined by appraisals and negotiation, and

WHEREAS, once acquired, the land will be donated to the Tuoluomne River Regional Park to be kept in passive use, a small portion of the land will be set aside for a community garden, the median strip on Hillside will be removed and the street reconstructed, and

WHEREAS, the total cost of the project may reach $1,000,000.00, and the additional required funds will come from unallocated CDBG funds, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 9, 1997, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all documents necessary for submittal of a Flood Disaster Relief Application to the U.S. Department of Housing and Urban Development for a grant in the amount of $650,426.00.

BE IT FURTHER RESOLVED that any additional funds required to carry out the Plan shall come from unallocated CDBG funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Community Development Department
Office of Housing & Neighborhoods

Application For Disaster Recovery Funds

Action Plan For Disaster Recovery

I. Action Plan Summary

The City of Modesto is proposing to acquire 14 adjacent residential parcels on the south side of Hillside Drive. These properties are located in a low-income census tract within the flood plain along the Tuolumne River. Most of the properties suffered devastating flooding last January. Our intent is to remove the residential structures to limit personal risk and financial loss in case of future flooding. The properties would be converted to public open space for inclusion in the Tuolumne River Regional Park. A fence will border the street side of the property to discourage illegal trash dumping, and a small parcel may be set aside as a community garden. Street improvements would be made to Hillside Drive to include regrading and removal of the median for flood mitigation purposes.

Properties would be appraised to determined values and eligible residents would be provided relocation assistance. Once the properties are acquired, the existing structures would be demolished and/or removed. The total cost of the project is estimated at $1,032,900 as follows: Property Acquisition $658,000; Demolition Costs $68,000; Relocation Costs $194,900; and Hillside Drive Street Improvements $112,000. The project's total cost would be covered by $650,426 in disaster relief funds and $382,474 in CDBG carryover funds.

II. Recovery Needs

On January 4, 1997, a major flooding of the Tuolumne River caused significant damage to public and private property. Much of the damage occurred to property along the flood plains of Dry Creek and the Tuolumne River. For several days the swollen river inundated both rich and poor sections of the City. Over 400 Modesto residents were evacuated to emergency shelters and the City's sewer treatment plant was left inoperable for an extended period. Many families whose homes were destroyed or damaged were in the low and moderate income category. Once the flood waters receded, City and County residents and local governments were left with the major task of rebuilding and repairing damaged property. That work continues today. Long after FEMA settlements have been made, lower-income residents, in particular, still struggle to put their homes and lives back together.

Exhibit "A"

The Airport neighborhood, located just north of the Tuolumne River (See Modesto Urban Map at Attachment A) , was one of the hardest hit areas. Located in a low income census tract (census tract no. 21), this neighborhood houses some of the City's poorest residents. The flood waters went well past the 100-year flood plain, resulting in many residents losing their homes or having them badly damaged. The properties that suffered the most damage comprised older, single-family residential homes located within the Tuolumne River flood plain. If a similar flooding occurred, these homes would likely suffer repetitive flood damage.

Modesto has been active in the Airport neighborhood for the last three or four years focusing on housing rehabilitation, street improvements, and crime prevention. The flood, along with other neighborhood-driven priorities, prompted the City to drop the mandatory housing rehabilitation program once required for homeowners in this area. The Airport neighborhood is still a City Target Area for concentrated services, however, housing rehabilitation is now a voluntary program.

III. Plan For Recovery

It has been almost a year since the January floods. Most, if not all, of the City residents displaced by the floods are back into their homes or have found other housing. Properties destroyed by the floods were largely demolished. Some of the demolitions in the Airport neighborhood were done and paid for by the City, at the owner's request. Repair work is still being done on flood-damaged homes that can be saved. Owners are using their own funds, donated material, and reimbursements from FEMA or other agencies to pay for their repair costs.

Modesto's Flood Hazard Mitigation Plan discourages any construction of permanent structures below twelve inches above the base-flood elevation. The 50- and 100-year flood plains within the City limits have been set aside as regional parks and golf courses. The City has aggressively sought and acquired most of the land adjacent to the Tuolumne River to preserve wetlands, maintain a flood buffer, and to develop a model park system contiguous with the river. Homes constructed within the flood plains are subject to strict building codes that require the bottom structural floors to be able to survive a 100-year flood event. Our Flood Mitigation Plan has historically served the City well by limiting damage during floods that were less than 100-year events.

Acquiring residential properties in the City's flood plain was determined as the best use for expending the disaster relief funds. This strategy is consistent with the City's Flood Hazard Mitigation Plan. Removing the structures will limit personal risk and financial loss in the event of future flooding. Acquiring the properties in the Airport neighborhood was selected because of their location (adjacent properties all within 100-year flood plain), proximity to the Tuolumne

River Regional Park, and the benefit that the project would contribute to the neighborhood (reduce slum and blight and crime).

IV. Proposed Use of HUD Disaster Recovery Funds

The City is proposing to acquire 14 adjacent residential parcels on the south side of Hillside Drive (See Project Area Map at Attachment B). These properties are located in a low-income census tract within the flood plain along the Tuolumne River. The majority of the properties suffered substantial damage during the floods. Residents would be relocated and the properties would be converted to public open space for inclusion in the Tuolumne River Regional Park. The additional park land would remain as passive, unimproved, open space. Amenities would be limited to avoid further financial loss in the event of future flooding. After the land is transferred, the City will negotiate with the Park to allow a small parcel to be set aside as a community garden. The exact size and location of the garden has not been determined. A fence will border the Hillside Street side of the property to discourage illegal trash dumping. Street improvements would be made to Hillside Drive to include regrading and removal of the median for flood mitigation purposes. The total cost of the project is estimated at $1,032,900 as summarized in the Project Budget (See Attachment C). Other project detail includes the following:

1. National Objective

The activity proposed in this Action Plan benefits low and moderate income persons in accordance with the criteria for national objections described in Section 570.208. The project is an "area benefit activity" that will serve a low-income census tract that has also been designated by the City (and approved by HUD) as a Target Area in need of substantial neighborhood revitalization.

2. Proposed Project Site

The project site is located within the A-24 flood zone as indicated on Flood Insurance Map (FIRM) panel number 060387-0015C, dated August 17, 1982. The size of all 14 parcels combined is approximately 2.5 acres. The street addresses are:

1630 Hillside Drive	1714 Hillside Drive	1738 Hillside Drive
1634 Hillside Drive	1718 Hillside Drive	1742 Hillside Drive
1638 Hillside Drive	1720 Hillside Drive	1746 Hillside Drive
1700 Hillside Drive	1726 Hillside Drive	1131 Tioga Drive
1710 Hillside Drive	1734 Hillside Drive	

Hillside Drive, a public street north of the parcels will be regraded to a slope of 1:8 with a 44-feet wide road area and the streets and sidewalks will be rehabilitated, as part of the flood mitigation plan.

3. Determining Property Values and Relocation

Properties will be uniformly appraised at their post-flood values by a certified appraiser to determine values. Once the properties are acquired, the existing structures will be demolished and/or removed. All the properties will need to be acquired to achieve the best flood mitigation results. This may require the City to exercise its eminent domain powers and force holdout owners, if any, to sell their properties involuntarily. If this turns out to be the case, involuntary relocation rules will apply to all displaced persons and they would be provided up to 60 months relocation assistance in accordance with section 104(d) and the Uniform Relocation Act. Some families may be eligible to receive Section 8 Certificates. The Stanislaus County Housing Authority has informed us that persons displaced by the floods receive priority. The City is coordinating with FEMA and other reimbursing agencies to guard against duplicate payments to flood victims.

V. Expected Federal, Non-Federal, and Private Resources

Following the January floods, the community responded with an array of public and private financial assistance to help City and County residents recover from the disaster. Documented funds that came into the area include the following: United Way/Sierra Health Foundation-$470,000; Salvation Army-$300,000; Greater Modesto Area Churches-$100,000; private donor-$25,000. The City also received funds for City-owned properties destroyed or damaged by the floods. To date, Modesto has received reimbursement funds from the following agencies: FEMA-$584,626; OES-$297,384. The City also hopes to receive an additional $587,096 FEMA reimbursement for damage done to the City-owned Dryden Golf Course. Public properties owned by the City of Modesto sustained over $3 million in damages. The golf course and the waste-water treatment plant were hit particularly hard.

Many of the areas impacted by the flood have not fully recovered. In June, the Greater Modesto Area Churches estimated that there were 50 homes in the area in some stage of rebuilding and an additional 100 homes needing help. The work on many homes have since been completed, but due to limited resources all the work is not done. The non-City funds mentioned above were donated to help both City and County residents recover. None of the funds described are tied to the Airport neighborhood project being proposed in this Action Plan.

VI. Environmental Review

Before any disaster recovery funds are committed, the City will complete environmental review procedures for the proposed project as set forth in 24 CFR Part 58. The review will follow the eight-step decision process required by Executive Order 11988 (Flood Plain Management). The review process will start on December 9, 1997, when the Action Plan is expected to be approved by the City Council. The environmental review is expected to be completed by early February, 1998.

VII. Citizen Participation Plan

To give citizens an opportunity to make their voices heard in the development of the Disaster Recovery Action Plan, the proposed Plan was presented to Airport Neighbors United at a neighborhood meeting on November 17, 1997. The neighbors in attendance voiced their support and made suggestions that were used in the Plan's final project description. The Plan was presented to the Citizens Housing & Community Development Committee (CH&CDC) on November 21, 1997, at a meeting open to the public. Our intent was to give citizens another opportunity to comment, and to have the CH&CDC recommend that the proposal be submitted to the City Council for approval. The Action Plan was submitted to the City Council at a Public Hearing on December 9, 1997. The Public Hearing was announced in the Modesto Bee. To give citizens an opportunity to examine the content, and to submit final comments on the Action Plan document, the City conducted a 15-day comment period from December 1, 1997 through December 15, 1997. The public comment period was announced in the Modesto Bee and copies of the document were available for pickup in the Office of Housing & Neighborhoods. There were no written or verbal comments received during the comment period.

VIII. Monitoring Standards & Procedures

The City of Modesto, through its Housing & Neighborhoods Office, administers numerous community development programs funded by Community Development Block Grant, HOME Investment Partnerships Program, and the Emergency Shelter Grant program. Written monitoring procedures have been developed for all the major programs administered by our office to assure that funds are properly accounted for and spent only on eligible activities. These procedures are described in detail in our Policy and Procedures Manual, and include on-site monitoring and verifying and cross-referencing expenditures on a monthly basis for recipients funded monthly. The results of written monitoring reports for all recipients funded under the CDBG public service category are reviewed by the CH&CDC and the City Council. The monitoring procedures developed by our office offer a coordinated approach with "checks and balances" to verify that funds are being accounted for properly. These procedures have proven to be very effective in allowing staff to manage a variety of programs.

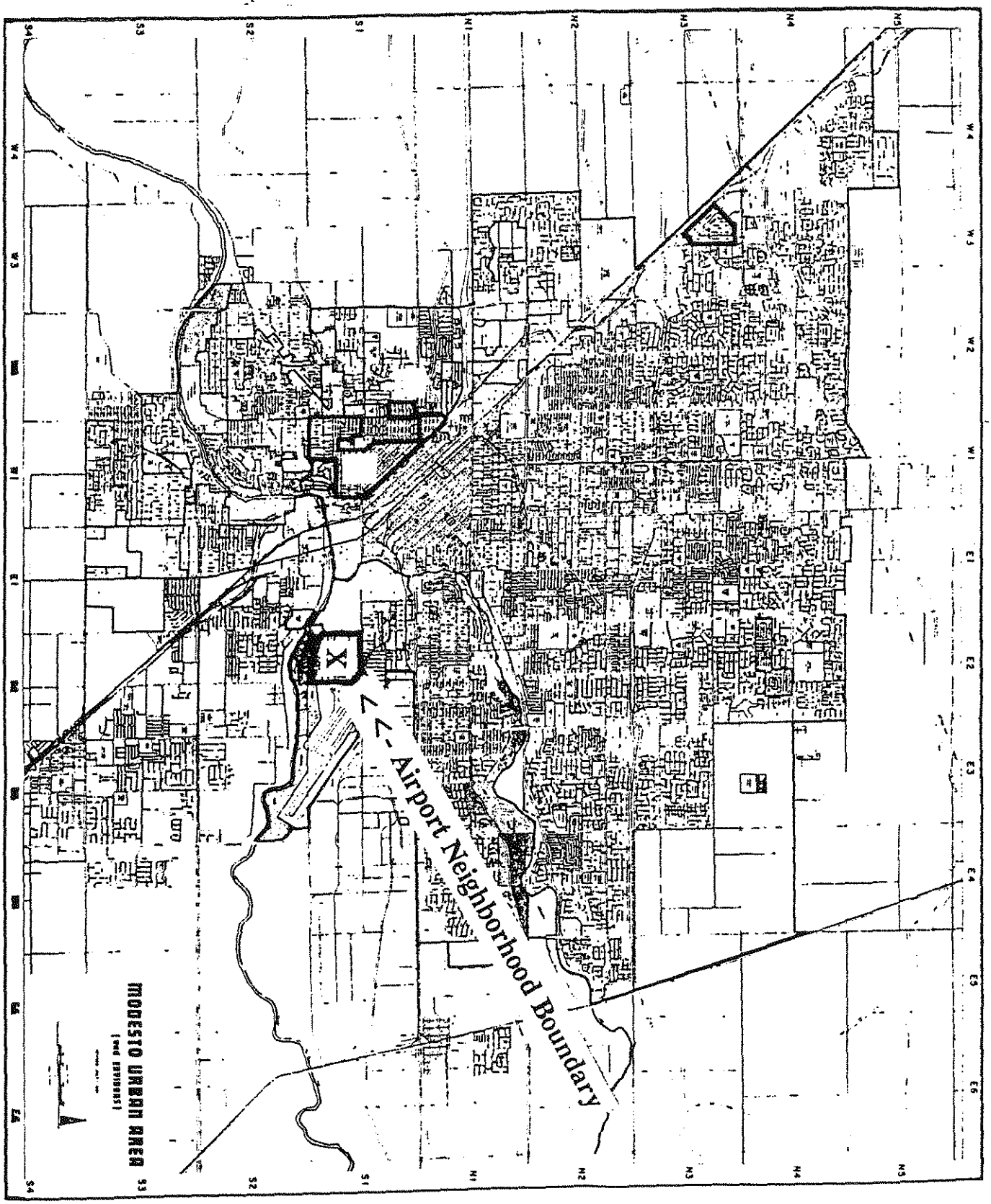
IX. Attachments

The following Attachments are included as part of this Action Plan:
Attachment A- Modesto Urban Area Map
Attachment B - Project Area Map
Attachment C - Project Budget
Attachment D - SF 424
Attachment E - Certifications (5 pages)

Attachments

Attachment A

Modesto Urban Area Map

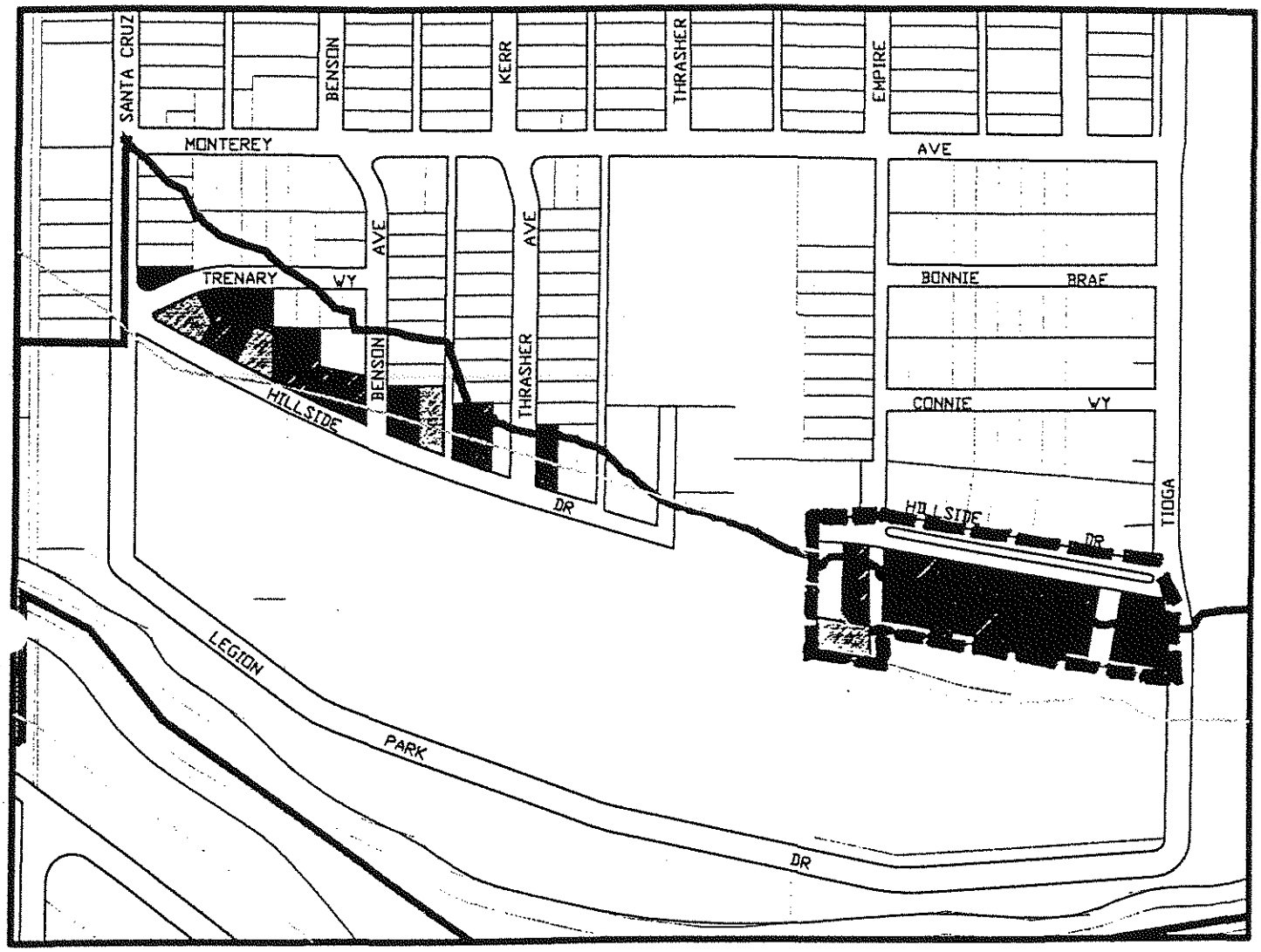


Airport Neighborhood

Attachment B

FLOOD DAMAGE IN MODESTO

Project Area Map



Action Plan Project Boundary

FIRM 100 Year Flood Plain

Flood Level Within The City Limits, Storm January 1997

Damage Less Than 50% of Home Valuation

Damage Greater Than 50% of Home Valuation

0 100 200 300 400 500

SCALE IN FEET

N

W E

S

CITY OF MODESTO

COMMUNITY DEVELOPMENT DEPARTMENT

MARCH 19, 1997

Action Plan For Disaster Recovery **Attachment C**

Project Budget

SOURCE OF FUNDS:	
Disaster Recovery Initiative Grant	$650,426
Unallocated CDBG Carryover Funds	$382,474
Total Sources	**$1,032,900**
USE OF FUNDS:	
Property Acquisition Costs:	
Property Acquisition 14 parcels @ $45,000 each	$630,000
Title & Appraisal Fees 14 parcels @ $1,000 each	$14,000
Property Acquisition Administrative Fees 14 parcels @ $1,000 each	$14,000
Total Acquisition Costs	**$658,000**
Demolition Costs:	
Demolition of Housing Units 17 housing units @ $4,000 per unit	**$68,000**
Relocation Costs:	
Replacement Housing Differential Payments 5 housing units @ $22,500 each	$112,500
Rental Assistance 8 families @ $9,000 per family	$72,000
Moving Expenses 13 families @ $800 per family	$10,400
Total Relocation Costs	**$194,900**
Hillside Drive Street Improvement Costs:	
Construction (850 feet @ $90 per foot)	$76,500
Dirt removal/regrading costs	$12,000
Design	$7,000
Contingency	$7,000
Construction Administration	$9,500
Total Hillside Drive Street Improvements	**$112,000**
Fencing Along Hillside Drive	**$0**
Total Project Cost	**$1,032,900**

Application for Federal Assistance

Attachment D

47

OMB Approval No 0348-0043

1 ·of Submission: ·pplication / Preapplication: ☐ Construction ☐ Non-Construction / ☐ Construction ☐ Non-Construction	2. Date Submitted	Applicant Identifier
	3. Date Received by State	State Application Identifier
	4. Date Received by Federal Agency	Federal Identifier

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code):	Name, telephone number, and facsimile number of the person to be contacted on matters involving this application (give area codes) FAX Number:

6. Employer Identification Number (EIN):

☐☐—☐☐☐☐☐☐☐☐☐

7. Type of Applicant: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Non-profit
Other (Specify):

8. Type of Application:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D Decrease Duration Other (specify):

9 Name of Federal Agency:

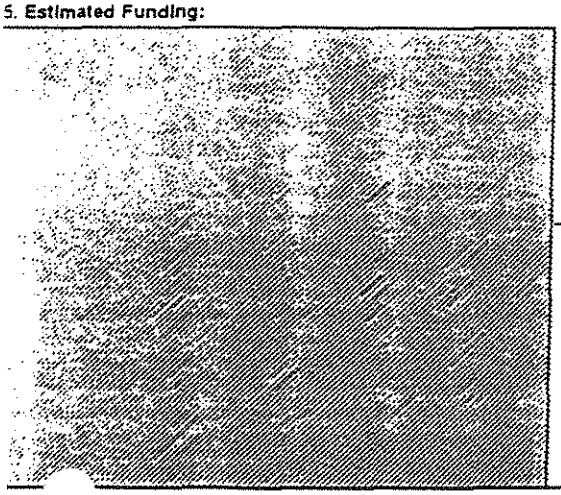
U.S. Department of Housing and Urban Development

11. Descriptive Title of Applicant's Project:

2 Areas Affected by Project (cities, counties, States, etc.):

3 Proposed Project:		**14. Congressional Districts of:**	
Start Date	Ending Date	a. Applicant	b. Project

5. Estimated Funding:



16. Is Application Subject to Review by State Executive Order 12372 Process?

a. Yes This preapplication/application was made available to the State Executive Order 12372 Process for review on:

Date: _____

b. No ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?

☐ Yes If "Yes," explain below or attach an explanation ☐ No

. To the best of my knowledge and belief, all data in this application/preapplication are true and correct, the document has been duly thorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

·yped Name of Authorized Representative	b. Title	c. Telephone Number
·gnature of Authorized Representative		e. Date Signed

Attachment E

6513.01

HUD DISASTER RECOVERY INITIATIVE
GRANTEE CERTIFICATIONS

In accordance with applicable statutes, regulations, and notices, the grantee certifies that:

1. It possesses legal authority to make a grant submission and to execute a disaster recovery program;

2. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the Action Plan for Disaster Recovery and amendments thereto and all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the Action Plan and to provide such additional information as may be required;

3. **Compliance with Anti-discrimination Laws.** The grant will be conducted and administered in compliance with:

   a. Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. §2000d et seq.); and

   b. The Fair Housing Act (42 U.S.C. 3601-20);

4. **Affirmatively Further Fair Housing.** It will affirmatively furthering fair housing;

5. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under the HUD Disaster Recovery Initiative by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

   a. Funds received under the HUD Disaster Recovery Initiative are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Housing and Community Development Act of 1974, as amended; or

   2. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient

funds received under the HUD Disaster Recovery Initiative to comply with the requirements of subparagraph a. above;

6. **Drug Free Workplace.** It will or will continue to provide a drug-free workplace by:

   a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

   b. Establishing an ongoing drug-free awareness program to inform employees about:

      i. The dangers of drug abuse in the workplace;

      ii. The grantee's policy of maintaining a drug-free workplace;

      iii. Any available drug counseling, rehabilitation, and employee assistance programs; and

      iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

   c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

   d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will:
      i. Abide by the terms of the statement; and

      ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

   e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

   f. Taking one of the following actions, within 30 calendar days of receiving notice under

subparagraph d.ii., with respect to any employee who is so convicted:

i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a, b, c, d, e and f.

h. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

_____

Check ___ if there are workplaces on file that are not identified here;

7. **Anti-Lobbying.** To the best of its knowledge and belief:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. It will require that the language of paragraph 7 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients

shall certify and disclose accordingly;

8. **Acquisition and Relocation.** Except as waived, it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under section II F. of Federal Register Notice and Federal implementing regulations;

9. **Citizen Participation.** Except as waived, it will:

   a. furnish citizens or, as appropriate, units of general local government information concerning the amount of funds available for proposed HUD Disaster Recovery grant activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;

   b. publish a proposed Action Plan for Disaster Recovery in such manner to afford affected citizens or, as appropriate, units of general local government an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

   c. provide citizens or, as appropriate, units of general local government with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under this grant from one eligible activity to another or in the method of distribution of such funds; and

   d. identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

   In preparing the Action Plan for Disaster Recovery, the grantee shall consider any such comments and views and may, if deemed appropriate by the grantee, modify the proposed Action Plan for Disaster Recovery. The Action Plan for Disaster Recovery shall be made available to the public;

10. **Excessive force.** It has adopted and is enforcing:

   a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

   b. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

11. **Compliance with Lead-based Paint Procedures.** Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with requirements of § 570.608; and

12. **Compliance with Applicable Laws.** It will comply with other applicable laws.

_____

Signature Date

_____

Title

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-678

A RESOLUTION APPROVING A CAPITAL FACILITIES FEES (CFF) DEFERRAL FOR SUNRISE PARTNERS FOR 60 LOW-INCOME APARTMENT UNITS IN THE PROPOSED 120-UNIT ASHWOOD VILLAGE APARTMENT COMPLEX LOCATED AT THE SOUTHEAST CORNER OF RUMBLE ROAD AND LOU ANN DRIVE.

WHEREAS, on November 3, 1997, Sunrise Partners, a for-profit affordable housing developer, submitted a letter by Bill Zoslocki seeking exemption of CFF for 60 very-low-income apartment units and deferral of CFF for 60 low-income apartment units in the proposed 120-unit Ashwood Village apartment complex located at the southeast corner of Rumble Road and Lou Ann Drive, and

WHEREAS, on March 19,1996, the City Council granted a zone change on the subject site from P-D (466) to R-2, to allow this development , and

WHEREAS, on March 12, 1996, the City Council approved the allocation of HOME and Redevelopment Housing set-aside funds totaling $500,000, and

WHEREAS, on November 26, 1996, the City Council approved the allocation of additional HOME and Redevelopment funds totaling another $500,000, for a total loan of $1,000,000 in HOME and Redevelopment Housing set-aside funds ($765,000 HOME, $235,000 RDA), and

WHEREAS, on May 6, 1997, the City Council approved a Density Bonus for this project, granting a bonus of 17 apartment units, for a total of 120 units, and

WHEREAS, said request for exemption and deferral involves an exception to CFF Administrative Guideline #18, which provides deferral requirements for "not-for-profit sponsors", and

WHEREAS, approval of this request will provide a basis to grant future exceptions to this guideline by allowing deferrals for "for-profit" affordable housing developers, and

WHEREAS, the CFF deferral policy (CFF Administrative Guideline #17) calls for an agreement to ensure affordable units and further provides that (a) the project is a residential density bonus project providing units for at least 10% very-low-income households or 20% low-income households; (b) the CFF total is at least $25,000 (Category B); (c) the applicant enter into a deferred payment agreement with the City to pay 20% of CFF at the time the building permit is issued, with the remaining 80% to be paid in equal installments over the next 5 years (or less at property owner's option) ; and (d) for interest, collection charges, and other terms as noted in City Council Resolution No. 91-703 establishing the CFF Deferred Payment Policy, except that security for the loan shall take the form of an irrevocable Letter of Credit, and

WHEREAS, the Sunrise Partners' deferral agreement will require 60 units to be rented to households earning 50% of the Median Area Income (MAI), and the other 60 units to be rented to households earning no more than 60% of the MAI, and the project's units will be rent-restricted for a period of 50 years due to the involvement of tax credit financing, and

WHEREAS, CFF Administrative Guideline #25 calls for residential exemptions

and deferrals not to exceed 2% of the total CFF program housing units, and current exemptions and potential exemptions, including the current request, total 606 units which represents 43% of the total number of allowable exemptions and/or deferrals, and

WHEREAS, $28,980 (20% of the CFF FEES) will be due at the time the building permit is issued, and $115,920 (the remaining 80% of the CFF fees) will be paid in equal installments over the next 5 years, and

WHEREAS, the Community Development and Housing Committee considered this request on December 3, 1997, and recommended approval, and

WHEREAS, said matter was considered by the City Council at its meeting on December 9, 1997, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that, after due consideration, it hereby approves the request of Sunrise Partners for a deferral of CFF totaling $115,920, for 60 low-income apartment units in the proposed 120-unit Ashwood Village Apartment Complex, to be paid in equal installments over the next 5 years, but does not approve the request for exemption of CFF in connection with 60 very-low-income apartment units.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the deferral agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Cogdill, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-679

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ABOUT TEN VARIABLE FREQUENCY DRIVES PER YEAR, FOR UP TO TWO AND ONE-HALF YEARS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing about ten variable frequency drives per year, for up to two and one-half years, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 12, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-680

A RESOLUTION ACCEPTING THE BID OF BARHAM INC. FOR THE CONSTRUCTION OF THE BEYER SKATE PARK

WHEREAS, the bids received for Beyer Skate Park were opened at 11:00 a.m. on November 12, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of $144,788 from Barham Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Barham 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 December, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-681

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HARWOOD TECHNOLOGIES ENTERPRISES (HTE) INC. FOR UTILITY BILLING SOFTWARE LICENSE AND SERVICES

WHEREAS, the bids received for Utility Billing Software License and Services were opened at 11:00 a.m. on August 27, 1997, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of $278,358 from Harwood Technologies Enterprises (HTE) Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the bid of $278,358 from Harwood Technologies Enterprises (HTE) Inc. be accepted and the execution of an agreement between the City of Modesto and Harwood Technologies Enterprises Inc. for utility billing software license and 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 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-682

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO COMPLETE THE FUNDING FOR THE CAPITAL IMPROVEMENT PROJECT - UTILITY BILLING SOFTWARE REPLACEMENT

WHEREAS, in June 1996, the City Council approved Capital Improvement Project Acct #130-120-H390-Utility Billing Software Replacement; and

WHEREAS, the bid from HTE is higher than estimated by staff; however, it reflects the going rate for utility billing software; and

WHEREAS, in order for HTE's software to interface with the City's current software applications and laser printer, an additional $25,200 in modifications are required; and staff requires an additional $16,799 worth of project management and training time from HTE.

WHEREAS, funding for the balance of this project will come from enterprise contingency reserves.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Attachment A

Transfers for Funding Utility Billing Software Replacement

FROM:

Account	Description	Amount
713-120-J860-6070 713-700-7000-7130 Transfer out	IBM RS/6000 Mainframe Replacement	$71,089
610-800-8000-8003 610-700-7000-7130 Transfer out	Water Fund Reserve	40,551
615-800-8000-8003 615-700-7000-7136 Transfer out	Water MID Services Area Reserve	19,083
616-800-8000-8003 616-700-7000-7130 Transfer out	Water Non-MID Service Area Reserve	2,385
621-800-8000-8003 621-700-7000-7130 Transfer out	Wastewater Treatment Fund Reserve	45,322
628-800-8000-8003 628-700-7000-7130 Transfer out	Storm Drainage Fund Reserve	11,928

TO:

130-120-H390-6070	Utility Billing Software Replacement	$190,358

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-683

A RESOLUTION ACCEPTING THE PROJECT TITLED WATER SYSTEM IMPROVEMENTS PROJECT-SOUTH SANTA CRUZ AVENUE AND MONTEREY AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Water System Improvements Project-South Santa Cruz Avenue and Monterey Avenue, has been completed by D.Y. Yount Construction Company, in accordance with the contract agreement dated August 5, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Water System Improvements Project-South Santa Cruz Avenue and Monterey Avenue be accepted from said contractor, D.Y. Yount Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $357,358.00 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 December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-684

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPAQ FILE SERVERS, HARDWARE, SOFTWARE, AND THE INSTALLATION OF SIX HIGH SPEED COMMUNICATION LINES FROM INFINET FOR THE POLICE DEPARTMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Compaq file servers, hardware, software, and the installation of six high speed communication lines from Infinet for the Police Department is hereby waived.

BE IT FURTHER RESOLVED that purchase of Compaq file servers, hardware, software, and the installation of six high speed communication lines from Infinet for the Police Department for a total price of $146,229.14.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-685

A RESOLUTION AUTHORIZING THE PROPOSED DESIGN AND COST ESTIMATES, AND RECOMMENDING THAT THE CITY/COUNTY JOINT POWERS AGENCY PROCEED WITH BIDDING OF BLOCK A OF THE 10TH STREET PLACE PROJECT.

WHEREAS, over the past few months the Joint Powers Agency (JPA) and the Redevelopment Agency have been working on the technical approach documents in relation to the 10th Street Place Project, and

WHEREAS, under the design/build process being used for this project, the JPA's design team prepares these documents which provide the general design and specifications for the project, but they do not prepare the final construction drawings, and

WHEREAS, preparation of the final construction drawings, as well as the actual construction, is the responsibility of the design/build team awarded the project, and

WHEREAS, the technical approach documents are ready for approval, enabling the JPA to proceed with bidding the final construction document and construction of Block A of the project, and

WHEREAS, staff reports that the cost of construction based on the recommended final design has been estimated to be within the previously approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the proposed design and cost estimates, and recommend that the City/County Joint Powers Agency proceed with bidding of Block A of the 10th Street Place project as recommended by staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its 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, Cogdill, Fisher, Friedman, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk
17

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-686

A RESOLUTION AUTHORIZING THE PROJECT DELIVERY METHOD RECOMMENDED BY THE CONSTRUCTION MANAGER, VANIR CONSTRUCTION MANAGEMENT, INC., ON THE POLICE HEADQUARTERS EXPANSION PROJECT AND AUTHORIZING CITY STAFF TO PROCURE ARCHITECTURAL DESIGN SERVICES FOR THE PROJECT.

WHEREAS, in September, 1997, City staff selected Vanir Construction Management, Inc., (VCM) to provide Construction Management (CM) services on the Police Headquarters Expansion Project, and

WHEREAS, one of the requirements of VCM is to determine how best to deliver this project, that is, what method should the City use in project design and construction, and

WHEREAS, the method recommended by VCM to deliver the project is the traditional Design-Bid-Build method, and

WHEREAS, the Ad Hoc Committee on the Tenth Street Place project considered this recommendation at its meeting on November 25, 1997, and concurred with the recommended design approach, and

WHEREAS, once Council has approved the delivery method City staff proposes to procure architectural design services for the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the delivery method recommended by the Construction Manager, Vanir Construction Management, Inc., on the Police Headquarters Expansion Project and authorizes City staff to procure architectural design services for the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-687

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES FOR DESIGN SERVICES FOR THE AMTRAK STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Pacific Design Associates for design services for the Amtrak Station 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 9th day of December , 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-688

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO AND EMPIRE TRACTION COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-15-59) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto and Empire Traction Company for acquisition of real property interests (APN 36-15-59) for the Cannery Segregation 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-689

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-15-58) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-15-58) for the Cannery Segregation 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 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-690

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-20-24) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-20-24) for the Cannery Segregation 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 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-691

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-20-25) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-20-25) for the Cannery Segregation 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 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-692

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR ACQUISITION OF REAL PROPERTY INTERESTS (APN 36-20-37) FOR THE CANNERY SEGREGATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for acquisition of real property interests (APN 36-20-37) for the Cannery Segregation 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 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-693

A RESOLUTION APPROVING A GRANT APPLICATION FOR FUNDING FROM THE STATE RESOURCES AGENCY, FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM FOR DEVELOPMENT OF A BICYCLE TRAIL WITHIN THE HETCH HETCHY UTILITY EASEMENT FROM SHAWNEE AVENUE TO SEMALLON DRIVE, AND AUTHORIZING THE CITY MANAGE TO EXECUTE NECESSARY DOCUMENTS RELATING TO SAID APPLICATION.

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and

WHEREAS, the State Resources Agency ("Agency") has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected, and

WHEREAS, said procedures and criteria established by the Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said grant application to the State, and

WHEREAS, the grant application contains assurances that the applicant must comply with and if selected, the applicant will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project, and

WHEREAS, the City of Modesto is eligible to apply for up to $250,000.00 in grant funding for projects that mitigate the environmental impact of recently constructed or modified transportation facilities, and

WHEREAS, the 1992 widening of Standiford Avenue is the project related to this grant proposal, and

WHEREAS, continued development of the Class I bicycle trail within the Hetch Hetchy utility easement from Shawnee Avenue to Semallon Drive, including trail construction, signalization at the Shawnee/Standiford intersection and landscaping along the trail, will be supported by this project, and

WHEREAS, in 1996 the Modesto City Council adopted the Modesto Non-Motorized Transportation Master Plan, and

WHEREAS, development of a bicycle trail within the Hetch Hetchy utility easement is included in the first priorities of the Modesto Non-Motorized Transportation Master Plan, and

WHEREAS, the trail will provide a much needed east-west link to several north-south Class II bicycle lanes and will serve recreational bicyclists and pedestrians as well as commuter cyclists, and

WHEREAS, the total cost of the project is estimated at $386,100.00, and the balance of the project funds will come from the Local Transportation Fund, Non-Motorized,

and/or Capital Facility Fees and through in-kind services (included at 5% of total project costs),

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

1. That the grant application to the State of California for funding of $250,000.00 from the State Resources Agency, Environmental Enhancement and Mitigation Program for development of a bicycle trail within the Hetch Hetchy easement from Shawnee Avenue to Semallon Drive is hereby approved.

2. That the City of Modesto certifies that it will make adequate provisions for operation and maintenance of the project.

3. That J. Edward Tewes, City Manager, or his authorized designee, is hereby appointed as agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so forth, which may be necessary for the completion of the said project.

4. That the balance of the project funds shall come from the Local Transportation Fund, Non-Motorized, and/or Capital Facility Fees and through in-kind services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Sepra, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 97-694

Print

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Wastewater Treatment Plant Relief Operator

The job specifications for the classification of Wastewater Treatment Plant Relief Operator (Range 121) 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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Police Officer/Police Officer Trainee

Laboratory Analyst

Events Supervisor

The job specifications for the classification of Police Officer/Police Officer Trainee, as shown on the attached Exhibit "B"; Laboratory Analyst, as shown on the attached Exhibit "C"; and Events Supervisor, as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 9, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 6450
No. 6445
No. 6444

NOVEMBER, 1997

WASTEWATER TREATMENT PLANT ATTENDANT
WASTEWATER TREATMENT PLANT OPERATOR
WASTEWATER TREATMENT PLANT RELIEF OPERATOR

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

DEFINITION

To learn the operation, maintenance and repair function of the Water Quality Control Division; to perform a variety of maintenance services on an assigned shift.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement through the series, or when filled from the outside require prior work experience directly related to the area of assignment.

Wastewater Treatment Plant Attendant - This is the entry level class in the Wastewater Treatment Plant Operator series. This class is distinguished from the Wastewater Treatment Plant Operator by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Wastewater Treatment Plant Operator - This is the full journey level class within the Wastewater Treatment Plant Operator series. Employees within this class are distinguished from the Wastewater Treatment Plant Attendant by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

Wastewater Treatment Plant Relief Operator - Employees appointed as the Relief Operator primarily function as a Wastewater Treatment Plant Operator and in the absence of the Senior Operator, also function as shift supervisor. When working in the capacity of shift supervisor, incumbents are expected to perform the full range of duties performed by the Senior Wastewater Treatment Plant Operator.

SUPERVISION RECEIVED AND EXERCISED

Wastewater Treatment Plant Attendant

Receives immediate supervision from higher level staff.

Wastewater Treatment Plant Operator

Receives general supervision from higher level staff.

May exercise technical supervision over Wastewater Treatment Plant Attendant.

Wastewater Treatment Plant Relief Operator

Receives general supervision for higher level staff.

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

Essential Functions:

Assist in the monitoring of the operation of wastewater treatment plant pumps, motors, and other equipment; read gauges, dials and other instruments that record data; maintain and update accurate logs of plant operations.

Service and otherwise maintain a variety of plant equipment including pumps, valves, motors, filters, meter, and related plant equipment; grease, lubricate, pack, and change belts on engines and pumps.

Paint plant equipment and building; hose down and clean various areas of the plant; maintain plant grounds; mow grass and weeds.

Serve as relief operator of the treatment plant as required to insure continued operation.

Load and unload chlorine cylinders; hook up and test; repair cylinder if necessary.

Check equipment such as generators, chlorinators, air and gas circulators, screens, and grinders for proper operation.

Change chlorine tanks; clean plugged lines.

Essential Functions: (Continued)

Maintain and repair sprinkler systems.

Keep records on maintenance performed.

Load and unload equipment and material; use forklift if necessary.

Remove sludge from drying beds; dispose of properly.

Dig ditches for laying conduit, pipe, airlines; assist in the plumbing and pipe fitting.

Assist in the general operation of a plant's facilities; learn how to make necessary operating changes and adjustments; learn all phases of plant operations.

Participate in carpentry and cement work.

Take weather station readings; record information.

May provide training to other wastewater treatment plant staff.

May collect various water and sewage samples for laboratory tests; may perform laboratory analyses.

Use and maintain self-contained breathing apparatus as required.

Marginal Functions:

Perform related duties as assigned.

Wastewater Treatment Plant Relief Operator

When functioning in the absence of the Senior Wastewater Treatment Plant Operator, the incumbent is expected to perform the following additional duties.

Make calculations to determine if plant is operating correctly and effectively; make necessary adjustments to maintain chemical balances and flow requirements; adjust treatment plant equipment to obtain maximum efficiency and treatment results.

Collect various water and sewage samples for laboratory tests; on occasion may perform some of the more routine laboratory analyses.

Wastewater Treatment Plant Relief Operator

Essential Functions: (Continued)

Inspect wastewater treatment plant equipment and facilities to locate needed repairs to various plant equipment; perform general plant maintenance work.

Prepare daily treatment plant log sheets; identify equipment status and lab sampling schedules; submit daily log sheets for evaluation by City, State and monitory agencies.

QUALIFICATIONS

Wastewater Treatment Plant Attendant

Knowledge of:

Principles, methods and tools employed in the general operation and maintenance of engines, pumps and related equipment.

General maintenance work.

Safe work practices.

Ability to:

Perform general maintenance and servicing work in the City's wastewater treatment plant facilities.

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.

Understand and carry out oral and written directions.

Learn principles and practices of wastewater treatment plant operations.

Learn to operate, repair, and maintain wastewater treatment plant equipment.

Use and maintain self-contained breathing apparatus (safety mask), per annual physical examination.

Wastewater Treatment Plant Attendant - Continued

Ability to: (Continued)

Learn to read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Learn to take wastewater and sludge samples and perform some routine laboratory tests.

Keep records and maintain reports.

Work irregular work shifts.

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:

Any combination of education and experience equivalent to achievement of the knowledge and abilities listed.

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.

An Operator-in-Training certificate from the California State Water Resources Control Board, as issued through procedures established by the Board, must be obtained upon appointment. In addition, a Grade I certificate from the Board must be obtained no later than two years from the date of appointment.

Wastewater Treatment Plant Operator

In addition to the qualifications for Wastewater Treatment Plant Attendant:

Knowledge of:

Principles and practices of wastewater treatment plant operations.

Operating principles of valves, pumps, and motors.

Wastewater discharge requirements.

Ability to:

Operate, repair, and maintain wastewater treatment plant equipment.

Use and maintain self-contained breathing apparatus.

Read and interpret gauges and other recording devices reflecting wastewater treatment plant operations.

Take wastewater and sludge samples and perform some routine laboratory tests.

Learn to diagnose operating problems and take effective courses of action.

Learn to train assigned staff.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of experience in wastewater treatment plant operations.

Wastewater Treatment Plant Operator - Continued

Experience and Training Guidelines (Continued)

License or Certificate

Possession of a valid Grade I certificate from the California State Water Resources Control Board.

Possession of a valid Grade II certificate from the California State Water Resources Control Board within 2-1/2 years of appointment.

Wastewater Treatment Plant Relief Operator

In addition to the qualifications for Wastewater Treatment Plant Attendant/Operator:

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.

Wastewater discharge requirements.

Grit disposal.

Computer operation.

Safe work practices.

Ability to:

Use and maintain self-contained breathing apparatus (safety mask) per annual physical examination.

Wastewater Treatment Plant Relief Operator - Continued

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

A minimum of two years experience in wastewater treatment plant operations.

License or Certificate:

Possession of a Grade III certificate from the California State Water Resources Control Board.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

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

CITY OF MODESTO
NO. 7115
NO. 7120

NOVEMBER, 1997

POLICE OFFICER/POLICE OFFICER TRAINEE

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

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over nonsworn personnel.

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

Essential Functions: (Continued)

Patrol a designated area of the.City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

ESSENTIAL FUNCTIONS (Continued)

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

ESSENTIAL FUNCTIONS (Continued)

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions;

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (30 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Police Officer Trainee - Continued

Ability to: (Continued)

Prepare accurate and grammatically correct written reports.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Police Officer

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

Knowledge of: (Continued)

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

License or Certificate

Possession of an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

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

CITY OF MODESTO
No. 3342
No. 3341

NOVEMBER, 1997

LABORATORY ANALYST I
LABORATORY ANALYST II

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

DEFINITION

To perform physical, chemical, biological, bacteriological or some instrumental analyses on water, wastewater, industrial waste, storm waters, receiving waters, sludges and environmental samples. Samples may be analyzed for process control, regulatory compliance, public health, litigation, investigations or other studies as required.

DISTINGUISHING CHARACTERISTICS

Positions in this class are flexibly staffed and are normally filled by advancement from the I, or when filled from the outside require prior work experience directly related to the area of assignment.

Laboratory Analyst I - This is the entry level class in the Laboratory Analyst series. Incumbents are responsible to evaluate, archive and report by manual or electronic means all data obtained from the analyses performed. This class is distinguished from the Laboratory Analyst II by the performance of the more routine duties assigned. Since this class is typically used as a training class, employees may have only limited experience in the required laboratory analysis.

Laboratory Analyst II - This is the full journey level class within the Laboratory Analyst series. This class is distinguished from the Laboratory Analyst I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the procedures and protocol of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from and reports to the Laboratory Manager.

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

Essential Functions:

Analyses of drinking water, wastewater, industrial waste waters, sludges, receiving waters, treatment processes, or environmental samples as directed for the following:

- Microbiological analyses such as total coliform, fecal coliforms, e.coli, MPN coliform testing, membrane filtration techniques, heterotrophic plate count, speciation of gram negative bacteria, gram stain, water suitability, toxic residues, sterility, microscopic examinations, or other analyses as required.

- Physical analyses such as pH, temperature, conductance, total dissolved solids, total solids, total volatile solids, suspended solids, volatile suspended solids, % moisture, % solids, % volatile solids, settleable solids, density, brix or other analyses as required.

- Chemical analyses by manual or instrumental means such as alkalinity, dissolved oxygen, calcium, hardness, volatile acids, grease and oil, oxygen demand, chlorine residual, chloride, etc.

- Biochemical analyses such as B.O.D., chlorophyll, or bio-toxicity.

Operate equipment including pH meters, conductivity meters, D.O. meters, balances, water baths, ovens, furnaces, burets, pipettes, incubators, autoclaves, distillation units, digestion units, UV-Vis spectrophotometer, calculators, computers, or other laboratory instrumentation as required.

Collect field samples using proper procedures for sampling, sample handling, chain of custody requirements, laboratory or field analyses of samples.

Perform research activities including the development and the implementation of new test procedures.

Research and advise staff on equipment purchases, write specifications or justifications and order material or services for the laboratory.

Essential Functions: (Continued)

Maintain laboratory records, prepare laboratory documentation and agency reports using manual or electronic means.

Clean, maintain, and care for equipment, materials, and the laboratory environment in a safe, efficient, effective and conservative manner.

Marginal Functions:

Train personnel in laboratory, plant, field and outside agencies in laboratory procedures, sampling, and sample handling.

Develop and implement new test procedures as required.
May write computer programs to automate reports.

Perform other duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of chemistry, biology, physics, and related sciences as they pertain to water/wastewater treatment and environmental science.

Principles of mathematics and statistics used for laboratory and field calculations.

Laboratory safety; appropriate use, care, and maintenance of various equipment used in the laboratory setting.

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

Basic computer operation.

Ability to:

Learn procedures and materials used in chemical, biochemical, bacteriological, physical and instrumental analyses.

Operate laboratory equipment and understand use of materials.

Analyze data and draw sound conclusions.

Understand and carry out oral and written instructions.

Ability to: (Continued)

Occasionally lift up to 50 lbs.

Communicate in a clear, concise, and appropriate manner both orally and in writing.

Maintain the laboratory environment at an appropriate level.

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:

Laboratory Analyst I

Experience:

Experience in the water quality field or in an environment conducting chemical analyses is desirable.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

License or Certificate:

Possession of a Grade I Laboratory Analyst Certificate, as issued by the California Water Environmental Association is required within one year of date of appointment. Failure to obtain this certificate will constitute grounds for dismissal from City service.

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

Laboratory Analyst II

Experience:

A minimum of one year of laboratory experience in conducting chemical analyses related to the water quality field.

Training:

Possession of a Bachelor of Arts or Bachelor of Science Degree from an accredited college in chemistry, biology, environmental science or a related field.

License or Certificate:

Possession of a Grade II Laboratory Analyst Certificate issued by the California Water Environmental Association.

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

WORKING CONDITIONS

Environmental Conditions:

Laboratory environment; exposure to potentially hazardous chemicals; work in or with water and wastewater.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; manual dexterity and the ability to distinguish color.

CITY OF MODESTO
No. 2795

NOVEMBER, 1997

EVENTS 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

Under direction, supervise and coordinate the needs and services of lessees for events at the Modesto Centre Plaza. This work includes booking, scheduling, planning, and supervision of events.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Centre Plaza Manager.

Exercises direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

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

Essential Functions:

Booking, scheduling, and sales of Centre Plaza events.

Working with Centre Plaza users to plan the execution of their events, including equipment, personnel, and services.

Supervise Centre Plaza events while in progress. This includes some evening and weekend events.

Prepare event settlements and evaluations.

Supervise Centre Plaza parking operations including hiring and supervision of personnel; recording and depositing monies collected.

Operation of box office functions including ticket ordering, ticket sales, ticket taking, supervision of related personnel and final ticket auditing.

Record, transfer and process all monies that the Centre generates through ticket sales, rental deposits and settlement, novelty sales and other.

Assist in budget preparation and administration.

ESSENTIAL DUTIES (Continued)

Respond to facility user complaints and inquiries.

Maintain and update as needed: rental agreement, permit agreements, and associated rules and regulations for events and outside services; service manuals, box office manuals, and operation manual for contracted services and center personnel; evaluation procedures for catering, concessions, and decorators who provide services.

Maintain records and prepare reports and correspondence, as necessary, related to events and facility use.

Marginal Functions:

Perform other related work as may be assigned.

QUALIFICATIONS

Knowledge of:

Principles and techniques for scheduling, booking, planning, servicing and coordinating a variety of theatrical, entertainment, meeting, banquet, and convention events.

Basic accounting as used in event and box office bookkeeping and settlement.

Fire and safety regulations and emergency procedures related to public assembly facilities.

Security, catering, concessions, equipment, services, and other operational needs of community/convention center events.

Negotiation techniques.

Principles of administration, budget and personnel management.

Principles of box office and ticketing operations.

Ability to:

Book, schedule, and sell Centre Plaza space to potential users.

Ability to: (Continued)

Plan, organize, and coordinate the activities of various service providers associated with Centre Plaza events.

Supervise events in progress.

Supervise, train, and evaluate subordinates.

Communicate clearly and concisely, orally and in writing.

Respond appropriately to Centre Plaza guests within the context of Centre Plaza policies and procedures while maintaining a high customer service ethic.

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Lift and carry heavy objects, if it becomes necessary.

Establish and maintain cooperative relationships with those contacted during work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities are qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two (2) years experience in supervising and coordinating a variety of events in a conference center, convention center, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

Training:

Equivalent to graduation with a Bachelor's Degree from an accredited college or university.

License or Certificate

Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.

Possession of a certificate from the International Association of Assembly Managers (IAAM) school for Public Assembly Management is desirable.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 97-695

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE TO ESTABLISH A SALARY RANGE FOR WASTEWATER TREATMENT PLANT RELIEF OPERATOR.

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 December 9, 1997", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Wastewater Treatment Plant Relief Operator (Range 121).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 9, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective December 9, 1997

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 & Property Specialist
112	
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
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 Storm Water Inspector
118	Fleet Procurement Specialist Senior Storeskeeper Street Trees Crewleader 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
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	Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. 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 Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Material Program Coordinator Senior Crime Analyst
131	Sr. Civil Engineering Asst. Sr. Community Development Program Specialist

132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 97-696

Print

A RESOLUTION ADOPTING THE CITIZEN PARTICIPATION PLAN FOR FISCAL YEAR 1998/99 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Citizens Housing and Community Development Committee met on November 21, 1997, and recommended adoption of the Citizen Participation Plan for Fiscal Year 1998/99, and

WHEREAS, the Citizen Participation Calendar of Events outlines the manner and timing in which citizens and other interested parties can comment on, and make application for, Community Development Block Grant funds, and provides the dates of upcoming meetings and public hearings of the Citizens Housing and Community Development Committee, leading up to the Council's consideration of the Community Development Block Grant application on May 5, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Citizen Participation Plan for Fiscal Year 1998/99, attached hereto as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
ANNUAL ACTION PLAN
FY 1998-99

Citizen Participation Calendar of Events

	ACTIVITY	DATE	TIME
1	CH&CDC Meeting to Recommend Approval of the Proposed Calendar of Events for the Preparation of the Action Plan for FY97-98; City Hall Council Cambers; 801 Eleventh Street, Modesto.	November 21, 1997	12:00 noon
2	Application Period Opens. Applications available at the Office of Housing and Neighborhoods; 940 Eleventh Street. Modesto.	December 12, 1997	8:00 a.m.
3.	Staff Workshop to Provide Technical Assistance; City Hall Council Chambers; 801 Eleventh Street. Modesto. *Tentative Date: Call to Register*	January 27, 1998	9:00 a.m.
4.	Application Deadline for Funding Requests; All Funding Requests Submitted to the Office of Housing and Neighborhoods; 940 Eleventh Street. Modesto.	February 13, 1998	5:00 p.m.
5.	Analysis of Application Funding Requests by the Staff of the Office of Housing and Neighborhoods; 940 Eleventh Street, Modesto.	February 16, 1998 - April 10, 1998	
6.	Preparation of Community Development Annual Action Plan for FY1997-98; Office of Housing and Neighborhoods; 940 Eleventh Street. Modesto	February 1, 1998 - April 10. 1998	
7.	CH&CDC Public Hearing to Consider Requests for Funding; City Hall Council Chambers; 801 Eleventh Street. Modesto.	March 20, 1998	12:00 noon
8.	CH&CDC Public Hearing to Make Final Recommendations for Funding Allocations; City Hall Council Chambers, 801 Eleventh Street. Modesto.	April 17, 1998	12:00 noon
9.	Publish Notice Announcing Availability of Final Draft of Community Development Annual Action Plan - FY 1997-98 for review and comments.	May 2 -3, 1998	
10.	City Council Public Hearing to Consider and Approve Recommendation for the Community Development Annual Action Plan for FY1998-99; 801 Eleventh Street. Modesto.	May 5, 1998	4:00 p.m.
11.	Application Submission for Community Development Annual Action Plan for FY1998-99 to HUD.	May 15. 1998	

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 97-697

Print

A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 1997/98 HOME FUNDS TO DEVELOPERS FOR AFFORDABLE HOUSING PROJECTS.

WHEREAS, funding requests and recommended allocation of HOME Funds for Affordable Housing Projects were submitted to the City Council by a report dated December 9, 1997, from the Community Development Department ("Report"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, a table showing the recommended allocations, analysis of each project and a spread sheet comparing various factors for each of the projects was submitted to the City Council in the Report, and

WHEREAS, staff is recommending that four of the seven projects submitted receive funding in the total sum of $982,400.00, provided that the projects meet the conditions as outlined in the Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $982,400.00 in HOME Funds for Affordable Housing Projects is hereby approved as set forth in the Report, a copy of which report is attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
AGENDA REPORT

AGENDA ITEM NUMBER
COUNCIL MEETING OF: 12/9/97

Date: December 9,1997

TO: Mayor and Council

FROM: Community Development Department/Office of Housing & Neighborhoods

SUBJECT: Allocation of FY 1997-98 HOME Funds for Affordable Housing Projects

RECOMMENDED COUNCIL ACTION:

Resolution approving allocation of HOME funds subject to meeting conditions outlined in staff report and authorizing City Manager to execute all necessary loan documents and agreements.

BACKGROUND:

Attached are the staff recommendations for the Affordable Housing program. Applications for seven projects totaling $1,886,570 were received from five applicants for both HOME and Redevelopment funds. This action deals with the recommendations for HOME funding; the Redevelopment Agency will act upon recommendations for Redevelopment Housing Set-Aside funds. For the HOME program, staff is recommending that four projects receive funding for a total of $982,400. Attached is a table showing the recommended allocations, along with staff's analysis of each project and a spread sheet comparing various factors for each of the projects. Included in the review are the recommendations made to the Redevelopment Agency.

REASON FOR RECOMMENDED ACTION: Approval of these recommended allocations will assist in the development of affordable housing in the community.

STEPS FOLLOWING APPROVAL: Upon approval, staff will work with applicants and the City Attorney's office to develop and execute all required loan agreements. Environmental review will be completed on each project prior to having the loan agreements executed.

Exhibit "A"

Prepared By: _____

Stephen Young
Housing & Neighborhoods Manager

Recommended By: _____

Phillip A. Testa
Community Development Director

Approved By: _____

J. Edward Tewes
City Manager

cc.
Staff Recommendations
Project Comparison Chart

ALTC

STAFF ANALYSIS OF AFFORDABLE HOUSING APPLICATIONS AND RECOMMENDED FUNDING LEVELS

Hacienda Townhouses-Willey Brothers

The applicant, the Willey Brothers (Ray Willey, Jon Seifert, et. al.) is requesting $200,000 of City funds to rehabilitate 30 vacant apartments on three parcels. This project is located at the east corners of Coffee Road and Ensenada Avenue. The applicant proposes to acquire the properties and use City funds to assist in the rehabilitation of the units. The project will be required to maintain at least 6 units with affordable rent restrictions. The applicant is willing to designate all 30 units as low income.

The project is in a highly visible area along one of Modesto's main thoroughfares. The applicant has experience in the acquisition and renovation of both commercial and residential structures. An estimate of the repairs has yet to be finalized for this project.

Staff recommends a loan of $200,000 for this project subject to the following conditions:

a. Demonstrate site control of the property.

b. Submit copies of purchase contract and appraisal.

c. Allow City staff to conduct an inspection of the units, resulting in a list of required repairs (Notice and Order).

d. Work with City staff to estimate the cost of required repairs; Work with city staff to prepare a Work Write-up.

e. Obtain an appraisal for the after-rehab value of the project. Loan to Value ratio not to exceed 80% of after rehab value

f. Agree that rehabilitation costs in excess of the funding allocation will be borne by the property owner.

g. Enter into a loan and affordable housing covenant agreement(s) with the City.

h. Hire a licensed contractor to complete the rehab work.

i. Provide a 15-year operating pro-forma and certified copy or partnership balance sheet.

j. Provide a project schedule for acquisition, repair, and occupancy.

k. Submit evidence of loan committments necessary to complete the project.

Housing Authority - Brighton Place

The Housing Authority of the County of Stanislaus is requesting a grant of $405,000 of HOME funds to complete nine multi-family units in an eleven-unit development project. The Housing Authority previously received a $48,000 grant to complete the first two units of this project. The project is generally located on the east side of Brighton Road north of Scenic Drive.

The Housing Authority applied for funding through the Youthbuild Program to complete this project, but was unsuccessful in receiving funding. The completed units will be owned by the Housing Authority and rented to low-income households. This project is proposed to be constructed in two phases.

Staff recommends an allocation of $225,000 in HOME funds as a loan for this project.

Prior to funding disbursement, the applicant must do the following:

a. Agree that costs in excess of the funding allocation will be borne by the property owner.

b. Enter into a loan and affordable housing covenant agreement(s) with the City.

Sutter Village-

Sutter Village Associates has applied for financial assistance to rehabilitate 44 units located on Sutter Avenue. The amount of funds requested is $120,000 over a four-year period, with funds to be awarded in increments of $30,000 per year in the form of a grant.

Sutter Village was rehabilitated in 1983 with a HUD Section 8 rehabilitation contract. Under this type of rehabilitation contract, tenants pay 30% of their income for rent and the remainder of the rent is subsidized by the Section 8 program. The owner has utilized all the Section 8 rehabilitation funds, and the property is generally well cared for.

The project-based Section 8 contract expires in November, 1998. At that time the assistance will not be project-based but will transition into tenant-based assistance. Current occupants would be offered a Section 8 certificate and would still continue to live (if they desire) at Sutter Village.

Staff recommends that Sutter Village Associates be awarded $80,000 in Redevelopment Housing Set Aside funds as a one-time allocation for the rehabilitation of the 44-unit Sutter Village. The recommended allocation would be subject to the following conditions:

1. Funds are awarded in the form of a loan. Owner to enter into loan and affordable housing agreement(s). Loan terms to be negotiated. Owner to deposit into an escrow account any additional funds necessary to complete the required work.

2. An inspection is conducted for immediate health and safety hazards (Notice and Order).

3. A work write-up is prepared by City staff and the project is put out to bid by the Office of Housing and Neighborhoods. Additional items (safety doors and cosmetic repairs, in that order) may be included in the work write-up if it is deemed that there are sufficient funds.

4. Work to be completed within 24 months of loan closing.

5. Property owner shall provide current financial statements and a ten-year operating proforma statement.

6. Work to be completed by a licensed general contractor.

STANCO Transitional Housing

STANCO has applied for $137,000 in HOME CHDO (Community Housing Development Organization) funds to acquire an existing 3-unit multifamily apartment. The proposal is to use the triplex for transitional housing and will target homeless youth-at-risk such as runaways and emancipated youth. Supportive services will be provided through a future agreement with the Center for Human Services, and rents at thirty percent of a tenant's gross income will be charged to help offset operating costs.

Staff recommends a loan of $137,400 in HOME CHDO funds to assist with this project for the following reasons. Staff suggests that funds be used for the purchase of no less than three units, but are not conditioning the loan on targeting homeless youth.

0 Working with nonprofits to increase transitional housing and supportive services is a strategy adopted by the City in its Consolidated Plan, to help meet the needs of homeless families and those seeking permanent housing.

0 In the past, the City was able to lease HUD houses for use as transitional houses. HUD houses can no longer be leased for this

purpose.

0 The City is required to allocate 15% of its total annual HOME allocation for CHDO housing development activities. STANCO is designated as one of the City's two CHDOs (Self-Help Enterprises is the other). Allocating the full $137,400 to STANCO will fulfill the City's current fiscal year CHDO requirement.

The allocation of funds to STANCO are subject to the following conditions:

1. STANCO must acquire a triplex or fourplex in Modesto suitable for transitional housing. The property selected shall be approved by the City prior to acquisition, and STANCO shall supply supporting documentation on the proposed acquisition (appraisal, tentative sales contract, etc.)

2. The property must be acquired by June 30, 1998.

3. The $137,400 loan may be used for acquisition and rehabilitation work. If rehabilitation work is required, such work must be completed by a licensed contractor and STANCO must work with City staff to provide a complete list of repairs. STANCO shall be responsible for any costs over $137,400 (although it is possible ESG funds may be available for that purpose.)

4. To maintain its eligibility as a CHDO, STANCO must demonstrate that a minimum of one-third of its board of directors consist of bona fide representatives of the low-income community. STANCO's current board does not appear to be structured such that the one-third minimum requirement is being met. Funding approval is contingent on STANCO providing assurance, in a form acceptable by the City, that its board of directors does in fact meet the low-income representation requirement. If restructuring of the board is required, such restructuring must be completed within 60 days of funding approval.

5. STANCO must enter into a HOME loan and affordable housing covenant agreement with the City.

<u>Modesto Village</u>

Self-Help Enterprises has applied for $557,570 in HOME funds to assist with the construction of a 10-unit multifamily project estimated to cost $1,943,000 at completion. Six of the units would be offered to large family, low-income tenants. No site has been identified. While this project seems worthy and Self-Help Enterprises is certainly capable of making it a success, we cannot recommend funding at this time due to funding limitations. Staff recommends that the applicant apply again at a future funding round.

Briggs Avenue Subdivision

Self Help Enterprises has applied for $420,000 to develop 21 single family homes under their Self-Help, sweat-equity program on 3.8 acres on the south side of Briggs Avenue at Seybold. The total development cost is estimated at $1.7 million. The project cost will be financed with construction and permanent loans from Wells Fargo Bank, the California Housing Finance Agency (CHFA) and Self-Help's Washburn Fund. The City's HOME loan will be utilized as Down Payment Assistance loans to the eventual 21 low income families who help build and purchase these loans.

Staff recommends approval of a HOME allocation of $420,000 subject to the following conditions:

1. Provision of appraisals on the land purchase;

2. Recordation of Final map;

3. Submission and approval of development schedule;

4. Developer agreement that project costs in excess of $1,728,200 be borne by the developer and not charged to buyer's equity contribution.

Yosemite Meadows Subdivision

STANCO is requesting $137,000 to acquire 17 single family lots along Claus Road. The lots are the remainder from a privately developed subdivision that the owner/developer has decided not to develop. STANCO proposed to acquire the lots and to contract for the construction of 17 single family homes. These homes would then be sold to qualified low income families.

Staff is not recommending any funding for this project. STANCO currently is in the process of developing three units at Maze and Emerald and needs to rehabilitate two additional units to be used for the transitional housing program. Due to their limited amount of staff, there are concerns about STANCO's capacity to develop a project of this size in a timely manner.

In addition, there is a concern about the cost of financing such a development over an extended period of time. The provision of HOME funds to acquire the land for this project would require that every home be sold to a qualified low income household. Despite the superior location of this project, these units will be competing with other homes for sale in the community, and this might extend the time needed to market and sell the homes. This, in turn, translates to increased carrying costs for the project that STANCO, at this point in its development, is not prepared to handle.

Fy 97-98 HOME/RDA Funding Applications **Project Comparison Chart**

11-14-97

	(1) Sutter Village-MF Rehab	(2) Hacienda Town Hms-MF Rehab	(3) Brighton Place-MF New Constr	(4) Yosemite Meadows-SF New Constr	(5) Transitional Housing-MF Acquisition	(6) Briggs Street-SF New Constr	(7) Modesto Village-MF New Constr
TDC:							
Land	$0	$0	$144,000	$210,000	$0	$546,000	$90,000
New Construction Costs	$0	$0	$520,000	$1,250,000	$0	$814,430	$474,980
Rehabilitation Costs	$160,000	$505,000	$0	$0	$0	$0	$0
Acquisition (Land & Structures)	$0	$695,000	$0	$0	$140,000	$0	$0
Soft Costs/Financing/Other Costs	$0	$0	$348,000	$150,000	$0	$582,570	$272,590
Total Development Costs	**$160,000**	**$1,200,000**	**$1,012,000**	**$1,610,000**	**$140,000**	**$1,943,000**	**$837,570**
Unit Cost:							
Total No. of Units	44	30	9	17	3	21	10
Construction Hard Costs Per Unit	$0	$0	$57,778	$73,529	$0	$38,782	$47,498
Rehabilitation Hard Costs Per Unit	$3,636	$16,833	$0	$0	$0	$0	$0
TDC Per Unit Cost	$3,636	$40,000	$112,444	$94,706	$46,667	$92,524	$83,757
City Loan Financing:							
City Loan Recommended	**$80,000**	**$200,000**	**$225,000**	**$0**	**$137,400**	**$420,000**	**$0**
City Financing Per Unit	$1,818	$6,667	$25,000	$0	$45,800	$20,000	$0
City Financing Percent of Total Cost	50%	17%	22%	0%	98%	22%	0%
City Financing Type	R DA	HOME	HOME	N/A	HOME (CHDO)	HOME (CHDO)	N/A
Cost Per Sq. Ft.							
Total Sq. Ft. Structures	38,450	26,590	14,160	19,701	6,326	26,460	10,200
Construction Costs Per Sq. Ft.	$0.00	$0.00	$36.72	$63.45	$0.00	$30.78	$46.57
Rehabilitation Costs Per Sq. Ft.	$4.16	$18.99	$0.00	$0.00	$0.00	$0.00	$0.00
TDC Cost Per Sq. Ft.	$4.16	$45.13	$71.47	$81.72	$22.13	$73.43	$82.11
Land Costs:							
Total Land Area (acres)	2.90	1.20	1.21	2.15	0.15	3.80	1.00
Total Land Area (sq. ft.)	126,324	52,272	52,708	93,500	6,534	165,528	43,560
Land Cost Per Acre	$0	$0	$119,008	$97,835	$0	$143,684	$90,000
Density (units per acre)	15.2	25.0	7.4	7.9	20.0	5.5	10.0
Income Targeting:							
No. of Units at 50% AMI or less	0	0	0	0	3	0	2
No. of Units Between 50% & 80% AMI	44	0	9	17	0	21	8
Market Rate Units	0	30	0	0	0	0	0
Total Units	44	30	9	17	3	21	10
Affordable Units:							
HOME or RDA Units	7	5	2	0	3	21	0
Other Rent-Restricted Units	44	0	9	17	0	0	10
Bedroom Size:							
2-Bedroom	32	30	0	0	3	0	4
3-Bedroom	12	0	9	17	0	11	6
4-Bedroom	0	0	0	0	0	10	0
Total	44	30	9	17	3	21	10

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-698

Print

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: APPROVING THE SEGREGATED CANNERY WASTEWATER RANCH PUMPING FACILITY AND DISTRIBUTION SYSTEM.

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 November 18, 1997, the City's Public Works and Transportation Department by Environmental Assessment Initial Study, reviewed the proposed Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final Master EIR, and

WHEREAS, on December 9, 1997, 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 on November 18, 1997, 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 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 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 9th day of Decmeber, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study to Document Conformance of the
Segregated Cannery Wastewater Ranch Pumping Facility
and Distribution System with the Master EIR for the
Wastewater Master Plan

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 purposed 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 prototype Initial Study has been developed by the City as the information basis on which all subsequent wastewater master plan projects will be evaluated in compliance with Section 21157.1(c).

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project's effects were adequately addressed in the Wastewater Master Plan Master EIR (State Clearinghouse No. 96042009) or the General Plan Master EIR. No new environmental document nor findings are necessary. [X]

I find that the proposed project's effects were not fully addressed in the Wastewater Master Plan Master EIR and that additional environmental analysis is necessary. [ ]

Antonio S Tovar

Antonio S. Tovar
Assistant Civil Engineer

November 18, 1997
Date

EXHIBIT A

DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor's Parcel Number and include attachments as necessary)

Assessor's Parcel Number: 22-01-08.

The project consists of the design for pumping and conveyance systems for direct land disposal of cannery waste at the Secondary Treatment Plant Site, 7007 Jennings Road, is needed. This will allow conveyance of the segregated cannery wastewater directly to the City's ranch land without treatment.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 21 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The construction and operation of the subsequent project would result in approximately 12 and no vehicle trips per day respectively, and would not substantially degrade the level of service along affected roadways and intersections.

3. The service capacity (regarding circulation) of the subsequent project is zero and is therefore substantially similar to that described in the Wastewater Master Plan Master EIR. 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

B. DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 36 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction of the subsequent project would result in approximately 0 pounds per day and 0 tons per year 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. 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

C. GENERATION OF NOISE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI – 38 through 39 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

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.

D. LOSS OF AGRICULTURAL LAND

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 50 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is outside the General Plan boundary but is proposed to be sited on land that is currently in use, which is not designated as prime farmland, and will therefore not convert prime agricultural land or displace or substantially impair the agricultural productivity of prime agricultural land outside of the City's General Plan boundary.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

E. INCREASED DEMAND FOR WATER SUPPLIES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 57 of the Wastewater Master Plan Master EIR provides 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 Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 58 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not create the need for sanitary sewer services beyond that analyzed in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 69 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not the parallel outfall crossing at the Tuolumne Crossing, nor is the pipeline 24C, 7B or 7C as designated on Figure IV-6 of the Wastewater Master Plan Master EIR 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI – 77 of the Wastewater Master Plan Master EIR provides 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

I. DRAINAGE, FLOODING AND WATER QUALITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 92 of the Wastewater Master Plan Master EIR provides 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 in addition to 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

J. INCREASED DEMAND FOR STORM DRAINAGE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI – 98 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not cause the drainage system to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

K. INCREASED DEMAND FOR PARKS AND RECREATION

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI – 106 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks and Recreation Director has confirmed that the subsequent project would not result in the long-term disruption of the normal use or require the reduction in size of an existing park not analyzed in Section VI of the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

L. INCREASED DEMAND FOR SCHOOLS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 108 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The Director of Planning and Research of the Modesto City Schools has confirmed that the subsequent project would not result in a substantial increase in the demand for schools in addition to that described in Chapter IV, Section 12 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility subsequent project:

1. N/A

M. INCREASED DEMAND FOR POLICE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 109 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Police Chief has confirmed that construction and operation of the subsequent project would not exceed the capacity of local police services beyond that described in Chapter IV, Section 13 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

N. INCREASED DEMAND FOR FIRE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 115 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Fire Chief has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for fire services in addition to that described in Chapter IV, Section 14 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

O. GENERATION OF SOLID WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI – 116 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for solid waste in addition to that described in Chapter IV, Section 15 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

P. GENERATION OF HAZARDOUS WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI - 128 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not potentially result in an unauthorized release of a hazardous substance or generate, use, store, or transport of any hazardous waste substantially in addition to 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

Q. LANDSLIDES AND SEISMIC ACTIVITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, 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. Page(s) VI – 137 of the Wastewater Master Plan Master EIR provides 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 Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

R. ENERGY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 138 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Directors confirms that the subsequent project would not create a significant increase in demand for energy beyond that analyzed in Chapter IV, Section 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 Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-699

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CAMP DRESSER & MCKEE INC. FOR CONSULTANT SERVICES FOR THE DESIGN OF THE SEGREGATED CANNERY WASTEWATER RANCH PUMPING FACILITY AND DISTRIBUTION SYSTEM, AS PART OF THE RANCH IMPROVEMENTS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Camp Dresser & McKee Inc. for consultant services for the design of the segregated cannery wastewater ranch pumping facility and distribution system, as part of the Ranch Improvements 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-700

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $301,000 TO FULLY FUND THE RANCH IMPROVEMENTS PROJECT

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

FROM: 623-480-H868 6050; $301,000

TO: 623-480-H869 6010; $301,000

The Ranch Improvements Project was proposed for funding through the 1997 Wastewater Bond Sale. The Ranch Improvements Funds was depleted as a result of additional costs for flood protection for other bond financed capital projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

REQUEST FOR APPROPRIATION TRANSFER

From: PW&T UTILITIES
Originating Department

Council Action Date: 12/09/97
Resolution Number: _____

Fund Title SEWERAGE

Transfer Number: _____
FY: _____

(1) Budget Staff To Enter After Approvals

Fund-Agency-Orgs	Object	Approp Unit	Current Budget(1)	Incr/Decr Amount	Revised Budget(1)	Description of Object
FOR APPROPRIATIONS						
FROM: 623-480-H868	6050			$301,000.00		Decrease HEADWORKS/ GRIT REMOVAL
TO: 623-480-H869	6010			$301,000.00		Increase RANCH IMPROVEMENTS
				(1) TOTAL for Document:		
FOR SERVICE CREDITS						
FROM:	9990					Increase
TO:	9990					Decrease
				(1) TOTAL for Document:		

JUSTIFICATION

The Ranch Improvements Project was proposed for funding through the 1997 Wastewater Bond Sale. The Ranch Improvements Fund was depleted as a result of additional costs for flood protection for other bond financed capital projects.

AUTHORIZATION	SIGNATURE	DATE
Transfer requested by DEPARTMENT HEAD or AUTHORIZED ASSISTANT	[signature]	12/2/97
Approved as to Funds and Accounts by FINANCE DIRECTOR		
Approved by CITY MANAGER		

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-701

A RESOLUTION ESTABLISHING A TENTATIVE PRICE LIST FOR "MO-GRO-PRO" YARD WASTE COMPOST.

WHEREAS, in 1996 the City Council approved the development of a co-composting facility at the Secondary Wastewater Treatment Plant on Jennings Road, and

WHEREAS, the development of the co-composting facility provides the City with a cost-effective way to attain multiple objectives: meeting its AB 939 mandated reductions in disposal by recycling yard waste; providing a mechanism for removal and beneficial re-use of biosolids accumulated in the Secondary Treatment ponds; and providing a means of funding the on-going implementation of the Garden Refuse collection program, and

WHEREAS, in February 1997 the City received its composting permit from the California Integrated Waste Management Board, and

WHEREAS, the composting permit allows for the composting of a wide range of materials including yard waste, biosolids, animal manures, and food processing residues, and

WHEREAS, the facility has begun producing clean green compost from yard waste and has a substantial stockpile, and

WHEREAS, the facility has been approached by several large volume soil amendment brokers who are interested in purchasing significant quantities of the material, and

WHEREAS, following a recent compost give-away day, where Modesto residents could pick up compost in bags or in bulk, and distribution of sample bags of product

at community events, the facility has received numerous calls from residents who want to know where and when they can get more of the product, and

WHEREAS, revenues generated from sales of compost produced by the facility have the potential to significantly offset operational expenses, and

WHEREAS, City staff has recommended establishing a tentative price list for both wholesale and retail customers as set forth in Exhibit "A" attached hereto, and

WHEREAS, the proposed tentative price list has been reviewed and approved by the City's internal Utility Services and Franchises Committee at its meeting of December 8, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the tentative price list for "Mo-Gro-Pro" yard waste compost attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for yard waste compost.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

MO-GRO-PRO PRICE LIST

RETAIL CONSUMER PRICE LIST

Volume - yards	Price
1-9	$10.00/yd
10-20	$9.50/yd
21-30	$9.00/yd
31-40	$8.50/yd

- Prices for pick up at Modesto Composting
- Trucking can be arranged by Modesto Composting for additional costs (minimum delivery: 10 yards)
- Sales tax will be charged
- Special mixes available

LANDSCAPER - DISTRIBUTOR PRICE LIST

Volume - yards	Price
3-9	$7.50/yd
10-50	$5.00/yd
51-150	$4.75/yd
151-500	$4.50/yd
501-1000	$4.00/yd
1001 +	Call for Pricing

- Business license required
- Sales Tax charged unless resale number on file
- First come, first served
- Trucking can be arranged by Modesto Composting for additional costs (minimum delivery: 10 yards)
- Maximum amount customer is able to reserve 1,500 yards
- Special mixes available

MODESTO CITY COUNCIL
RESOLUTION NO. 97-702

A RESOLUTION IMPOSING A 24-MONTH MORATORIUM ON THE ISSUANCE OF NEW BINGO PERMITS RELATING TO BINGO GAMES IN THE CITY OF MODESTO.

WHEREAS, California Penal Code section 326.5 was amended, effective January 1, 1997, to change the manner in which a municipal entity may collect fees from bingo operators, and

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

WHEREAS, currently, the City does not have a system or fee structure in place to provide for the correct charging of public safety costs of bingo operations, and

WHEREAS, City safety services that are applicable to bingo operations are Police Administration, Police Patrol, Police Investigations, Community Development Zoning, Fire Inspecting , and County Health Department Issues (smoking), and

WHEREAS, an analysis of these services to bingo operations must be made and a system of tracking direct services to bingo operations must be established before fees may be substantiated and charged, and

WHEREAS, on December 2, 1997, the Financial Policy Committee unanimously supported the 24-month moratorium as recommended by City staff, and

WHEREAS, on December 9, 1997, the Council considered the staff

recommendation as supported by the Financial Policy Committee for a 24-month moratorium on the issuance of new Bingo Permits relating to bingo games in the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 24-month moratorium on the issuance of new Bingo Permits relating to bingo games in the City of Modesto to establish a system of tracking direct services to bingo operations prior to charging fees for enforcement and public safety services as mentioned above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	Fisher
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-703

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CURTIS & ARATA FOR USE AND EXECUTION OF "STANDARD AGREEMENT FOR LEGAL SERVICES" AND AUTHORIZING THE CITY ATTORNEY TO MODIFY THE DRAFT "STANDARD AGREEMENT" ON A CASE BY CASE BASIS FROM TIME TO TIME, AS APPROPRIATE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Curtis & Arata for Use and Execution of "Standard Agreement for Legal Services" and authorizing the City Attorney to modify the draft "standard agreement" on a case by base basis from time to time, as appropriate, 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 December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 97-704

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CRABTREE, SCHMIDT, ZEFF, JACOBS & FARRAR FOR USE AND EXECUTION OF "STANDARD AGREEMENT FOR LEGAL SERVICES" AND AUTHORIZING THE CITY ATTORNEY TO MODIFY THE DRAFT "STANDARD AGREEMENT" ON A CASE BY CASE BASIS FROM TIME TO TIME, AS APPROPRIATE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Crabtree, Schmidt, Zeff, Jacobs & Farrar for Use and Execution of "Standard Agreement for Legal Services" and authorizing the City Attorney to modify the draft "standard agreement" on a case by base basis from time to time, as appropriate, 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 December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-705

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRPIATE $16,000 FROM THE CONTINGENCY RESERVE TO PAY FOR SIGNATURE VERIFICATION BY COUNTY ELECTIONS ON THE REFERENDUM AGAINST RESOLUTION NO. 97-590

WHEREAS, a referendum petition to reconsider Resolution #97-590, adopted by the City Council on October 21, 1997, was circulated and filed in the City Clerk's office on November 20, 1997;

WHEREAS, after the total number of signatures on the petition was determined by the City Clerk's office, the petitions were delivered to the County Elections Department on November 21, 1997; and

WHEREAS, funds in the amount of $16,000 to the elections account is needed to pay County Elections for signature verification.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Account #010-050-0502-0238	$ 16,000
Account #010-800-8000-8003	$(16,000)

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 December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-706

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRPIATE $1,700 FROM THE GENERAL FUND CONTINGENCY RESERVE TO KING KENNEDY & OUTREACH SERVICES, REPAIR & MAINTENANCE FOR WIRING AND LIGHTING IN MELLIS PARK

WHEREAS, prior to the renovation of Mellis Park, a 15' eergreen tree was decorated every year with Christmas lights. This tree has since been removed and the electrical service removed; and

WHEREAS, several non-profit organizations in west Modesto have required that the tradition of lighting a tree continue, utilizing a 45' tree in front of King Kennedy Memorial Center; and

WHEREAS, approximately $1,700 is needed to run electrical service to the tree.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Transfer From:	#010-800-8000-8003	$1,700
Transfer To:	#010-370-3715-0223	$1,700

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 December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-707

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND VETERINARY SERVICE INC. FOR THE PROPERTIES AT 121 ELM STREET AND 416 JEFFERSON STREET FOR ADMINISTRATIVE OFFICES AND STORAGE FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Veterinary Service Inc. for the properties at 121 Elm Street and 416 Jefferson Street for administrative offices and storage for the Operations and Maintenance Department, for a cost not to exceed $1,500.00 per month 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 9th day of December, 1997, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-708

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE PORTABLE BUILDING FROM PACIFIC MOBILE STRUCTURES INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one portable building from Pacific Mobile Structures Inc. is hereby waived.

BE IT FURTHER RESOLVED that purchase of one portable building for a not to exceed price of $72,622.64.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of December, 1997, by Councilmember McClanahan, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-709

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND KANSAS STATE BANK OF MANHATTAN FOR THE PURCHASE OF ONE PORTABLE BUILDING FROM PACIFIC MOBILE STRUCTURES INC. TO PROVIDE OFFICE SPACE FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and Kansas State Bank of Manhattan for a not to exceed amount of $72,622.64 for the purchase of one portable building from Pacific Mobile Structures Inc. to provide office space for the Operations and Maintenance Department be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said lease/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 9th day of December, 1997, by Councilmember McClanahan, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-710

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO LEASE PURCHASE A MODULAR OFFICE BUILDING FOR THE OPEATIONS AND MAINTENANCE STAFF

WHEREAS, office space is needed near the City Corporation Yard for an administration headquarters building for the new Operations and Maintenance Department; and

WHEREAS, a lease purchase of a modular office building has been issued and payments will be made over a four-year period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#130-510-9510-8301	$ 63,914
Expense	
#010-480-4801-5148	$(11,444)
#010-480-4801-0451	$ 11,444
#010-480-4801-5207	$ 63,914

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 December, 1997, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 97-711

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 9, 1997, AND DECLARING THE RESULTS OF SAID ELECTION. (RUN-OFF ELECTION.)

WHEREAS, on Tuesday, November 4, 1997, 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 Councilmembers, Board of Education Members, and to submit to the qualified electors in the City of Modesto certain sewer service advisory measures, 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 12, 1997, a copy of which is on file in the office of the City Clerk,

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 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, at said Regular Municipal Election, a majority vote was not cast for Councilmember for Chairs Nos. 2 and 3, therefore, by Resolution No. 97-642 adopted on November 12, 1997, the City Council set a Second Regular Municipal Election (Run-off Election) to be held on Tuesday, December 9, 1997, at which time the two candidates receiving the highest number of votes for Chair No. 2, Armour Smith and Dan Thayer, for a term of four years, and the two candidates receiving the highest number of votes for Chair No. 3, Bill Conrad and Carmen Sabatino, for a term of two years, would have their names on the ballot for election to the office of Councilmember, and

WHEREAS, on Tuesday, December 9, 1997, the Second Regular Municipal Election was held in the City of Modesto to elect two Councilmembers 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 12, 1997, 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, 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:

Armour C. Smith	Councilmember, for a term of four years, Chair No. 2, Modesto City Council.
Bill Conrad	Councilmember, for a term of two years, Chair No. 3, Modesto City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
December 9, 1997

I, Jean Adams, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 12, 1997, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 9, 1997, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Chair 2, Modesto City Council		
Armour Smith	12,060	51.8
Dan Thayer	11,198	48.1
Chair 3, Modesto City Council		
Bill Conrad	12,838	54.9
Carmen Sabatino	10,509	45.0
Voter Turnout	24,154	28.5

Jean Adams

JEAN ADAMS
City Clerk/Auditor
City of Modesto

December 12, 1997

Page 1
DABC01

CITY OF MODESTO -SPECIAL RUNOFF ELECTION
HELD WITHIN STANISLAUS COUNTY 12/09/97
** FOR DEMONSTRATION USE ONLY **
SUMMARY REPORT

Date 12/10/97
Time 15:53:24

COUNCILMEMBER CHAIR 2	(#/PCT 11)	
	(#/RPT 11)	
(No. to vote for 1)	(%/RP 100.0)	
ARMOUR C SMITH	12060	51.8
DAN THATER	11198	48.1
COUNCILMEMBER CHAIR 3	(#/PCT 11)	
SHORT-TERM	(#/RPT 11)	
(No. to vote for 1)	(%/RP 100.0)	
BILL CONRAD	12838	54.9
CARMEN SABATINO	10509	45.0
CITY OF MODESTO STATS.	(#/PCT 11)	
	(#/RPT 11)	
	(%/RP 100.0)	
VOTER REGISTRATION	84745	
ACCUMULATED REGISTRATION	84745	
TURNOUT	24154	28.5

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-712

A RESOLUTION ACCEPTING THE WORK OF ACME CONSTRUCTION CO., INC. FOR THE JOHN THURMAN FIELD RENOVATION PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Acting Director of Parks and Recreation that the John Thurman Field renovation project has been completed by Acme Construction Co., Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman field renovation project be accepted from said contractor, Acme Construction Co., Inc.; that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $2,661,845, 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 16th day of December, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-713

A RESOLUTION ACCEPTING THE WORK OF COLLINS ELECTRICAL CO., INC. FOR THE JOHN THURMAN FIELD RENOVATION (ELECTRICAL) PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Acting Director of Parks and Recreation that the John Thurman Field renovation project (Electrical) has been completed by Collins Electrical Co. Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman field renovation project (Electrical) be accepted from said contractor, Collins Electrical Co., Inc.; that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $195,017, 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 16th day of December, 1997, by Councilmember Fisher, moved its adoption, which motion 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 Adams
JEAN ADAMS, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 97-714

A RESOLUTION ACCEPTING THE WORK OF GROVER LANDSCAPING SERVICES, INC. FOR THE JOHN THURMAN FIELD RENOVATION (LANDSCAPING) PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Acting Director of Parks and Recreation that the John Thurman Field renovation project (Landscaping) has been completed by Grover Landscaping Services, Inc., in accordance with the contract agreement dated December 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the John Thurman field renovation project (Landscaping) be accepted from said contractor, Grover Landscaping Services, Inc.; that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $126,707, 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 16th day of December, 1997, by Councilmember Fisher, moved its adoption, which motion 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 Adams
JEAN ADAMS, City Clerk